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LAWS

Federal and State

Incorporating, Regulating and Endowing

STATE UNIVERSITY

OF KENTUCKY

Lexington, Kentucky

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1913

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FEDERAL ENACTMENTS

MORRILL LAND-GRANT ACT OF 1862.

An Act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That there be granted to the several States, for the purposes hereinafter mentioned, an amount of public land, to be apportioned to each State, a quantity equal to 30,000 acres for each Senator and Representative in Congress to which the States are respectively entitled by the apportionment under the census of 1860: Provided, That no mineral lands shall be selected or purchased under the provisions of this act.

Sec. 2. And be it further enacted, That the land aforesaid, after being surveyed, shall be apportioned to the several States in sections or subdivisions of sections, not less than one-quarter of a section; and wherever there are public lands in a State, subject to sale at private entry at one dollar and twenty-five cents per acre, the quantity to which said States shall be entitled shall be selected from such lands, within the limits of such State; and the Secretary of the Interior is hereby directed to issue to each of the States, in which there is not the quantity of public lands subject to sale at private entry, at one dollar and twenty-five cents per acre, to which said State may be entitled under the provisions of this act, land scrip to the amount in acres for the deficiency of its distributive share; said scrip to be sold by said States, and the proceeds thereof applied to the uses and purposes prescribed in this act, and for no other use or purpose whatsoever: Provided, That in no case shall any State to which land scrip may thus be issued be allowed to locate the same within the limits of any other State, or of any

territory of the United States; but their assignees may thus locate said land scrip upon any of the unappropriated lands of the United States subject to sale at private entry, at one dollar and twenty-five cents, or less, an acre: And provided further, That not more than one million acres shall be located by such assignees in any one of the States: And provided further, That no such location shall be made before one year from the passage of this act.

Sec. 3. And be it further enacted, That all the expenses of management, superintendence and taxes from date of selection of said lands, previous to their sales, and all expenses incurred in the management and disbursement of moneys which may be received therefrom, shall be paid by the States to which they may belong, out of the Treasury of said States, so that the entire proceeds of the sale of said lands shall be applied, without any diminution whatever, to the purposes hereinafter mentioned.

Sec. 4. And be it further enacted, That all moneys derived from the sale of the lands aforesaid by the States to which the lands are apportioned, and from the sales of land scrip hereinbefore provided for, shall be invested in stocks of the United States, or of the States, or some other safe stocks, yielding not less than five per centum upon the par value of said stocks; and that the moneys so invested shall constitute a perpetual fund, the capital of which shall remain forever undiminished, except so far as may be provided in section fifth of this act, and the interest of which shall be inviolably appropriated, by each State which may take and claim the benefit of this act, to the endowment, support and maintenance of, at least, one college, where the leading object shall be, without excluding other scientific and classical studies, and including military tactics, to teach such branches of learning as are related to agriculture and the mechanic arts, in such manner as the Legislatures of the States may respectively prescribe, in order to promote the liberal and practical education of the industrial classes in the several pursuits and professions in life.

Sec. 5. And be it further enacted, That the grant of land and land scrip hereby authorized shall be made on the following conditions, to which, as well as to the provisions hereinbefore

contained, the previous assent of the several States shall be signified by legislative acts:

First. If any portion of the fund invested, as provided by the foregoing section, or any portion of the interest thereon, shall, by any action or contingency, be diminished or lost, it shall be replaced by the State to which it belongs, so that the capital of the fund shall remain forever undiminished; and the annual interest shall be regularly applied without diminution to the purposes mentioned in the fourth section of this act, except that a sum, not exceeding ten per centum upon the amount received by any State under the provisions of this act, may be expended for the purchase of lands for sites or experimental farms, whenever authorized by the respective legislatures of said States;

Second. No portion of said fund, nor the interest thereon, shall be applied, directly or indirectly, under any pretense whatever, to the purchase, erection, preservation, or repair of any building or buildings;

Third. Any State which may take and claim the benefit of the provisions of this act shall provide, within five years, at least not less than one college, as prescribed in the fourth section of this act, or the grant to such State shall cease; and said State shall be bound to pay the United States the amount received of any lands previously sold, and that the title to purchasers under the State shall be valid;

Fourth. An annual report shall be made regarding the progress of each college, recording any improvements and experiments made, with their costs and results, and such other matters, including State industrial and economical statistics, as may be supposed useful; one copy of which shall be transmitted by mail free, by each, to all the other colleges which may be endowed under the provisions of this act, and also one copy to the Secretary of the Interior;

Fifth. When lands shall be selected from those which have been raised to double the minimum price in consequence of railroads grants, they shall be computed to the States at the maximum price, and the number of acres proportionally diminished;

Sixth. No State, while in a condition of rebellion or insurrection against the government of the United States, shall be entitled to the benefit of this act;

Seventh. No State shall be entitled to the benefits of this act unless it shall express its acceptance thereof by its Legislature within two years from the date of its approval by the President.

Sec. 6. And be it further enacted, That land scrip issued under the provisions of this act shall not be subject to location until after the first day of January, 1863.

Sec. 7. And be it further enacted, That land officers shall receive the same fees for locating land scrip issued under the provisions of this act as is now allowed for the location of military bounty land warrants under existing laws: Provided, That maximum compensation shall not be thereby increased.

Sec. 8. And be it further enacted, That the Governors of the several States to which scrip shall be issued under this act shall be required to report annually to Congress all sales made of such scrip until the whole shall be disposed of, the amount received for the same, and what appropriation has been made of the proceeds.

Approved July 2, 1862.

ACT OF 1883, AMENDING SECTION 4 OF THE ACT OF 1862.

An Act to amend an act donating public lands to the several States and Territories which may Provide colleges for the benefit of agriculture and the mechanic arts.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled:

That the fourth section of the act donated public lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts, approved July second, eighteen hundred and sixty-two, be,

and the same is hereby, amended so as to read as follows:

"Sec. 4. That all moneys derived from the sale of lands aforesaid by the States to which lands are apportioned, and from the sales of land scrip hereinbefore provided for, shall be invested in stocks of the United States or of the States, or some other safe stocks; or the same may be invested by the States having no State stocks, in any other manner after the legislatures of such States shall have assented thereto, and engaged that such funds shall yield not less than five percentum upon the amount so invested, and that the principal thereof shall forever remain unimpaired: Provided, That the moneys so invested or loaned shall constitute a perpetual fund, the capital of which shall remain forever undiminished (except so far as may be provided in section five of this act), and the interest of which shall be inviolably appropriated, by each State which may take and claim the benefit of this act, to the endowment, support and maintenance of at least one college where the leading object shall be, without excluding other scientific and classical studies, and including military tactics, to teach such branches of learning as are related to agriculture and the mechanic arts, in such manner as the legislatures of the States may respectively prescribe, in order to promote the liberal and practical education of the industrial classes in the several pursuits and professions in life."

Approved March 3, 1883.

THE HATCH ACT.

An Act to establish agricultural experiment stations in connection with the colleges established in the several States under the provisions of an act approved July 2, 1862, and of the acts supplementary thereto.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress Assembled:

Section 1. That in order to aid in acquiring and diffusing among the people of the United States useful and practical information on subjects connected with agriculture, and to promote scientific investigation and experiment respecting the principles and applications of agricultural science, there shall be established under direction of the college or colleges, or agricultural departments of colleges, in each State or Territory established, or which may hereafter be established, in accordance with provisions of an act approved July 2, 1862, entitled, "An act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts," or any of the supplements to said act, a department to be known and designated as an "agricultural experiment station": Provided, That in any State or Territory in which two such colleges have been or may be so established, the appropriation hereinafter made to such State or Territory shall be equally divided between such colleges, unless the Legislature of such State or Territory shall otherwise direct.

Sec. 2. That it shall be the object and duty of said experiment stations to conduct original researches or verify experiments on the physiology of plants and animals; the diseases to which they are severally subject, with the remedies for the same; the chemical composition of useful plants at their different stages of growth; the comparative advantages of rotative cropping, as pursued under a varying series of crops; the capacity of new plants or trees for acclimation; the analysis of soils and water; the chemical composition of manures, natural or artificial, with experiments designed to test their comparative effects on crops of different kinds; the adaptation and value of grasses and forage plants; the composition and digestibility of the different kinds of food for domestic animals; the scientific economic questions involved in the production of butter and cheese; and such other researches or experiments bearing directly on the agricultural industry of the United States as may in each case be deemed advisable, having due regard to the varying conditions and needs of the respective States or Territories.

Sec. 3. That in order to secure, as far as practicable, uniformity of methods and results of the work of said stations, it shall be the duty of the United States Commissioner of Agriculture to furnish forms, as far as practicable, for the tabulation of results of investigation or experiments; to indicate, from time to time, such lines of inquiry as to him shall seem most important; and, in general, to furnish such advice and assistance as will best promote the purposes of this act. It shall be the duty of each of said stations, annually, on or before the 1st day of February, to make to the Governor of the State or Territory in which it is located, a full and detailed report of its operations, including a statement of receipts and expenditures, a copy of which report shall be sent to each of said stations, to the said Commissioner of Agriculture, and to the Secretary of the Treasury of the United States.

Sec. 4. That bulletins or reports of progress shall be published at said stations at least once in three months, one copy of which shall be sent to each newspaper in the States or Territories in which they are respectively located, and to such individuals actually engaged in farming as may request the same, and as far as the means of the station will permit. Such bulletins or reports and the annual reports of said stations shall be transmitted in the mails of the United States, free of charge for postage, under such regulations as the Postmaster General may, from time to time, prescribe.

Sec. 5. That for the purpose of paying the necessary expenses of conducting investigations and experiments and printing and distributing the results as hereinbefore prescribed, the sum of $15,000 per annum is hereby appropriated to each State, to be specially provided for by Congress in the appropriation from year to year, and to each Territory, entitled under the provisions of section eight of this act, out of any money in the Treasury proceeding from the sales of public lands, to be paid in equal quarterly payments, on the first day of January, April, July and October in each year, to the Treasurer or other officer duly appointed by the governing boards of said colleges to receive the same; the first payment to be made on the first day of October, 1887: Provided, however, That out of the first annual appropriation so received by any station, an amount not

exceeding one-fifth may be expended in the erection, enlargement, or repair of a building or buildings necessary for carrying on the work of such station; and thereafter an amount not exceeding five per centum of such annual appropriation may be so expended.

Sec. 6. That whenever it shall appear to the Secretary of the Treasury, from the annual statement of receipts and expenditures of any of said stations, that a portion of the preceding annual appropriation remains unexpended, such amount shall be deducted from the next succeeding annual appropriation to such station, in order that the amount of money appropriated to any station shall not exceed the amount actually and necessarily required for its maintenance and support.

Sec. 7. That nothing in this act shall be construed to impair or modify the legal relation existing between any of the said colleges and the government of the States or Territories in which they are respectively located.

Sec. 8. That in States having colleges entitled under this section to the benefits of this act, and having also agricultural experiment stations established by law separate from said colleges, such States shall be authorized to apply such benefits to experiments at stations so established by such States; and in case any State shall have established, under the provisions of said act of July 2d aforesaid, an agricultural department of experimental station, in connection with any university, college or institution not distinctively an agricultural college or school, and such State shall have established or shall hereafter establish a separate agricultural college or school, which shall have connected therewith an experimental farm or station, the Legislature of such State may apply, in whole or in part, the appropriation by this act made, to such separate agricultural college or school, and no Legislature shall by contract, express or implied, disable itself from so doing.

Sec. 9. That the grants of moneys authorized by this act are made subject to the legislative assent of the several States and Territories to the purpose of said grants: Provided, That payment of such installments of the appropriation herein made as shall become due to any State before the adjournment of the regular session of its Legislature meeting next after the passage

of this act, shall be made upon the assent of the Governor thereof, duty certified to the Secretary of the Treasury.

Sec. 10. Nothing in this act shall be held or construed as binding the United States to continue any payments from the Treasury to any or all the States or institutions mentioned in this act, but Congress may, at any time, amend, suspend or repeal any or all the provisions of this act.

Approved March 2, 1887.

THE FERTILIZER LAW.

P. 63 Acts 1885-86

CHAPTER 638.

An Act to regulate the sale of fertilizers in this Commonwealth, and to protect the agriculturist in the purchase and use of same.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. On or before the first day of May in each year, before any person or company shall sell, offer or expose for sale in this State, any commercial fertilizer whose retail price is more than $10 per ton, said person or company shall furnish to the Director of the Agricultural Experiment Station, inaugurated by the Agricultural and Mechanical College of Kentucky (which station is hereby recognized as the "Kentucky Agricultural Experiment Station"), a quantity of such commercial fertilizer, not less than one pound, sufficient for analysis, accompanied by an affidavit that the substance so furnished is a fair and true sample of a commercial fertilizer which the said person or company desires to sell within the State of Kentucky.

Sec. 2. It shall be the duty of the Director of the Kentucky Agricultural Experiment Station to make, or cause to be made, a chemical analysis of every sample of commercial fertilizer so furnished him, and he shall print the result of such analysis in the form of a label; such label shall set forth the name of the manufacturer, the place of manufacture, the brand of the fertilizer and the essential ingredients contained in said fertilizer, expressed in terms and manner approved by said Director, together with a certificate from the Director, setting forth that said analysis is a true and complete analysis of the sample furnished him of such brand of fertilizer; and he shall also place upon each label the money value of such fertilizer computed from its composition as he may determine. The Director shall furnish such labels, in quantities of five hundred or multiple thereof, to any person or company desiring to sell, offer or expose for sale, any commercial fertilizer in the State.

Sec. 3. Every box, barrel, keg or other package or quantity of any commercial fertilizer "whose retail price is over $10 per ton," in any shape or form whatever, sold or offered for sale in the State, shall have attached to it, in a conspicuous place, a label bearing a certified analysis of a sample of such fertilizer from the Director of the "Kentucky Agricultural Experiment Station," as provided in the foregoing sections of this act.

Sec. 4. Any manufacturer or vender of any commercial fertilizer, who shall sell, offer or expose for sale, any fertilizer without having previously complied with the provisions of this act hereinbefore set forth, shall, upon indictment and conviction, be fined $100 for each violation or evasion of this act, which fines, less the percentage of the prosecuting attorney fees, shall accrue to the benefit of and be paid into the State Treasury.

Section 5. The Director of the Kentucky Agricultural Experiment Station shall receive for analyzing a fertilizer and affixing his certificate thereto, the sum of $15; for labels furnished, $1 per hundred.

Sec. 6. The Director of said Kentucky Agricultural Experiment Station shall pay all such fees received by him into the treasury of the Agricultural and Mechanical College of Kentucky, the authorities of which shall expend the same in meet-

ing the legitimate expenses of the Station, in making analysis of fertilizers, in experimental tests of same, and in such other experimental work and purchases as shall inure to the benefit of the farmers of this Commonwealth. The Director shall, within two months of the biennial meeting of the General Assembly, present to the Commissioner of Agriculture a report of the work done by (him), together with an itemized statement of receipts and expenditures for the two years preceding, under the operations of this act.

Sec. 7. The Director of said Experiment Station is hereby authorized in person, or by deputy, to take samples for analysis from any lot or package of any commercial fertilizer which may be in the possession of any dealer in this State. And he is hereby authorized to prescribe and enforce such rules and regulations as he may deem necessary to carry fully into effect the true intent and meaning of this act, and any agriculturalist a purchaser of any commercial fertilizer in this State, may take a sample of the same, under the rules and regulations of the Director of the said Experiment Station, and forward the same to the Experiment Station for analysis, which analysis shall be made free of charge.

Sec. 8. This act shall be in force from and after its passage; and all acts in conflict with this act are hereby repealed.

Approved April 13, 1886.

MORRILL ACT OF 1890.

An Act to apply a portion of the proceeds of the public lands to the more complete endowment and support of the colleges for the benefit of agriculture and the mechanic arts established under the provisions of an act of Congress approved July second, eighteen hundred and sixty-two.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled:

Section 1. That there shall be, and hereby is, annually appropriated, out of any money in the Treasury not otherwise appropriated, arising from the sale of public lands, to be paid as hereinafter provided, to each State and Territory for the more complete endowment and maintenance of colleges for the benefit of agriculture and the mechanic arts now established, or which may be hereafter established, in accordance with an act of Congress approved July second, eighteen hundred and sixty-two, the sum of fifteen thousand dollars for the year ending June thirtieth, eighteen hundred and ninety, and an annual increase of the amount of such appropriation thereafter for ten years by an additional sum of one thousand dollars over the preceding year, and the annual amount to be paid thereafter to each State and Territory shall be twenty-five thousand dollars to be applied only to instruction in agriculture, the mechanic arts, the English language and the various branches of mathematical, physical, natural and economic science, with special reference to their applications in the industries of life, and to the facilities for such instruction: Provided, That no money shall be paid out under this act to any State or Territory for the support and maintenance of a college where a distinction of race or color is made in the admission of students, but the establishment and maintenance of such colleges separately for white and colored students shall be held to be a compliance with the provisions of this act if the funds received in such State or Territory be equitably divided as hereinafter set forth: Provided, That in any State in which there has been one college established in pursuance of the act of July second, eighteen hundred and sixty-two, and also in which an educational institution of like character has been established, or may be hereafter established, and is now aided by such State from its own revenue, for the educa tion of colored students in agriculture and the mechanic arts, however named or styled, or whether or not it has received money heretofore under the act to which this act is an amendment, the Legislature of such State may propose and report to the Secretary of the Interior a just and equitable division of the fund to be received under this act between one college for white students and one institution for colored students established as aforesaid, which shall be divided into two parts

and paid accordingly, and thereupon such institution for colored students shall be entitled to the benefits of this act and subject to its provisions, as much as it would have been if it had been included under the act of eighteen hundred and sixty-two, and the fulfillment of the foregoing provisions shall be taken as a compliance with the provision in reference to separate colleges for white and colored students.

Sec. 2. That the sums hereby appropriated to the States and Territories for the further endowment and support of colleges shall be annually paid on or before the thirty-first day of July of each year, by the Secretary of the Treasury, upon the warrant of the Secretary of the Interior, out of the Treasury of the United States, to the State or Territorial treasurer, or to such officer as shall be designated by the laws of such State or Territory to receive the same, who shall, upon the order of the trustees of the college, or the institution for colored students, immediately pay over said sums to the treasurers of the respective colleges or other institutions entitled to receive the same, and such treasurers shall be required to report to the Secretary of Agriculture and to the Secretary of the Interior, on or before the first day of September of each year, a detailed statement of the amount so received and of its disbursement. The grants of moneys authorized by this act are made subject to the legislative assent of the several States and Territories to the purpose of said grants: Provided, That payments of such installments of the appropriation herein made as shall become due to any State before the adjournment of the regular session of legislature meeting next after the passage of this act shall be made upon the assent of the Governor thereof, duly certified to the Secretary of the Treasury.

Sec. 3. That if any portion of the moneys received by the designated officer of the State or Territory for the further and more complete endowment, support and maintenance of colleges, or of institutions for colored students, as provided in this act, shall, by any action or contingency, be diminished or lost, or be misapplied, it shall be replaced by the State or Territory to which it belongs, and until so replaced no subsequent appropriation shall be apportioned or paid to such State or Territory; and no portion of said moneys shall be applied, directly or indi-

rectly, under any pretense whatever, to the purchase, erection, preservation or repair of any building or buildings. An annual report by the president of each of said colleges shall be made to the Secretary of Agriculture, as well as to the Secretary of the Interior, regarding the condition and progress of each college, including statistical information in relation to its receipts and expenditures, its library, the number of its students and professors, and also as to any improvements and experiments made under the direction of any experiment stations attached to said colleges, with their costs and results, and such other industrial and economical statistics as may be regarded as useful, one copy of which shall be transmitted by mail free to all other colleges further endowed under this act.

Sec. 4. That on or before the first day of July in each year, after the passage of this act, the Secretary of the Interior shall ascertain and certify to the Secretary of the Treasury as to each State and Territory whether it is entitled to receive its share of the annual appropriation for colleges, or of institutions for colored students, under this act, and the amount which thereupon each is entitled, respectively, to receive. If the Secretary of the Interior shall withhold a certificate from any State or Territory of its appropriation the facts and reasons therefor shall be reported to the President, and the amount involved shall be kept separate in the Treasury until the close of the next Congress, in order that the State or Territory may, if it should so desire, appeal to Congress from the determination of the Secretary of the Interior. If the next Congress shall not direct such sum to be paid it shall be covered into the Treasury. And the Secretary of the Interior is hereby charged with the proper administration of this law.

Sec. 5. That the Secretary of the Interior shall annually report to Congress the disbursements which have been made in all the States and Territories, and also whether the appropriation of any State or Territory has been withheld, and if so, the reasons therefore.

Sec. 6. Congress may at any time amend, suspend or repeal any or all of the provisions of this act.

Approved August 30th, 1890.

ADAMS ACT.

An Act to Provide for an increased annual appropriation for agricultural experiment stations and regulating the expenditure thereof.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled:

Section 1. That there shall be, and hereby is, annually appropriated, out of any money in the Treasury not otherwise appropriated, to be paid as hereinafter provided, to each State and Territory, for the more complete endowment and maintenance of agricultural experiment stations now established or which may hereafter be established in accordance with the Act of Congress approved March 2nd, eighteen hundred and eighty-seven, the sum of five thousand dollars in addition to the sum named in said Act for the year ending June 30th, nineteen hundred and six, and an annual increase of the amount of such appropriation thereafter for five years by an additional sum of two thousand dollars over the preceding year, and the annual amount to be paid thereafter to each State and Territory shall be thirty thousand dollars, to be applied only to paying the necessary expenses of conducting original researches or experiments bearing directly on the agricultural industry of the United States, having due regard to the varying conditions and needs of the respective States or Territories.

Sec. 2. That the sums hereby appropriated to the States and Territories for the further endowment and support of agricultural experiment stations shall be annually paid in equal quarterly payments on the first day of January, April, July and October of each year, by the Secretary of the Treasury, upon the warrant of the Secretary of Agriculture, out of the Treasury of the United States, to the treasurer or other officer duly appointed by the governing boards of said experiment stations to receive same, and such officers shall be required to report to the Secretary of Agriculture on or before the first day of September of each year a detailed statement of the amount so received and of its disbursement, on schedules prescribed by the Secretary of Agriculture. The grants of money authorized

by this Act are made subject to legislative assent of the several States and Territories to the purpose of said grants: Provided, That payment of such installments of the appropriation herein made as shall become due to any State or Territory before the adjournment of the regular session of Legislature meeting next after the passage of this Act shall be made upon the assent of the Governor thereof, duly certified by the Secretary of the Treasury.

Sec. 3. That if any portion of the moneys received by the designated officer of any State or Territory for the further and more complete endowment, support and maintenance of agricultural experiment stations as provided in this Act shall by any action or contingency be diminished or lost or be misapplied, it shall be replaced by said State or Territory to which it belongs, and until so replaced no subsequent appropriation shall be apportioned or paid to such State or Territory; and no portion of said moneys exceeding five per centum of each annual appropriation shall be applied, directly or indirectly, under any pretense whatever, to the purchase, erection, preservation or repair of any building or buildings, or to the purchase or rental of land. It shall be the duty of each of said stations annually, on or before the first day of February, to make to the Governor of the State or Territory in which it is located a full and detailed report of its operations, including a statement of receipts and expenditures, a copy of which report shall be sent to each of said stations, to the Secretary of Agriculture and to the Secretary of the Treasury of the United States.

Sec. 4. That on or before the first day of July in each year, after the passage of this Act, the Secretary of Agriculture shall ascertain and certify to the Secretary of the Treasury as to each State and Territory, whether it is complying with the provisions of this Act and is entitled to receive its share of the annual appropriation for agricultural experiment stations under this act and the amount which thereupon each is entitled, respectively, to receive. If the Secretary of Agriculture shall withhold a certificate from any State or Territory of its appropriation, the facts and reasons therefor shall be reported to the President, and the amount involved shall be kept separate in the Treasury until the close of the next Congress in or-

der that State or Territory may, if it shall so desire, appeal to Congress from the determination of the Secretary of Agriculture. If the next Congress shall not direct such sum to be paid, it shall be covered into the Treasury; and the Secretary of Agriculture is hereby charged with the proper administration of this law.

Sec. 5. That the Secretary of Agriculture shall make an annual report to Congress on the receipts and expenditures and work of the agricultural experiment stations in all of the States and Territories, and also whether the appropriation of any State or Territory has been withheld; and if so, the reason therefor.

Sec. 6. That Congress may at any time amend, suspend or repeal any or all of the provisions of this Act.

Approved March 16, 1906.

NELSON AMENDMENT OF 1907.

[Extract from "An Act making appropriations for the Department of Agriculture for the fiscal year ending June thirtieth, nineteen hundred and eight," approved March 4, 1907 (Public—No. 242.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled:

* * * * * *

That there shall be, and hereby is, annually appropriated, out of any money in the Treasury not otherwise appropriated, to be paid as hereinafter provided, to each State and Territory for the more complete endowment and maintenance of agricultural colleges now established, or which may hereafter be established, in accordance with the Act of Congress approved July 2nd, eighteen hundred and sixty-two, and the Act of Congress approved August 30th, eighteen hundred and ninety, the sum of five thousand dollars, in addition to the sums named in the said Act, for the fiscal year ending June thirtieth, nineteen hundred and eight, and an annual increase of the amount of

such appropriation thereafter for four years by an additional sum of five thousand dollars over the preceding year, and the annual sum to be paid thereafter to each State and Territory shall be fifty thousand dollars, to be applied only for the purposes of the agricultural colleges as defined and limited in the Act of Congress approved July 2nd, eighteen hundred and sixty-two, and the Act of Congress approved August 30th, eighteen hundred and ninety.

That the sum hereby appropriated to the States and Territories for the further endowment and support of colleges shall be paid by, to, and in the manner prescribed by Act of Congress approved August 30th, eighteen hundred and ninety, entitled "An Act to apply a portion of the proceeds of the public lands to the more complete endowment and support of the colleges for the benefit of agriculture and the mechanic arts established under the provisions of the Act of Congress approved July 2nd, eighteen hundred and sixty-two," and the expenditure of the said money shall be governed in all respects by the provisions of the said Act of Congress approved July 2nd, eighteen hundred and sixty-two, and the said Act of Congress approved August 30th, eighteen hundred and ninety: Provided, That said colleges may use a portion of this money for providing courses for the special preparation of instructors for teaching the elements of agriculture and the mechanic arts.

STATE ENACTMENTS

Ch. 102
An act to amend the charter of Bacon College

ACT ESTABLISHING KENTUCKY UNIVERSITY.

P. 182 Acts of 1857-58 Vol. I.

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 the year 1836; and whereas, said Institution, after a series of unsuccessful efforts for its permanent endowment and establishment, suspended its regular collegiate operation; and whereas, in view of the educational wants of the 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 full endowment and reorganization has been presented and prosecuted by John B. Bowman, of Mercer County, Kentucky, which has resulted thus far in the raising of $150,000 of Endowment Fund; and where,as 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,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. 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.

Sec. 2. And be it further enacted, That John B. Bowman, James Taylor, John Aug. Williams, Ben. C. Allin, A. G. Kyle, A. H. Bowman, J. A. Dearborn, D. W. Thompson, A. G. Vivion, P. B. Thompson, Wm. A. Cooke, G. D. Runyon, A. Galltin Tal-

bott, P. B. Mason, C. T. Worthington, G. W. Givens, James C. Stone, A. G. Herndon, R. C. Graves, Wm. Morton, Joseph Wasson, John Curd, W. W. McKenney, W. L. Williams, John Allen Gano, John I. Rogers, Zachery F. Smith, Robert C. Rice, Theodore S. Bell and Enos Campbell, shall be, and they and their successors in office are hereby constituted, a body politic and corporate, to be known by the name of the Curators of Kentucky University, and by that name shall have perpetual succession and existence, and a common seal, which seal they may change and alter at pleasure; and by the aforesaid name, and in their corporate capacity, may sue and be sued, plead and be impleaded, contract and be contracted with, answer and be answered, in all courts of law and equity. And the same, 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 the said Bacon College; and may, in said corporate name, sue for and recover the same in as full and ample manner as the said Trustees of Bacon College could have done prior to this act.

Sec. 3. For the purpose of promoting the cause of education in all its branches, and extending the sphere of science and Christian morality, the Curators aforesaid, and their successors, shall have power, from time to time, to establish and endow fully, in said University, any departments and professorships which they may deem necessary to carry out the aforesaid objects. They and their successors shall furthermore have full power, in their corporate capacity, to hold by gift, grant, devise, demise, or otherwise, any lands, tenements, hereditaments, moneys, rents, goods, chattels, or interests of any kind whatever, which may be given, granted, demised, devised to, or purchased by them, for the use and benefit of said University; also, may sell, lease, rent and dispose of the same, or any part thereof, in any way whatsoever they may adjudge most useful to the interests of said University.

Sec. 4. They shall also have full power to select and employ any officers and agents they shall deem proper; also, such president, professors, instructors and tutors, as they may from time to time consider necessary; 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.

Sec. 5. The permanent officers of the Board of Curators shall consist of a President, Secretary, Treasurer and Executive Committee, all of whom shall be annually elected by the Curators from their own number, except the Treasurer, who may be elected out of the Board.

Sec. 6. The Secretary of the Board shall keep a fair and correct record of all the proceedings of the Board, in a good and substantial book, which record shall be signed by the President and Secretary before the adjournment of each meeting, and shall at any time be subject to the inspection and examination of any member of the Board, or any donor of the Institution. He shall file away and carefully preserve all such documents and papers pertaining to his office and to the Institution as may come into his hands, which shall upon his death, resignation, or removal from office, be delivered up to the Board, and he shall perform such other duties as the Curators may prescribe.

Sec. 7. The Treasurer, before he enters upon the duties of his office, shall enter into a bond with ample security, in the penalty of one hundred thousand dollars, for the faithful discharge of the duties of his office. He shall take charge of all the funds of the Institution; he shall pay over all money that may come into his hands upon the order of the Board, indorsed by the President thereof; he shall pay out no money except upon such order of the Board; he 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 Comimttee, signed by each member thereof, and stating that it has been examined and that it is correct, after which it shall then be published; 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, or any donor of the Institution. The bond of the Treasurer shall be placed in the hands of the Secretary of the Board, and shall be renewed upon a re-election to the office, which bond shall be made payable to the Curators of said University.

Sec. 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. At no time shall any member of the Faculty be a member of the Board.

Sec. 9. An annual meeting of the Board of Curators shall be held during the commencement week of the University, at which time they shall cause to be published a general account of the condition of the Institution. A meeting shall be called at any other time by the President of the Board, at the suggestion of any three members thereof, or of the President of the University. Nine members shall constitute a quorum for ordinary business, one of whom shall be president pro tem., in the absence of the President of the Board, and less than a quorum shall have the power of adjourning from day to day, or to any future day, until a quorum shall be had.

Sec. 10. 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; and whenever any curator shall absent himself from two successive annual meetings of the Board, without assigning a sufficient reason therefor, his seat shall be declared thereby vacant, and the Board shall at its next meeting proceed to the election of a new Curator to fill such vacancy. All vacancies by death, resignation, or removal from office, or otherwise, shall be filled by a quorum.

Sec. 11. No less than a majority of the whole Board shall have power to appoint the President, professors, instructors,

tutors, and all other officers and agents, to fix their compensation, or increase or diminish the same, 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.

Sec. 12. The Curators, upon the recommendation of the President and Faculty of the University, shall have power to grant such literary honors as are usually granted by the best colleges and universities in the United States, and such other honors as the Board and the Faculty may think necessary, and in testimony thereof, to give suitable certificates or diplomas, under the seal of the corporation; and every such diploma shall entitle its possessor to all the immunities and privileges which by any law or usage, are allowed to the possessors of diplomas granted by any college or university in the United States.

Sec. 13. All the provisions of the charter of Bacon College, heretofore enacted, which are in conflict with the provisions of this act, are hereby annulled and repealed.

Sec. 14. 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 donor or testator; and all money thus donated as a permanent endowment fund shall be principal, and shall be, as the same accrues, invested in good, safe, profitable and permanent stocks, which shall remain forever intact, and the amount whereof is to be in no respect or in any manner whatever diminished, subject, however, as necessity may demand, to investment and reinvestment in such stocks. The proceeds of such stocks, either in the form of dividend, or interest, or rents, shall be a fund in the hands of the Treasurer, subject to the order of the Board of Curators, and shall be used as the Board may direct, for the purposes of the University.

Sec. 15. For maintaining and carrying out effectually the discipline of said University, be it further enacted, that if, by any person, money be lent or advanced, or any thing sold, or let to hire, on credit, to or for the use of any student or pupil under twenty-one years of age, at the said University, without the previous permission, in writing, of his parents or guardian,

or the authorized officers of said Institution, nothing shall be recovered therefor by action of debt, and there shall moreover be forfeited to the Institution twenty dollars and the amount or value of such money or other thing. Where such selling, letting, lending, or advancing is by an agent, such forfeiture shall be by his principal, unless the principal shall, within ten days after he has knowledge or information of the selling, letting, lending or advancing, give notice, in writing, to the President, or other head of the Institution, that it was done without his knowledge or consent, in which case the forfeiture shall be by the agent.

Sec. 16. If any person so violate the last above-named section of this act, as to be liable to the forfeiture thereby declared, he shall moreover be fined not less than fifty nor more than three hundred dollars, and, upon conviction, he shall be bound by the court in a sum not less than five hundred dollars, with at least two sufficient securties, to be of good behavior for one year; and any subsequent violation of the section aforesaid shall be held to be a forfeiture of the recognizance.

Sec. 17. It shall be the duty of the judge of the Mercer Circuit Court to give the fifteenth and sixteenth sections of this act in charge to the grand jury at each and every term of said court, and the penalties imposed in the above-named sections for a violation or violations of any of the provisions thereof, shall be recovered by indictment found by the grand jury; one-half of the aforesaid penalty to go to the attorney of the Commonwealth.

Sec. 18. That if the President, or any agent, or the Treasurer, or any other officer of the Board of Curators of the University, without the authority of the Board, properly given and entered of record, as before directed, appropriate any of the funds of the Institution to his own use, or that of any other person, or shall willfully fail to make correct entries, or shall knowingly make false entries upon the books of the Institution, with the intent to cheat or defraud the same, or any contributor to the funds thereof, or to hide or conceal any improper appropriation of said funds, the person so offending shall be deemed guilty of felony, and shall, upon conviction thereof, be sentenced to confienement in the jail or penitentiary of the

State for a period of not less than one or more than twenty years.

Sec. 19. The Board of Curators of Kentucky University shall consist of not less than thirty members, a majority of whom shall at all times reside out of the County of Mercer; and in any county of this State where the sum of fifteen thousand versity, there shall be a representation of at least one member dollars may be subscribed to the endowment fund of the Uni- in the Board.

Sec. 20. This act to take effect from and after the date of its passage.

AN ACT TO CONSOLIDATE KENTUCKY UNIVERSITY AND TRANSYLVANIA UNIVERSITY.

P. 67 Acts 1865 Vol. I.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That Kentucky University and Transylvania University shall be consolidated into one University and one corporate body, by the name of Kentucky University.

Sec. 2. That the Curators of Kentucky University shall have all the rights and powers of the Trustees of Transylvania University, in regard to all the funds and property of Transylvania University, which by this act shall pass to Kentucky University, and be bound by the trusts and conditions to which said Trustees were subject.

Sec. 3. That except so far as relates to the funds and property of Transylvania University, the charter of Kentucky University, as herein changed, shall be the charter of the consolidated University.

Sec. 4. That Kentucky University shall be located in Fayette County, ir or near the city of Lexington; and in said county shall be located all its colleges. It is expressly declared, however, that said Kentucky University is bound to refund to the citizens of Mercer County the full nominal value of all unpaid coupons subscribed and paid by them to the endowment

of said University, which may be claimed by them, and also refund to said citizens all of the Bacon College scholarships subscribed and paid in full by any citizen of said county, and which may be claimed by them.

Sec. 5. That 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 separate 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 t ime of consolidation ;and it shall be the duty of the Curators to surrender to said Trustees all said property ,and the principal of all the funds which came into their possession belong to Transylvania at the time of consolidation.

Sec. 6. That the consolidation herein provided shall not go into effect until a majority of the Trustees of Transylvania University, and a majority o fthe Curators of Kentucky University, shall each assent to the provisions of this act, by resolutions recorded on the respective journals of their proceedings.

Sec. 7. This act shall take effect from its passage.

H. TAYLOR,
Speaker of the House of Representatives.
RICHARD T. JACOB,
Speaker of the Senate.

Approved February 28, 1865.
THOMAS E. BRAMLETTE, Governor of Kentucky.

Disp. See P. 34.
Acts 1865 Vol. I.
P. 45-48

AN ACT ESTABLISHING THE AGRICULTURAL AND MECHANICAL COLLEGE OF KENTUCKY AS ONE OF THE COLLEGES OF KENTUCKY UNIVERSITY.

Whereas, The Curators of the Kentucky University propose to locate their University in Fayette County, in or near the city of Lexington, and said Curators and the Trustees of Transylvania University propose to consolidate the two Uni-

versities, and all the funds and property of each, into one corporation, under the name of the Kentucky University; and it appearing that said Curators have a cash endowment of two hundred thousand dollars, yielding an annual income of about twelve thousand dollars, and that there are cash funds of Transylvania University, to be united with them, of fifty-nine thousand dollars, yielding an annual income of over three thousand five hundred dollars, besides the grounds, buildings, library, apparatus and other property of Transylvania University, of the value and cost exceeding one hundred thousand dollars; and said institution, when so consolidated, proposes to raise an additional one hundred thousand dollars to purchase a farm and erect all the necessary buildings and improvements to carry on the operations of an Agricultural and Mechanical College, and connect therewith a model or experimental farm, with industrial pursuits, to enable such pupils as choose to do so to sustain themselves, in whole or in part, while acquiring their education; and further propose, that the State of Kentucky shall establish the Agricultural and Mechanical College of Kentucky as one of the Colleges of Kentucky University thus consolidated; and endow the same with the income of the fund which shall arise from the sale of land scrip granted to Kentucky by the Congress of the United States for the purpose of establishing said college; and, upon the State of Kentucky so establishing and endowing said college, the Curators of Kentucky University will furnish, in reasonable time, all the necessary lands, buildings, apparatus, etc., for such college, and proceed at once to organize said college, and put the same in operation in accordance with this act and the act of Congress, and subject to the visitorial control of the State of Kentucky, in its organization and general management, and with the sole control, by the State, of its said fund; in keeping the principal of the same perpetually secure; now, therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That there shall be, and is hereby, established the Agricultural and Mechanical College of Kentucky, located

in the county of Fayette, in or near the city of Lexington, which shall be a College of Kentucky University.

Sec. 2. Be it further enacted, That the leading object in said College shall be to teach such branches of learning as are related to agriculture and the mechanical arts, including military tactics, without excluding other scientific and classical studies, in order to promote the liberal and practical education of the industrial classes in the several pursuits and professions of life.

Sec. 3. Be it further enacted, That to effect the said leading object of said college, there shall be established therein the competent number of professorships for teaching the sciences related to agriculture and the mechanical arts, including military tactics, which professorships shall be filled by able and competent professors, aided by such assistants, tutors and other instructors as shall, from time to time, be necessary; and, as a part of said college, there shall be conducted an experimental or model farm, with the usual accessories thereto, and of size proportioned to the number of students; and on said farm, and in the mechanical arts there shall be provided to the students opportunities for industrial pursuits, at stated times, whereby agriculture and the mechanical arts may be practically learned, and the student enabled to earn his support while being educated, in whole or in part, by his labor and industry.

Sec. 4. Be it further enacted, That in the appointment of professors, instructors, and other officers and assistants of said College, and in prescribing the studies and exercises thereof, and in every part of the management and government thereof, no partiality or preference shall be shown to one sect or religious denomination over another; nor shall anything sectarian be taught therein; and persons engaged in the conducting, governing, managing and controlling said College and its studies and exercises, in all its parts, are hereby constituted officers and agents of the whole Commonwealth, in faithfully and impartially carrying out the provisions of this act for the common good, irrespective of sects, or parties, political or religious.

Sec. 5. Be it further enacted, That the Curators of Kentucky University shall organize said Agricultural and Mechanical College by establishing the proper professorships and officers, with the salaries and compensation thereof, and filling the same, from time to time, by their appointments, provide the necessary grounds, buildings and improvements, and conduct, carry on, and manage the said College, as provided in this Act; and said Curators, to aid them in conducting said College and defraying the expenses thereof, shall receive all the income of the fund which shall arise from the sale of the land scrip granted to the State of Kentucky by the Act of Congress, entitled "An Act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanical arts," approved July 2nd, 1862; and which income shall be appropriated by said Curators to the payment of the salaries of the professors, and other officers and employes of said College, and other expenses of conducting the same, and the farm and industrial pursuits incidental thereto, and to no other purpose whatever: Provided, That a majority of the professors of said College shall not at any one time belong to the same ecclesiastical denomination.

Sec. 6. Be it further enacted, That the Governor, with the advice and consent of the Senate, shall appoint six visitors of said College, who shall constitute the Board of Visitors thereof, and appoint one of their number chairman of the Board; and said Board shall have, at all times, full power to inspect and examine into all the details of the managing and conducting of said College, and to see that all the provisions of this act are carried into effect, according to their true meaning and intent; and it shall be the duty of said Board to point out to the Curators of Kentucky University all defects or departures from the provisions of this act, in conducting and managing of said College, and suggest the proper mode of correcting them, and said Curators shall proceed to correct them; and it shall be further the duty of said Board of Visitors to report to every biennial meeting of the General Assembly the condition and management of said College; and if, at any time, it shall appear to the General Assembly that the Curators have persisted in

not carrying the provisions of this act into effect, according to their true objects and spirit, and in disregarding the requirements of the Board of Visitors, it shall be lawful to deprive, either temporarily or permanently, said College of the endowment of the income of the fund aforesaid. The Visitors shall hold their office for two years, and until their successors are appointed. Vacancies in said Board, by death, resignation, or expiration of term of office, during the recess of the General Assembly, shall be filled by the Governor until the end of the next succeeding session.

Sec. 7. Be it further enacted, That as soon as the said College is organized for the reception and proper instruction of pupils, the Curators shall make known the same to the Governor and President of the Board of Education; and thereupon each representative district of the State shall be entitled to send to said College, free of charge for tuition, one properly prepared pupil for each member said district is entitled to elect to the General Assembly; and when the whole of said land scrip shall be sold and invested, each district shall be entitled to send three of such properly prepared pupils to said College for each member the district is authorized to elect. Said pupils shall have the right of receiving, free of charge for tuition, the benefit of any instruction given in any of the Colleges or classes of the University, except those of law and medicine. The pupils shall be selected by the majority of the justices of the peace of said districts.

Sec. 8. Be it further enacted, That the provisions of this act shall not go into effect until Transylvania University and Kentucky University shall be consolidated into one corporation, under the name of the Kentucky University, and the funds, property, etc., of Transylvania University shall be vested in the Curators of Kentucky University, as successors of the Trustees of Transylvania; nor until the Curators of Kentucky University shall, by resolution, assent to all the provisions of this act, and accept this act as part of its charter. A copy of said resolution, and of the action of the Trustees of Transylvania University, and the Curators of the Kentucky University, in accepting said consolidation, shall be laid before the Governor; whereupon he shall, by writing, signed by him, and

under the seal of the State, authorize the Curators of the Kentucky University to organize the Agricultural and Mechanical College of Kentucky in pursuance of this act.

Sec. 9. The General Assembly reserves the right to modify and repeal, at pleasure, so much of this act as refers to the establishment of the Agricultural and Mechanical College.

Approved Feb. 22, 1865.

Dup. See P. 40

P. 29 Acts of 1865-66

AN ACT IN RELATION TO THE AGRICULTURAL COLLEGE.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That the Auditor of Public Accounts be, and he is hereby, authorized to draw his warrant upon the Treasury in favor of the Treasurer of the Board of Curators of Kentucky University, for the sum of twenty thousand dollars, which sum is hereby appropriated out of any moneys in the Treasury not otherwise appropriated, to aid in putting the Agricultural and Mechanical College of Kentucky into imme diate operation. Upon the payment of the foregoing sum, the State shall be entitled to send to said College, free of charge, three pupils for each representative district: Provided, however, The State reserves the right, hereafter, to reimburse itself for the amount herein appropriated out of the interest arising from the sale of the land scrip donated by Congress: And provided further, The money herein appropriated shall not be drawn from the Treasury until the Curators of Kentucky University shall certify to the Governor that said Agricultural College is ready to go into immediate operation, in according with the provisions of the act establishing the same.

Sec. 2. Before the Auditor shall draw his warrant upon the Treasurer in accordance with this act, the Curators of said University shall accept the provisions of this act, and shall transmit to the Governor a certified copy of the order of their Board showing said acceptance.

Sec. 3. This act shall take effect from and after the passage of this act.

GENERAL PLAN OF THE UNIVERSITY.

1. 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 Board of the Executive Committee, and whose duty it is, in connection with the same, to see that the general laws and statutes of the University are faithfully executed.

2. Each College is divided into several Schools or Departments of Study and each School is under the immediate government and instruction of a competent Professor, assisted, when necessary, by subordinate Instructors and Tutors.

3. The Colleges of the University are severally styled—

I. The College of Science, Literature and the Arts.
II. The Agricultural and Mechanical College of Kentucky.
III. The College of the Bible.
IV. The Normal College.
V. The College of Law.
VI. The College of Medicine.

Dup. See P. 28.

P. 45

CHAPTER 968.

Acts of 1865 Vol. I.

An Act to establish an agricultural college in Kentucky.

Whereas, The Curators of Kentucky University propose to locate their university in Fayette County, in or near the city of Lexington, and said curators and the trustees of Transylvania University propose to consolidate the two universities,

and all the funds and property of each, into one corporation, under the name of the Kentucky University; and it appearing that said curators have a cash endowment of two hundred thousand dollars, yielding an annual income of about twelve thousand dollars, and that there cash funds of Transylvania University, to be united with them, of fifty-nine thousand dollars, yielding an annual income of over three thousand five hundred dollars, besides the grounds, buildings, library apparatus, and other property of Transylvania University, of the value and cost not exceeding one hundred thousand dollars; and said institution, when so consolidated, proposes to raise an additional one hundred thousand dollars to purchase a farm and erect all the necessary buildings and improvements to carry on the operations of an Agricultural and Mechanical College, and connect therewith a model or experimental farm, with industrial pursuits, to enable such pupils as choose to do so to sustain themselves, in whole or in part, while acquiring their education; and further propose, that the State of Kentucky shall establish the Agricultural and Mechanical College of Kentucky as one of the colleges of Kentucky University, thus consolidated and endow the same with the income of the fund which shall arise from the sale of land scrip granted to Kentucky by the Congress of the United States for the purpose of establishing said college; and upon the State of Kentucky so establishing and endowing said college, the curators of Kentucky University will furnish, in reasonable time, all the necessary lands, buildings, apparatus, etc., for such college, and proceed at once to organize said college and put same in operation in accordance with this act and the act of Congress, and subject to the visitorial control of the State of Kentucky, in its organization and general management, and with the sole control by the State of its said fund in keeping the principal of the same perpetually secure; now therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That there shall be, and is hereby established, the Agricultural and Mechanical College of Kentucky, located in the county of Fayette, in or near the city of Lexington, which shall be a college of Kentucky University.

Sec. 2. Be it further enacted, That the leading object in said College shall be to teach such branches of learning as are related to agriculture and the mechanical arts, including military tactics, without excluding other scientific and classical studies, in order to promote the liberal and practical education of the industrial classes in the several pursuits and professions of life.

Sec. 3. Be it further enacted, That to effect the said leading object of said college, there shall be established therein the competent number of professorships for teaching the sciences related to agriculture and the mechanical arts, including military tactics, which professorships shall be filled by able and competent professors, aided by such assistants, tutors and other instructors as shall, from time to time, be necessary; and, as a part of said college, there shall be conducted an experimental or model farm, with the usual accessories thereto, and of size proportioned to the number of students; and on said farm, and in the mechanical arts, there shall be provided to the students opportunities for industrial pursuits, at stated times, whereby agriculture and the mechanical arts may be practically learned, and the student enabled to earn his support while being educated, in whole or part, by his labor and industry.

Sec. 4. Be it further enacted, That in the appointment of professors, instructors and other officers and assistants of said College, and in prescribing the studies and exercises thereof, and in every part of the management and government thereof, no partiality or preference shall be shown to one sect or religious denomination over another; nor shall anything sectarian be taught therein; and persons engaged in the conducting, governing, managing or controlling said college and its studies and exercises, in all its parts, are hereby constituted officers and agents of the whole Commonwealth, in faithfully and impartially carrying out the provisions of this act for the common good, irrespective of sects or parties, political or religious.

Sec. 5. Be it further enacted, That the Curators of Kentucky University shall organize said Agricultural and Mechanical College by establishing the proper professorships and officers, with the salaries and compensation thereof, and filling

the same, from time to time, by their appointments; provide the necessary grounds, buildings and improvements, and conduct, carry on and manage the said college, as provided in this act; and said curators to aid them in conducting said College and defraying the expenses thereof, shall receive all the income of the fund which shall arise from the sale of the land scrip granted to the State of Kentucky by the act of Congress, entitled "An act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanical arts," approved July 2nd, 1862; and which income shall be appropriated by said curators to the payment of the salaries of the professors and other officers and employes of said college, and other expenses of conducting the same, and the farm and industrial pursuits incidental thereto, and to no other purpose whatsoever: Provided, That a majority of the professors of said college shall not at any one time belong to the same ecclesiastical denomination.

Sec. 6. Be it further enacted, That the Governor, with the advice and consent of the Senate, shall appoint six visitors of said College, who shall constitute the Board of Visitors thereof, and appoint one of their number Chairman of the Board; and said Board shall have, at all times, full power to inspect and examine into all the details of the managing and conducting of said college, and to see that all the provisions of this act are carried into complete effect, according to their true meaning and intent; and it shall be the duty of said Board to point out to the curators of Kentucky University all defects or departures from the provisions of this act in conducting and managing said College, and suggest the proper mode of correcting them; and said curators shall proceed to correct them; and it shall be further the duty of said Board of Visitors to report to every biennial meeting of the General Assembly the condition and management of said college; and if, at any time, it shall appear to the General Assembly that the curators have persisted in not carrying the provisions of this act into effect, according to their true object and spirit, and in disregarding the requirements of the Board of Visitors, it shall be lawful to deprive, either temporarily or permanently, said college of the endowment of the income of the fund aforesaid. The vis-

itors shall hold their office for two years, and until their successors are appointed. Vacancies in said board by death, resignation, or expiration of term of office, during the recess of the General Assembly, shall be filled by the Governor until the end of the next succeeding session.

Sec. 7. Be it further enacted, That so soon as the said college is organized for the reception and proper instruction of pupils, the curators shall make known the same to the Governor and President of the Board of Education; and thereupon, each representative district of the State shall be entitled to send to said College, free of charge for tuition, one properly prepared pupil for each member said district is entitled to elect to the General Assembly; and when the whole of the said land scrip shall be sold and invested, each district shall be entitled to send three of such properly prepared pupils to said College for each member the district is authorized to elect. Said pupils shall have the right of receiving, free of charge for tuition, the benefit of any instruction given in any of the colleges or classes of the University, except those of law and medicine. The pupils shall be selected by the majority of the justices of the peace of said districts.

Sec. 8. Be it further enacted, The provisions of this act shall not go into effect until Transylvania University and Kentucky University shall be consolidated into one corporation, under the name of the Kentucky University, and the funds, property, etc., of Transylvania University shall be vested in the curators of Kentucky University, as successors of the trustees of Transylvania University; nor until the curators of Kentucky University shall, by resolution, assent to all the provisions of this act, and accept this act as part of its charter. A copy of said resolution, and of the action of the trustees of Transylvania University, and the curators of the Kentucky University in accepting said consolidation, shall be laid before the Governor; whereupon he shall, by writing, signed by him, and under the seal of the State, authorize the curators of Kentucky University to organize the Agricultural and Mechanical College of Kentucky, in pursuance of this act.

Sec. 9. The General Assembly reserves the right to modify and repeal, at pleasure, so much of this act as refers to the establishment of the Agricultural and Mechanical College.

Approved February 22, 1865.

CHAPTER 1174.

P. 68 Acts 1865 Vol. I.

AN Act to authorize the Sale and Investment of Land Scrip, granted to Kentucky by the United States.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That the Commissioners of the Sinking Fund be, and they are hereby, authorized and requested to sell and assign, at such time and upon such terms as they may deem best for the interest of Kentucky, the whole or any part of the scrip or land warrants issued, or to be issued, to this State by virtue of an act of the Congress of the United States, entitled, "An Act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts," approved July 2nd, 1862.

Sec. 2. That the proceeds of the sale or sales aforesaid shall, by said Commissioners, be invested in interest-bearing bonds of this State, or of the United States, at their discretion; the principal of which bonds shall be forever held sacred for the purposes directed in the act of Congress aforesaid; and the interest thereof, as collected, shall be paid over as directed by law.

Sec. 3. That the Commissioners of the Sinking Fund may perform and discharge any of the acts, trusts or duties authorized, directed, or conferred herein by any agent or agents by them selected and appointed. For all costs and expenses incurred in carrying into effect the provisions of this act, upon said Commissioners' certificate thereof, the Auditor is directed

to draw his warrant therefor upon the Treasurer, who will pay the same.

Sec. 4. This act shall take effect from its passage.

Approved February 28, 1865.

Dup. Sec. P. 33

P. 29

CHAPTER 483.

Acts of 1865-66.

An Act in relation to the Agricultural College.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That the Auditor of Public Accounts be, and he is hereby, authorized to draw his warrant upon the Treasury in favor of the Treasurer of the Board of Curators of Kentucky University, for the sum of twenty thousand dollars, which sum is hereby appropriated out of any moneys in the Treasury not otherwise appropriated, to aid in putting the Agricultural and Mechanical College of Kentucky into immediate operation. Upon the payment of the foregoing sum, the State shall be entitled to send to said college, free of charge, three pupils for each representative district: Provided, however, The State reserves the right, hereafter, to reimburse itself for the amount herein appropriated out of the interest arising from the sale of the land scrip donated by Congress: And provided further, The money herein appropriated shall not be drawn from the Treasury until the Curators of Kentucky University shall certify to the Governor that said Agricultural College is ready to go into immediate operation, in accordance with the provisions of the act establishing the same.

Sec. 2. Before the Auditor shall draw his warrant upon the Treasurer in accordance with this act, the Curators of said University shall accept the provisions of this act, and shall transmit to the Governor a certified copy of the order of their board showing said acceptance.

Sec. 3. This act shall take effect from and after its passage.

Approved February 10, 1866.

P. 46 Acts of 1877-78 Vol. I.

CHAPTER 424.

An Act in relation to the Agricultural and Mechanical College of Kentucky, and to provide for the future management and location thereof.

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

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That so much of the act approved February 23rd, 1865, entitled "An act establishing the Agricultural and Mechanical College of Kentucky as one of the colleges of the Kentucky University," as establishes the Agricultural and Mechanical College of Kentucky one of the colleges of the Kentucky University, and so much of said act as places said Agricultural and Mechanical College under the control of the curators of the Kentucky University, and as allow said curators to receive the interest on the fund arising from the sale of land scrip granted to the Commonwealth of Kentucky by act of Congress, approved July 2, 1862, be, and the same is hereby, repealed, said appeal to take effect the first day of July, 1878.

Sec. 2. There is hereby appointed and constituted a commission, to be styled "The Agricultural and Mechanical College Commission," composed of the Lieutenant Governor of the Comomnwealth of Kentucky, who shall be ex officio a member and chairman of said commission, and J. M. Bigger, of the

First Congressional District; James Weir, of the Second Congressional District; C. U. McElroy, of the Third Congressional District; David R. Murray, of the Fourth Congressional District; J. Lawrence Smith, of the Fifth Congressional District; H. P. Whitaker, of the Sixth Congressional District; R. A. Spurr, of the Seventh Congressional District; M. C. Saufley, of the Eighth Congressional District; D. D. Sublett, of the Ninth Congressional District, and Richard Dawson, of the Tenth Congressional District. Said commission are hereby authorized and empowered, and it shall be their duty, to provide, if possible, for the continued operation of said Agricultural and Mechanical College, and to make such equitable and just arrangements with the authorities of Kentucky University as will secure such advantages of an interchange of students, the use of buildings, apparatus, land, etc., as will secure the continued existence and prosperity of said Agricultural and Mechanical College until the same is finally located and settled; and in case said commission should not be able to make such satisfactory arrangements with Kentucky University as is equitable and just, and such arrangements as will secure the best interest of the Agricultural and Mechanical College, they may suspend the operations of the Agricultural and Mechanical College until the same is finally and permanently located, as hereinafter provided. Said commission are empowered, and it shall be their duty, to advertise for and receive proposals and offers from counties, towns or cities, or non-sectarian institutions of learning, in lands, buildings, money, apparatus, etc., or either of them, for the permanent location of said Agricultural and Mechanical College; and after receiving said proposals and offers, they shall report the same to the next regular session of the General Assembly, and shall recommend that place which shall present the best and greatest inducements, all things considered; and any offer or proposal, when made to, and confirmed by said General Assembly, shall be final and binding; and said commission, in making advertisements for the proposals, and in the reception thereof, shall make it a condition precedent that all proposals shall be binding if accepted by the General Assembly. Said commission in effecting an arrangement for the continued operation of said Agricul-

tural and Mechanical College until the same is permanently and finally located, or in receiving proposals for its final location, shall be empowered to adjust and settle all outstanding differences that may exist between the Agricultural and Mechanical College and Kentucky University; and if said differences are not thus adjusted, said commission may adjust and settle same in such other manner as may be just and equitable. Said commission are also empowered to take such steps as may best further the interest of said Agricultural and Mechanical College, and secure its successful management and operation, not inconsistent with the provisions of this act.

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

Sec. 4. Said commission shall determine how many of its number shall constitute a quorum, (which shall not be less than a majority) for the transaction of business, when and where their sittings shall be held, with all other matters competent to the discretion of committees; and it shall be the duty of the said chairman to call a meeting of said commission for the transaction of business, or a meeting thereof may be called on the notice of any three of the members thereof. If any member of said commission herein appointed fails to notify the Governor of his acceptance of the position or commission by ply the vacancy; and if a vacancy should occur from any cause, or any member should fail to act, the Governor shall fill the same as above provided, and notify the person so appointed.

Sec. 5. Should there be a continuance of said Agricultural and Mechanical College, as contemplated by the provisions of this act, the board of visitors, or their successors in office, are hereby empowered to manage the affairs of the Agricultural and Mechanical College, under such agreement as may be ef-

fected by the commission, until the next General Assembly shall the 1st of April, 1878, the Governor shall appoint some resident of the Congressional district of the member so failing to sup- determine location and a permanent form of government therefor, with full powers to employ and remove professors, officers and instructors, for just cause; to fill vacancies; to fix salaries; to decide limits within which student labor may be employed; its character, extent and compensation, within the limits of the income of said college; establish the rates of tuition, and perform all such other duties as in their judgment may be required for the successful operation of said college.

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

Sec. 7. Provided the said commission shall make satisfactory arrangement for the continuance of the Agricultural and Mechanical College, as provided in section two, they shall notify the board of visitors, and said board shall appoint some one as treasurer of said Agricultural and Mechanical College, who, before he enters upon the discharge of the duties of his office, shall take an oath to faithfully discharge the duties of said position, and shall enter into bond, with good security, to be approved by said board of visitors, in the penal sum of $10,000, payable to the Commonwealth, and conditioned that he will faithfully discharge his duties as such, and that he will faithfully keep and rightfully disburse all moneys that may come to his hands as such treasurer; said bond, when taken and approved by said Board of Visitors, shall be forwarded to the Governor for safe keeping. It shall be the duty of said Treasurer, when appointed and qualified, to receive from the Auditor of Public Accounts his warrant on the Treasurer for the interest on the fund of the Agricultural and Mechanical College, as it falls due on January 1, 1879, and as it

falls due thereafter until July 1, 1881, and to receive any other sums that may be due said Agricultural and Mechanical College, for tuition or otherwise; and it shall be his duty to pay out of said fund the salaries of professors, tutors, and such items of expense as are incurred on behalf of said college. All accounts shall be itemized and certified to by the persons claiming payment, and shall be indorsed approved by the chairman of the Board of Visitors; and said treasurer shall pay no account or charge against said Agricultural and Mechanical College, unless it is so itemized, certified and approved. He shall keep an accurate and full account of all moneys that come to his hands, and of all moneys that are paid out, to whom paid, when and for what purposes, and shall also keep all accounts paid off by him; and the Board of Visitors shall, on the first day of July of each year, make a settlement with said treasurer, and examine his books and vouchers and test their correctness. He shall receive for his services a sum to be fixed by the Board of Visitors, not exceeding $300 per annum.

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

Sec. 9. It is expressly understood that the members of said commission and of said Board of Visitors are to perform the duties imposed by this act without compensation.

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

Approved March 13, 1878.

CHAPTER 901.

An Act to amend and supplement an act, entitled "An act in relation to the Agricultural and Mechanical College of Kentucky, and to provide for the future management and location thereof."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

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

Sec. 2. That such portion of said proceeds of the sale of public lands as may be allotted to Kentucky by the provisions of said act of Congress, or any similar act for the aid and support of common schools, as is not dedicated as provided in section one to the Agricultural and Mechanical College, or for a university of which said Agricultural and Mechanical College shall be a college, shall be faithfully applied to the support of such common schools, so as to comply with the act of Congress making the donation: Provided, That if not in conflict with said act of Congress, the proportion of said fund or donation set apart for common school purposes, shall be distributed pro rata for the education of all the children of this Common-

wealth, without regard to race or color, so that the per capita of each child from this fund shall be the same.

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

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

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

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

Approved April 9, 1878.

P. 5 Acts of 1879-80 Vol. I.

CHAPTER 49.

An Act to authorize the city of Lexington to donate lands and bonds for the benefit of the Agricultural and Mechanical College of Kentucky, and to provide for the payment of the bonds.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That the Mayor and Council of the city of Lexington be, and they are hereby, authorized to donate to the Commonwealth of Kentucky, for the use and benefit of its Agricultural and Mechanical College, the tract of land in said

city, containing about fifty acres, and known as its City Park, and its bonds to the amount of thirty thousand dollars, payable as hereinafter provided, the proceeds of which shall be devoted to the erection of buildings for said college upon said land, subject to this limitation: that said land and buildings, and all the proceeds of said bonds, shall revert to the city of Lexington whenever said college shall be removed from, or for three consecutive years be abandoned as a college within the limits of, said city of Lexington.

Sec. 2. That the bonds to be so donated shall be in sums not less than five hundred dollars nor more than one thousand dollars; shall bear interest from date, at the rate of six per cent per annum, payable semi-annually, until the principal shall be paid, and the principal to be paid thirty years after date, but subject to be paid at the pleasure of the city after ten years from date; the bonds shall have interest coupons attached thereto, and the bond and coupons shall be payable to bearer. The bonds shall be sealed by the city with the signature of its mayor, and the attestation of its clerk attached thereto, and the coupons signed by its mayor. The bonds shall be issued and dated by the mayor and council of the city, whenever the Governor of Kentucky shall demand the same, after a contract or contracts shall have been made for the erection of buildings as provided in the first section.

Sec. 3. That to provide for the payment of the principal and interest of said bonds, it shall be the duty of the mayor and council of said city to create a sinking fund, which shall be devoted to the payment of said principal and interest, until all said bonds shall be fully satisfied; and until such full satisfaction, the proceeds of all the taxes herein authorized to be levied and collected by the mayor and council shall be placed in, and compose apart of, said sinking fund.

Sec. 4. To enable the mayor and council to create said sinking fund, they shall be, and are hereby authorized to impose, levy, and collect, in addition to the taxes already imposed, levied and collected for the use of the city, the following taxes, to-wit: an annual tax not exceeding two hundred dollars upon each express office, and an annual tax not exceeding one hundred and fifty dollars upon each telegraph office

kept in said city; an annual tax not exceeding two hundred dollars upon each lottery office kept in said city; an annual tax not exceeding ten dollars upon all lawyers and doctors; an annual tax of fifteen dollars upon all dentists, and an annual tax of twenty dollars upon all photographers practicing their profession or pursuing their business for profit in the city of Lexington, and an additional tax of not exceeding five cents upon the one hundred dollars of the assessed value of the taxable property assessed for taxation in the city, the power to levy which five cents shall cease when said bonds shall have been paid off.

Sec. 5. The mayor and council shall have power, by ordinances with suitable penalties, to enforce the payment of the taxes authorized to be imposed by the fourth section, by prohibiting the keeping the offices or practicing or pursuing the profession or business until the tax shall be paid.

Sec. 6. The taxes authorized by the fourth section of this act to be levied and collected shall only be levied and collected from the whites of said city, and from the white owners of property situated therein.

Sec. 7. This act shall take effect and be in force from and after its passage.

Approved January 31, 1880.

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CHAPTER 71.

P. 10 acts of 1879-80 Vol. I.

An Act to authorize the Fayette County Court to issue the bonds of said County, the proceeds to be used for the purchase of lands, or the erection of buildings for the use of the Agricultural and Mechanical College of Kentucky.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That the Fayette County Court, at its court of claims, a majority of the justices of said county being present and concurring therein, may cause the bonds of said county,

not to exceed in the aggregate the sum of twenty thousand dollars, and of the denomination of not less than five hundred dollars nor more than one thousand dollars, to be executed in printed form, under the seal of the County Court, signed by the Judge of the Fayette County Court, and countersigned by the clerk of said court, payable to bearer, and at such times or installments, and at such place or places as the said court may elect, with annual or semi-annual interest coupons attached, the rate of interest not to exceed six per centum per annum, each coupon to be signed by the clerk of said court; the bonds to be registered and numbered on the books of said county clerk before the issuing and sale thereof.

Sec. 2. That the proceeds of the sale of the bonds hereby authorized to be issued shall be used for the sole purpose of the purchase of land, or the erection of buildings for the use of the Agricultural and Mechanical College of Kentucky, within the county of Fayette and in or near the city of Lexington, the title to which shall be vested in the Commonwealth of Kentucky so long as said land and buildings shall be used by said college, and when they cease to use the same, to revert to the county of Fayette.

Sec. 3. That said County Court shall have full power and authority to negotiate the sale of the bonds herein provided for, and may appoint an agent or agents to carry out the provisions of this act and make suitable compensation for such work.

Sec. 4. That for the payment of the interest of said bonds as it accrues, and the principal as said bonds mature, the said court of claims of Fayette County, a majority of said justices being present and concurring therein, shall be authorized to levy an ad valorem tax on all the property in Fayette County, which is subject to State taxation for revenue purposes sufficient to pay the interest of said bonds as it accrues, and then to pay the bonds as they mature.

Sec. 5. That the sheriff of Fayette County shall collect and account for said taxes in the same manner as the county levy and revenue taxes are now collected and accounted for by law; he shall have the same right to distrain therefor, and shall pay over the same as may be ordered by said court, and the bond

given by the sheriff shall cover the said sum thus to be collected and paid over, and he and his sureties shall be liable therefor in the same manner they are liable for the revenue and county levy; and he shall receive therefor a compensation not exceeding that allowed by law for collecting the revenue and county levy, and to be agreed upon between him and said court of claims.

Sec. 6. That the said court of claims of Fayette County, a majority of the justices being present and concurring therein, shall, in each year, appoint a receiver, who shall hold his office for one year, who shall receive from the sheriff the money collected by him under this act, and pay over the same for the interest as it accrues, and the principal of said bonds as they mature, under the order of said court, and who, before he receives any money under this act, shall execute a bond, with good security, to be approved by said court, in double the sum which shall be expected to be collected during the year to ensue under this act, payable to the Commonwealth of Kentucky for the use of the county of Fayette, and conditioned to account for and pay over, as shall be ordered by said court, all moneys which shall come into his hands under the provisions of this act; and he shall be allowed for his services such sum as may be agreed upon by said court.

Sec. 7. That the bonds to be issued under this act shall not be assessed for, or be liable to, any taxation for county or municipal purposes.

Sec. 8. That this act shall take effect from and after its passage.

Approved January 24, 1880.

P. 18 Acts of 1879-80 Vol. I.

CHAPTER 157.

AN Act to locate the Agricultural and Mechanical College.

Whereas, by an act of the General Assembly of Kentucky, approved March 13, 1878, a commission, styled the "Agricultural and Mechanical College Commission," was appointed to

recommend to the present General Assembly, as the future and ultimate location of the Agricultural and Mechanical College of Kentucky, that place which shall present the best and greatest inducements, all things considered; and whereas, said commission, through its chairman ex officio, did advertise for and receive bids from such localities as desired the permanent and ultimate location of said Agricultural and Mechanical College in their midst; and whereas, the report of said commission shows that on the 14th of August, 1879, said commission, sitting in the city of Louisville, did, upon opening and considering said bids, resolve by a majority thereof that the city of Lexington and county of Fayette did offer the best and greatest inducements, all things considered, for the permanent and ultimate location of said college; and whereas, by said bids made by the city of Lexington and county of Fayette, this city council of Lexington did offer and tender to the State of Kentucky—(1) the city park of said city of Lexington, property unincumbered and owned in fee by the said city of Lexington, as the site of said Agricultural and Mechanical College, its buildings, dormitories, shops, etc.: Provided, however, That if, at any time, said city park shall cease to be the site of said college, it shall revert to the city of Lexington; and (2), thirty thousand dollars ($30,000) in city bonds of the city of Lexington, to be used for the erection of college buildings, dormitories, shops, etc., on said city park, the title to all of which shall be vested in the State of Kentucky, so long as said city park, buildings, dormitories, shops, etc., shall be used as the site of said college; and if at any time it and they shall cease to be so used, it and they shall revert to the city of Lexington; and the county of Fayette, through its properly constituted authorities, offers and tenders to the State of Kentucky twenty thousand dollars ($20,000) in county bonds of said county, to be used for the erection of buildings on said city park of the city of Lexington for the use of said Agricultural and Mechanical College, or for the purchase of lands near or adjacent to the city of Lexington for the use of said college, the title to all of which shall be vested in the State of Kentucky so long as said buildings or said lands shall be used for the site of said Agricultural and Mechanical College, or for any part of

the legitimate operations thereof; and if at any time they shall cease to be so used, said buildings or lands shall revert to the said county of Fayette; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That the Agricultural and Mechanical College of Kentucky be, and hereby is, located and established in or near the city of Lexington, and within the county of Fayette, upon the conditions expressed in the bids made by the city of Lexington and county of Fayette, and recommended to this General Assembly by the said Agricultural and Mechanical College Commission.

Approved February 6, 1880.

P. 38 Acts 1879-80 Vol. I

CHAPTER 359.

An Act to incorporate the Agricultural and Mechanical College of Kentucky, and provide for the future management thereof.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That the government, administration and control of the Agricultural and Mechanical College of Kentucky be, and hereby is, vested in a board of trustees constituted and appointed as follows:

(1). His Excellency, the Governor of Kentucky, who shall be ex officio chairman thereof.

(2). Twelve men, discreet, intelligent, and prudent, who shall be nominated by the Governor of Kentucky, by and with the advice and consent of the Senate, and who shall hold their office for six years, four retiring and four being appointed at each regular session of the General Assembly.

(3). And four who shall be elected by the alumni of the institution so soon as said alumni shall exceed one hundred,

and shall also hold their office for six years, two being elected and two retiring every two years. The present board of visitors shall continue to perform the duties assigned to the board of trustees under this act until said board shall have been appointed and qualified.

Sec. 2. The board of trustees, when appointed and qualified, shall be a body corporate, and as a corporation shall have power to sue and be sued, implead and be impleaded, contract and be contracted with, and possess all the immunities, rights, privileges and franchises usually attaching to the governing bodies of educational institutions in Kentucky. They shall have power to receive, hold and administer, on behalf of the institution whose government, administration and control is committed to them, all revenues accruing from all existing or future endowments, appropriations, or bequests, by whomsoever made, subject to the conditions attaching thereto; to receive, administer, and apply, for and on behalf of said college, all moneys, devises, stocks, bonds, buildings, museums, lands, apparatus, etc., etc., under the conditions attaching thereto. Said trustees shall have power to determine, from time to time, the number of departments of study which the college shall comprise within the scope of the organic act of Congress donating land scrip for the endowment of agricultural and mechanical colleges, the relation which each department or groups of departments shall sustain to each other and to the whole; to devise, allot and arrange the distributions of departments or groups of departments, with the designation appropriate to each, and to devise the means required for their effective instruction, administration and government. They shall also have power to appoint presidents, professors, assistants and tutors, and to determine the salaries, duties and official relations of each; to remove or suspend from office all incumbents of offices filled by them, for just cause; and to do all other duties which may be needful for the welfare of the institution: Provided, That no professor or president shall be removed, except for just cause, and by a majority of the whole board.

Sec. 3. Said board of trustees shall have power to adopt such by-laws as they may deem proper, not inconsistent with this act.

Sec. 4. Said board of trustees shall have power to grant degrees to the alumni of the institution, to prescribe the conditions upon which post-graduate honors shall be obtained by its alumni and others, and to confer such honorary degrees, upon the recommendation of the faculty of the institution, as they may think proper.

Sec. 5. A majority of the whole board shall constitute a quorum for the transaction of business.

Sec. 6. In the appointment of presidents, professors, or instructors, no preference shall be shown to any religious denomination.

Sec. 7. The board of trustees shall meet in Lexington once in each year, upon the Tuesday preceding the commencement day. In the absence of the Governor, ex officio chairman of the board, the chairman of the executive committee, hereinafter provided for, shall act as chairman of the board, and in the absence of both the ex officio chairman and the chairman of the executive committee, the board shall have power to appoint a chairman pro tem. They shall appoint one of their number as secretary, who shall keep a record of their proceedings, and a treasurer, who shall receive and disburse the funds of the institution under the direction of the board. Said secretary and treasurer shall receive for their services a fair compensation. The treasurer shall enter into a bond, with sureties to the State, for the faithful and honest discharge of his duties, in a penalty equal to twice the amount of the funds annually committed to his trust; he shall keep an itemized account and expenditures; he shall pay no moneys except upon the authorization of the chairman of the executive committee or of the board of trustees, and he shall submit a statement of his accounts to the board of trustees at its annual meeting, and to the executive committee one week before the annual meeting of the board, with vouchers for all expenditures, make a settlement with the board, and receive the discharge of the same.

Sec. 8. The board of trustees shall, at each regular meeting, appoint an executive committee, consisting of five of their

number residing near Lexington, three of whom shall constitute a quorum; said executive committee shall have power to do, in the interval between the regular meetings of the board of trustees, all that the board may rightfully do when convened for business; said executive committee shall determine when it shall hold its meetings, where and how often; they shall keep a record of their proceedings, which record shall be submitted to the board of trustees at its annual or called meetings, for its approval, amendment or ratification. But no acts of the executive committee, except the ordinary business required to be transacted for the effective operation and administration of the institution, shall have the force and effect of an enactment of the board of trustees beyond the time of meeting of the board in regular or called session, unless ratified by the board of trustees at their first meeting thereafter.

Sec. 9. A called meeting of the board of trustees may be had at any time, notice in writing, of not less than thirty days, being given of the same; said notice in writing shall be given by the secretary of the executive committee, by direction of the chairman of the executive committee; at least three members of the board of trustees shall sign the call for said special meeting; and no business shall be transacted at such called or special meeting other than the business specified in the call or germane thereto.

Sec. 10. In cast of the death, resignation or refusal to serve, of any of the trustees appointed as members of the board on behalf of the State, or of any of the trustees appointed by the alumni, the remaining trustees shall, at their first meeting thereafter, have power to fill all vacancies occasioned by such death, resignation or refusal to serve; and the person or persons so appointed shall hold their seats as trustees during the natural or unexpired terms of the person or persons for whom they are substituted and appointed.

Sec. 11. All necessary expenses incurred by the trustees in going to, returning from, or while attending the meetings of the board, shall be met and discharged out of the funds of the institution.

Sec. 12. Each Representative District in the State of Kentucky shall be entitled to send two properly prepared students

to this college, free of tuition. Said students shall be selected and appointed on competitive examination, and the trustees and teacher of each common school taught within said Representative District shall select and send before an examining board appointed by the court of claims, one student taught in the school managed and taught by them, from whom said examining board shall make the selection of appointees to said college. Preference in such selection and appointment shall be given to energetic young men whose means are not large, to aid whom in obtaining a good education this provision is specially intended. All such appointees shall retain their appointments in the Agricultural and Mechanical College, during good behavior, until their term of education is completed.

Sec. 13. The Faculty of the Agricultural and Mechanical College shall have power to grant certificates to teachers, students of the college, valid in any county in Kentucky, under the conditions and limitations prescribed by the common school law.

Sec. 14. The board of trustees shall possess a common seal, which shall be attached by the president of the board, or by the chairman of the executive committee, when the board of trustees is not in session, to all diplomas, honorary degrees, and all public documents emanating from the college.

Sec. 15. One student from each county in the Commonwealth, who has been engaged in teaching, or whose immediate object is to prepare for the profession of teaching, and whose studies are directed especially with reference to that end, shall, upon the presentation of a certificate to that effect from the common school commissioner of his county, be entitled to free tuition in the Agricultural and Mechanical College of Kentucky.

Approved March 4, 1880.

P. 45

CHAPTER 402.

Acts 1879-80 Vol. I.

An Act to amend an act, entitled "An act to authorize the Fayette County Court to issue the bonds of said county, the proceeds to be used for the purchase of lands or the erection of buildings for the use of the Agricultural and Mechanical College of Kentucky," approved January 24, 1880.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That the first section of the act, entitled "An act to authorize the Fayette County Court to issue the bonds of said county, the proceeds to be used for the purchase of lands or the erection of buildings for the use of the Agricultural and Mechanical College of Kentucky," approved January 24, 1880, be so amended that after the words, to-wit: "that the Fayette County Court, at its court of claims, a majority of the justices of said county being present and concurring therein," and before the word "may," the following words shall be inserted, and be a part of said act, to-wit: "or a court called by the judge of said county court, to which all the justices of the peace of said county shall be summoned, and a majority of them shall be present and concurring therein."

Sec. 2. That the bonds issued under the act to which this is an amendment shall bear interest from the date of their issue; and until said bonds are sold, the interest thereon shall be paid annually to the said college, to be used for procuring the temporary use of lands for the use of said college.

Sec. 3. That this act shall take effect from its passage.

Approved March 9, 1880.

P. 73 Acts of 1879-80 Vol. I

CHAPTER 940.

AN Act donating the Sine Pendulum to the Agricultural and Mechanical College of the State.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That the scientific instrument, known as the Sine Pendulum, and which belongs to the State of Kentucky, be, and the same is hereby, donated to the Agricultural and Mechanical College of Kentucky, for its use and benefit; and the Secretary of State is directed to deliver said instrument to the President of said Agricultural and Mechanical College, who shall cause it to be kept securely, and it shall be subject to inspection by any citizen of this Commonwealth.

Sec. 2. This act to take effect from and after its passage.

Approved April 9, 1880.

P. 101 Acts of 1879-80 Vol. I.

CHAPTER 1094.

An Act to amend an act, entitled "An act to incorporate the Agricultural and Mechanical College of Kentucky, and to provide for the future management thereof," approved March 4, 1880.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That the proceedings of the Board of Trustees of the Agricultural and Mechanical College, had on the 25th day of March, 1880, at a meeting of said board held in the city of Lexington, be, and the same are hereby, declared regular and valid, and as fully authorized by law as if said proceedings had been had at a meeting of said board held on the Tuesday before the commencement day of said college.

Sec. 2. That the corporate body created by the second

section of said act, entitled "An act to incorporate the Agricultural and Mechanical College of Kentucky, and to provide for the future management thereof," approved March 4th, 1880, shall have perpetual succession; sue and be sued, implead and be impleaded with, under the corporate name of "The Agricultural and Mechanical College of Kentucky."

Sec. 3. The board of trustees shall have full power to suspend or remove, at will, any of the officers, teachers, professors, or agents, whom they are authorized by law to appoint; and so much of section three of said act as places limitations on the power of the said board in this regard, or upon the manner in which said suspension or removal shall be made, is hereby repealed.

Sec. 4. That in addition to the meeting required to be held on the Tuesday before each commencement day of the college, called meetings of the board of trustees may be also held; the call for such meeting must be in writing, signed by three or more trustees; the call must also be formally communicated by the secretary to each trustee by mail, at his post-office address, at least fifteen days before the day fixed for the meeting, and must state definitely the object of the meeting; and no business not thus explicitly announced shall be acted on at the called meeting.

Sec. 5. The board of trustees shall, at each regular annual meeting, appoint an executive committee, consisting of five of their number, residing near Lexington, including a chairman thereof, whom shall constitute a quorum, and said committee shall choose from their number a chairman pro tempore to act in the absence of the permanent chairman. The executive committee shall be charged with the general administration of the affairs of the college under the by-laws and regulations prescribed by the board of trustees, and with the execution of measures specially authorized by the board. It shall, at each regular annual meeting of the board of trustees, and at each called meeting if required, submit to the board a complete record of its proceedings, together with a full and detailed account of the receipts and expenditures since the last preceding annual meeting, for the consideration and action of the board of trustees: Provided, That the authority of

the board of trustees to revise the acts of the executive committee shall not extend to the rejection of any valid and properly authenticated account of money expended under a general or specific authority granted by the board of trustees, and within the sums appropriated by the board for specific or contingent objects at a regular or called meeting. The secretary of the board of trustees shall be ex officio secretary of the executive committee, and the custodian of the records, etc., of the board and of said committee; and he may employ an assistant, who shall aid him in the clerical duties of said office, and receive such compensation as may be determined by the board of trustees.

Sec. 6. That the treasurer of said college shall enter into a covenant to the Commonwealth of Kentucky, with one or more good sureties bound therein, to be approved by the board of trustees, conditioned for the faithful performance of his duties, and the payment of all moneys that may come to his hands, to his successor in office, or to such person or persons as may be lawfully entitled to receive the same. Any person or persons, including the board of trustees, injured by any breach of this bond, may maintain, in the Fayette Circuit Court or Common Pleas Court, appropriate actions thereon. The said treasurer shall keep an itemized account of receipts and expenditures, and shall pay out no money except on authorization of the board of trustees, given directly or through its executive committee. He shall render to the executive committee monthly statements of receipts and expenditures, and amount on hand, and a full and detailed statement, with vouchers, for the information and action of the board of trustees at its regular annual meeting, and at other periods when required; and the latter part of section seven of the said act, commencing with the words "the treasurer shall enter into a bond," etc., is hereby repealed.

Sec. 7. That the regular collegiate period of the Agricultural and Mechanical College shall be four years, and only those students who pass through that period and attained the prescribed standard of proficiency in the regular course of studies, or those who, having qualified themselves elsewhere, shall be found, after at least one year's attendance in the college, to

have attained the prescribed standard of proficiency in the regular course of studies, shall receive a diploma from the college. But a normal department or course of instruction for irregular periods, designed more particularly, but not exclusively, to qualify teachers for common and other schools, shall be established in connection with the college; and those students who attain to the requisite proficiency as teachers, in the opinion of the academic board, shall be furnished by the college with a certificate to that effect, setting forth, in such case, the various branches in which the student is qualified; and such certificate shall be evidence of qualification to teach in the public schools of the State in the various branches named without further examination.

Sec. 8. That section twelve of said act be, and is hereby, so amended as to allow each legislative representative district to send, on competitive examination, one student each year, between the ages of twelve and twenty-five, to said college, free of tuition charge, instead of two for the collegiate period, as in said act provided; and those teachers or persons preparing to teach may be admitted, free of tuition charge for one year, at the rate of not more than four, at the discretion of the board of trustees, for each legislative representative district, and that other students, without regard to place of residence or birth, may also be admitted to the college on the payment of the fees prescribed for them by the board of trustees or the academic board.

Sec. 9. That the board of trustees be, and they are hereby, empowered to established proper regulations for the government of the college and the physical training, military or otherwise, of the students, and to authorize the suspension or dismissal of students for neglect or violation of the regulations, or for other conduct prejudicial to the character and welfare of the institution.

Sec. 10. That the board of trustees shall make to the General Assembly, within the first week of each regular session, a full report of the condition and operation of the college since the date of the preceding report, with such recommendations concerning the college as may be deemed necessary.

Sec. 11. The term of office of the present trustees shall expire as follows: William B. Kinkead, B. J. Peters, Wm. H. Wadsworth and P. H. Leslie shall hold office until the 10th day of January, 1882, or until their successors are appointed and qualified; and James F. Robinson, Jr., B. F. Buckner, John G. Simrall and D. C. Buell shall hold their offices until the 10th day of January, 1884, or until their successors are appointed and qualified; and Robert S. Bullock, L. J. Bradford, A. R. Boone and Philip P. Johnston shall hold their offices until the 10th of January, 1886, or until their successors are appointed and qualified. Nothing in this section shall be construed to prevent any trustee from resigning at any time he may desire to do so.

Sec. 12. This act shall take effect from its passage.

Approved April 23, 1880.

CHAPTER 1315.

An Act for the benefit of the Agricultural and Mechanical College of Kentucky.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That for the purpose of endowing the Agricultural and Mechanical College of Kentucky, and enabling it to purchase the apparatus, machinery and implements necessary for its successful operation, and for the purpose of making proper provisions for the maintenance and conduct of a normal department in connection therewith, for the proper instruction of common school teachers, and for the payment of the necessary salaries to its officers, professors and instructors, etc., and for the purpose of purchasing a library for the use of the college and the defrayment of the other necessary expenses of said college, a tax of one-half of one cent on each one hundred dollars of value of the property in the State liable to taxation for State revenue shall be paid by the owners of said

property, or the persons assessed for taxation with respect to said property, at the time the taxes for State revenue are by law payable in the year 1880, and a like tax of one-half of one cent on each one hundred dollars of value of said property shall likewise be paid at the same time, in the year 1881, and in each and every year thereafter: Provided, That no tax shall be assessed or collected under the provisions of this act upon the property of the colored citizens of this Commonwealth.

Sec. 2. The tax hereby provided for shall be collected in the same manner and by the same officers who are by law authorized to collect the sums raised by taxation for State revenue, and shall be charged to the officers collecting the same as the revenue proper is charged; and said officers shall have the same power of distraint, and all other means of enforcing the payment thereof, as now exists in regard to taxes levied for the purposes of State revenue; and said officers and their sureties shall be liable therefor on their official bonds, in the same manner and to the same extent, as said officers are now liable in regard to the taxes levied for the purposes of State revenue.

Sec. 3. All sums collected under the provisions of this act shall be kept as a distinct and separate fund for the benefit of the Agricultural and Mechanical College of Kentucky, and shall be paid over by the Treasurer of the State to the Treasurer of the Agricultural and Mechanical College as fast as collected, upon warrants drawn therefor by the Auditor.

Sec. 4. This act shall take effect from and after its passage.

Approved April 29, 1880.

P. 173 Acts 1879-80 Vol. I

CHAPTER 1423.

AN Act to amend an act, entitled "An act to authorize the Fayette County Court to issue the bonds of said county, the proceeds to be used for the purchase of land or the erection of buildings for the use of the Agricultural and Mechanical College of Kentucky," approved January 24, 1880, by adding to the title of said act the words, "and to provide for the payment of said bonds."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That an act, entitled "An act to authorize the Fayette County Court to issue the bonds of said county, the proceeds to be used in the purchase of lands or the erection of buildings for the use of the Agricultural and Mechanical College of Kentucky," approved January 24, 1880, be, and the same is hereby, amended by adding to the title of said act, after the last words thereof, the following words, to-wit: "And to provide for the payment of said bonds."

Approved May 5, 1880.

Dup. See P. 69

CHAPTER 208.

P. 24 Acts 1887-88 Vol. I

An Act to accept the provisions of an act passed by the Congress of the United States, approved March 2, 1887, for the establishment and maintenance of agricultural experiment stations, in connection with the agricultural colleges established by the several States and Territories under the act of Congress approved July 2, 1882..

Whereas, The Congress of the United States passed an act, entitled "An act to establish agricultural experiment stations, in connection with the colleges established in the several States under the provisions of an act approved July 2, 1862, and of

the acts supplementary thereto,'' approved March 2, 1887; and whereas, by section 9 of said act, whatever appropriations may be made by Congress in pursuance of the purposes contemplated by said act, become available to the stations established in connection with agricultural colleges only on condition that ''legislative assent of the several States and Territories to the purposes of said grants'' be obtained; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That the assent of the Legislature of this Commonwealth be, and is hereby, given to the provisions of said act.

Sec. 2. That the Governor of this Commonwealth send a certified copy hereof to the Secretary of the Treasury of the United States.

Sec. 3. That this act shall take effect from and after its passage.

Approved February 20, 1888.

P. 63

Acts of 1885-86 Vol.

CHAPTER 638.

An Act to regulate the sale of fertilizers in this Commonwealth and to protect the agriculturist in the purchase and use of same.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. On or before the first day of May in each year, before any person or company shall sell, offer or expose for sale in this State any commercial fertilizer whose retail price is more than ten dollars per ton, said person or company shall furnish to the director of the Agricultural Experiment Station, inaugurated by the Agricultural and Mechanical College of Kentucky (which station is hereby recognized as the ''Kentucky Agricultural Experiment Station''), a quantity of such

commercial fertilizer, not less than one pound, sufficient for analysis, accompanied by an affidavit that the substance so furnished is a fair and true sample of a commercial fertilizer which the said person or company desires to sell within the State of Kentucky.

Sec. 2. It shall be the duty of the director of the Kentucky Agricultural Experiment Station to make or cause to be made a chemical analysis of every sample of commercial fertilizer so furnished him, and he shall print the result of such analysis in the form of a label; such label shall set forth the name of the manufacturer (r), the place of manufacture, the brand of the fertilizer and the essential ingredients contained in said fertilizer, expressed in terms and manner approved by said director, together with a certificate from the director, setting forth that said analysis is a true and complete analysis of the sample furnished him of such brand of fertilizer, and he shall also place upon each label the money value of such fertilizer, computed from its composition, as he may determine. The director shall furnish such labels in quantities of five hundred or multiple thereof to any person or company desiring to sell, offer or expose for sale any commercial fertilizer in this State.

Sec. 3. Every box, barrel, keg or other package or quantity of any commercial fertilizer (whose retail price is over ten dollars per ton), in any shape or form whatever, sold or offered for sale in this State, shall have attached to it, in a conspicuous place, a label bearing a certified analysis of a sample of such fertilizer from the director of the Kentucky Agricultural Experiment Station, as provided in the foregoing sections of this act.

Sec. 4. Any manufacturer or vender of any commercial fertilizer who shall sell, offer or expose for sale, any fertilizer without having previously complied with the provisions of this act hereinbefore set forth, shall, upon indictment and conviction, be fined one hundred dollars for each violation or evasion of this act, which fines, less the percentage of the prosecuting attorney fees, shall accrue to the benefit of, and be paid into the State Treasury.

Sec. 5. The director of the Kentucky Agricultural Experiment Station shall receive for analyzing a fertilizer and affixing his certificate thereto the sum of fifteen dollars; for labels furnished, one dollar per hundred.

Sec. 6. The director of said Kentucky Agricultural Experiment Station shall pay all such fees received by him into the treasury of the Agricultural and Mechanical College of Kentucky, the authorities of which shall expend the same in meeting the legitimate expenses of the station, in making analysis of fertilizers, in experimental tests of same, and in such other experimental work and purchase as shall inure to the benefit of the farmers of this Commonwealth. The director shall, within two months of the biennial meeting of the General Assembly, present to the Commisioner of Agriculture a report of the work done by him, together with an itemized statement of receipts and expenditures for the two years preceding, under the operations of this act.

Sec. 7. The director of said Experiment Station is hereby authorized in person or by deputy to take samples for analysis from any lot or package of any commercial fertilizer which may be in the possession of any dealer in this State. And he is hereby authorized to prescribe and enforce such rules and regulations as he may deem necessary to carry fully into effect the true intent and meaning of this act. And any agriculturist, a purchaser of any commercial fertilizer in this State, may take a sample of the same, under the rules and regulations of the director of the said Experiment Station, and forward the same to the Experiment Station for analysis, which analysis shall be made free of charge.

Sec. 8. This act shall be in force from and after its passage; and all acts in conict with this act are hereby repealed.

Approved April 13, 1886.

Dup. see P. 65

CHAPTER 208.

P. 24 Acts of 1887-88 Vol. I.

An Act to accept the provisions of an act passed by the Congress of the United States, approved March 2, 1887, for the establishment and maintenance of agricultural experiment stations, in connection with the agricultural colleges established by the several States and Territories under the act of Congress approved July 2, 1882.

Whereas, The Congress of the United States passed an act entitled "An act to establish agricultural experiment stations, in connection with the colleges established in the several States under the provisions of an act approved July 2, 1862, and of the acts supplementary thereto," approved March 2, 1887; and whereas, by section 9 of said act, whatever appropriations may be made by Congress in pursuance of the purposes contemplated by said act, become available to the stations established in connection with agricultural colleges only on condition that "the legislative assent of the several States and Territories to the purposes of said grants" be obtained; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That the assent of the Legislature of this Commonwealth be, and is hereby, given to the provisions of said act.

Sec. 2. That the Governor of this Commonwealth send a certified copy hereof to the Secretary of the Treasury of the United States.

Sec. 3. That this act shall take effect from and after its passage.

Approved February 20, 1888.

CHAPTER 130.

P. 432 Acts 1891-92-93

An Act to accept the provisions of an act passed by Congress of the United States to apply a portion of the proceeds of the public lands to the more complete endowment and support of the colleges for the benefit of agriculture and mechanic arts, established under the provisions of an act of Congress, approved March 2nd, 1862.

Whereas, The Congress of the United States passed an act, entitled "An act to appropriate a portion of the proceeds of the public lands to the more complete endowment and support of the colleges for the benefit of agriculture and mechanic arts, established under the provisions of an act of Congress," approved July 2nd, 1862, and an act supplemental thereto, which act was approved August, 1890; and whereas, the grants of money authorized by said act and made subject to the legislative assent of the several States and Territories to the purpose of said grant; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That the assent of the Legislature of this Commonwealth is hereby given to the provisions of said act.

Sec. 2. That the Governor of this Commonwealth send a certified copy hereof to the Secretary of the Treasury of the United States.

Approved January 13, 1893.

P. 901 Acts 1891-92-93.

CHAPTER 198.

An Act to provide for the effective management and administration of the Agricultural and Mechanical College of Kentucky.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That the government, administration and control of the Agricultural and Mechanical College of Kentucky

be, and is hereby, vested in a board of trustees, constituted and appointed as follows:

1. His Excellency, the Governor of Kentucky, who shall be ex-officio chairman thereof.

2. Fifteen men, discreet, intelligent and prudent, who shall be nominated by the Governor of Kentucky, by and with the advice and consent of the Senate. They shall hold office for six years, five retiring and five being appointed at each regular session of the General Assembly. Said nominations shall be made within fifteen days after the Legislature convenes Said trustees shall be appointed and distributed as follows, namely: One from each Congressional district outside of the Congressional district in which Lexington is situated, and the remainder from the latter district; but no more than three trustees shall be appointed from the county of Fayette: Provided, That no trustee now serving under an appointment previously made shall be displaced by the operation of this act before his term of service shall have expired.

3. The president of the college shall be ex officio a member of the board of trustees.

Sec. 2. The board of trustees, when appointed and qualified, shall be a body corporate, under the corporate name of the Agricultural and Mechanical College of Kentucky, and as a corporation shall have power to sue and be sued, implead and be impleaded, contract and be contracted with, and possess all the immunities, rights, privileges and franchises usually attaching to the governing bodies of educational institutions. They shall have power to receive, hold and administer, on behalf of the institution whose government, administration and control is committed to them all revenues accruing from all exsting or future endowments, appropriations or bequests, by whomsoever made, subject to the conditions attaching thereto; to receive, administer and apply, for and on behalf of said college, all moneys, devises, stocks, bonds, buildings, museums, lands, apparatus, etc., etc., under the conditions attaching thereto. Said trustees shall have power to determine, from time to time, the number of departments of study or investigation which the college shall comprise within the scope of the organic act of Congress, or acts supplementary thereto, donating land

scrip for the endowment of Agricultural and Mechanical Colleges; the relation which each department or group of departments shall sustain to each other and to the whole; to devise, allot and arrange the distributions of departments or groups of departments, with the designation appropriate to each; and to devise the means required for their effective instruction, administration and government. They shall have also power to appoint presidents, professors, assistants, tutors and other officers, and to determine the salaries, duties and official relations of each; and shall provide for a definite salary in money attached to all positions created and filled by the board of trustees; and there shall be no additions thereto in the form of fees, perquisites or emoluments of any kind whatever. They shall have full power to suspend or remove at will any of the officers, teachers, professors or agents whom they are authorized by law to appoint, and to do all other acts which may be needful for the welfare of the institution.

Sec. 3. Said board of trustees shall have power to grant degrees to the alumni of the institution, to prescribe conditions upon which post-graduate honors shall be obtained by its alumni and others, and to confer such honorary degrees, upon the recommendation of the faculty of the institution, as they may think proper.

Sec. 4. A majority of the whole board shall constitute a quorum for the transaction of business.

Sec. 5. In the appointment of presidents, professors or instructors, no preference shall be shown to any religious denomination.

Sec. 6. The board of trustees shall meet in Lexington twice each year, in the president's room in the college, namely: Upon the Tuesday preceding the annual commencement, and upon the second Tuesday in December. In the absence of the Governor, the board shall have the power to appoint a chairman pro tem. They shall elect annually a secretary, who shall keep a record of their proceedings, and a treasurer, who shall receive and disburse the funds, and a business agent, who shall make all purchases for all departments of the college and attend to all the business under the direction of the board. Said secretary and treasurer and business agent shall receive for their ser-

vices a fair compensation; but the treasurer elected under the provisions of this act shall not be a member of the board of trustees or of the faculty of the college or otherwise an employe of the college or of any of the departments thereof. They shall, at each regular meeting, appoint an executive committee, consisting of five of their number, residing in or near Lexington, including a chairman thereof, three of whom shall constitute a quorum, and said committee shall choose from their number a chairman pro tempore to act in the absence of the permanent chairman. The executive committee shall be charged with the general administration of the affairs of the college under such by-laws and regulations as shall be prescribed by the board of trustees, and with the execution of measures specially authorized by the board. It shall, at each regular meeting of the trustees, and at each called meeting if required, submit to the board a complete record of its proceedings for the consideration and approval of the board of trustees: Provided, That the authority of the board of trustees to revise the acts of the executive committee shall not extend to the rejection of any valid or authenticated account of money expended under a general or specific authority granted by the board of trustees, and within the sums appropriated by the board for specific or contingent objects at regular or called meetings. The secretary of the board of trustees shall also be secretary of the executive committee and the custodian of the records, and so forth, of the board of said committee.

Sec. 7. That the treasurer of said college shall enter into covenant with the Commonwealth of Kentucky, with one or more good sureties bound therein, to be approved by the board of trustees, conditioned for the faithful performance of his duties, and the payment of all moneys that shall come to his hands to his successor in office, or to such person or persons as may be lawfully entitled to receive the same. Any person or persons, including the board of trustees, injured by any breach of this bond, may maintain in the Fayette Circuit Court appropriate action thereon. The said treasurer shall keep an itemized account of receipts and expenditures, and shall pay out no money except on authorization of the board of trustees, given directly or through its executive committee. He shall render

to the executive committee monthly statements of receipts and expenditures, and amount on hand, and full detailed statement, with vouchers, for the information and action of the board of trustees at its regular annual meeting, and at other periods when required.

Sec. 8. In the case of the death, resignation or refusal to serve of any of the trustees appointed as members of the board on behalf of the State, the remaining trustees shall, at their first meeting thereafter, have power to fill all vacancies occasioned by such death, resignation or refusal to serve, and the person or persons so appointed shall hold their office as trustees during the natural or unexpired terms of the person or persons for whom they are substitute and appointed. Any trustee who shall fail to attend two consecutive meetings, without proper notification to the secretary of the reason therefor, shall thereby vacate his office of trustee, and the board shall fill the vacancy as hereinbefore provided for.

Sec. 9. All necessary expenses incurred by the trustees in going to, returning from, or while attending the meetings of the board, shall be met and discharged out of the funds of the institution.

Sec. 10. That in addition to the regular meetings, called meetings of the board of trustees may also be held. The call for such meeting must be in writing, signed by three or more trustees. The call must also be formally communicated by the secretary to each trustee by mail, at his postoffice address, at least fifteen days before the day fixed for the meeting, and must state definitely the object of the meeting; and no business not thus explicitly announced shall be acted on at the called meeting.

Sec. 11. That the regular collegiate period of the Agricultural and Mechanical College shall be four years, and only those students who pass through that period and attain the prescribed standard of efficiency in the regular course of studies, or those who, having qualified themselves elsewhere, shall be found, after at least one year's attendance in the college, to have attained the prescribed standard of proficiency in the regular course of studies, shall receive diploma from the college. But a normal department or course of instruction

for irregular periods, designed more particularly, but not exclusively, to qualify teachers for common or other schools; and an academy or preparatory department to prepare students for the regular courses of study in the college, shall be established and maintained in connection with the college, each under a competent principal and assistants, and under the general supervision and control of the faculty thereof.

Sec. 12. That the board of trustees be, and hereby are, empowered to establish proper regulations for the government of the college and physical training, military or otherwise, of the students, and to authorize the suspension and dismissal of students for neglect or violation of the regulations, or for other conduct prejudicial to the character and welfare of the institution.

Sec. 13. That the board of trustees shall make to the General Assembly, within the first month of each regular session, a full report of the condition and operation of the college since the date of the preceding report, with such recommendations concerning the college as may be deemed necessary.

Sec. 14. Each legislative district in the State shall, in consideration of the incomes accruing to the college under "An act for the benefit of the Agricultural and Mechanical College of Kentucky," approved April 29th, 1880, be entitled to select and to send to said college each year one properly prepared student, free from all charges for tuition, matriculation fees, room rent, fuel and lights, and to have all the advantages and privileges of the college and dormitories free, except board. Said students shall be entitled, free of any cost whatever, to the benefits enumerated above, for the term of years necessary to complete the course of study in which he or she matriculates for graduation, or during good behavior. All beneficiaries of the State who continue students for one consecutive collegiate year, or ten months, unless unavoidably prevented, shall also be entitled to their necessary traveling expenses in going to and returning from said college. The selection of the beneficiaries shall be made by the superintendents of common schools in their respective counties, upon competitive examination, on subjects prepared by the faculty of the college, and transmitted to said superintendents before the first

day of June of each year: Provided, That no standard of admission adopted by the college for admission into the academy shall exclude from the benefits of this act county appointees who have completed the course of study prescribed by law for the common schools of the Commonwealth. Said competitive examinations shall be open to all persons between the ages of fourteen and twenty-four years. Preference shall be given, other things being equal, to those who have passed with credit through the public school, persons of energy and industry, whose means are small, to aid them in obtaining a good education this provision is intended. If any representative district contains more than one county, each county so included shall be entitled to select one beneficiary as aforesaid. Said competitive examination shall be held and the successful competitor appointed between the first day of June and the first day of August of each year. It shall be the duty of the county superintendent to make known the benefits of this provision to each common school district under his superintendency, with the time and place, when and where such competitive examination shall be held. He shall, for this purpose, appoint a board of examiners, whose duty it shall be to conduct the examination.

Sec. 15. In addition to the foregoing, teachers or persons preparing to teach may be admitted at the rate of not more than four from each county, upon the same conditions, receive the same benefits and have the same privileges in said college as prescribed in the preceding section. These appointments shall be vested in the county superintendents. Said appointments may be made and certified to the president of the college at any time between the first day of July and the thirty-first day of December of each year.

Sec. 16. The president shall on or before the first day of July of each year, have printed and mailed to each county superintendent of common schools of this State at least as many circulars of informatoion relative to said college as there are common school districts in said respective counties. Said circulars shall set forth in full the benefits of, methods of admission into, and the probable cost to beneficiaries of said college. The county superintendent of common schools shall have at

least one of said circulars posted in the schoolhouse of each common school district in their respective counties during the term of the free school thereof.

Sec. 17. All acts and parts of acts in conflict with this are hereby repealed.

Sec. 18. That, as the difference in the cost of travel from different parts of the State practically operates as a difference in advantages offered to different parts of the State, an emergency is declared to exist, and this act shall be in full force and effect from and after its approval by the Governor.

Approved May 9, 1893.

P. 314 acts 7. 1894.

AN Act to prevent the spread of a disease known as "black knot" in plum, cherry and other trees.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. It shall be unlawful for any person, knowingly or willfully to keep any plum, cherry or other trees infected with the contagious disease or fungus known as the "black knot"; that every tree so infected is hereby declared to be a public nuisance, and no damages shall be awarded in any court in this State for entering upon premises and cutting away or severing the diseased part or parts of any tree so infected, and destroying the same, or cutting down or removing such infected tree altogether, and destroying the same, if done in accordance with the provisions of this act.

Sec. 2. In any county in this State in which such contagious disease exists, or where there is good reason to believe it exists, or danger may be justly apprehended of its introduction, it shall be the duty of the county judge of any county, upon the application made in writing and signed by at least three freeholders, who are residents of said county, to appoint forthwith three competent freeholders, who are residents of said county, who shall be fruit-growers of said county, as com-

missioners, who shall hold office during the pleasure of said county judge, and such order of appointment and of revocation shall be entered at large on the county records.

Sec. 3. It shall be the duty of said commissioners, within ten days after appointment as aforesaid, to file their acceptances of the same with the clerk of the county court of said county, and said clerk shall be ex-officio clerk of said board of commissioners, and he shall keep a correct record of the proceedings of said board in a book to be provided for the purpose, and shall file and preserve all papers pertaining to the duties and actions of said commissioners, or either of them, which shall be a part of the records of said county.

Sec. 4. It shall be the duty of the commissioners, or any one of them upon or without complaint, whenever it comes to their notice that the disease known as the "black knot" exists, or is supposed to exist, within the limits of their county, to proceed without delay to examine the trees supposed to be infected, and if the disease is found to exist, a distinguishing mark or marks shall be placed upon that part or those parts of every tree so infected, which, in the judgment of the commissioner or commissioners should be removed and destroyed; or if in the judgment of such commissioner or commissioners any tree so infected should be entirely removed and destroyed, then the trunk of such tree shall be thoroughly girdled and a written notice given to the owner personally, or by leaving the same at his usual place of residence, or if the owner be a non-resident, by leaving such notice with the person in charge of such trees. The notice shall contain a simple statement of the facts as found to exist, with an order to effectually remove and destroy by fire the part or parts of every tree so marked and designated, or every such tree entire which shall be so girdled as the case may be, within ten days from the date of the notice above required. Such notice and order to be signed by the commissioners, or any two of them.

Sec. 5. Whenever any person shall refuse or neglect to comply with the order mentioned in the last section, it shall become the duty of the commissioners to carry out the directions of said order, and forthwith to remove and destroy by fire every tree or part of tree so girdled or marked aforesaid, employ-

ing all necessary aid for that purpose, the expenses of such removal and destruction to be a charge against the county; and for the purpose of such removal and destruction, the said commissioners, their agents and employes shall have the right and authority to enter upon any and all premises within their county.

Sec. 6. If any owner, or if such owner be a non-resident, then, if any person in charge of such trees neglects to remove and destroy by fire every tree, or part of tree, so found to be infected, and marked or girdled as aforesaid, after notification, and within the time hereinbefore prescribed, such person shall be guilty of a misdemeanor, and punished by a fine not exceeding twenty-five dollars, or by imprisonment in the county jail not exceeding ten days, or both, in the discretion of the court; and any justice of the peace of the county in which such offense shall be committed shall have jurisdiction thereof, and all such fines so collected shall be turned over to the treasurer of said county, or other proper officer, to be designated by said county judge, to be held by him subject to the order of said court.

Sec. 7. The commissioners shall be allowed for services under this act, two dollars each for each full day and one dollar each for one-half day, and other reasonable charges and disbursements hereunder to be audited, as well as any other charges and disbursements under this act by said county judge, to be paid to such commissioners as other county claims are paid. Such fees and all reasonable charges and disbursements of said commissioners in each case may be recovered by the county in its own name from the owner of the diseased trees on account of which such fees, charges and disbursements became payable or were incurred.

Sec. 8. In counties where there are cities of the first and second classes, the mayor shall discharge the duties, and the cities make the payments provided for in this act, so far as said disease exists in any of said cities.

Acts of 1894.

P. 67 acts 1900

CHAPTER 24.

An Act to provide additional dormitories and other necessary buildings and improvements for, and in connection with, the Agricultural and Mechanical College of Kentucky, to make appropriations therefor, and to provide for the administration and management thereof.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That the sum of sixty thousand dollars, or so much as may be necessary therefor, be and the same is hereby appropriated for the purchase of ground and the erection thereon of a suitable building as a dormitory for young women students of the Agricultural and Mechanical College of Kentucky, and the equipment and furnishing thereof, which dormitory shall be capable of lodging and boarding comfortably one hundred and twenty-five persons; also, for the purpose of erecting and equipping a suitable building for military instruction, physical culture and rooms for Young Men's Christian Association; also, for the erection and equipment of a suitable building for the use of the normal department and for the use of the academy; also, for the erection and equipment of a dormitory for young men students of said college; also for the purpose of erecting and furnishing an annex for the use of the engineering departments of said college.

Sec. 2. Thirty thousand dollars of the sum appropriated under section 1 of this act is hereby set apart for the purchase of ground and erection of a dormitory for young women and for the equipment and furnishing of the same. Said building shall contain the necessary bedrooms, water closets, bathrooms, kitchen, storerooms, hall for physical culture with the necessary conveniences which should appertain thereto. Said women's dormitory shall not be situated on any part of the ground known as the College Campus. The title to said property shall be vested in the board of trustees of the Agricultural and Mechanical College of Kentucky.

Sec. 3. The residue of the appropriation made by this act shall be used by the board of trustees of said college in

erecting, equipping and furnishing the other buildings set forth in section 1 of this act, and if the residue of the appropriation be not sufficient therefor, then it shall be expended in erecting and furnishing such of said other buildings as the board of trustees may think most necessary until said appropriation be exhausted.

Sec. 4. The board of trustees shall appoint three prudent, discreet, intelligent women; members in good standing of one of the religious organizations recognized by the laws of the United States, who shall constitute a board of supervision or control to manage and superintendent, under the direction of the board of trustees, the dormitory for young women. The term of service shall be for six years, but the first appointments shall be, one for two years, one for four years, and one for six years respectively, and thereafter upon the expiration of their terms of service, one shall be appointed at the close of each biennial period to fill the vacancy: Provided, however, That the board of trustees shall have power at any time to remove any member of the board of control for reasons which they may deem sufficient and to fill the unexpired term by an ad interim appointment. Said board of supervision shall meet at convenient intervals for the transaction of business. They shall keep a record of their proceedings and submit the same to the board of trustees at their regular meetings. Their receipts and expenditures shall be embodied in semi-annual reports to the board. They shall, when the dormitory is ready for the reception of students, submit to the board of trustees for their approval, or to the executive committee, if the board of trustees be not in session, a body of regulations in relation to their administration of the business of the dormitory, and in relation to the conduct and discipline of its occupants. The members of the board of supervision or control shall receive no salary; but the necessary expenses, incurred in the discharge of their duties, shall be paid out of the funds set apart for the administration of the women's dormitory.

Sec. 5. The sum of two thousand dollars annually is hereby appropriated to defray the running expenses of said women's dormitory, including fuel, lights, servants' hire,

janitor, cooks, and the necessary expenses of the board of supervision or control as hereinbefore set forth.

Sec. 6. The rates of board charged young women shall be determined by the cost of provisions and their preparation and service, with no margin of profit. A small monthly fee may, however, be added to cover the wear and tear of kitchen, dining room and bedroom furniture.

Sec. 7. The duties of the board of supervision or control shall be concerned exclusively with the management of the women's dormitory and shall in no wise relate to the college privileges, duties and relations of the young women nor to the requirements of the faculty regarding their work or the discipline and control of the faculty over them as students.

Sec. 8. The president of the college shall, as the representative of the board of trustees, have the same general authority in regard to the women's dormitory which he is expected and required to exercise over the interests all and singular of the college, and any occupant of said dormitory who may feel aggrieved by the act of the board of control or the subordinate appointees shall have the privilege of appeal to the president of the college, whose decision shall be final until the next meeting of the executive committee.

Sec. 9. Women students attending said college as beneficiaries and appointees of counties or legislative districts shall have preference for accommodations in said women's dormitory, and if the accommodations of said dormitory are not sufficient for all such appointees, then the proper authorities of said college shall decide, in some way fair and equitable, who shall be entitled to said accommodations, all counties being given equal representation as nearly as possible. If any rooms in said dormitory remain after all such appointees are accommodated other female students may be allowed the use thereof, each county being given equal representation as nearly as possible. All rooms shall be assigned by lot three days after the session opens. Like rules and preferences shall be observed in regard to dormitory accommodations provided for men students at said college. All rooms shall be assigned by lot three days after the session opens.

Sec. 10. The board of trustees of said college shall appoint a competent architect or architects to prepare, under their direction, plans and specifications for the buildings aforesaid and shall contract with responsible parties for the erection and equipment of the same.

All contracts under this act for material and labor, or for the erection of any and all buildings and improvements and for the equipment of the same for the purposes mentioned in this act shall be let to the lowest and best bidder, after the same is duly advertised by notice for ten successive days in the daily newspaper, in the city of Lexington, Kentucky, having the largest circulation, or for four consecutive weeks in the weekly paper of said city having the largest circulation, in the judgment of the board of trustees; the successful bidder in each case entering into bond to the Commonwealth of Kentucky for the benefit of said A. & M. College of Kentucky, in a sum not less than fifteen per cent of the contract sum or price for the completion of the work in the manner and within the time set out in the contract or contracts, and manner and time shall be fully and in detail set out in said contract.

The money hereby appropriated shall be paid to the treasurer of the said college from time to time as the purchasing of land, erection of buildings and furnishing of same, as contemplated in this act, may require; and it shall be the duty of the auditor of public accounts to draw his warrant or warrants upon the Treasurer of the State in favor of the treasurer of said college for such an amount as the said treasurer of said college may certify to him, from time to time, is necessary and needed in carrying out the provisions of this act.

Sec. 11. Said board of trustees shall submit to the next regular session of the General Assembly an itemized account and statement of the expenditures made for the purposes herein named, which account and statement shall be properly certified and audited; and if any of the funds hereby appropriated remain unexpended after the additions and improvements to said college herein authorized have been made, the same shall be returned to the State Treasurer by the said board of trustees.

The annual appropriation made by this act for the benefit of the women's dormitory shall be paid to the treasurer of said college upon warrant of the Auditor to be used for the purposes specified.

Sec. 12. Whereas, it is necessary that the work on the buildings and improvements authorized by this act shall begin as soon as possible in order that said buildings and improvements may be completed and ready for use at the beginning of the next regular collegiate year of said college in September next, an emergency is hereby declared to exist and this act shall take effect and be in full force from and after its approval by the Governor.

Approved March 21, 1900.

P. 43

CHAPTER 13.

Acts of 1900

An Act to amend an act of the General Assembly of the Commonwealth of Kentucky, entitled an act regulating the sale of food, which became a law June thirteenth, eighteen hundred and ninety-eight.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

First: That the statute mentioned in the title of this act, and being an act regulating the sale and manufacture of food, which became a law on June the thirteenth, eighteen hundred and ninety-eight, be, and the same is hereby repealed, and in lieu thereof the following is enacted:

Sec. 1. It shall be unlawful for any person, persons or corporation within this State to manufacture for sale, expose for sale, or have in his or their possession for sale, or to sell any article of food which is adulterated or misbranded within the meaning of this act; and any person, persons or corporation, who shall manufacture for sale, expose for sale, or have in his or their possession for sale, or sell any article of food

which is adulterated or misbranded in violation of this act, shall be fined not to exceed one hundred dollars, or be imprisoned for not more than fifty days, or both such fine and imprisonment.

Sec. 2. The term food, as used in this act, shall include every article used for, or entering into the composition of food or drink of man or domestic animals, except spirituous, vinous or malt liquors.

The term misbranded, as used in this act, shall include every article of food, and every article which enters into the composition of food, the package or label of which shall bear any statement purporting to name any ingredient or substance as not being contained in such article which statement shall be untrue in any particular; or any statement purporting to name the substance or substances of which such article made, which statement shall not give fully the names of all substances contained in such articles in any measurable quantity.

Sec. 3. For the purpose of this act, an article shall be deemed adulterated:

First: If any substance or substances be mixed or packed with it so as to reduce or lower or injuriously affect its quality or strength.

Second: If any inferior substance or substances be substituted wholly or in part for the article.

Third: If any valuable constituent of the article has been wholly or in part abstracted.

Fourth: If it be an imitation, or sold under the name of another article, provided that nothing in this act shall be construed to prohibit the manufacture or sale of oleomargarine, butterine, or kindred compounds in a separate and distinct form, and in such manner as will advise the consumer of its real character, free from coloration or ingredient that causes it to look like butter.

Fifth: If it is colored, coated, polished or powdered, whereby damage is concealed, or if it is made to appear better or of greater value than it is.

Sixth: If it contains poisonous ingredients which may render such article injurious to the health of the party consum-

ing it, or if it contains any antiseptic or preservative not evident or not known to the purchaser or consumer.

Seventh: If it consists in whole or in part of a diseased, filty or decomposed or putrid substance, either animal or vegetable, unfit for food, whether manufactured or not, or if it is in any part the product of a diseased animal, or of any animal that has died otherwise than by slaughter.

Eighth: If it be labeled or branded so as to deceive or mislead the purchaser, or purport to be a foreign product, when not so, or is an imitation either in package or label of another substance of a previously established name.

Provided, that any articles of food which are adulterated or misbranded within the meaning of this act, but which do not contain any added poisonous or deleterious ingredient, may be manufactured or sold, if the same shall be plainly labeled "adulterated," or labeled, branded or tagged so as to show the exact character thereof.

Provided, further, that nothing in this act shall be so construed as requiring or compelling proprietors or manufacturers or sellers of proprietary foods which contain no unwholesome substances to disclose their trade formulas, except so far as the provisions of this act require to secure freedom from adulteration or imitation, but in the case of baking powder every can or other package shall be labeled so as to show clearly what acid salt has been used in making the same.

Provided, further, that no dealer shall be convicted under the provisions of this act when he can establish a written guaranty of purity in a form approved by the director of the Kentucky Agricultural Experiment Station, signed by the wholesaler, jobber, manufacturer or other party from whom he purchased said article, and provided that he establishes that such guarantor or guarantors reside in the State of Kentucky. But said guaranty to afford protection shall contain the full name and address of the party or parties making the sale of such article to such dealer.

Sec. 4. The director of the Kentucky Agricultural Experiment Station shall make or cause to be made examinations of samples of food manufactured or on sale in Kentucky at such time and place and to such extent as he may determine. He

shall also make or cause to be made analyses of all food products which the State Board of Health may suspect of being injurious to health, and of any sample of food furnished by any commonwealth's, county or city attorney of this Commonwealth. And the said director may appoint such agent or agents as he may deem necessary, who shall have free access at all reasonable hours for the purpose of examining into places wherein it is suspected any adulterated article of food exists, and such agent or agents upon tendering the market prices of such articles, may take from any person, firm or corporation, samples of any articles suspected of being adulterated or misbranded. The director of said station is hereby empowered to adopt and fix standards of purity, quality or strength, when such standards are not specified or fixed by statute.

Sec. 5. Whenever any sample shall have been examined and found to be adulterated or misbranded in violation of this act, the director shall certify the facts to the Commonwealth's attorney of the district, or to the county attorney of the county, or city attorney of any city or town, in which the said adulterated or misbranded food product was found; together with a statement of the results of the examination of the said article of food duly authenticated by the analyst under oath and taken before some officer of this Commonwealth authorized to administer an oath having a seal. And it shall be the duty of every prosecuting attorney, county attorney and city attorney to whom the director of said station shall report any violation of this act, to cause proceedings to be commenced against the party so violating the act, and the same prosecuted in manner as required by law.

Sec. 6. Said station shall make an annual report to the Governor upon adulterated food products, in addition to the reports required by law, which shall not exceed one hundred and fifty pages, and said report may be included in the report which said station is already authorized by law to make, and such annual reports shall be submitted to the General Assembly at its regular session.

Sec. 7. The said experiment station may issue at least once a year a bulletin giving the results of all analyses of sam-

ples taken under this act, together with the names of the parties from whom the samples were taken; as far as possible, the names of the manufacturers; the numbe rof samples found to be adulterated; the number not found adulterated; and the number of adulterated samples that have been reported by the station to the different Commonwealth's attorneys, county and city attorneys of the State. The edition of this bulletin shall not be less than ten thousand copies, to be distribut free to citizens of the State who may desire the same, and to other interested persons so long as the edition may last.

Sec. 8. Said experiment station shall receive five dollars ($5.00) for the analysis of each sample taken in accordance with this act, and all necessary expenses in carrying out the provisions of this act, including expenses for procuring samples, expert witnesses attending the grand juries and courts, clerk hire and attorney's fees; provided the total expenses from all sources shall not exceed in any one year seven thousand, five hundred dollars ($7,500). The board of control of said experiment station shall furnish to the auditor of public accounts an itemized statement of all expenditures of money made under this act.

The amount of expenditures reported to the auditor shall be paid by the Commonwealth to the treasurer of said experiment station upon the written request of the board of control of said experiment station, and the auditor, for the payment of same, is directed to draw his warrant upon the treasurer as is the manner of the payment of other claims against the Commonwealth.

Sec. 9. All fines recovered under this act shall be kept as a separate fund to pay necessary expenses in maintaining same.

Sec. 10. No civil action shall be maintained in any court in this State on account of any sale or other contract made in violation of this act.

Sec. 11. All acts and parts of acts inconsistent herewith are hereby repealed.

Approved March 17, 1900.

P. 74 acts 1902

CHAPTER 38.

An Act to provide additional means for the erection and equipment of a dormitory for young women in connection with the Agricultural and Mechanical College of Kentucky, and to appropriate money therefor.

Whereas, It has been shown by the report of the Board of Trustees of the Agricultural and Mechanical College of Kentucky that the appropriation made by an act of the General Assembly of the Commonwealth of Kentucky, approved March twenty-first, one thousand nine hundred, was altogether inadequate to build and equip a dormitory for young women, which should accommodate one hundred and twenty-five persons and fulfill the other conditions imposed in this act; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That a supplementary appropriation of thirty thousand dollars be made to enable the trustees of the Agricultural and Mechanical College of Kentucky to build, complete and equip a dormitory or college home for young women, of such dimensions and equipment as will accommodate one hundred and twenty-five persons, and meet the other requirements of the General Assembly.

Sec. 2. The money hereby appropriated shall be paid to the treasurer of said college from time to time as the erection, furnishing and equipment of the building may require; and it shall be the duty of the Auditor of Public Accounts to draw his warrant or warrants upon the Treasurer of the State in favor of the treasurer of said college for such an amount as the treasurer of said college may certify to him from time to time to be necessary and needed in carrying out the provisions of this act.

Sec. 3. Whereas, it is necessary that the work on the building and purchase of equipments authorized by this act shall begin as soon as possible, in order that the said building may be completed and the equipment purchased and ready for use at the beginning of the next collegiate year in September,

one thousand nine hundred and two, an emergency is hereby declared to exist, and this act shall take effect and be in full force from and after its approval by the Governor.

Approved March 20, 1902.

P. 143

CHAPTER 63.

Act 9. 1904.

An Act to amend and re-enact section 1905a of the Kentucky Statutes, being section 8 of an act, entitled "An act to amend an act of the General Assembly of the Commonwealth of Kentucky, entitled An Act regulating the sale of food, which became a law June 13, 1898," approved March 17, 1900.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That section 1905a of the Kentucky Statutes, being section 8 of an act entitled, "An act to amend an act of the General Assembly of the Commonwealth of Kentucky, entitled, "An Act Regulating the Sale of Food," which became a law June 13, 1898, approved March 17, 1900, be, and the same is hereby amended and re-enacted so as to read as follows:

Sec. 8. Said experiment station shall receive ($7.50) seven dollars and fifty cents for the analysis of each sample taken in accordance with this act, and all necessary expenses in carrying out the provisions of this act, including expenses for procuring samples, expert witnesses attending the grand juries and courts, clerk hire and attorneys' fees: Provided, The total expenses from all sources shall not exceed in any one year ten thousand five hundred dollars ($10,500). The director of said experiment station shall furnish to the Auditor of Public Accounts an itemized statement of all the expenditures of money made under this act.

Sec. 2. The amount of expenditures reported to the Auditor shall be paid by the Commonwealth to the treasurer of

said experiment station, upon the written request of the Board of Control of said experiment station, and the Auditor, for the payment of the same, is directed to draw his warrant upon the treasurer as is the manner of the payment of other claims against the Conmmonwealth.

Approved March 21, 1904.

CHAPTER 82.

P. 174 Acts of 1904

An Act to prevent the adulteration, mixing and misbranding of orchard grass, seed and other seeds, and fixing a punishment therefor.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That the selling, offering or exposing for sale, of any orchard grass, Kentucky bluegrass, red clover, mammoth clover or alfalfa seeds which are mixed, adulterated or misbranded, within the meaning of this act, is hereby prohibited, and any person who shall sell, offer or expose for sale any such seeds which are mixed, adulterated or misbranded and known by the persons offering, selling or exposing some for sale, to be so mixed, adulterated and misbranded, and done with fraudulent intent within the meaning of this act, shall be guilty of a misdemeanor and for such offense shall be fined not less than twenty-five dollars, nor more than one hundred dollars for the first offense, and for each subsequent offense not more than two hundred dollars, or be imprisoned six months, or both in the discretion of the court.

Sec. 2. That the director of the Kentucky Experimental Station shall make, or cause to be made, under rules and regulations to be prescribed by him, examinations of specimens of the seeds of orchard grass, Kentucky bluegrass, red clover, mammoth clover or alfalfa offered for sale, which may be collected from time to time in various parts of the State. If it

shall appear from any such examination that any of the provisions of this act have been violated, the director of the Kentucky Experimental Station shall at once certify the facts to the proper Commonwealth's attorney, with a copy of the results of the analysis, duly authenticated by the analyst under oath.

Sec. 3. That it shall be the duty of every Commonwealth's attorney, to whom the director of the Kentucky Experimental Station, shall report any violation of this act, to cause proceedings to be commenced and prosecuted without delay for the fines and penalties in such cases provided.

DEFINITIONS.

Sec. 4. Mixing and adulterating that for the purposes this act seed shall be deemed to be mixed or adulterated:

1. When orchard grass (Dactylis Glomerata) seed contains five per cent or more by weight of meadow fescue (Festuca elatior pratensis), English rye grass (Lolium perenne), or Italian rye grass (Lolium italicum) seed.

2. When Kentucky bluegrass seed (Poa pratensis), also known as bluegrass seed, contains five per cent or more by weight of Canda bluegrass (Poa Compressa) seed.

3. When red clover (Trifolium pratense), also known as clover, common red clover, June clover, small red clover and medium red clover, mammoth red clover (Trifolium pratense var), also known as sapling clover and peavine clover, or alfalfa (Medicago Sativa) seed contains five per cent or more by weight of yellow trefoil (Medicago lupulina), or sweet clover (Melilotus alba or melilotus officinalis) seed.

The provisions of this act shall not apply, however, to mixed seeds when the packages are plainly marked with the correct percentage of weight and the name of the kinds of seeds composing the mixture. Nor to the growers of seeds who, in good faith, have offered seeds for sale grown by them and which may be found to contain foreign seed.

MISBRANDING.

That seed shall be deemed to be misbranded:

1. When meadow fescue, English rye grass or Italian rye grass seed is labelled or sold under the name of orchard grass seed.

2. When Canada bluegrass seed, red top seed or any other seed not bluegrass seed is labeled or sold under the name of Kentucky bluegrass or bluegrass seed.

3. When yellow trefoil or sweet clover seed is labeled or sold under the name of clover, red clover, common red clover, June clover, small red clover, medium red clover, mammoth red clover, sapling clover, peavine clover or alfalfa seed.

Sec. 5. That any person who sells, offers or exposes for sale any Kentucky bluegrass, red clover, mammoth clover or alfalfa seeds which are mixed, adulterated or misbranded, within the meaning of this act, shall forfeit the same, and they shall be seized by the sheriff or constables of any county in which such seizure was made.

Sec. 6. That this act shall take effect and be in force from and after its passage.

Approved March 22, 1904.

CHAPTER 120.

P. 288 Act 4 1904.

An Act for the benefit of the Agricultural and Mechanical College of Kentucky, and appropriating money to pay existing deficiencies, and to Provide Additional Income therefor.

Whereas, Most of the State colleges and universities organized under the act of Congress of 1862, donating public lands for that purpose, receive in full the income from the invested proceeds of the sale of said lands.

And whereas, The same colleges and universities in like manner receive in full the annual appropriation made by Congress in 1890;

And whereas, The State College of Kentucky is compelled partly by congressional and partly by State legislation, to share both of these sources of income with the colored population for the maintenance of the colored normal school, thereby reducing said income 14 1-2 per cent and amounting to an annual loss to this college of five thousand and sixty and 51-100 dollars;

And whereas, on account of the rapid growth and expansion of the Agricultural and Mechanical College, and the consequent increased expenditure for laboratories, museums, equipment, current expenses and instruction, the inelastic income of the college has for several years fallen short of meeting expenses, and a deficit has now accumulated amounting to thirteen thousand four hundred and sixty-four and 19-100 dollars; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That fifteen thousand dollars be, and the same is hereby appropriated for the current fiscal year and for each succeeding year in order to liquidate the existing indebtedness of the Agricultural and Mechanical College and to provide additional income for meeting the annual expenditures of the said Agricultural and Mechanical College of Kentucky, and the same is directed to be paid annually by the treasurer of the State to the treasurer of the Agricultural and Mechanical College, upon warrant issued by the Auditor of Public Accounts, who is hereby directed to draw and issue said warrant for the purpose aforesaid.

Became a law March 26, 1904, the Governor not having approved or disapproved same within the time prescribed by the Constitution.

P. 282 CHAPTER 48 Act of 1906

An Act to regulate the sale of concentrated commercial feeding stuffs, defining same and fixing penalties for violations thereof.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Every bag, barrel or other package of concentrated commercial feeding stuff, manufactured, sold, offered or exposed for sale in, or imported into, this State, shall have securely attached a tag or label, and plainly printed thereon the number of net pounds of concentrated commercial feeding stuff in the package, the name, brand or trade-mark under which the concentrated commercial feeding stuff is sold; the name and address of the manufacturer and the guaranteed analysis, stating the percentage of fat, and the percentage of protein, allowing one per centum of nitrogen to equal 6.25 per centum of protein, these constituents to be determined by the methods adopted by the Association of Official Chemists of the United States; and the ingredients from which it is compounded, also the stamp showing the payment of the inspection fee provided for in this act: Provided, That all concentrated commercial feeding stuffs shall be in standard weight bags or packages of no other than fifty, one hundred, one hundred and fifty, or two hundred pounds each, or less than fifty pounds, or sold in bulk. All concentrated commercial feeding stuffs shipped in bulk to consumers shall be subject to the penalties provided for in this act upon the attempt to evade the guaranteed analysis and the payment of the inspection fee provided for in this act. Provided, further, That nothing in this act shall be construed to restrict or prohibit sales of concentrated commercial feeding stuff material in bulk to each other by importers, manufacturers or manipulators who mix concentrated commercial feeding stuffs for sale, or as preventing the free, unrestricted shipment of these articles in bulk to manufacturers or manipulators who mix concentrated commercial feeding stuffs for sale.

Sec. 2. The term "concentrated commercial feeding stuff," as used in this act, shall include linseed meals, corn and corn-cob meals, cocoanut meals, gluten feeds, gluten meals, germ feeds, corn feeds, starch feeds, sugar feeds, dried brewers' grains, malt sprouts, dried distillers' grains, dried beet refuse, hominy feeds, cerealine feeds, rice meals, rice bran, rice polish, peanut meals, oat feeds, corn and oat feeds, corn bran, wheat bran, wheat middlings, wheat shorts and other mill products, ground beef or fish scraps, mixed feeds, clover meal, alfalfa meal and feeds, peavine meal, cotton-seed meal, velvet bean meal, feeds and meals mixed or unmixed, made from seeds or grains, and all materials of similar nature used for food for domestic animals, condimental feeds, poultry feeds, stock feeds, patented proprietary or trade and market stock and poultry feeds.

Sec. 3. Each and every manufacturer, importer, jobber, agent or seller, before selling, offering or exposing for sale in this State any concentrated commercial feeding stuffs as defined in section 2 of this act, shall, for each and every feeding stuff bearing a distinguishing name or trade-mark, file with the director of the Kentucky Agricultural Experiment Station a copy of the statement named in section 1 of this act: Provided, That whenever a manufacturer, importer or jobber of any concentrated commercial feeding stuff shall have filed the statement named in section 3 of this act and paid the inspection tax, no agent or seller for said manufacturer, importer or jobber shall be required to file such a statement or pay such a tax for said brand.

Sec. 4. In each year every manufacturer, importer, agent or seller of any concentrated commercial feeding stuff shall pay to the director of said Experiment Station an inspection fee of twenty cents per ton for each ton of such concentrated commercial feeding stuff sold, offered or exposed for sale in this State: Provided, That when the manufacturer or importer shall have paid the inspection fee for any brand, any person acting as agent or seller for said manufacturer or importer shall not be required to pay the inspection fee for said brand. It shall be the duty of every person before selling, exposing or offering for sale any concentrated commercial feeding stuff in

this State, to attach or cause to be attached to each bag, barrel or package thereof, one of the tags and stamps hereinbefore described.

Sec. 5. Upon receipt of the inspection fee, it shall be the duty of the director of said Experiment Station to furnish the manufacturers, dealers or importers of concentrated commercial feeding stuffs with stamps or labels in lots to the value of five dollars or any multiple thereof to be attached to each package of concentrated commercial feeding stuff sold or used in this State. Such stamps or labels shall be printed in such form as may be prescribed by the Director of said Experiment Station.

Sec. 6. Each manufacturer or dealer of concentrated commercial feeding stuffs shall forward the money for stamps to the director of said Experiment Station, who shall pay all such fees received by him into the treasury of the Kentucky Agricultural Experiment Station, the board of control of which shall expend the same in meeting all necessary expenses in carrying out the provisions of this act, including the employment of inspectors, chemists, expenses in securing samples, expert witnesses' expenses attending grand juries and courts, printing bulletins, and legitimate expenses of said Experiment Station.

Sec. 7. Any person purchasing any concentrated commercial feeding stuff in this State for his own use may submit fair samples of the said feeding stuff to the Director of the Experiment Station for analysis, but in order to protect the manufacturer or vendor from the submission of spurious samples for analysis, the person selecting the sample shall do so in the presence of two or more disinterested persons (from not less than 10 per cent of the lot purchased) which sample shall be taken from one or more packages and shall be put into a bottle or can or other package and sealed in the present of said witnesses, and this sample placed in the hands of a disinterested person, who shall forward the same at the expense of the purchaser to the Director of the Experiment Station, and upon the receipt by him of such sample package, the Director shall make or cause to be made an analysis of the same, and he shall return to such purchaser a certificate of analysis, and the said

certificate, when verified by the affidavit of the analyst, shall be competent evidence in any court of law or equity in this State.

Sec. 8. The Director of said Experiment Station is hereby authorized, in person or by deputy, to take samples for analysis not exceeding two pounds in weight from any lot, parcel or package of any concentrated commercial feeding stuff which may be in the possession of any manufacturer, importer, agent, dealer or transportation company in this State. The said Director shall have one or more samples of such feeding stuff collected as herein provided, analyzed annually and the results published, together with such additional information as he may determine.

Sec. 9. Any manufacturer, importer, jobber, agent or dealer who shall sell, offer or expose for sale in this State any concentrated commercial feeding stuff, as defined in this act, without having complied with the provisions of this act, or who shall sell, offer or expose for sale any concentrated commercial feeding stuff which contains a smaller percentage of protein or fat than the minimum guarantee, or a larger percentage of crude fiber than the maximum guarantee, or who shall adulterate any concentrated commercial feeding stuff with foreign mineral matters or other foreign substance, such as rice hulls, chaff, peanut shells, corn-cob meal, oat hulls, or other similar materials of less or of little or no feeding value, without plainly stating on the label hereinbefore described the kind and amount of such mixture, or who shall adulterate wiith any substance injurious to health of domestic animals, shall be guilty of a violation of this act and fined not less than $10 nor more than $100.

Sec. 10. The label attached according to this act to any lot, parcel or package of concentrated commercial feeding stuff offered or exposed for sale in this State, shall be accepted as the guarantee of the manufacturer, importer, jobber, dealer or agent that the said concentrated commercial feeding stuff contains the kinds and amounts of essential ingredients printed on the label or tag, and any person fraudulently attaching or permitting to be attached to any package of concentrated commercial feeding stuff a fraudulent or counterfeit label, or a

genuine label used the second time, or label representing it to contain a larger percentage of protein or fat than is actually found by analysis to be contained in said concentrated commercial feeding stuff, shall be guilty of violating this act, and may be fined as provided in section 9, and shall also be liable for reasonable damages sustained by the purchaser of such concentrated commercial feeding stuff: Provided, however, That a small deficiency in protein or fat shall not be considered evidence of fraudulent intent.

Sec. 11. Any manufacturer, seller, dealer, agent, clerk or other person who shall impede, obstruct, hinder or otherwise prevent or attempt to prevent any duly authorized inspector or other person in the performance of his duty in collecting samples or otherwise on duty in connection with this act, shall be guilty of violating this act and shall, upon conviction, be fined not less than $10 nor more than $50.

Sec. 12. It shall be the duty of every prosecuting attorney, county attorney and city attorney to whom the Director of said Experiment Station shall report any violation of this act, to cause proceedings to be commenced against the party so violating the act, and the same prosecuted in manner required by law.

Sec. 13. The Director of said Experiment Station is empowered to adopt standards for concentrated commercial feeding stuffs and to make and enforce such rules and regulations as he may deem necessary to carry into effect the true intent and meaning of this act.

Sec. 14. The Director of said Experiment Station shall have power to refuse the registration of any feeding stuff under name which would be misleading as to the materials of which it is made, or when the percentage of crude fiber is above or the percentage of fat and protein below the standard adopted for concentrated commercial feeding stuffs by said Director.

Sec. 15. No civil action shall be maintained in any court in this State on account of any sale or other contract made in violation of this act.

Sec. 16. All laws and parts of laws in conflict with this act are hereby repealed.

Approved March 17, 1906.

KENTUCKY AGRICULTURAL EXPERIMENT STATION,
Lexington, Ky.

CHAPTER 37.

P. 269 Acts of 1906

An Act amending an act, which was enacted by the General Assembly of one thousand nine hundred and four and approved March twenty-fourth, one thousand nine hundred and four, entitled "An act to prevent the adulteration, mixing and misbranding of orchard grass seed and other seeds, and fixing a punishment therefor."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That section 1 of said act shall be amended to read as follows:

Section 1. That the selling, offering or exposing for sale of any orchard grass, Kentucky bluegrass, timothy, red clover, mammoth clover or alfalfa seed which are mixed, adulterated or misbranded within the meaning of this act is hereby prohibited, and any person who shall sell, offer or expose for sale any such seeds which are mixed, adulterated or misbranded and known by the persons offering, selling or exposing same for sale to be mixed, adulterated, misbranded and done with fraudulent intent, within the meaning of this act, shall be guilty of a misdemeanor and for such offense shall be fined not less than twenty-five dollars nor more than one hundred dollars for the first offense, and for each subsequent offense not more than two hundred dollars, or to be imprisoned six months, or both, in the discretion of the court.

Sec. 2. That section 4 be amended to read as follows:

Mixing and adulterating—That for the purpose of this act deemed to be mixed or adulterated.

Sub. Sec. 1. When orchard grass (Dactylic Glomerata) seed contains five per cent. or more by weight of meadow fescue (Festuca elatior pratensis), English rye grass (Lolium pereune), or Italian rye grass (Lolium Italicum) seed.

Sub. Sec. 2. When Kentucky bluegrass seed (Poa pratensis), also known as bluegrass seed, contains five per cent. or more by weight of Canada bluegrass (Poa Compressa) seed.

Sub. Sec. 3. When timothy (phleum pratense) seed contains five per cent. or more by weight of any other seed or foreign substance.

Sub. Sec. 4. When red clover (Trifolium pratense) also known as clover common, red clover, June clover, small red clover and medium red clover, mammoth red clover (Trifolium pratense), also known as sapling clover and pea vine clover or alfalfa (Medicago sativa) seed contains five per cent, or more by weighing yellow trefoil (Medicago impulina) or sweet clover (Melilotus alba or Melilotus officinalis seed).

The provisions of this act shall not apply, however, to mixed seed when the packages are plainly marked with the correct percentage of weight and the name of the kinds of seed composing the mixture. Nor to the growers of seeds who, in good faith, have offered seeds for sale grown by them and which may be found to contain foreign seed.

Sec. 3. That section 5 under misbranding shall be amended to read as follows:

That any person who sells, offers or exposes for sale any Kentucky bluegrass, timothy, red clover, mammoth clover or alfalfa seeds which are mixed, adulterated or misbranded, within the meaning of this act, shall forfeit the same, and they shall be seized by the sheriff or constable of any county in which such seizure was made.

Sec. 4. This act shall take effect and be enforced from and after its passage.

Approved March 16, 1906.

P. 374

CHAPTER 92.

Acts of 1906.

An Act to provide for proper recognition of proficiency acquired by students who attend the normal department of the A. & M. College of Kentucky.

Whereas, The Commonwealth of Kentucky maintains in the A. & M. College of Kentucky a Normal Department for the education and professional training of teachers; and

Whereas, The courses of study offered in said department cover all the work on which examination is required by law for the issuing of teachers' certificates; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. A diploma from the A. & M. College of Kentucky, conferring the degree of Bachelor of Pedagogy, shall be sufficient evidence of qualification to teach in the public schools of Kentucky during the lifetime of the person upon whom such degree has been conferred, unless he or she shall cease to teach for five consecutive years. And no other certificate or license shall be required of him by any board authorized by law to employ teachers for any of the public schools of Kentucky. The board of trustees of the said college may issue certificates to students who complete a course of study in the Normal Department thereof equivalent in extent to the course now required by the State Board of Examiners for a State diploma, and such certificate when issued shall authorize and entitle the holder thereof to teach in the public schools of Kentucky without further examination, until revoked for sufficient cause by the said trustees or by the Superintendent of Public Instruction, or by a county superintendent of schools.

To those who complete a course in the said Normal Department equal in extent to that now required by the State Board of Examiners for a State certificate, the said board of trustees may issue certificates which shall authorize the holders thereof to teach in the public schools of Kentucky for a period of two years, unless revoked for cause by the said trustees, Superintendent of Public Instruction, or county superintendent of schools.

Sec. 2. Teachers who hold certificates to teach in the public schools of Kentucky, and who attend the summer term of the Normal Department of the A. & M. College of Kentucky at least four weeks between June 1st and August 1st of any year, shall not be required to attend any teachers' institute during that scholastic year.

Sec. 3. All county superintendents and other public officers shall faithfully observe the provisions of this act.

Sec. 4. All previous acts of the Commonwealth in conflict with the provisions of this act are hereby repealed.

Approved March 21, 1906.

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242 Acts of 1908

CHAPTER 11.

An Act to accept the provisions of an act passed by the Congress of the United States and approved March 16, 1906, to provide for an increased annual appropriation for agricultural experiment stations and regulating the expenditures thereof.

Whereas, The Congress of the United States passed an act, entitled "An act to provide for an increased annual appropriation for Agricultural Experiment Stations and regulating the expenditure thereof," approved March 16, 1906; and

Whereas, By section 2 of the said act the grants of money authorized by the said act are made subject to the legislative assent of the several States and Territories to the purpose of said grants: Provided, That payment of such installments of the appropriation herein made as shall become due to any State or Territory before the adjournment of the regular session Legislature meeting next after the passage of this act shall be made upon the assent of the Governor thereof, duly certified by the Secretary of the Treasury; and

Whereas, The last Legislature of this State had adjourned prior to March 16, 1906; and

Whereas, The Governor of the State certified to the Secretary of the Treasury that the Legislature was not in session and accepted the provisions of said act for this State until the meeting of the next Legislature; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That the assent of the Legislature of this Commonwealth be, and is hereby, given to the provisions of the act, entitled "An act to provide for an increased annual appropriation for Agricultural Experiment Stations and regulating the expenditures thereof."

Sec. 2. That the Governor of this Commonwealth send a certified copy thereof to the Secretary of the Treasury of the United States.

Sec 3. Whereas, The appropriation will cease upon the adjournment of the Legislature, unless this act be then in effect, an emergency is hereby declared to exist, and this act shall take effect and become a law from and after its passage and approval.

Approved March 11, 1908.

Ch. 5
Acts of 1908

P. 22

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That the sum of two hundred thousand dollars, or as much as may be necessary thereof, be and the same is hereby appropriated for the benefit of the State University, Lexington, Kentucky, for the purpose of paying the outstanding indebtedness heretofore incurred for the erection of necessary buildings and equipment of same on the grounds owned by the said institution, and for the erection and equipment of a suitable building for the department of Mining Engineering, Civil Engineering and Physics; also for the erection and equipment of a necessary addition to the Chemical Building, also for the erection and equipment of a necessary addition to the Mechanical and Electrical Engineering Building; also for the erection and equipment of a new dormitory for the accommodation of the male students of said institution.

For Heading and Preamble see attached sheet

*Preamble

An Act for the benefit of the three State Educational Institutions, viz.: State University,, Normal High School, Eastern Kentucky State Normal School, and Western Kentucky State Normal School; appropriating money for the erection of necessary buildings; furnishing necessary equipment, purchas ing necessary additional grounds and providing additional revenues for the maintenance of each of the said institutions, and amending the laws with reference thereto.

Whereas, The educational interest of the State of Kentucky demands the State University, Lexington, Kentucky, as successor to the Agricultural and Mechanical College, and each of the two State Normal Schools be furnished with grounds buildings and other necessary equipment, so as to enable each to do educational work needed by the Commonwealth of Kentucky and of the rank and dignity of corresponding institutions, of other states and

Whereas, The financial condition of the State is such that the necessary improvement can be made without materially impairing the revenues thereof: Therefore,

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All of said buildings shall be erected upon the grounds owned by said institution, or upon such grounds as may be acquired by purchase by the Board of Trustees of said institution.

If, in the judgment of the said Board of Trustees, the purchase of additional grounds may be necessary for the accommodation of the new buildings herein contemplated, or for the proper conducting of said institution, they may make such necessary purchase and pay for same out of the money herein appropriated. The title to such real estate shall be made (to) and held by the Commonwealth of Kentucky for the use and benefit of said institution. The said Board of Trustees is vested with a sound discretion as to the order of construction and as to the location of the improvements herein set forth, or in giving preference to such other improvements as will best promote the interests of the institution, provided that the total expenditures shall not exceed the amount herein appropriated.

The said Board of Trustees shall appoint a competent architect or architects to prepare, under their directions, plans an specifications for the buildings aforesaid, and shall contract with responsible parties for the erection and equipment of same. All contracts under this act for material and labor, or for the erection of any and all buildings and improvements, and for the equipment of the same for the purposes mentioned in this act, shall be let to the lowest and best bidder, after the same is duly advertised by notice for ten consecutive days in a daily newspaper published in the city of Lexington, Kentucky, having the largest circulation, or for four consecutive weeks in the weekly paper published in said city which, in the judgment of the said Board of Trustees, has the largest circulation.

The successful bidder or bidders in each case shall enter into bond to the Commonwealth of Kentucky for the benefit of said University in a sum not less than twenty-five per cent of the contract sum or price for the completion of the work in the manner and within the time set out in the contract or contracts, and manner and time shall be fully and in detail set out in said contract.

The money hereby appropriated shall be paid to the treasurer of said University from time to time, as the improvements contemplated in this act may require, and it shall be the duty of the Auditor of Public Accounts to draw his warrant or warrants upon the Treasurer of the State in favor of the treasurer of said University for an amount or amounts as the said treasurer of said University, countersigned by the president, may certify to him from time to time, is necessary and needed in carrying out the provisions of this act: Provided, however, That one-third of said appropriation shall be due and payable on December 1st, 1908, one-third thereof shall be due and payable on July 1st, 1909, and one-third thereof shall be due and payable on July 1st, 1910.

Said Board of Trustees shall submit to the next regular session of the General Assembly an itemized account and statement of the expenditures made for the purposes herein named, which account and statement shall be properly certified and audited, and if any of the funds hereby appropriated remain unexpended after the additions and improvements to said University herein authorized have been made, the same shall be returned to the State Treasurer by said Board of Trustees.

That the Normal Department of said University, as it now exists, be eliminated, and there be established instead thereof a Department of Education in said University with collegiate rank leading to the usual degree in pedagogy as maintained in other similar State institutions. That degrees of Bachelor of Arts in Education, and Bachelor of Science in Education conferred in this department, shall, with the approval of the State Superintendent of Public Instruction, entitle the holder thereof to the privilege of teaching in the common schools and high schools of the Commonwealth without further examination, during life or good behavior. The diplomas granting degrees may be revoked for cause by the said Board of Trustees or by the State Superintendent of Public Instruction.

The Board of Trustees shall have power and authority subject to the approval of the State Superintendent of Public Instruction, to confer, under its corporate seal, upon students of said department, the following certificates:

One, an elementary certificate upon the completion of one year's work, which shall entitle the holder thereof to teach in any public school of this State for the period of two years from the date thereof, without further examination.

Two, an intermediate certificate upon the completion of two years' work, which shall entitle the holder thereof to teach in any public school of this State for a period of four years from the date thereof without further examination.

Three, an advance certificate upon the completion of three years' work, which shall entitle the holder thereof to teach in any public school of this State for a period of three years from the date thereof without further examination, and if at the end of three years a teacher holding an advanced certificate shall present to the Board of Trustees which granted the same, satisfactory evidence of successful teaching during said period, and of good moral character, then the advanced certificate may be extended for life or good behavior by said board, subject, however, to the approval of the State Superintendent of Public Instruction, and it shall be so endorsed by the said board, and the holder thereof shall be entitled to teach in any public school in this State during good behavior, without further examination.

The official endorsement of the State Superintendent of Public Instruction shall be necessary to validate any of the said three certificates or extension thereof above named. Any certificate may be revoked for cause by said Board of Trustees or by the State Superintendent of Public Instruction.

That from and after two years from this date all subfreshmen work shall begin to be eliminated as a part of the University curriculum, and such elimination shall progress as rapidly as the educational conditions in Kentucky will justify: Provided, however, That special courses may be given in any of the departments of the University, except that no sub-Freshman Normal instruction shall be given after September 1, 1908, in any department of the University or academy connected therewith.

Sec. 2. That the sum of one hundred and fifty thousand dollars, or so much as may be necessary thereof, be and the same is hereby, appropriated for the benefit of the Eastern Ken-

tucky State Normal School, Richmond, Kentucky, for the erection and equipment of a suitable dormitory for the accommodation of the male students; also for the erection and equipment of an addition to the dormitory for the accommodation of the female students; also for the erection and equipment of a model school building; also for the erection and equipment of a practical school building; also for the erection and equipment of an administration building; also for the erection and equipment of a central heating plant, and for the necessary repair and equipment of the present buildings of said institution.

All of said buildings shall be erected upon the grounds owned by said institution, or upon grounds that may be acquired by purchase by the Board of Regents of said institution.

If, in the judgment of the said Board of Regents, the purchase of additional grounds may be necessary for the accommodation of the new buildings herein contemplated, or for the proper conducting of said school, they may make such necessary purchase and pay for the same out of the money hereby appropriated. The title to such real estate shall be made to and held by the Commonwealth of Kentucky for the use and bene,t of said school.

The said Board of Regents is vested with a sound discretion as to the order of construction, and as to the location of the improvements herein set forth, or in giving preference to such other improvements as will best promote the interests of the school, provided the total expenditure shall not exceed the amount herein appropriated. The said Board of Regents shall appoint a competent architect or architects to prepare, under their directions, plans and specifications for the buildings aforesaid, and shall contract with responsible parties for the erection and equipment of same.

All contracts under this act for material and labor, or for the erection of any and all buildings and improvements and for the equipment for the same for the purpose mentioned in this act, shall be let to the lowest and best bidder, after the same is duly advertised by notice for at least one month in a weekly or semi-weekly newspaper published in the city of Richmond,

Kentucky, which, in the judgment of the said Board of Regents, has the largest circulation.

The successful bidder or bidders in each case shall enter bond to the Commonwealth of Kentucky for the benefit of said Normal School in a sum not less than twenty-five per cent of the contract price or sum for the completion of the work in the manner and within the time set out in the contract or contracts. The manner and time shall be fully and in detail set out in said contract. The money hereby appropriated shall be paid to the Treasurer of the said Normal School from time to time, as the improvements contemplated in this act may require, and it shall be the duty of the Auditor of Public Accounts to draw his warrant or warrants upon the Treasurer of the State in favor of the treasurer of said Normal School for an amount or amounts, as the said treasurer of said Normal School may, countersigned by the State Superintendent of Public Instruction, certify to him from time to time, is necessary and needed in carrying out the provisions of this act: Provided, however, That one-third of said appropriation shall be due and payable on December 1st, 1908, one-third thereof shall be due and payable on July 1st, 1909, and one-third thereof shall be due and payable on July 1st, 1910.

The said Board of Regents shall submit to the next regular session of the General Assembly an itemized account and statement of the expenditures made for the purposes herein named, which account and statement shall be properly certified and audited; and if any of the funds hereby appropriated remain unexpended after the additions and improvements to said Normal School herein authorized have been made, the same shall be returned to the State Treasurer by the said Board of Regents.

Sec. 3. That the sum of one hundred and fifty thousand dollars, or so much as may be necessary thereof be, and the same is hereby appropriated for the benefit of the Western Kentucky State Normal School, Bowling Green, Kentucky, for the erection and equipment of a suitable dormitory for the accommodation of male students; also for the erection and equipment of a suitable dormitory for the accommodation of female students; also for the erection and equipment of a

suitable science hall; also for the erection and equipment of buildings for additional classrooms; also for the erection and equipment of a building for library and laboratories; also for the necessary repairs and equipment of the present buildings of said institution.

All of said buildings shall be erected upon the grounds owned by said institution, or upon such grounds as may be acquired by purchase by the Board of Regents of said institution.

If, in the judgment of the said Board of Regents, the purchase of additional grounds may be necessary for the accommodation of the new buildings herein contemplated, or for the proper conducting of said school, they may make such necessary purchase and pay for same out of the money herein appropriated. The title to such real estate shall be made to and held by the Commonwealth of Kentucky for the use and benefit of said school. The said Board of Regents is vested with a sound discretion as to the order of construction and as to the location of the improvements herein set forth, or in giving preference to such other improvements as will best promote the best interests of the school, provided that the total expenditure shall not exceed the amount herein appropriated.

The said Board of Regents shall appoint a competent architect or architects to prepare, under their direction, plans and specifications for the buildings aforesaid, and shall contract with responsible parties for the erection and equipment of same. All contracts under this act for material and labor, or for the erection of any and all buildings and improvements, and for the equipment for the same for the purposes mentioned in this act, shall be let to the lowest and best bidder after the same is duly advertised for ten consecutive days in a daily paper published in Bowling Green, Kentucky, having the largest circulation, or for four consecutive weeks in the weekly paper published in said city, which, in the judgment of the said Board of Regents, has the largest circulation. The successful bidder or bidders in each case shall enter into bond with the Commonwealth for the benefit of said Normal School in a sum not less than twenty-five per cent of the contract price or sum for the completion of the work in the manner and

within the time set out in the contract or contracts, and manner and time set shall be fully and in detail set out in said contract.

The money hereby appropriated shall be paid to the treasurer of said Normal School, from time to time, as the improvements contemplated in this act may require; and it shall be the duty of the Auditor of Public Accounts to draw his warrant or warrants upon the Treasurer of the State in favor of the treasurer of said Normal School for an amount or amounts as said treasurer of said Normal School may, countersigned by the State Superintendent of Public Instruction, certify to him from time to time is necessary and needed in carrying out the provisions of this act: Provided, however, That one-third of said appropriation shall be due and payable on December 1st, 1908, one-third thereof shall be due and payable on July 1st, 1909, and one-third thereof shall be due and payable on July 1st, 1910.

The said Board of Regents shall submit to the next regular session of the General Assembly an itemized account and statement of the expenditures made for the purposes herein named, which account and statement shall be properly certified and audited, and if any of the funds hereby appropriated remain unexpended after additions and improvements to said Normal School herein authorized have been made, the same shall be returned to the State Treasurer by the said Board of Regents.

Sec. 4. That in order to provide additional income to meet the additional annual expenditures of each of said institutions respectively, the additional sum of twenty thousand dollars is hereby appropriated for the current fiscal year, and for each succeeding year for the benefit of the State University and the same is directed to be paid by the Treasurer of the State to the treasurer of the State University upon warrant or warrants issued by the Auditor of Public Accounts, who is hereby directed to draw and issue said warrants for the purpose aforesaid.

That the additional sum of twenty thousand dollars is hereby appropriated for the current fiscal year and for each succeeding year for the benefit of the Eastern Kentucky State

Normal School, and the same is directed to be paid by the Treasurer of the State to the treasurer of the said Eastern Kentucky Normal School upon warrant or warrants issued by the Auditor of Public Accounts, who is hereby directed to draw and issue said warrants for the purpose aforesaid.

That the additional sum of thirty thousand dollars is hereby appropriated for the current fiscal year and for each succeeding year for the benefit of the Western Kentucky State Normal School, and the same is hereby directed to be paid annually by the Treasurer of the State to the treasurer of the said Western Normal School upon warrant or warrants issued by the Auditor of Public Accounts, who is hereby directed to draw and issue said warrants for the purpose aforesaid.

Sec. 5. Whereas, The appropriation herein made for the benefit of the said three State Educational Institutions are needed immediately for the equipment of each to enable them to accommodate the students, and to give proper instructions, an emergency is hereby declared to exist, and this act shall take effect from and after its passage and approval by the Governor.

Approved March 16, 1908.

Acts of 1908

P. 4

CHAPTER 3.

An Act to change the name of the Agricultural and Mechanical College of Kentucky to State University, Lexington, Kentucky, and to amend parts of the laws with reference to said college and to make the whole apply to said University.

Whereas, The Agricultural and Mechanical College of Kentucky has outgrown its original proportions and has for some years past maintained fourteen distinct courses of study, each extending over four years in the college proper and each leading to a degree, and

Whereas, this diversity of education, theoretical and practical, requires that the name, title and designation of this institution, owned, managed and ministered by the State of Kentucky, should be commensurate with its character and work Therefore

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That the institution founded under the land grant of 1862, by the Congress of the United States, and known hitherto under the corporate designation and title of "Agricultural and Mechanical College of Kentucky," be hereafter known and designated as the "State University, Lexington, Kentucky."

Sec. 2. That the said State University be maintained by the Commonwealth with such endowments, incomes, buildings and equipments as shall enable it to do work such as is done in other institutions of corresponding rank, both under-graduate and post-graduate, and embracing work of instruction as well as in original research.

Sec. 3. That all the acts of the General Assembly of the Commonwealth of Kentucky, making provision for the establishment, support and maintenance of the Agricultural and Mechanical College of Kentucky, heretofore enacted, viz.: An act appointing a commission for the location of the Agricultural and Mechanical College, approved March 13, 1878; an act locating and establishing the Agricultural and Mechanical College, approved February 6, 1880; an act incorporating the Agricultural and Mechanical College, approved March 4, 1880; an act amending the act of incorporation approved April 23, 1880; an act of the General Assembly approved April 29, 1880, and section 184 of the Constitution of Kentucky, guaranteeing the validity of the tax levied for the benefit of the Agricultural and Mechanical College by said act, approved April 29, 1880; an act of incorporation, amending the acts of March 4, 1880, and April 23, 1880, approved May 9, 1893; an act for the maintenance of the girls' dormitory, approved March 21, 1900, and an act making an annual appropriation for the maintenance and support of the said college, which became a law March 26, 1904, and that all the acts of the Congress of the

United States, creating and endowing colleges under the land grant of 1862, viz.: The act providing for the establishing of the college for the benefit of agricultural and mechanical arts, approved July 2, 1862; the act of establishing experiment stations as departments of agricultural colleges, approved March 2, 1887; the act for applying a portion of the proceeds of the public lands to the more complete endowment of the colleges established under the act of July 2, 1862, which passed the Senate June 23, 1890; the act known as the "Adams Act," further endowing experiment stations, passed by Congress March 16, 1906; an act known as the "Nelson Act," for the further endowment of Agricultural and Mechanical Colleges, passed by Congress March , 1907, shall not be affected by this change of name, and the revenues accruing from these and from all other sources, State and Federal, shall continue to be paid over by the State and Federal authorities to the treasurer of the State University, Lexington, Kentucky, for its use and maintenance, in accordance with the provisions of said acts of Congress and of the General Assembly of Kentucky.

Sec. 4. That the requirements of the law of Congress approved July 2, 1862, for the instruction in these branches of learning, relating to agriculture and the mechanic arts and to military tactics, shall be carried out fully and that those branches shall continue to be integral and indispensable courses of instruction in the State University; and that in addition to the other colleges of the said University, one of the colleges shall be denominated the Agricultural College, and another the College of Mechanical Arts of the State University.

Sec. 5. That a department of law, or course of instruction in the science of law leading to the degree of Bachelor of Laws, shall be established in said University. The course prescribed leading to said degree shall be of equal dignity and rank to that of other corresponding institutions.

Sec. 6. That a Department of Medicine and Surgery, or course of instruction in the science of medicine and surgery, leading to the usual degrees conferred in such courses, shall be established in said University. The courses prescribed shall be of equal dignity and rank to that of other corresponding institutions, and that a diploma issued from this department

shall be accepted throughout the State on equal terms with diplomas issued from other corresponding institutions.

Sec. 7. That so much of the law for the benefit of said college designated as section 26 of the Kentucky Statutes as applies to the manner of making the appointment of beneficiaries to said college be stricken out, and the following language be inserted instead thereof:

"Each county in the State, in consideration of the incomes accruing to said institution under the present laws, for the benefit of the said Agricultural and Mechanical College, be entitled to select and to send to said University each year one or more properly prepared students as hereinafter provided for, free from all charges for tuition, matriculation fees, room rent, fuel and lights, and to have all the advantages of the said University and dormitory free, except board. Each county in the State shall be the unit of appointment and each county shall be entitled annually to appoint to said University one white pupil for every three thousand, and one for each fraction thereof over fifteen hundred of white school children based upon the last official census preceding said appointment: Provided, however, That each county shall be entitled to at least one annual appointment." So that said section when amended will rea das follows: "Each county in the State, in consideration of the incomes accruing to said institution, under the present laws for the benefit of the said Agricultural and Mechanical College, be entitled to select and send to said University each year one or more properly prepared students as hereinafter provided for, free from all charges for tuition, matriculation fees, room rent, fuel and lights, and to have all the advantages and privileges of the said University, one white pupil for every three thousand, and one for each fraction thereof over fifteen hundred of white school children based upon the last official census preceding said appointment. Provided, however, That every county shall be entitled to at least one annual appointment. Said students shall be entitled, free of any cost whatever, to the benefits enumerated above for the term of years necessary to complete the course of study in which he or she matriculates for graduation, or during good behavior. All

beneficiaries of the State who continue students for one consecutive collegiate year, or ten months, unless unavoidably prevented, shall also be entitled to their necessary traveling expenses in going to and returning from said college. The selection of the beneficiaries shall be made by the superintendents of common schools in their respective counties, upon competitive examination, on subjects prepared by the faculty of the University and transmitted to said superintendents before the first day of June, of each year. Said competitive examinations shall be open to all persons betewen the ages of fourteen and twenty-four years. Preference shall be given, other things being equal, to those who have passed with credit through the public school, persons of energy and industry, whose means are small, to aid whom in obtaining a good education, this provision is intended. Said competitive examination shall be held, and the successful competitor appointed between the first day of June and the first day of August of each year. It shall be the duty of the county superintendent to make known the benefits of this provision to each common school district under his superintendency, with the time and place, when and where such competitive examination shall be held. He shall, for this purpose, appoint a Board of Examiners, whose duty it shall be to conduct the examination. This shall not interfere with any appointment already made to said college.

Sec. 8. That the Board of Trustees of said University may within their discretion, concede the privilege of free tuition to students who are preparing for the ministry in connection with any white religious denomination.

Sec. 9. That the Board of Trustees shall from and after January 1, 1910, be bi-partisan, and the Governor in making the appointments of trustees shall so make them as to divide the representation upon said board equally between the two leading political parties of this Commonwealth, including the ex-officio members. That the Superintendent of Public Instruction shall be ex-officio a member of the Board of Trustees.

Sec. 10. That the Board of Trustees have authority out of the funds under their control, to expend an amount sufficient to meet the necessary expenses incurred in advertising and other

necessary changes incident to the change of the style and title of the said institution.

Sec. 11. That the location of the institution established by the act locating the Agricultural and Mechanical College of Kentucky, approved February 6, 1880, shall not be affected by this change of name.

Sec. 12. That all acts passed by the Legislature of Kentucky, and all the regulations made by the Board of Trustees in pursuance thereof, for the government of the Agricultural and Mechanical College, shall continue in effect and apply to the government of the State University, Lexington, Kentucky, except to the extent herein specifically set out.

Sec. 13. That all students attending exclusively the law or medical departments of the University shall pay the usual tuition fees.

Sec. 14. That students while attending the State University may be examined for county teachers' certificates by the Board of Examiners of Fayette County, Kentucky, and on the dates provided in the common school law for the examination of teachers. If such students are of the age and character required by law in the case of other candidates for county certificates, the county superintendent of Fayette County shall admit them to examination and shall collect from each the legal fee with fifty cents additional. At the close of the examination the county superintendent shall transmit by registered mail examination papers, together with the examination fee, to the county superintendent of the county from which said candidate desires his certificate issued. The County Board of Examiners shall canvass the papers sent to them as above provided, and shall issue county certificates upon them upon the same terms and conditions as in case of candidates appearing in person for examination.

Sec. 15. Whereas, the change of name of the Agricultural and Mechanical College to State University, Lexington, Ky., will necessitate immediate preparations and advertisement in order to begin University work by September, 1908, an emergency is hereby declared to exist, and this act shall take effect from and after its passage and approval.

Approved March 16, 1908.

P. 10

CHAPTER 4.

Acts of 1908

An Act for preventing the manufacture and sale of adulterated or misbranded foods, drugs, medicines and liquors, and providing penalties for violations thereof.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That it shall be unlawful for any person, persons, firm or corporation within this State to manufacture for sale, produce for sale, expose for sale, have in his or their possession for sale or to sell any article of food or drug which is adulterated or misbranded within the meaning of this act; and any person or persons, firm or corporation who shall manufacture for sale, expose for sale, have in his or their possession for sale, or sell any article of food or drug which is adulterated or misbranded within the meaning of this act shall be fined not less than ten dollars nor more than one hundred dollars, or be imprisoned not to exceed fifty days, or both such fine and imprisonment. Provided, That no article of food or drug shall be deemed misbranded or adulterated within the provisions of this act when intended for shipment to any other State or country, when such article is not adulterated or misbranded in conflict with the laws of the United States; but if said article shall be in fact sold or offered for sale for domestic use or consumption within this State, then this proviso shall not exempt said article from the operations of any of the other provisions of this act.

Sec. 2. That the term food, as used in this act, shall include every article used for or entering into the composition of food or drink for man or domestic animals, including all liquors.

Sec. 3. For the purpose of this act, an article of food shall be deemed misbranded:

First. If the package or label shall bear any statement purporting to name any ingredient or substance as not being contained in such article, which statement shall not be true in any part; or any statement purporting to name the substances of which such article is made, which statement shall not

give fully the name or names of all substances contained in any measurable quantity.

Second. If it is labeled or branded in imitation of or sold under the name of another article, or is an imitation either in package or label of another substance of a previously established name; or if it be labeled or branded so as to deceive or mislead the purchaser or consumer with respect to where the article was made or as to its true nature and substance, or as to any identifying term whatsoever whereby the purchaser or consumer might suppose the article to possess any property or degree of purity or quality which the article does not possess.

Third. If in the case of certified milk, it be sold as or labeled "certified milk," and it has not been so certified under rules and regulations by any county medical society, or if when so certified it is not up to that degree of purity and quality necessary for infant feeding.

Fourth. If it be misrepresented as to weight or measure, or, if where the length of time the product has been ripened, aged or stored, or if where the length of time it has been kept in tin or other receptacle, tends to render the article unwholesome, the facts of such excessive storage, ripening, aging or packing are not plainly made known to the purchaser and to the consumer.

Fifth. If the package containing it or its label shall bear any statement, design or device regarding the ingredients or the substances contained therein, which statement, design or device shall be false or misleading in any particular. Provided, That articles of liquor which do not contain any added poisonous or deleterious ingredients shall not be deemed to be adulterated or misbranded within the provisions of this act, in the case of articles labeled, branded or tagged so as to plainly indicate that they are compounds, imitations, or blends, and the word "compound," "imitation," or "blend," as the case may be, is plainly stated on the package in which it is offered for sale. Provided, That the term blend as used herein shall be construed to mean a mixture of like substances, not excluding harmless coloring and flavoring ingredients used for the purpose of coloring and flavoring only.

Sec. 4. For the purpose of this act, an article of food shall be deemed to be adulterated:

First. If any substance or substances be mixed or packed with it so as to reduce, lower or injuriously affect its quality or strength.

Second. If any substance be substituted wholly or packed with it so as to reduce, lower or injuriously affect its quality or strength.

Third. If any valuable constitutent of the article has been wholly or in part abstracted; or if the product is below that standard of quality represented to the purchaser or consumer.

Fourth. If it is mixed, colored, coated, polished, powdered, or stained whereby damage is concealed, or if it is made to appear better or of greater value than it is, or if it is colored or flavored in imitation of the genuine color or flavor of another substance of a previously established name.

Fifth. If it contains added poisonous ingredients which may render such article injurious to health, or if it contains any antiseptic or preservative which may render such article injurious to health, or any other antiseptic or preservative not evident or not plainly stated on the main label of the package.

Sixth. If it consists of or is manufactured from in whole or in part of a diseased, contaminated, filthy or decomposed substance, either animal or vegetable, unfit for food, or an animal or vegetable substance produced, stored, transported or kept in a condition that would render the article diseased, contaminated or unwholesome, or if it is any part the product of a diseased animal, or the product of an animal that has died otherwise than by slaughter, or that has been fed upon the offal from a slaughter-house, or if it the milk from an animal fed upon a substance unfit for food for dairy animals or from an animal kept and milked in a filthy or a contaminated stable or in surroundings that would render the milk contaminated. Provided, That any article of food which may be adulterated and not misbranded within the meaning of this act, and which does not contain any added poisonous or deleterious ingredient, and which is not otherwise adulterated within the meaning of paragraphs four, five and six of section four of this act, or which does not contain any filler or ingredient which debases

without adding food value, can be manufactured or sold, if the same be labeled, branded or tagged so as to show the exact character thereof. And all such labels and all labeling of packages provided for in any provisions of this act shall be on the main label of each package, and in such position and character of type and terms as will be plainly seen, read and understood by the purchaser or consumer. Provided, further, That nothing in this act shall be construed as requiring or compelling the proprietors, manufacturers or sellers of proprietary foods which contain no unwholesome substances or ingredients to disclose their trade formulas except in so far as the provisions of this (act) require to secure freedom from adulteration, imitation or misbranding. But in the case of baking powders, every can or other package shall be labeled so as to show clearly the name of the acid salt which shall be plainly stated in the face of the label to show whether such salt is cream of tartar, phosphate or alum. Provided further, That nothing in this act shall be construed to prohibit the manufacture or sale of oleomargarine, butterine, or kindred compounds in a separate and distinct form, and in such manner as will advise the consumer of the real character, free from coloration or ingredient that causes it to look like butter.

Sec. 5. That the term drug, as used in this act, shall include all medicines and preparations recognized in the latest revisions of the United States Pharmacopoeia or National Formulary for internal or external use, and any substance intended to be used for the cure, mitigation or prevention of diseases either of man or other animal, and shall include paris green and all other insecticides and fungicides.

Sec. 6. That for the purpose of this act, an article of drug shall be deemed to be adulterated:

First. If, when a drug is sold under or by the name recognized in the United States Pharmacopoeia or National Formulary, it differs from the standard of strength, quality or purity, as determined by the tests laid down in the United States Pharmacopoeia or National Formulary official at the time of investigation. Provided, That no drug defined in the United States Pharmacopoeia or National Formulary shall be deemed to be adulterated under this provision if the standard

of strength, quality or purity be plainly stated upon the bottle, box, or other container thereof, although the standard may differ from that made by the test laid down in the United States Pharmacopoeia or National Formulary.

Second. If the strength or purity fall below the professed standard or quality under which it is sold.

Third. If in putting up any drug, medicine or preparation, proprietary or otherwise, used in medical practice, or if in making up a prescription or filling on order for drugs, medicines or preparations, proprietary or otherwise, one article is substituted or dispensed for a different article for or in lieu of the article prescribed, ordered and demanded, or if a greater or less quantity of any ingredient specified in such prescription, order or demand, is used than that prescribed, ordered or demanded, or if it deviates from the terms of the prescription, order or demand by substituting one drug for another. Provided, That except in the case of physicians' prescriptions nothing herein shall be deemed or construed to prevent or impair or in any manner affect the right of the druggist or pharmacist, or other person to recommend the purchase of an article other than that ordered, required or demanded, but of a similar nature, or to sell such article in lieu of an article ordered, required or demanded, with the knowledge and consent of the customer.

Sec. 7. For the purpose of this act, an article of drug shall be deemed to be misbranded:

First. If the package or label bears any statement, design or device regarding such article of drug or regarding any ingredient or substance contained therein which shall be false or misleading in any particular, or if it is falsely branded as to State, territory or country in which it is manufactured or produced.

Second. If it be an imitation of or offered for sale under the name of another article, or if it be labeled, branded, or in any (way) represented or sold so as to deceive or mislead the purchaser or consumer as to the quality, purity or medicinal value.

Third. If the contents of the package as originally put up, or the contents of the package, box, bottle, phial, can or

other container, sold or exposed for sale, delivered, given away, shipped or offered for shipment, shall have been removed in whole or in part, and other contents shall have been placed in such package or box, phial, can or other container, or if when a package or container has been once emptied and new contents placed therein all original labels, marks, brands and identifying marks are not entirely removed or effaced and new labels, marks and brands truthfully describing the new product or products affixed. Provided, That such new contents shall not be like or similar to said original contents.

Fourth. If the package, box, bottle, phial, can or other container shall fail to bear a statement on the label of the quantity or proportion of any alcohol, morphine, opium, cocaine, heroin, alpha or beta eucaine, chloroform, cannabis indica, chloral hydrate, or acetanilide, or any derivative, or any preparation of any such substances contained therein. Provided, That nothing in this paragraph shall be construed to apply to the dispensing of prescriptions written by a regularly licensed practicing physician, veterinary surgeon or dentist and kept on file by the dispensing pharmacist or to such drugs as are recognized in the United States Pharmacopoeia and the National Formulary, and which are sold under the name by which they are recognized: and Provided further, That this provision shall not be construed as repealing or in conflict with any statute which prohibits the sale of certain drugs except upon a prescription of a physician; and Provided further, That nothing in this act shall be construed as repealing any acts regulating the practices of medicine or pharmacy not in conflict herewith. Provided further, That no prescription shall be knowingly refilled except for the person for whom it was written.

Sec. 8. It shall be the duty of the Director of the Kentucky Agricultural Experiment Station, or under his direction, the head of the division of food inspection of the said station, to make or cause to be made examinations of samples of food and drugs manufactured or on sale in Kentucky at such time and place and to such extent as he may determine. He shall also make, or cause to be made, analysis of any sample of food or drug which the State Board of Health or the State

Board of Pharmacy may suspect of being adulterated or misbranded, and of any sample of food or drug furnished by any Comomnwealth's, county or city attorney of this State. And the said director may appoint such agent or agents as he may deem necessary, who shall have free access at all reasonable hours for the purpose of examining into places wherein any food or drug product is being produced, manufactured, prepared, kept or offered for sale, for the purpose of determining as to whether or not any of the provisions of this act are being violated, and such agent or agents upon tendering the market price of any article may take from any person, firm or other corporation, a sample of any article desired for examination.

The Director of said Experiment Station is hereby empowered to adopt and fix the methods by which the samples taken under the provisions of this act shall be analyzed or examined, and to adopt and fix standards of purity, quality or strength, when such standards are necessary or are not specified or fixed herein or by statute. Provided, That such standards shall be published for the information and guidance of the trade. Provided further, That for the purpose of uniformity, when such standards so fixed differ from the legally adopted standards of the United States Department of Agriculture, the director of said station shall arrange for a conference between the proper food control representatives of the United States Department of Agriculture and the director of said station, and the representatives of the trade to be affected, for the purpose of arriving, if possible, at a uniform State and National standard. Provided further, That in the case of final dispute the validity of such standards adopted by the director of said station shall be determined by the courts under the rules of evidence. And provided further, That when the standard or nomenclature for any food or food product has been determined by the Supreme Court of the United States such standard or nomenclature shall govern in the enforcement of the provisions of this act. Provided further, That all rulings pertaining to sanitation under this act shall be collaborated in connection with the State Board of Health. And provided further, That at the regular annual meetings of the Kentucky

Pharmaceutical Association and the Kentucky State Medical Association each of said associations shall elect one representative, which representatives, together with the director of said station, shall make and establish all rules and regulations for the governing and carrying out of the provisions of this act relating to drugs.

Sec. 9. Whenever any article shall have been examined and found to be adulterated or misbranded in violation of this act, the director shall certify the facts to the Commonwealth's attorney of the district, or to the county attorney of the county, or the city attorney of any city or town, in which the said adulterated or misbranded food or drug product was found, together with a statement of the results of the examination of said article of food or drug, duly authenticated by the analyst under oath and taken before some officer of this Commonwealth authorized to administer an oath having a seal. And it shall be the duty of every Commonwealth's attorney, county attorney and city attorney to whom the director of said station shall report any violation of this act or to whom the State Board of Health, or the State Board of Pharmacy, or to whom the chief health officer of any county, city or town shall report any such violations, to cause proceedings to be commenced against the party so violating the act, and the same prosecuted in manner as required by law. Provided, however, That in case of the first charge or finding, the manufacturer or dealer shall be notified of the findings and be given a hearing within fifteen days before a report is made to the Commonwealth's, county or city attorney as herein provided. Provided further, That where more than one sample of the same brand of product has been taken and examined, the first finding or charge shall be construed to apply to all samples so taken, and notice and hearing shall apply to all such samples.

Sec. 10. Said station shall make an annual report to the Governor upon adulterated food or drug products in addition to the reports required by law which shall not exceed one hundred and fifty pages, and such annual reports shall be submitted to the General Assembly at its regular session, and said station may issue from time to time a bulletin giving the results of the inspections and of all analyses of samples taken

or submitted for examination under this act, together with the names of the parties from whom the samples were taken, or where the inspections were made, and as far as possible the name of the manufacturers, the number of samples found to be adulterated, the number found not adulterated, and other information which may be of interest to the manufacturers or dealers in food or drug products or to the consumers. Provided, however, That before such publication is made the manufacturer of the article and the dealer shall be furnished a true copy of the facts to be published regarding the article at least thirty days before the publication and hearing given the dealer and manufacturer, and any statements or explanations made by such manufacturer shall be included in the same place and along with the publication made regarding the article. And provided further, That if at the hearing of the manufacturer or dealer, as provided by section nine hereof, said manufacturer shall produce the affidavit of a competent analytical chemist controverting the finding of said station or its director or chemist, as the case may be, and affirmatively showing that there is neither adulteration or misbranding of such article under the provisions of this act, then there shall be no publication of either the name of the manufacturer or dealer, or of the name of the brand of the article until after a trial and a verdict of guilty as herein provided. And provided further, That where prosecution is made for violation of any of the provisions of this act, no official publication shall be made of the result of the inspection and analysis until the matter has been finally adjudicated, and in case of appeal, by the court of last resort.

Sec. 11. Said Experiment Station shall receive seven dollars and fifty cents ($7.50) for the analysis or examination of any sample of food or drug taken or submitted in accordance with this act, and expenses for procuring samples of food and drugs and in making inspections into the condition of and wholesomeness and purity of the food produced, manufactured or sold in food factories, grocery stores, bakeries, slaughtering houses, dairies, milk depots or creameries, and all other places where foods are produced, prepared, stored, kept or offered for sale; for studying the problems connected with the produc-

tion, preparation and sale of foods; for expert witnesses attending grand juries and courts; clerk hire and all other expenses necessary for carrying out the provisions of this act. Provided, The total expense from all sources shall not exceed in any one year thirty thousand dollars ($30,000.00).

The Board of Control of said Experiment Station shall furnish to the Auditor of Public Accounts an itemized statement of the expenditures of money under this act. The expenditures reported to the Auditor shall be paid by the Commonwealth to the treasurer of the Experiment Station upon the written request of the Board of Control of the said Experiment Station, and the Auditor for the payment of the same is directed to draw his warrant upon the Treasurer as in all other claims against the Commonwealth.

Sec. 12. When any manufacturer shall offer any article of food or drug for sale in the State he shall file with the director of the said station, when requested by him, the name of the brand, the name of the product, the place of its manufacture or preparation, and a true copy of all labeling used thereupon. Failure to so file within thirty days shall be punished as provided in section one of this act.

Sec. 13. In all prosecutions under this act, the courts shall admit as evidence a guaranty which has been made to the holder of the guaranty by any manufacturer or wholesaler residing in this State, to the effect that the product complained of is not adulterated or misbranded within the provisions of this act. And said guaranty, properly signed by the wholesaler, jobber or manufacturer or other party residing within this State from whom the holder of the guaranty may have purchased the article or articles complained of, and containing the full name and address of the party or parties making the sale of such article to the holder of the guaranty, and in the absence of any proof that the article or articles complained of were adulterated or misbranded after they had been received by the holder of the guaranty, shall be a bar to prosecution of the holder of such guaranty under the provisions of this act.

Sec. 14. All acts or parts of acts inconsistent herewith are hereby repealed, but this said act shall not be construed to repeal Chapter 48 of the acts of the General Assem-

bly of 1906, entitled, "An Act to regulate the sale of concentrated commercial feeding stuffs, defining same and fixing penalties for violations thereof."

So much of this act as relates to drugs and liquors shall not take effect until on and after January 1, 1909.

Approved March 13, 1908.

P. 274

CHAPTER 97.

acts of 1910

An Act to amend an act entitled "An Act for preventing the manufacture and sale of adulterated or misbranded foods, drugs, medicines and liquors, and providing penalties for violations thereof.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sec. 1. That an act entitled "An act for preventing the manufacture and sale of adulterated or misbranded foods, drugs, medicines and liquors, and providing penalties for violations thereof," approved March 13, 1908, be and the same is hereby amended by adding to same the following, to-wit:

"Nothing in this act shall be construed to prohibit the manufacture or sale of colored oleomargarine, butterine, or kindred compounds in a separate and distinct form, and in such manner as well advise the consumer or purchaser of the real character of the article, provided the coloring matter or ingredient used in coloring same is harmless, not poisonous and not deleterious to health."

Sec. 2. All acts or parts of acts in conflict with this are to the extent of such conflict hereby repealed.

Approved March 25, 1910.

P. 151 Acts of 1910

CHAPTER 42.

An Act to establish a plant for the preparation of hog cholera serum and for the distribution of same to the farmers of the State.

Whereas, the disease known as hog cholera causes great loss to the farmers of this Commonwealth each year; and, whereas, a serum and virus for the prevention of such disease is now being used by the National Government and other States; and whereas, the National Government does not furnish this serum for use on farms; and other States, as a rule, supply only the citizens of their own State; and, whereas, this serum to be effective must be pure and made under scientific direction; and, whereas, it would be of the greatest benefit to the farmers of the State to be able to secure such pure serum and at cost price, therefore:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That there be, and is hereby, established at the Kentucky Agricultural Experiment Station a plant for the manufacture of serum and virus for the prevention of hog cholera.

Sec. 2. The preparation of such serum shall be under the rules and regulations of the director of the Experiment Station and shall be distributed by the Commissioner of Agriculture and the State Board of Agriculture, Forestry and Immigration.

Sec. 3. Said Experiment Station shall charge for the hog cholera serum manufactured under the provision of this act, cost price of manufacture not to exceed two cents per cubic centimeter, and one cent per cubic centimeter for the virus.

Sec. 4. That for the purpose of installing the necessary plant and equipment, including animals and labor, for preparing a hog cholera serum and virus, the sum of two thousand dollars ($2,000.00) is hereby appropriated.

Sec. 5. The Board of Control of said Experiment Station shall furnish to the Auditor of Public Accounts an itemized statement of the expenditures of money under this act. The

expenditures reported to the Auditor shall be paid by the Commonwealth to the director of the Experiment Station upon the written request of the Board of Control of said Experiment Station, and the Auditor for the payment of same is directed to draw his warrant upon the Treasurer, as in all other claims against the Commonwealth.

Sec. 6. Whereas, the disease known as hog cholera now exists in this State, and, whereas, an epidemic of the disease is liable to break out at any time, therefore, an emergency is hereby declared to exist and this act shall take effect and become a law from and after its passage and approval by the Governor.

Approved March 21, 1910.

P. 153

CHAPTER 43.

acts of 1910

An Act to provide life-saving apparatus for the Chief State Inspector of Mines and Assistant Inspectors.

Whereas, The inspectors of mines for this State have no apparatus that will enable them to quickly enter the mines under their supervision after explosions or in the case of fires, for the purpose of rescuing persons in the mines when such accidents occur, but must depend for such aid upon other and distant sources, or upon persons who, even if within reasonable distance of the mines, have no official relation to them and are not familiar with their underground workings; and,

Whereas, experience has shown that lives may be lost solely because of the fact that the inspectors, without proper apparatus, cannot enter the mines at once after explosions are in case of fires because of the resulting deadly gases and smoke, but must expend much previous time in working to first restore ventilation, during which delay men may die who otherwise might be saved; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That the Chief State Inspector of Mines be, and is hereby, authorized and directed to purchase six (6) sets of life-saving apparatus for mines (one set for each assistant inspector and one for the chief inspector), said apparatus to consist of twelve Draeger oxygen helmets and accessory equipment, such as oxygen tanks, potash cartridges, charging pumps, boxes for transportation and such other parts as go to make the apparatus complete, or the same number of sets of such other similar life-saving apparatus, of equal merit to that named, should it prove upon investigation, to be the more desirable.

Sec. 2. The chief inspector is directed, before purchase of the apparatus, to visit the manufactory or place of sale of such apparatus and make selection of the apparatus in order that perfect outfits may be secured.

Sec. 3. Five sets of the apparatus (a set consisting of two helmets and accessories) shall be distributed among the assistant inspectors of mines, who shall take due care of their respective sets and see that they are at all times in proper condition for immediate use.

Sec. 4. The supplies of oxygen and of potash bulbs required from time to time, and necessary repairs to the apparatus, shall be paid for and treated as necessary expenditures by the inspectors in the performance of their official duties.

Sec. 5. For the purchase of said apparatus, which shall be the property of the State, the sum of four thousand dollars ($4,000) or so much thereof as may be required, is hereby appropriated. The bills for said apparatus shall be paid upon the order of the chief inspector of mines, approved by the Governor, and any unexpended balance shall be returned to the treasury.

Approved March 21, 1910.

p. 148

CHAPTER 32.

act 7 1912

An Act for the benefit of Three State Educational Institutions, viz: State University, Lexington, Kentucky; Eastern Kentucky State Normal School and Western Kentucky State Normal School, appropriating money for furnishing necessary equipment and for expansion of work; and also providing additional revenue for the maintenance of said Institutions and preventing the creating of obligations for said Institutions where there is no money in the Treasury and none appropriated for the purpose for which said obligations were made.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. In order to provide additional income to meet the additional annual expenditure of each of said Institutions respectively: That the additional sum of fifty thousand dollars is hereby appropriated for the current official year and for each succeeding year for the benefit of the State University, Lexington, Kentucky, a necessary part of which shall be used to meet as far as possible, the pressing demands for agricultural instruction and instruction in domestic science, in the Agricultural College of said University, and the same is directed to be paid by the Treasurer of the State to the treasurer of said university, upon warrant or warrants issued by the Auditor of Public Accounts, who is hereby directed to draw and issue said warrants for the purpose aforesaid. That the additional sum of thirty-five thousand dollars is hereby appropriated for the current official year, and for each succeeding year for the benefit of the Eastern Kentucky State Normal School, a necessary part of which appropriation shall be used to meet as far as possible, the pressing demands, (for) agricultural instruction, for instruction in household economics and for manual training in the respective departments of said institution, and the same is directed to be paid by the Treasurer of the State to the treasurer of said Kentucky State Normal School, upon warrant or warrants issued by the Auditor of Public Accounts, who is hereby directed to draw and issue said warrant

for the purpose aforesaid. That the additional sum of twenty-five thousand dollars is hereby appropriated for the current fiscal year and for each succeeding year for the benefit of the Western Kentucky State Normal School, a necessary part of which appropriation can be used to meet, as far as possible, the pressing demands for agricultural instruction, for instruction in household economics and for manual training in the respective departments of said institution, and the same is directed to be paid by the Treasurer of the State to the treasurer of the said Western Kentucky State Normal School, upon warrant or warrants issued by the Auditor of Public Accounts, who is hereby directed to draw and issue said warrants for the purpose aforesaid.

Sec. 2. That it shall be illegal for any officer, trustee or any person in any way connected with the Eastern Kentucky State Normal School, the Western Kentucky State Normal School or the State University of Lexington, Kentucky, to contract any obligation for or on behalf of said institution, when there is no money, or sufficient money, in their respective treasuries or has been no money appropriated for the purpose for which said contract or obligation was made, and that any of the said persons who fail to comply with this law shall be fined in each case not less than two hundred and fifty dollars, nor more than two thousand dollars, or confined not less than ten days in jail nor more than six months, or both so fined and imprisoned.

Sec. 3. Whereas, it is necessary to provide for the great increase of students and to enable the boards of each institution to do the immediate educational work needed by the Commonwealth of Kentucky in each institution, an emergency is hereby declared to exist, and this act shall take effect and be in full force from and after its approval by the Governor.

Approved by the Governor March 11, 1912.

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CHAPTER 26.

Acts of 1912

An Act to benefit the Agricultural Experiment Station of the State University, Lexington, Ky., appropriating money and providing revenues for the maintenance of said Experiment Station and for conducting experiments in the various lines of agriculture, and to meet the increased demands made upon it as a public institution.

Whereas, the experiments made by the Agricultural Experiment Station of the State University, known as the Agricultural Experiment Station, on small areas in different sections of the State have shown that a large increase in yields of crops can be made by the proper treatment of our soils, and

Whereas, by like experiments it has been shown that conditions in the State are exceptionally favorable for the production of apples and other horticultural products, and

Whereas, it is known that scientific feeding of our live stock and scientific breeding will greatly develop the resources of the State, and

Whereas, the dairy industry, if it can be built up along scientific lines, will greatly increase the wealth of the State, and

Whereas, statistics show that fifteen million dollars worth of poultry are raised each year in this State, and it is believed that scientific investigations along this line, together with the dissemination of such knowledge to the people of the State, will more than double the product at the same or less expense, and

Whereas, the extension and work of the Station have reached the limit possible with the funds available, therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That there is hereby appropriated to the Agricultural Experiment Station of the State University, Lexington, Kentucky, for the current fiscal year and for each succeeding year thereafter, fifty thousand ($50,000) for the purpose of making field experiments in the several sections of the State in order to ascertain by chemical and physical examina-

tion of our soils and by direct experiments in laboratory and fields what crops and treatment are best suited to each, whether the present methods are tending to best results and whether to the preservation or reduction of fertility, and what rotation and treatment will be most effective in retaining productive capacities of the soils of the various sections of the State; to discover and demonstrate the best methods of orchard treatment, the culture and marketing of fruits and vegetables and the most effective remedies for insects and diseases of fruits and vegetables, and to make a systematic study of plant breeding and development by means of crossing and selection of new and improved varieties of friuts and vegetables; to enable said Station to conduct investigations calculated to develop the beef, pork and mutton producing interests of the State, and especially to devise and conduct feeding experiments intended to demonstrate the most succcessful combination of stocks foods, and to discover, if possible, the most economical and successful methods of maintaining animals and fitting them for the market, for pathological investigations, and to investigate live stock conditions both at home and abroad, in so far as they affect market values; to enable the said Station to conduct investigations for the purpose of developing the dairy interests of the State, and including feeding experiments for production of milk and butter, and the rearing of calves, and the study of contagious diseases for the purpose of finding remedies therefor; to enable the said Station to conduct investigations for the purpose of developing the horse interests of the State, including the best methods of feeding and breeding, the study of diseases, and thorough scientific investigations for the benefit of the horse industry of the State; for the advancement of the poultry interests of the State, including experiments in breeding for egg production and the methods best adapted for hatching and raising of chicks and feeding experiments and other investigations tending to the economical production of poultry and eggs; for providing the necessary equipment and paying the expenses of the extension work of said Experiment Station in order to bring the scientific knowledge already obtained, and that hereafter obtained, in the lines of agriculture and home economics, direct to the farm and

home, by means of personal visitation, correspondence, co-operative demonstrations and experiments and the solution of local problems by Station experts visiting the locality and studying the problems on the farm; towards the maintenance of said Station, and for the purpose of enlarging the hog cholera serum plant now at said Station, and for the production of hog cholera serum and virus in large quantities for the benefit of the farmers of the State. Said serum and virus to be furnished the farmers of the State at partial cost of production, and not to exceed one cent per cubic centimeter, and to be distributed through such channels as the director of the said Experiment Station may deem advisable for the protection of the swine interests of the State.

Sec. 2. The sums appropriated under this act are to be payable quarterly to the treasurer of said Experiment Station out of moneys in the Treasury of the Commonwealth of Kentucky, and the Auditor for the payment of same is directed to draw his warrant upon the Treasurer as in all other claims against the Commonwealth. The Board of Control of said Experiment Station shall furnish to the Auditor of Public Accounts, yearly, an itemized statement of the money expended under this act.

Whereas, it is of the utmost importance that experiments in the various lines should be undertaken during the coming spring, an emergency is hereby declared to exist, and this Act shall take effect and become a law from and after its passage and approval by the Governor.

Approved by the Governor, March 11, 1912.

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