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Minutes, September 10, 1918

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Storrs, Connecticut,
September 10, 1918.

The September meeting of the Board of Trustees of the Connecticut Agricultural College was called to order at the College by Vice President Manchester at 11:45 A. M.

Those also present were Messrs. Lyman, Hubbard, Fanton, Brown, President Beach, Treasurer Longley and King.

Minutes of the previous meeting of July 30, 1918, were approved.

VOTED: That we authorize President Beach to execute the contract of the government with the College regarding the Students' Army Corps and that the same be incorporated in the minutes as follows:

"REQUEST FOR ASSIGNMENT OF SOLDIERS OF
STUDENTS' ARMY TRAINING CORPS, UNITED STATES ARMY

TO

Connecticut Agricultural College (University)
Connecticut Agricultural College, a corporation
(Name of Institution)

Land Grant College of Conn. _____ I _____ hereby requests
the War Department of the United States to assign to the
institution _____ 400 _____ soldiers
(Estimated No. in S. A. T. C. Unit)

of the United States Army, members of the Students' Army Corps, on the following conditions.

1. Eligible students are to be inducted into the Army on their voluntary application, on or about October 1, 1918, and are forthwith to be assigned on active duty at the institution.

2. The institution will after the assignment of such soldiers:

(a) Furnish such academic instruction to the said soldiers as may be approved or prescribed by the War Department, it being understood that until the War Department otherwise indicates, the regular curriculum shall be deemed approved;

(b) Will provide for the proper and sanitary housing of said soldiers in as large groups as reasonably possible.

(c) Will provide meals for the said soldiers of a quantity and quality equivalent to the standard Army ration, and under proper sanitary conditions;

(d) Will provide suitable and adequate grounds for military instruction and drill of the soldiers and suitable offices for the military administration of the unit;

(e) Will co-operate closely with the War Department and its authorized representatives in all matters above referred to;

(f) Will receive from its students who are eligible for the Students' Army Training Corps and indicate their intention of applying for induction therein, only such proportion of the usual tuition and other fees as will cover the period from the opening of the college year to October 1, 1918, or, if more has already been received, will make individual adjustment with the students accordingly.

3. The War Department will:

(a) Provide for the military instruction of the soldiers;

(b) Provide uniforms and the necessary personal equipment of the soldiers to the extent practicable;

(c) Furnish necessary cots, blankets, and bed-sacks or mattresses to the extent practicable;

(d) Pay to the institution as soon as practicable after submission of duly executed vouchers, the sum of one dollar (\$1.00) per day for each soldier assigned to the institution on active duty plus the sum of _____ cents (See NOTE) per day for each soldier assigned, for tuition, making a total of one dollar and _____ cents per day per soldier. The first voucher submitted will cover the period of two weeks following the induction of the soldiers and their assignment to active duty, and will be submitted monthly thereafter.

4. It is understood that the arrangement evidenced hereby shall be temporary and that as soon as practicable a permanent contract shall be made between the institution and the War Department, covering the period to July 1, 1918. The basis of that contract with respect to payment shall be reimbursement for the actual and necessary costs of providing the instruction, subsistence and housing required during the entire period of the contractual relation with the War Department, the necessary adjustments to be made accordingly, provided that the per diem allowance to be made for cost of academic instruction shall not exceed the regular per diem tuition charge of the institution.

5. The institution and the War Department will co-operate to the fullest extent to obtain the best results, and will endeavor as soon as practicable to arrive at the said permanent contract on an equitable financial basis, in accordance with the principle of reimbursement for actual costs as above stated.

Connecticut Agricultural College
Name of Institution.

Witness: By C. L. Beach, President

R. I. Longley Accepted

Witness: Secretary of War Department
Committee on Education and
Special Training.

50

NOTE: Insert at this point a number of cents equal to the yearly tuition fee of the institution (or department thereof) in the college year of 1917-1918 divided by 270; e.g. on an average yearly tuition fee of \$100.00 the amount is $100 \div 270 = .3703$ cents. "

VOTED: That the matter of the electric contract of the Willimantic Light & Power Company be left with the President and Treasurer, with power to act.

The opinion of the Attorney General regarding pay of professors who are in the government service is herein recorded as follows:

" ATTORNEY - GENERAL'S OFFICE

State of Connecticut

Aug. 5th, 1918.

C. L. Beach, Esq.,

Pres. Connecticut Agricultural College,

Storrs, Conn.

My dear Mr. Beach:

I have your favor of the 1st inst. requesting my opinion as to the power of the Board of Trustees to pay to members of the faculty entering the military or naval service the difference in the compensation between that which they formerly received as such members and that received from the government. I am enclosing herewith a copy of an opinion rendered sometime since to the directors of the State Reformatory at Cheshire, the general principles laid down in which appear to me to be applicable to the question which you submit. If, however, after

examining this opinion you see any point by which your situation may properly be differentiated from the case under consideration, if you will call my attention thereto, I will gladly give the matter my further attention.

I am returning to you herewith the letters from other colleges which you sent me.

Very truly yours,

(Signed) George E. Hinman

Attorney-General. "

Opinion given by Attorney-General
Hinman to Cheshire Reformatory
Directors.

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It was suggested, at a recent meeting of the Cheshire Reformatory directors, that three employees of the institution who are in war service and whom it is hoped to receive back later, should be paid the difference between their army pay and their former wage. Director C. H. Clark was requested to confer with the attorney-general on the subject as to whether this was allowable and as the adverse opinion has general interest, it is published here, with Judge Hinman's permission:-

" Hon. Charles Hopkins Clark,
Hartford, Conn.

Dear Sir:

The directors of the Connecticut Reformatory request through you my opinion as to whether they may properly pay to three former employees of the reformatory, now in military service, the difference between the pay which they receive in the army and the monthly compensation paid them by the state prior to their entering the military service.

It is a fundamental principle and settled policy that public moneys should not, at least without express legislative sanction, be expended other than for compensation for services rendered or value received. The right to compensation terminates when the term of office or employment ends or the service ceases, so that if one official or employee dies or resigns, or his services otherwise cease, without the fault of his employer, in the middle of the month, the payment of a full month's salary for

that month, either to him or his successor, is not authorized. Each is only entitled to his pro rata share of the monthly salary.

State vs. Dyer, 100 Iowa, 640-642.

Ex parte Lawrence, 1 Ohio St. 431.

This principle is still more obviously applicable to whole or part compensation for months in which no services are rendered to the state.

Possibly payments by the state similar to those here proposed have been made and not questioned in a few cases of temporary absence - in military service (as at the Mexican border last year), or otherwise - in order to retain the services of a valued employee on his return, or for other similar considerations upon which the propriety of such payments might perhaps be justified. So far, however, as appears from your letter, the payments here contemplated would not be as compensation for services rendered or other actual consideration moving from the recipient to the state, but in the nature of a gratuity to be given to certain persons, formerly employees of the state, who have enlisted or been called, under the allegiance which they owe to the national government to render military service to the national government.

However commendable the disposition of a state department or commission to thus recognize and in some degree ameliorate the patriotic sacrifice of its employees, and however appropriate a matter for legislative consideration such a recognition or reward might be, such payment may not, in my opinion, lawfully be made without legislative authority, and I know of no legislation at present in effect which might be considered as authorizing such payment.

Aside from the provision made by the General Assembly of 1917 (Chapter 11, Public Acts, Sec. 51-57), for payment from state funds of separation allowances to dependents of members of the national guard, naval militia or volunteer troops of this state called into active service, and by Chapter 414 extended to dependents of persons entering the service under selective draft, no provision is now made for present payments by the state to or for the benefit of its citizens who enter the military service of the national government.

Our supreme court has sustained legislation authorizing bounties and legislation ratifying the acts of a town in v tting bounties, when service in the army or navy of the United States has been made on the faith of the promise of bounty. It has refused to sustain such legislation enacted after the performance of the service, making the bounty a mere gratuity.

Booth vs. Woodbury, 32 Conn. 118.

Usher vs. Colchester, 33 Conn. 567.

Terrett vs. Sharon, 34 Conn. 105.

It has never had before it the question whether the state might reward periodical meritorious service rendered in time of war.

Beach vs. Bradstreet, 85 Conn. 344-355.

In general the power to pay gratuities to individuals is denied to the Legislature, by the constitution as an appropriation of public funds for private uses.

Cooley on Constitutional Limitations (6th Ed.) 601-2.

The right of a state to give its money or other like rewards in recognition of valuable military service with a view to promptness of loyalty and patriotism has, however, been regarded as one of the attributes of organized government and gifts for that purpose have been sustained. 'Such a gift may be intended primarily for an object which is no more private than a memorial hall. It may serve to bring home to all minds by visible facts that now, as of old, the courage of the battlefield is honored, and that if a man will risk his life for his country, his country afterward will not necessarily hold him to the letter of his generous bond, and deem him fully paid at \$13. per month.'

Opinion of the Justices, 175 Mass. 599-601, 190 Mass. 611-615.

See also Booth vs. Woodbury, 32 Conn. 118-128.

Whether or not legislation authorizing such payments as are here suggested would be sustained by our courts, I am of the opinion that, without such legislative authority, the same should not be made.

Respectfully submitted,

George E. Hinman.

Attorney-General. "

(Recess was then taken for lunch)

The meeting was again called to order by Vice President Manchester.

VOTED: That President Beach be authorized to buy the Miller property consisting of two houses and 39 acres of land for Forty-eight Hundred Fifty Dollars (\$4850.) and borrow funds for the purchase from the Georgetown Farm account until other funds are available.

VOTED: That the President be authorized to secure six acres of land for the Experiment Station.

VOTED: That the President may be authorized to make such expenditures as may be necessary in connection with the Students' Army Corps.

On motion of Mr. Hubbard it was voted that the President be instructed, and he hereby is, to present at the time of filing with the Government the formal request for assignment of soldiers of Students' Army Training Corps, United States Army, a brief, setting forth the condition of the College, as of October 1, its resources, an inventory of the property, and the understanding that when the College is returned to the State, the same shall be in reasonably the same condition as of this date.

The meeting adjourned.

Attest: O. F. King.

Secretary.