

PROCEEDINGS OF BOARD OF TRUSTEES—DECEMBER, 1885.

The Board met at the University parlor on Tuesday, December 8, 1885, at 3:30 P. M.

Present—Governor Oglesby, Trustees Bennett, Cobb, Eisenmayer, Follansbee, McLean, Millard, Paden and Pearman.

Absent—Trustees Landrigan and Earle.

The minutes of last meeting were approved.

The reports of the Regent and Business Agent were deferred.

Professor Morrow read his report from the Agricultural Department (see Bulletin A), which was received and referred to the Farm Committee.

The report of Professor Burrill from the Horticultural Department was read, received and referred to Committee on Buildings and Grounds for report at this meeting (see Bulletin A).

In the absence of Trustee Earle, Trustee Eisenmayer was appointed by the chair to act on Auditing Committee.

The Regent extended an invitation to the Board to a reception at his residence this evening, which was accepted.

The Regent then read the following report, which was received and laid over for further consideration:

To the Trustees of the University of Illinois:

GENTLEMEN—The term now closing has been notable for quiet, good order and scholarly work. The new department of Mining Engineering has been organized, a course of study arranged, and a class is at work. Professor Comstock shows all the elements of an efficient and successful instructor.

Professor Brownlee, lately appointed to the chair of Rhetoric and Oratory, will enter on his duties at the beginning of the new year.

No permanent arrangement has been made for filling the professorship of Veterinary Science. The instruction pertaining to this department has been given during the current term by Professor Rolfe; but this cannot continue. I have to recommend that Dr. D. McIntosh, of Kingston, Ontario, be employed to give a course of lectures in veterinary science during the remaining terms of the current year.

The Halfway House on the street railway has been finished in accordance with the agreements and instructions made at your meeting in July. It was then arranged that the railway company should sell to the University a lot of land lying south of the track, and that the price of the lot, with such additional money as you should set aside for the purpose, should be used in the construction of the station. An appropriation was made towards building the house, but that for the payment for the lot was overlooked. The company has executed for the lot a deed, which is now in my hands, and may be passed to record whenever the appropriation of \$150 is made and the vouchers passed. I ask your attention to this matter.

The University has now acquired possession of all the lots lying south of the car track, and the fence has been made to include them in the arboretum. The ground was originally intended to be included in the University property, but for a time was so held that it could not be properly acquired. It has finally come into our possession at a very moderate outlay.

Without desiring to recommend any large increase of the real estate of the University, which is certainly ample, I desire to call your attention to one addition which can now be cheaply made, and which I am sure will commend itself to your judgment. I refer to the

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two lots of land which adjoin the University Park on the east, lying between it and the next street. This ground will furnish the most desirable site for any additional building that may be required, and will give a street front to the park on that side. Building in the neighborhood of the University has revived, and these lots will certainly be sought for and occupied at an early day.

While advising this purchase, I would recommend a general policy of contraction as to our real estate. The old campus north of the Springfield road is no longer needed for University purposes. At least the north half of it, and probably the whole tract, might well be sold and the proceeds used for other purposes, or for endowment, whenever a sale can be made without sacrifice.

I present the annual reports of the Agricultural and Horticultural departments.

Professor Forbes asks that the usual quarterly requisition be prepared to provide for the Laboratory of Natural History, and that the corresponding appropriations be made, as per the last quarter.

Also from the State appropriations for museum account, that \$50 be appropriated for material to be used in instruction in zoology, and \$400 for purchase of microscopes for that department.

Professor Ricker asks that his department be allowed \$15 for the purchase of Wolpert's apparatus for testing the purity of air in residences; also, for \$100 for continuing his collection of engravings and photographs.

Professor Roos asks for an appropriation of \$150 for shutters to control the light in the drawing-room. The curtains used for this purpose are worn out and need replacing; the shutters will be more permanent and more useful.

The floor of the veranda on the south side of the main building should be relaid at once. If it should appear that the framework as well as the floor is decayed the repairs will cost \$110. If the frame may be used again the cost will be \$50.

Agreeably to instructions given at your last meeting, I referred the papers in the case of Foster North to the Attorney General of the State, the Hon. George Hunt, with your request that he give his opinion upon the issues therein raised. His reply has been received and is herewith presented.

The supply of Rules for Students of the University is exhausted and a new edition is needed. The rules have been carefully revised by the Faculty; a few items have been changed, and as revised they are presented for your approval, with the request that authority be given to print.

The following special appropriations are asked :

For payment of lot to Railway Co., \$150; General Fund.
 For purchase of lots east of University Grounds, \$830; General Fund.
 For Department of Zoology, for material, \$50; Museums.
 For Department of Zoology, for microscopes, \$400; Museums.
 For Department of Botany, for apparatus, \$75; Laboratories.
 For Department of Chemistry, for additional fittings for Laboratory, \$250; Laboratories.
 For Department of Architecture, for apparatus, \$15; Laboratories.
 For Department of Agriculture, for the collection of designs, \$100; General Fund.
 For Band, for cornet, \$20; General Fund.
 For Drawing-room, for new shutters, \$150; General Fund.
 For repairs to veranda in rear, \$110; B. and G.

Respectfully submitted,

S. H. PEABODY, *Regent*.

The Regent laid before the Board the opinion of the Attorney-General of the State in regard to the case of Student Foster North.

It was received, and ordered that the same, together with the communication of the Regent to the Attorney-General, be spread upon the records of this Board.

COMMUNICATION OF THE REGENT TO THE ATTORNEY-GENERAL.

UNIVERSITY OF ILLINOIS,)
 REGENT'S OFFICE. }

URBANA, ILLINOIS, October 10, 1885.

To the Hon. George Hunt, Attorney-General of the State of Illinois:

SIR—I have the honor to forward to you a resolution passed by the Board of Trustees of this University, at their last regular meeting, and in connection therewith the following papers:

1. A petition of Foster North to the Trustees, dated May 24, 1885.
2. Additional arguments of Foster North to the Trustees, dated July 15, 1885, with two printed enclosures, A. and B.
3. A letter from said North to the Hon. Charles Bonnett, one of the said Trustees, dated July 15, 1885.

4. A statement of the Regent of the University concerning its regulations, and the steps taken by the Faculty to protect and enforce those regulations when contravened by the act of said North.

The Trustees desire me to ask your opinion upon the questions of law, constitutional or other, raised in these communications, which I conceive to be substantially these, viz.:

May the Trustees and Faculty rightfully hold chapel exercises in the manner and form substantially as they have hitherto been held, and may they require the attendance of students thereon?

Were the constitutional rights of Foster North duly guarded by the offer to excuse him upon his assertion of conscientious scruples against attendance upon such chapel exercises?

I am, very respectfully, your obedient servant,

SELIM H. PEABODY,

Regent University of Illinois.

STATEMENT OF REGENT AS TO THE PETITION OF FOSTER NORTH.

UNIVERSITY OF ILLINOIS.

URBANA, ILLINOIS, September 8, 1885.

To the Trustees of the University of Illinois:

GENTLEMEN—In the matter of the petition of Foster North, referred by you to a committee for consideration and report, the Regent of the University begs leave to make the following statement of the customs and regulations of the Institution, the authority on which they rest, and the acts of the Faculty which are complained of by Mr. North in his aforementioned petition.

This statement is presented as follows:

1. This University was chartered by act of the Legislature of the State of Illinois, approved February 28, 1867, and by said act was made the recipient of a grant of land made by the Congress of the United States in an act approved July 2, 1862. By the act of incorporation the authority to make and establish by-laws for the management and government of the University was vested in the Board of Trustees, and by the Trustees has been intrusted to the Regent and Faculty of the University, acting in their behalf, and with their sanction, as is the custom in institutions of higher education of such grade and character.

2. From the opening of the University in March, 1868, the students of the University have been required, and have been accustomed, to assemble daily in some suitable place. This daily assembly has been deemed an important aid in the orderly and methodical conduct of the University business, furnishing an opportunity for giving publicity to such orders, directions, notices, etc., as were suitable and requisite and for giving such instructions of a general nature as might be deemed useful and necessary adjuncts to any course of liberal education.

At the time of this general assembly of students, and as a customary part of its public exercises, portions of the New Testament scriptures have been read, hymns or anthems have been sung, and prayers have been offered. For the last five years the prayer offered on each occasion has been that known throughout the Christian world as the Lord's Prayer, recited by the Regent. In these exercises, particularly in the reading of the New Testament, and in the singing, the students have been invited to take part, and many of them have so taken part, but no person has been required to participate therein against his wish.

Before entering into the assembly-room or chapel, the students are gathered into companies, and the rolls are called, the military organization being used for this purpose. The names of all absentees are reported to college officers assigned to receive them, and the absentees are required to present to such officers satisfactory reasons for failure to attend. Up to the refusal of Mr. North to attend, the authority of the University to require attendance has not been questioned, and the requirements to present reasons for occasional absences, as above stated, has been all that has been needed to secure regular and orderly attendance, without any resort to unusual or severe discipline. It has, however, been held that if any student should present to the Regent or Faculty a statement that his attendance upon the above described general assembly of the students, and his listening to the exercises therein conducted, were in opposition to his religious beliefs, and an infringement upon his rights of conscience, he should thereafter be excused from attendance. Thus, for example, a student who was a Jew has been told that if he or his parents objected to attendance upon the aforesaid exercises because of his Jewish faith, he should be excused therefrom.

Mr. Foster North entered the University as a student on the fifteenth of September, 1879, and remained as such, with occasional interruptions made by himself, until the present time. He has not been *expelled*, as he has sometimes stated. No objections are raised by the Regent and Faculty as to his general deportment or scholarship.

After nearly six years of acquiescence in the regulation concerning attendance upon chapel exercises, in March, 1885, Mr. North absented himself therefrom. In the absence of the Regent he was called to excuse absences by the Vice-President of the University, Prof. Burrill, and made reply substantially that the government of the University had no authority to ask his attendance.

His answer was reported to the Faculty by Prof. Burrill, and on April 3 the Faculty entered upon its minutes, that "he (Foster North) would be expected to comply with the regulation of the University as long as he remains a student therein," and this action was reported to Mr. North. He still remained absent from chapel exercises; the case was again brought to the knowledge of the Faculty, April 17, and the Faculty voted the following order:

"Case of F. North referred to Regent. If he claims conscientious scruples against attendance at chapel he may be excused; if not, he will be suspended."

On the 21st of April the Regent called Mr. North to his office, and offered to excuse him from farther attendance at chapel if he would present to the Faculty his objections to attendance on account of conscience, substantially as set forth in the draft of a statement, which is hereto appended as enclosure C. Mr. North declined to make answer at the time, and asked to have the paper for examination. On the 24th of April he filed in the Regent's office his reply in the paper herewith appended, enclosure D. In this paper he refused the offer of excuse on account of the repugnance of the chapel exercises to his religious convictions, saying that he had "no religious convictions for the chapel exercises to be repugnant to;" and, secondly, he took the ground that the Faculty had no right to make any regulation requiring students to attend chapel, and that even the act of formally expressing his wish not to attend would be a recognition of a right which he strenuously denied. His statement that the request "would be the asking a favor * * * not accorded to others," is not in accordance with fact, and is therefore not of weight.

Finding that Mr. North would accept no solution of the difficulty, which he had himself raised, other than a complete abandonment by the Regent and Faculty of the chapel exercises, or at least so much thereof as may be deemed religious in character, the Regent believed that he could do no otherwise than carry into effect the alternative order of the Faculty, made in their minute of April 17. He accordingly addressed to Mr. North the following letter, of which the original is presumably in Mr. North's possession:

ILLINOIS INDUSTRIAL UNIVERSITY,
REGENT'S OFFICE,
URBANA, ILL., April 30, 1885.

Mr. Foster North:

DEAR SIR: It is in evidence before the Faculty of this University that during most of the current term you have purposely absented yourself from the general assembly of the students required daily of them by the regulations of this institution. You aver that you have not done this on account of any conscientious objections to any of the exercises there held, religious or other, but because you deny the authority of the Faculty to require your attendance there, so long as any part of the exercises are religious in form. You therefore deny the authority of the Faculty as now administered.

The Faculty cannot accept your view of the case, nor admit your propositions thereupon, nor can they allow you to nullify their regulations. I am, therefore, directed to say to you that you are from this date suspended indefinitely from the University.

By order of the Faculty.

S. H. PEABODY, *Regent*.

With this paper the record of the action of the Faculty is complete.

The following points are suggested:

1. Attendance upon the University of Illinois is not a right inherent in the natural condition of any person, but a privilege accorded to such persons as can and will conform to conditions imposed by the laws of the State, or by the Trustees and Faculty, acting under authority of law. The latter authorities are competent to decide what rules and regulations are reasonable and proper, and may insist that students shall conform to them under penalty of forfeiture of said privileges on account of disobedience or abuse.

2. All students at the University of Illinois are in a state of pupillage, no matter whether they be of so-called "legal age" or not. While members of the University they are such by their own voluntary act and choice, for purposes of instruction and discipline, and that these purposes may the better be accomplished they have formally, or tacitly, in the act of joining the University, agreed to conform to its regulations. They have given, and during their continued attendance upon and enjoyment of the privileges of the University, do constantly give consent to such regulations as the lawfully constituted authorities may make.

3. The affirmation of the constitution that no person may be compelled to attend a place of worship without his consent expresses no new or restrictive principle of personal liberty. What person may lawfully be "compelled" to attend any place without his consent? Has any man or set of men a right to compel any person without his consent to go anywhere—to dinner, or to bed, to a workshop, or a place of discipline or amusement? Any such compulsion would be a plain violation of the personal rights of the one so coerced; the violation may be punished, and the personal rights may be vindicated by suitable legal process.

4. The general rule has always been, and must ever remain, that whenever any person voluntarily joins an organization, or accepts a privilege, his act of joining, or of acceptance, is his consent to obey all the regulations of the organization, and to fulfill all the conditions of the privilege. It is not in his power to elect that he will obey a part and disobey a part. He was under no obligation to join or accept. He is under no obligation to continue in his connection. In some cases, indeed, he may become part of the law-making power, and in the lawful exercise of his power he may succeed in changing or abolishing regulations which are distasteful. But in the University of Illinois the law-making power is in the hands of the Trustees and Faculty, and is not lodged with the students.

5. It will be admitted that it is within the powers of the Trustees and Faculty to make and enforce regulations which would restrict in many ways the personal liberty of students, which restrictions under other conditions would be unlawful. For example, these authorities might enact that every student should reside in buildings provided for the purpose, and not elsewhere. That no student should be absent without leave from the pre-

cincts of the University within defined hours, as between sunset and sunrise, or after ten o'clock at night. That each person should take his meals at specified hours; should at certain regulated hours go to duty, as to labor, or to drill, or to study.

The authorities of the University of Illinois have enacted no such rules, but no one will deny their authority so to enact, and every one will admit that by joining the University each student would have given his consent to such regulations if they had been made, and that his neglect or refusal to conform to such rules, if made, would be sufficient cause for his suspension or expulsion from the University. Having given his consent to such restriction of his personal liberty as the regulation may require, he may not after that elect which he will obey, and which he will defy, and remain a student.

A parallel case exists in the military organizations of the State. They are voluntary. Persons may join them, not by right, but as a privilege. But in the act of joining each person, private or officer, surrenders such portions of his personal liberty as the needs and the usages of the service require. The man was not obliged to join. He is not obliged to remain. While he remains he must conform to regulations and obey orders, or suffer such coercion and submit to such penalties, including dismission from the service, as the authorities above him may inflict, always within the scope of their powers.

Nor is the illustration without a parallel in regard to the matter of religious worship. The burial of the dead, even as performed with military rites, is usually accompanied with religious services, recitals or readings of Scripture, prayers, religious songs, the solemn ritual of ashes to ashes, dust to dust, and the assertion of the hope of aglorious resurrection at the last day. What soldier would be permitted to absent himself from such a service on the ground that his commanding officer had no right to require his attendance on a place of religious worship? The soldier, if so ordered, must join in escorting a criminal to the place of execution; he may be required even to assist in the infliction of the death penalty, and no excuse of conscientious scruples against the infliction of capital punishment will avail. His consent to perform all the duties of a soldier, and to obey all lawful orders of his superior officers, given when he joined the contingent and took the oath of a soldier, involved all these possibilities.

6. But the principles of republican government interpose every safeguard against the violation of one's conscience, as unquestionably they ought. In the case of Foster North, the Regent and Faculty believed at the time of his suspension, and still believe, that they took every reasonable precaution, carefully refraining to require of him any act which he would say, himself being the judge, was repugnant to his conscience or his religious convictions. He takes pains to deny that the exercise of which he complains in any way militates against his religious convictions. He says that he has no religious convictions to be opposed. He has no conscience to be violated. No overt act was required of him. He need not read. He need not sing. He need not pray. He need not even listen to those who do either. He is required only so to comport himself as not to annoy those who do read, or sing, or pray. If any of these acts were repugnant to his conscience he had only to state the fact to the proper officer, and he would have been permitted to stay away, not as a favor, but as a matter of right and justice. This he very well knew.

The presentation of a reason for excuse from any act, when made to the proper officer, does not involve the recognition of the authority of the officer to require the act or to refuse to accept the excuse, as claimed by Mr. North. It may mean no more than the recognition of the officer as the proper channel through whom the reason becomes known, and so is made effective.

Stripped of all disguises, what is the real purpose of Mr. North in thus refusing to conform to the usages of the University, and his subsequent proceedings?

It is not the defense of his rights. It is not the redress of his wrongs. It is not the protection of his conscience. He has said that the exercises could not harm him, but he thought they might injure others. His avowed and only purpose is to overthrow, not the requirement to attend, but the exercise itself. It is not simply to compel the Faculty to say that students may attend chapel services or not as they may see fit, and to be present or absent as caprice or whim may dictate. It is to compel the Faculty to abolish the exercise altogether, to the end that no Scripture may be read, and no prayer offered within the buildings provided by the State for the uses of the University of Illinois. It is not to relieve his conscience from coercion; it is to coerce the consciences of all the God-fearing and Christian men and women who may in any way be connected with the University as officers or students. These facts were understood by the Regent when Mr. North refused to sign the paper offered, or any paper whatever, for his own release. Letters which Mr. North has subsequently written to the Trustees substantiate these statements beyond a doubt.

That the people of the State of Illinois ever dreamed that, as the outcome of a misinterpreted constitutional provision, Christianity, the God of Heaven and Earth, and the Bible as His written word could be ruled out of its State University, so that it should be unlawful to read the Scriptures, or to pray to Him, within its walls, is a conclusion too monstrous to be entertained.

Respectfully submitted,

SELIM H. PEABODY,

Regent University of Illinois.

OPINION OF ATTORNEY-GENERAL.

STATE OF ILLINOIS,
ATTORNEY-GENERAL'S OFFICE.

SPRINGFIELD, December 7, 1885.

Dr. S. H. Peabody, Regent University of Illinois, Urbana, Illinois:

DEAR SIR—Your favor of recent date enclosing the resolution of the Trustees of the University of Illinois together with the petition of Foster North and papers relating thereto, was duly received. Said resolution purports to have been adopted at a meeting of the Trustees of the University, held on Sept. 9, 1885, and is as follows:

"Resolved, That the Regent be and he is hereby instructed to lay before the Attorney-General of the State of Illinois the petition of Foster North, with the accompanying papers, and to ask on behalf of this Board that the Attorney-General will give thereupon his opinion upon the claim of the said North that his constitutional and legal rights have been violated by the action of the government of the University toward himself as set forth in these premises."

The facts to which this resolution relates, as given in the statement of the Regent, are as follows:

"From the opening of the University in March, 1868, the students of the University have been required, and have been accustomed, to assemble daily in some suitable place. This daily assembly has been deemed an important aid in the orderly and methodical conduct of the University business, furnishing an opportunity for giving publicity to such orders, directions, notices, etc., as were suitable and requisite, and for giving such instructions of a general nature as might be deemed useful and necessary adjuncts to any course of liberal education. At the time of this general assembly of students, and as a customary part of its exercises, portions of the New Testament Scriptures have been read, hymns have been sung and prayers have been offered. For the last five years the prayer offered on each occasion has been that known throughout the Christian world as the Lord's Prayer, recited by the Regent. In these exercises, particularly in the reading of the New Testament, and in the singing, the students have been invited to take part, and many of them have so taken part, but no person has been required to participate therein against his wish. Before entering the assembly room or chapel, the students are gathered into companies and the rolls are called, the military organization being used for this purpose. The names of all absentees are reported to college officers appointed to receive them, and the absentees are required to present to such officers satisfactory reasons for failure to attend. It has, however, been held, that if any student should present to the Regent and Faculty a statement that his attendance upon the above described general assembly of the students, and his listening to the exercises therein conducted were in opposition to his religious belief, and an infringement upon his rights of conscience, he should thereafter be excused from attendance. After nearly six years of acquiescence in the regulation concerning attendance upon chapel service, in March, 1885, Mr. North absented himself therefrom. In the absence of the Regent he was called to excuse absence by the Vice-President of the University, and made reply substantially that the government of the University had no authority to ask his attendance.

"On the 21st of April the Regent called Mr. North to his office and offered to excuse him from further attendance at chapel if he would present to the Faculty a statement that his objections to attendance were on account of conscience. On the 24th of April he filed in the Regent's office his reply. In this reply he refused the offer of excuse on account of the repugnance of the chapel exercises to his religious convictions, saying that he 'had no religious convictions for the chapel exercises to be repugnant to,' and taking the ground that the Faculty had no right to make any regulations requiring students to attend chapel, and that even the act of formally expressing his wish not to attend would be a recognition of a right which he strenuously denied. Whereupon, on April 30th, the Regent, by direction of the Faculty, informed Mr. North that he was from said date suspended indefinitely from the University. The statement made by Mr. North does not differ materially from the foregoing.

"The question here raised involves the right of the Trustees and Faculty of the University to hold chapel exercises in the manner and form substantially as they have hitherto been held, and the validity of the rule requiring the attendance of all students on said exercises unless excused therefrom. Mr. North contends that the rule referred to is void on account of being in conflict with that portion of Section 3 Article II, of the Constitution of the State of Illinois, which declares that 'no person shall be required to attend or support any ministry or place of worship against his consent, nor shall any preference be given by law to any religious denomination or mode of worship.'"

It is evident that, so far as the rights of Mr. North are concerned, only the first part of the above cited clause of the Constitution is involved. By section 1 of an act to provide for the organization and maintenance of the Illinois Industrial University it is provided that the Board of Trustees shall have power to make and establish by-laws for the management and government in all its various departments and relations of the Illinois Industrial University. By section 2 of the by-laws of the Faculty, adopted by the Trustees, it is provided that "the Faculty of the University, subject to the direction of the Board of Trustees, shall have general control of the discipline and studies of the University, and shall make in that behalf from time to time such regulations as they may deem expedient." It is under this power that the regulation with regard to chapel exercises was adopted. I do not believe that the constitutional objection urged by Mr. North is well taken, or that any of his constitutional rights are violated by the rule in question. That rule does not require him to attend any ministry or place of worship against his consent. In the first place, he was not required to attend the University. His attendance upon that institution was purely voluntary. Attendance upon the University was not even one of his rights as a citizen of the State of Illinois. It is, on the contrary, only a privilege accorded to such persons as come within the conditions prescribed in the statute and imposed by the laws of the State and the by-laws adopted by the Trustees, acting under authority of the law. It is presumed that the Trustees are competent to decide what regulations are proper for the government of the institution, and the law gives them the power to enforce obedience under penalty of forfeiture of said privilege on account of disobedience. Students are admitted to said University for the purpose of instruction and discipline, and in accepting the privilege of attendance thereon either tacitly or formally agree to conform to the regulations for the government of said institution.

It is unnecessary to say that discipline is essential to every educational institution, and that this discipline must be administered by those in authority. The general rule is that whenever any person joins an organization or accepts a privilege he consents to obey the rules of the organization, and to fulfill the conditions of the privilege. He has no right to say that he will obey part and disobey part, and still continue his membership in the organ-

ization and the enjoyment of the privileges conferred thereby. He is under no obligation to join and subject himself to the regulations prescribed, nor is he under any obligation to remain. But so long as he does remain the obligation which he voluntarily took remains in force, unless relaxed by the powers which imposed it.

I find among the rules for the government of the students the following: "9. Each applicant for admission shall sign the following promise of good conduct: 'I, the undersigned, wishing to become a student in the Illinois Industrial University, hereby promise that during my connection therewith, I will perform all duties with fidelity, will yield loyal and instant obedience to all lawful authority, and at all times will strive to maintain a gentlemanly (or lady-like) demeanor in public and in private, always mindful of my own good name and of the fair fame of the University which I join.' " On entering the University every student agrees, in accordance with the foregoing, to yield loyal obedience to the lawful authority of said institution.

In the case in question, the student assented to this, and for nearly six years had yielded obedience before he seems to have discovered that the exercise in question was an abridgment of his rights as a citizen. He, doubtless, at the same time yielded obedience to many other rules which were restrictions upon his liberty as a citizen, and which, had he not been a student in this institution, would not have been binding upon him. It cannot be denied that the faculty might properly require his punctual attendance at all recitations, that it might also forbid him to visit neighboring cities during certain days in the week, or at certain hours of the day. These would be restraints upon his personal liberty, and yet no one will deny that they might be enforced, even if the enforcement required the expulsion of any one who refused obedience. But the rule in question is not in any proper sense compulsory in my opinion. He could attend chapel exercises if he wished, or if he did not so wish, he would be excused upon request; and the rule requiring such request was a proper regulation, and was an infringement of no natural or legal right.

I do not think that the other constitutional questions raised by the petitioner have any bearing upon this case. Any discussion of them, therefore, will be unnecessary. I am of opinion that the trustees and faculty had the right to adopt the rule in question; and for a continued refusal to obey it, they might suspend the student from the University.

I am, very respectfully,

Your obedient servant,

GEO. HUNT, *Attorney General.*

The Regent submitted the following report, which was received:

To the Trustees of the University of Illinois:

GENTLEMEN: Your committee intrusted with the sale of the University lands in Nebraska, respectfully report:

Since the date of the last report, the following sales have been made:

No.	Name.	Tract.	Price.	Cash.
38	David M. Gilmore.....	N. W. 26 3 8	\$2,000 00	\$500 00
39	John E. Blickenstaff.....	S. E. 31 3 8	2,000 00	500 00
40	Joseph Dezort.....	N. W. 34 3 8	2,000 00	500 00
41	John S. Reynold and Abraham L. French.....	S. W. 3 2 8	2,000 00	500 00
42	Wm. S. Morton and Frank L. Marrs.....	S. E. 3 2 8	2,000 00	500 00
43	Samuel Cox.....	E. $\frac{1}{2}$ S. E. 15 3 8	1,120 00	280 00
44	Charles E. Baker.....	W. $\frac{1}{2}$ S. E. 15 3 8	1,120 00	280 00
45	Jefferson Elevens and Robert J. Miller.....	N. W. 5 2 8	2,074 80	518 70
46	Joseph M. Thomas.....	S. W. 2 2 8	1,600 00	400 00
Totals.....			\$15,914 80	\$3,978 70
Before reported.....			77,356 57	19,339 14
Total sales to date.....			\$93,271 37	\$23,317 84

Respectfully submitted,

CHAS. BENNETT,
S. H. PEABODY.

Committee.

URBANA, December 8, 1885.

Adjourned to meet at 10 P. M.

EVENING SESSION.

The Board reassembled 'at 10 P. M.

The following resolution was offered by Trustee Bennett and adopted:

Resolved, That the opinion of the Attorney General upon the legal questions involved in the petition of Foster North be and the same is hereby adopted as the judgment of this Board upon the matters contained in said petition, and that the Regent is hereby directed to notify Mr. North that the requests contained in his petition are refused.

The Regent reported that the LeBaron Entomological collection had been transferred to this University. The report was received.

A communication from Prof. Roos, in regard to the course in Drawing and Designing, was received, and, on motion, referred to the Regent and Faculty, to report at the March meeting.

President Millard called the attention of the Board to section 4, article 5, of the act of Congress granting land to agricultural colleges, in reference to the publication of annual reports. The following resolution was adopted:

Resolved, That the Regent be and he is hereby instructed to require of the chiefs of each department of the University an annual report of their respective departments, showing the work done during the year, also setting forth any improvements made, also the needs of such departments, together with such experiments, their results and cost as shall have been made in the respective departments, and the Corresponding Secretary shall cause the same to be published in the annual reports of the University.

The President also called attention to section 9 of said act, in regard to free scholarship to children of deceased soldiers.

Trustee Bennett offered the following resolution, which was adopted:

Resolved, That the matter of scholarships, prizes, etc., be referred to a special committee of three, to be appointed by the President, for report and recommendations at the next regular meeting of this Board.

Adjourned to 9 o'clock A. M.

 SECOND DAY'S SESSION.

The Board assembled at 9:30 o'clock A. M.

Present: Governor Oglesby, Trustees Bennett, Cobb, Eisenmayer, Follansbee, McLean, Millard, Paden, and Pearman.

Trustee McLean offered the following resolution:

Resolved, That the Executive Committee be, and they are hereby authorized to purchase and have placed in the Trustees' room, or some other convenient place, a clothes closet of sufficient size to accommodate the Trustees.

The Board took a recess of twenty minutes to attend University Chapel.

On returning from the exercises, Treasurer Bunn read the following report, which was received and referred to the Auditing Committee:

UNIVERSITY OF ILLINOIS,

To John W. Bunn, Treasurer, Cr.

1885.							
Sept. 9	By Balance.....						\$27,797 90
Sept. 30	Amount received on account University fees.....			\$2,375 00			
	Preparatory year.....			400 00			2,775 00
	from State for State Laboratory of						
Oct. 12	Natural History.....			\$1,375 00			
Nov. 30	Amount received on account buildings and grounds.....			45 50			
	stationery and printing.....			100 00			
	University fees.....			416 25			
	Preparatory year.....			20 00			
	Mechanical Department.....			60 00			
	Architectural Department.....			231 40			
	Agricultural Department.....			2,183 58			
	Horticultural Department.....			110 25			
	Chemical Department.....			310 00			
	Incidentals.....			17 75			
	Music fees.....			70 00			
	Gymnasium.....			14 20			
						3,578 93	
							\$35,526 83

UNIVERSITY OF ILLINOIS,

To John W. Bunn, Treasurer, Dr.

1885.							
Nov. 30	To amount paid on account Board expense.....			\$98 83			
	salaries.....			2,416 88			
	buildings and grounds.....			50 06			
	fuel and lights.....			633 71			
	stationery and printing.....			829 60			
	Preparatory year.....			420 00			
	Nebraska lands.....			7 75			
	Mechanical Department.....			361 54			
	Architectural Department.....			753 41			
	Agricultural Department.....			1,199 68			
	Horticultural Department.....			376 55			
	Chemical Department.....			805 94			
	Military Department.....			13 38			
	library and apparatus.....			17 45			
	incidental expense.....			235 55			
						88,220 33	
	drawings for Arch. Dept.....			\$11 88			
	seal and diploma plate.....			179 00			
	drawing desks.....			2 00			
	Le Baron collection.....			2 10			
	Music fees.....			70 00			
	premium on bonds.....			235 00			
						499 98	
	State appropriations:						
	amount paid on account buildings and grounds.....			\$422 55			
	Laboratories.....			228 31			
	Mechanical and Arch. shops.....			363 65			
	books and publications.....			377 01			
	cabinets.....			487 33			
	current expenses of instruction.....			6,364 80			
	machines and tools.....			885 99			
	fire-walls and ventilation.....			420 67			
	State Laboratory of Natural						
	History.....			1,101 10			
	Balance.....					10,651 41	
						16,155 11	
							\$35,526 83

URBANA, December 8, 1885.

JOHN W. BUNN, *Treasurer.*

Trustee McLean submitted the following resolution, which was carried:

Resolved, That the President and Secretary be directed to draw their requisition upon the State Auditor for the several sums of money appropriated by the General Assembly for the use of the State Laboratory of Natural History and the State Entomologist's office for the quarter ending March 31, 1886.

For the field work and incidental expense of the Laboratory, the sum of one hundred and fifty dollars.

For the traveling, office and incidental expenses of the Entomologist, the sum of one hundred and fifty dollars.

For improvement of the Library, the sum of two hundred and fifty dollars.

For the pay of the Entomological Assistant, the sum of two hundred and fifty dollars.

For the pay of the Botanical Assistant, the sum of two hundred and fifty dollars.

For miscellaneous assistance, the sum of two hundred and fifty dollars.

For the publication of bulletins, the sum of seventy-five dollars.

The report of the Business Agent was read and received, and the recommended appropriations were made.

List of appropriations asked for by the Business Agent, December 8, 1885:

Blackboard repairs.....	\$71 45
Furniture.....	35 00
Freight.....	31 30
Stationery and printing.....	200 00
Griggs Farm.....	78 86
	\$416 61

State Appropriations.

	Appropriated.	Received.	Expended.	Balance.
July 1, 1883.				
Laboratories.....	\$3,000 00	\$3,000 00	\$2,385 00	\$614 35
Cabinets.....	2,000 00	2,000 00	1,213 23	786 77
July 1, 1885.				
Taxes on land, $\frac{1}{2}$ per annum.....	4,000 00	1,766 28	1,766 28	
Buildings and grounds, $\frac{1}{2}$ per annum.....	6,000 00	3,000 00	2,439 00	560 99
Laboratories, $\frac{1}{2}$ per annum.....	3,000 00	1,500 00		1,500 00
Mech. and Arch. shops, $\frac{1}{2}$ per annum.....	3,000 00	1,500 00	513 15	986 85
Books and publications, $\frac{1}{2}$ per annum.....	3,000 00	1,500 00	386 09	1,113 91
Cabinets, $\frac{1}{2}$ per annum.....	2,000 00	1,000 00		1,000 00
Current expense of instruction, $\frac{1}{2}$ per annum.....	24,000 00	12,000 00	6,364 88	5,635 20
Machines and tools, $\frac{1}{2}$ per annum.....	4,000 00	2,000 00	1,315 57	684 43
Fire walls and ventilation.....	4,500 00	4,500 00	1,911 02	2,588 98
Laboratory of Natural History.....	18,000 00	2,750 00	2,186 24	563 96
	\$76,500 00	\$36,516 28	\$20,481 04	\$16,035 24

Current Appropriations.

September 9, 1885.	Appropriated.	Receipts also appropriated	Expended.	Balance.
Board expense.....	\$600 00	Cur. State	\$98 83	\$501 17
Salaries for instruction.....	18,524 00		1,737 00	
Salaries for services.....	1,580 00		6,364 30	10,422 20
Buildings and grounds.....	25 00	\$45 50	679 88	900 12
Fuel and lights.....	2,000 00		50 06	20 44
Stationery and printing.....	800 00	100 00	633 71	1,366 29
Nebraska lands.....	55 00		829 60	70 40
Library and apparatus.....	100 00		7 75	42 25
Incidental expense.....	356 00	17 75	17 45	82 55
Mechanical Department.....	500 00	60 00	235 55	139 06
Architectural Department.....	500 00	231 40	361 54	198 46
Agricultural Department.....	500 00	2,183 58	753 41	
Horticultural Department.....	500 00	1,199 68	1,199 68	1,483 90
Laboratories Department.....	500 00	110 25	376 55	233 70
Military Department.....	500 00	310 00	805 94	4 06
Sundries:			13 38	36 02
Gymnasium.....	75 00	14 20		89 20
Engraving for report.....	65 00			65 00
Drawings, Architectural Department.....	30 50		11 88	18 62
Seal and diploma plate.....	200 00		179 00	21 00
Drawing, desks, etc., Architectural Department.....	35 00		2 00	33 00
The Le Baron collection.....	25 00		2 10	22 90
Music fees.....		70 00	70 00	
Preparatory Department fees.....		420 00	420 00	
University students fees.....		2,791 25		
Premium on bonds.....	235 00		235 00	

Trustee McLean, from the Committee on Buildings and Grounds, made the following report, which was received and approved:

To the Hon. Board of Trustees:

In the matter of the annual report of the Professor of Horticulture, which was referred to the undersigned, your committee beg leave to report that they deem the suggestions made and conclusions reached therein worthy of extended circulation among horticulturists and farmers, and we recommend that the Regent cause the same to be issued as a bulletin and circulated among those interested.

In this connection we beg leave to recommend to the Regent that whenever any report presented from the head of any department of this University contains matter of general interest to the public, that a bulletin containing the same be published and circulated where calculated to do the most good, and that necessary appropriations be made to carry out this recommendation.

ALEXANDER McLEAN.
G. A. FOLLANSBEE,

Committee.

Trustee Bennett submitted the following report, which was received:

To the Board of Trustees:

Your Auditing Committee, to whom was referred the report of the Treasurer, beg leave to report that they have found the same correct and in proper form, and recommend that the same be approved.

CHAS. BENNETT.
GEO. C. EISENMAYER.
R. N. PADEN.

Committee.

The Farm Committee asked and received further time for report.

Mr. Fisher, of Chicago, appeared before the Board in behalf of Secret College Societies, with request to withdraw the prohibition against the same at this University. After hearing the case, on

motion the matter was referred to a committee consisting of the President and three members to be appointed by the chair, for consideration, and report at the next meeting.

The Regent was authorized to engage the services of D. McIntosh, D. V. S., as lecturer on Veterinary Science, at a salary of \$150 per month for the balance of the academic year.

The following appropriations were made, as recommended in the Regent's report:

Purchase of lot from Street Railway Company.....	\$150 00
Purchase of lots east of Chemical Laboratory.....	830 00
For microscopes and materials.....	450 00
For Botanical Laboratory.....	75 00
For Chemical Laboratory.....	250 00
For Architectural Department (apparatus).....	25 00
For Architectural Department (Collection of Designs).....	100 00
For Military Department (band instrument).....	20 00
For new shutters in Free-hand Drawing-room.....	150 00
For new floors on south veranda.....	110 00

Trustee Bennett offered the following resolution, which was passed:

Resolved, That the President of the Board, the Regent, and the Corresponding Secretary be, and hereby are, constituted a standing Committee on Publications, such committee to supervise the publication of the reports of this University, and all other publications and advertisements.

The Regent's request for republishing Regulations for the Students of the University, was referred to the above committee with power to act.

President Millard presented to the Board a collection of laws and decisions concerning the University. It was received and referred to the Committee on Publication with power to act.

Trustee McLean offered the following resolution, which was adopted:

Resolved, That the sum of two hundred dollars be, and the same is hereby appropriated, to be used by the Committee on Publications for the printing of regulations, laws, and bulletins, and report at the next session of the Board.

Trustee McLean, from Committee on Buildings and Grounds, made the following report:

To the President and Board of Trustees of the University of Illinois:

The undersigned, to whom was referred the matter of over expenditure of \$80.99 in fitting up Janitor's rooms, would report that the original estimates of cost of the changes contemplated in the Janitor's rooms were increased in the belief that the flooring joists and studding in said rooms could be used again in refitting, but were found to be decayed and entirely worthless; it therefore became necessary to purchase new lumber. We therefore recommend that the expenditure made on the same be allowed and warrants drawn on the treasury for amount. We further recommend, however, that in all cases expenditures authorized by this Board should not exceed the appropriations made therefor.

Respectfully submitted,

ALEX. MCLEAN,
G. A. FOLLANSBEE,

Committee.

The report was received and the recommendations adopted.

The following report from the Auditing Committee was received and on motion adopted:

To the Board of Trustees:

Your Auditing Committee, to whom was referred the report of the Business Agent, report that they have examined vouchers No. 751 to 800 inclusive, old series, and No. 1 to 200 inclusive, new series, and find them correct and properly receipted, and would recommend that the same be approved.

R. N. PADEN,
CHAS. BENNETT,
GEO. C. EISENMAYER,
Committee.

✓ The President appointed the following committees:

On Scholarships—Trustees Bennett and Pearman and the Regent.

On Secret Societies—Trustees McLean, Bennett, and Follansbee.

Adjourned.

S. M. MILLARD, *President.*

E. SNYDER, *Secretary.*