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Minutes, November 12, 1918

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Hartford, Connecticut,

November 12, 1918.

The regular monthly meeting of the Board of Trustees of The Connecticut Agricultural College was called to order by Mr. Hubbard at the Hotel Heublein at 11:45.

Vice President Manchester then took the chair.

Those also present were President Beach of the College, Dr. Jenkins, Mr. Longley, Mr. Baker and Messrs. Fanton, Henry, Aisop and King of the Board.

Minutes of the special meeting of October 21 were read by Mr. Hubbard.

VOTED: That the minutes be approved and placed on file.

VOTED: That the opinion of Mr. John H. Buck be incorporated in the minutes of the meeting. No further action was deemed necessary. Said opinion follows:

"Hartford, Conn.,

Nov. 6, 1918.

" C. S. Beach, Esq.,

President of The Connecticut Agricultural College,
Storrs, Connecticut.

Dear Sir:-

Your letter of October 23, 1918 is received, requesting my opinion as to whether the Board of Trustees of The Connecticut Agricultural College acted within its authority in authorizing the President of the College to execute a certain contract with the United States War Department, providing for the establishment of a Students Army Training Corps at the College.

I have examined the copy of the proposed contract and the other data which you enclosed with your letter, and my opinion is as follows:

On July 2, 1862 the Congress of the United States passed the so-called "Land Grant Act". It is unnecessary for the purposes of this opinion to quote the above act at length, but it will suffice to say that by virtue of this act the United States granted to the several states various amounts of public land to be apportioned, and the proceeds of the sale of said public lands were to constitute a perpetual fund, the interest of this fund to be inviolably appropriated by each state which might take and claim the benefit of the act to the endowment, support and maintenance of at least one college where the leading object should 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 might respectively prescribe, in order to promote the liberal and practical education of the industrial classes in the several pursuits and professions in life.'

Section 5 of the above act provided that the grants of land above authorized should be made on certain conditions, to which the previous assent of the several states should be signified by legislative acts.

In the above connection the first thing to consider is whether the state of Connecticut took proper steps to secure for itself the benefits of the above act. It appears that on December 24, 1862 the General Assembly of the State of Connecticut passed a public act by which it accepted the lands, rights, powers and privileges granted to and conferred upon the state by the above so-called 'Land Grant Act' upon the terms and conditions and restrictions contained in said act. See Public Acts of Connecticut, 1862, page 12.

The second condition named in section 5 of the Land Grant Act reads as follows:

'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.'

The third condition named in section 5 reads in part as follows:

'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 described in the fourth section of this act, or the grant to such state shall cease.'

The seventh condition named in section 5 reads as follows:

'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.'

Subsequently, to wit, on June 24, 1863, being within two years after the approval of the above so-called Land Grant Act, the state of Connecticut, by its Legislature, expressed its acceptance of the Land Grant Act and provided The President and Fellows of Yale College in New Haven as the recipient of the benefits of the Land Grant Act, the proceeds of the grant to go to the so-called Sheffield Scientific School. (See Public Acts of 1863, page 9.) I am informed that the above college, now named Yale University, has continuously since 1863 received benefits under the so-called Land Grant Act and is now receiving them. I am of the opinion that the acceptance by the General Assembly of the State of Connecticut as above noted of the so-called Land Grant Act of 1862, and the fact that Yale University has continued to receive the benefits of the so-called Land Grant Act has so kept the way open that the benefits of the Land Grant Act still accrue to Connecticut and may be apportioned among other colleges as the State of Connecticut may see fit.

On April 6, 1881 the Connecticut Legislature, by a public act (Public Acts of Connecticut, 1881, page 40) established the Storrs Agricultural School.

On August 30, 1890 the Congress of the United States also passed the so-called 'Morrill Act' by which additional funds arising from the sales of public lands were to be appropriated annually for practically the same purposes named in the so-called Land Grant Act. It was provided that an additional sum of \$15,000 should be added to the proceeds coming to each state under the Land Grant Act, and this amount was to be so increased annually for ten years that the amount to be paid thereafter to each state and territory should be \$25,000 and the proceeds thereof were to be applied only to instruction in agriculture, the mechanic arts, English language, and the various branches of medical, physical, natural and economic science. The above Morrill Act, therefore, made additions to the funds available under the Land Grant Act, but it should be noted that the reference in the Land Grant Act to 'scientific and classical studies, including military tactics' were not repeated in the Morrill Act. There was a proviso in the Morrill Act relating to a distinction of race or color in the admission of students, which need not now be considered, as no such distinction is made at The Connecticut Agricultural College.

One provision of the so-called Morrill Act

provided (as in the Land Grant Act) that no portion of the moneys received under the act should be applied directly or indirectly, under any pretense whatever, to the purchase, erection, preservation or repair of any building or buildings.

Section 2 of the Morrill Act provided that the grants of moneys authorized by the Morrill Act were made subject to legislative assent of the several states and territories for the purpose of said grants. I find that on April 21, 1893 the State of Connecticut assented to and agreed to receive the monies granted by said Act of Congress of August 30, 1890, being the so-called Morrill Act, and further agreed that the monies received under said Act should be expended in accordance with the provisions of said Act. The above act of 1893 also changed the name of the Storrs Agricultural School to The Storrs Agricultural College, and provided that the leading object of the college should 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', and specifically referred to the United States acts of July 2, 1862 and August 30, 1890. See Pub. Acts, 1893, page 238.

On June 14, 1899 the name of The Storrs Agricultural College was changed to that of "The Connecticut Agricultural College". See Public Acts of 1899, page 169.

The General Statutes, Revision of 1902, section 4393, re-affirmed the objects and purposes of The Connecticut Agricultural College, and again assented to the provisions of the United States Act of August 30, 1890.

Subsequently, in 1807 the Congress of the United States passed the so-called "Nelson Act" providing for an additional yearly sum of \$5,000 to be paid to each state and territory for the more complete endowment and maintenance of agricultural colleges then established or which might thereafter be established in accordance with the so-called Land Grant Act and the Morrill Act. The sums to be paid under the Land Grant Act and the Morrill Act and the Nelson Act were to be gradually increased until they amounted to the sum of \$50,000 annually which would thereafter be the annual amount to be appropriated, and this amount was to be applied to the purposes defined in the Land Grant Act and Morrill Act, and the expenditure of the monies provided by the so-called Nelson Act was to be governed in all respects by the provisions of the so-called Land Grant Act and the Morrill Act, it being further provided in the Nelson Act that colleges might use a portion of this money for providing classes for the preparation of instructors for teaching the elements of agriculture and the mechanic arts. There was no provision in the Nelson Act relating to legislative acceptance of its benefits by any state or territory.

From the above outline it will be noted that

special reference was made in the original Land Grant Act to 'scientific and classical studies, including military tactics ... and the mechanic arts'. This exact phraseology was not carried into the provisions of the Morrill Act of August 30, 1890 but references were continued to be made to both acts taken together and in my opinion the failure to include in the provisions of the Morrill Act the same phraseology that we find in the Nelson Act offers no barrier to your receiving monies under both acts as well as the Nelson Act, the monies to be devoted to scientific studies including military tactics and the mechanic arts.

The General Statutes of Connecticut, Revision of 1918, section 2123, contains the same definition of the purposes of The Connecticut Agricultural College, special reference being made in the revision of 1918 to scientific and classical studies, and military tactics.

The Connecticut Legislature has therefore scrupulously and continuously safeguarded its interests so as to be able to receive the benefits of grants under the three United States Acts. The Connecticut Legislature has done this by public acts which of course are a matter of public knowledge to the United States government and the payment of monies under the United States acts to Connecticut colleges for the purposes named in each or any of the three United States acts has retained for those colleges the benefits of those acts and has

been such as to give a practical construction to the interpretation put upon these acts as between the United States Government and the several states. The so-called Nelson Act merely provided a fund in addition to the funds provided for by the Land Grant Act and the Morrill Act, increasing the amounts available.

The proposed contract between the United States Government and The Connecticut Agricultural College provides for the instruction of students of certain ages in certain studies which could very properly be included either under the head of scientific studies or military tactics, and possibly under both heads. This contract it will be noted is to be entered into on the one hand by the United States Government which is to deal out the money under the three acts of the United States, and a college which has been designated by the State of Connecticut to receive said monies. I am therefore clearly of the opinion that the vote passed by the Trustees of The Connecticut Agricultural College on September 10, 1918 was a proper vote to pass and within the powers of the Trustees, and that Mr. Beach, President of The Connecticut Agricultural College has all the authority necessary to empower him to execute the contract proposed by the Government of the United States and the College relating to the Students' Army Training Corps and that upon the execution of the same it will be a valid contract.

The above opinion you will note refers to

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monies received coming primarily from the United States. I however call your attention to the provision which I have quoted and which was found in the Land Grant Act and the Morrill Act:

'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.'

In expending the monies therefore which are received primarily from the United States you will take especial care not to commit a breach of the above condition.

I note that in addition to the monies so received an appropriation was made by the Legislature of 1917 for an Infirmary, a Dining Hall, Faculty Cottages and improvements. In my opinion the word 'improvements' would not include any buildings of an unusual size. I think there would be no danger, however, in advising you that under the word 'improvements' you could include repairs, reconstruction or enlargement of buildings already up or additions to buildings already up or to buildings which you may put up. That appropriation was approved May 16, 1917 and I also note that it included an amount appropriated for extension work in the sum of \$30,000. I am of the opinion that the words 'extension work' would not cover an extension into the field of military training but probably meant an extension or in other words, an enlargement of your present experimental station work. There was also an amount appropriated for 'current expenses' in the sum of \$105,000. I do not find

that any conditions whatever were attached to the above amount of \$105,000 and I am of the opinion that inasmuch as the provisions relating to scientific studies and military tactics and mechanic arts were found, not only in the above-quoted acts of Congress but have been from time to time included in the Public Acts of the state of Connecticut, it is now clearly within the power of the Trustees to devote such part of the above appropriation of \$105,000 as it shall see fit to the expenses of instruction in scientific studies and military training and the mechanic arts, which would of course include practically all the expenses of carrying out the terms of the contract proposed between your College and the United States Government.

Yours respectfully,

(Signed) John H Buck "

VOTED: That the report of the committee, consisting of Mr. Beach, that the Board of Control would give \$15,000 for the use of the Extension Department until the Legislature can act on deficiencies, be approved.

VOTED: That the College budget, as amended, be approved and presented to the State Board of Finance.

The budget of the Storrs Agricultural Experiment Station was presented and explained by Dr. Jenkins.

VOTED: That the budget as presented by Dr. Jenkins be approved as amended and presented to the State Board of Finance.

Mr. Baker presented the budget of the Extension Service, for the two years - 1919-1921.

VOTED: That the budget be referred back to Mr. Baker for a more detailed report, to be presented at a special meeting called by the Secretary when he has heard from Mr. Beach.

Mr. Beach presented a report on proposed new construction. No action was taken.

VOTED: That the sale of the property known as the "Dunham Farm" located in Newington, Connecticut, to Aage Cohn and Thomas J. Reardon, both of Hartford, Connecticut, for the sum of \$21,000 be approved, said purchase price to be paid as follows: \$5,000 in cash and the balance - \$16,000 - by accepting first mortgages on said premises aggregating \$16,000, to said Board of Trustees.

VOTED: That the Board of Trustees of The Connecticut Agricultural College sell, transfer and convey to Aage Cohn and Thomas J. Reardon said "Dunham Farm" property and that Harry G. Manchester of Winsted, Connecticut, Vice President, and Olcott F. King of South Wind-

sor, Connecticut, Secretary, be and they hereby are authorized to execute and deliver said deed in the name of said Trustees.

The meeting adjourned at 2:00 P. M.

Attest: O. F. King.

Secretary.