

Meeting of July 20, 1907.

A special meeting of the Board of Trustees of the University of Illinois was held at 139 Adams street, Chicago, July 20, 1907, pursuant to the following notice which was sent out by the secretary July 15, 1907:

Upon the call of the president, Mr. W. L. Abbott, there will be a special meeting of the Board of Trustees of the University of Illinois at 2:00 o'clock p. m., Saturday July 20th, at 139 Adams street, Chicago—The Edison Building—to consider committee reports and other business duly presented.

When the board met pursuant to this call, the following members were present: Messrs. Abbott, Davison, Hatch, Lehman, McLean and Mrs. Evans; absent, Governor Deneen and Messrs. Blair and Madden, and Mrs. Alexander and Mrs. Busey. President James was present.

MATTERS PRESENTED BY PRESIDENT JAMES.

The president submitted the following matters for consideration:

1. The board of trustees created at its last meeting a professorship of Sociology in the University at a salary of \$2,500.00 a year.

I desire to nominate Dr. Edward C. Hayes of Miami University, Oxford, Ohio, to this position, work and salary to begin September 1, 1907. Dr. Hayes is a bachelor of Bates College, and a doctor of the University of Chicago; has been for six years past professor in Miami University, Oxford. He is highly recommended by his associates and seems unusually well qualified for the proposed work.

Voted that Edward C. Hayes be elected professor of Sociology in the University of Illinois at a salary of \$2,500 a year, work and salary to begin September 1, 1907.

2. I nominate to the position of associate in History, created at the last meeting of the board of trustees, Dr. Louis J. Paetow, of Milwaukee, Wis., at a salary of \$1,300.00 a year. Dr. Paetow is twenty-seven years of age and a native of Wisconsin. He received his bachelor's and master's degree at the University of Wisconsin in 1902 and 1903 respectively, his doctorate at the University of Pennsylvania in 1906. He held a fellowship in the University of Pennsylvania during the years 1904-06; has also traveled and studied abroad, chiefly at Paris.

Voted that Dr. Paetow be appointed to said position.

3. I recommend that Mr. R. V. Engstrom be appointed associate in Theoretical and Applied Mechanics at a salary of \$1,400.00 a year, to take the place made vacant by the resignation of L. E. Moore, who goes to the Massachusetts Institute of Technology as assistant professor of civil en-

gineering, work and salary to begin September 1, 1907. Mr Engstrom is a graduate of the University of Illinois and was instructor in Theoretical and Applied Mechanics in the University in 1904-05; in 1905-06 Mr. Engstrom held a position in the structural materials testing laboratory of the United States Geological Survey, and since May 1906 he has been with the Brayton Engineering Company of St. Paul on design and construction.

Voted that said nomination be approved.

SCHOOL OF PHARMACY.

4. I present the following recommendations for appointments in the School of Pharmacy, these recommendations having been considered by the committee of the School of Pharmacy and approved by it. The appointments and the salaries are made conditional upon the persons concerned being willing to extend their services over an additional period necessary to inaugurate and carry on the course for the degree of pharmaceutical chemist which it is recommended shall be established.

List of appointments for the academic year 1907-08:

F. M. Goodman	\$1,200
C. S. N. Hallberg	1,800
W. A. Puckner	1,800
W. B. Day	2,000
Assistant	500
Assistant	500
Assistant	500
H. H. Rogers	120
P. Messeck, janitor	780
Hattie Erickson, stenographer	540
Engineer	600
Total	\$10,340

The faculty of the school recommends the establishment of an additional course in the School of Pharmacy for the degree of pharmaceutical chemist:

Aim—To offer a course of higher grade for such students of pharmacy as desire a more extended preparation than is afforded by the course now offered for the degree of Graduate in Pharmacy. Especially for those who intend to afterward engage in pharmaceutical industries where a more thorough knowledge of pharmaceutical chemistry is desirable.

Scope—To cover all of the work now included in the Ph. G. course with a large amount of laboratory practice added, and some additional courses, viz: Food and sanitary analysis, commercial microscopy, bacteriology, etc.

Admission Requirements—Graduation from an accredited high school or institution of equal standing; attainment of 17 years of age.

Length of Course—Two school years of 36 weeks each, beginning about September 24th and closing about June 3rd.

Hours—The attendance of the student is required on five days each week, the amount of instruction comprising about 32 hours weekly. (This compares favorably with the Ph. G. courses offered by the Northwestern University and the University of Michigan.)

Requirements for Graduation—The successful completion of the course as outlined above. No drug store experience to be required.

Degree—Pharmaceutical chemist, Ph. C.

Fees—Matriculation fee \$5.00, tuition \$125.00, laboratory deposit \$15.00.

The above course will add considerably to the class-work of the members of the faculty. It is planned to have both Ph. G. and Ph. C. students attend the same lectures during the 28 weeks of the Ph. G. course, but the laboratory work would be given separately. The class hours of Professor Goodman and Dr. Rogers would not be changed or increased, but Professor Puckner and Mr. Clark would have their class hours doubled, while Professor Hallberg, Mr. Snow, Mr. Gathercoal and Mr. Day would have at least 50 per cent more hours of class instruction next session, if the proposed course is given.

Besides the additional salaries there will be the expense of equipment of a special chemical laboratory, for which we have a suitable room. I estimate this as follows:

Fitting up desks for 20 students with gas, water, sink, and cupboards for apparatus, etc.	\$400
Special apparatus, reference books, etc., for this laboratory	500
Supplies of drugs and chemicals	100
Advertising the course by special circular or announcement	150
Total	\$1,150

This expense would be in addition to the itemized estimate of expenditures already furnished for next year based on the present course.

Revenues from this Course—It is difficult to say what success might be expected the first year in enrolling students for such a course. Probably not more than ten students could be enlisted for the first term, which would bring in a revenue of about \$1,400.00. Undoubtedly the new course would be of assistance in improving the shorter course as well. The higher course when fully established, would be an excellent means of strengthening the school in all departments.

The appointments were made as recommended.

The course in pharmaceutical chemistry was approved as proposed, and also the expenditure of \$1,150.00 for fittings.

It is further voted that of the State appropriation for the School of Pharmacy \$3,000.00 should be returned to the general University fund to reimburse the fund for the amount previously contributed from the fund toward the expenses of the School of Pharmacy.

Mr. George W. Gere's bill of \$20.00 for examination of the title to the forty acres of land purchased of W. I. Saffel and L. E. Ford was approved.

The matter of appropriations for the State Entomologist was referred to the president of the board with power to act.

The Committee on Buildings and Grounds made the following report which was adopted.

CHICAGO, ILL., July 20, 1907.

To the Board of Trustees of the University of Illinois:

GENTLEMEN—The Committee on Buildings and Grounds begs to report as follows concerning various matters which were referred to it:

ELEVATOR IN UNIVERSITY HALL.

The committee has considered the advisability of the installation of an elevator in University Hall for the use of the women students, and finds that about two-thirds of the traffic which such an elevator would carry would be between the main floor and the floor next above, and that the remaining one-third of the traffic would be to the floor next above that. The committee also finds that the cost of maintenance, operation, depreciation, etc., would amount to about \$2,000.00 a year.

In view of these facts the committee recommends that the elevator be not installed at this time.

FEES FOR SUPERVISING ARCHITECT.

The following letter from Professor James M. White was referred to the committee:

URBANA, ILL., July 3, 1907.

President Edmund J. James, University of Illinois:

MY DEAR SIR—I enclose section 9 of the law pertaining to the licensing of architects in the State of Illinois.

I wish to recommend that, in case the supervising architect of the University of Illinois be asked to prepare working drawings for structures which under this law must be designed by a licensed architect, the University shall meet all expenses of preparing such plans, and shall in addition pay to the supervising architect one per cent on the cost of the building in addition to his regular salary. This should apply only in cases where said supervising architect prepares the complete plans and specifications necessary for the awarding of contracts for new buildings.

I do not think it is desirable for the supervising architect to do much of this work; but my past experience shows that there will be instances when it may be advisable to have the plans for minor buildings prepared in this way. I think it very desirable that there should be an understanding in advance with regard to the compensation for such services.

Yours truly,

JAMES M. WHITE,

Dean of the College of Engineering.

The committee recommends that when the supervising architect is required to prepare plans and specifications for a building which is to cost more than \$10,000.00 he be allowed a fee of one per cent on the cost of the building, in addition to his regular salary as supervising architect.

REPAIRS AND NEW CONSTRUCTION.

The committee has authorized repair work amounting to \$16,500.00 as follows:

Repairs to buildings	\$10,000
Repairs to electrical equipment, heating apparatus, and pumping station ..	6,500
Also the following described new work for the Auditorium:—	
Lighting fixtures, tunnel for and including steam main and lighting cables	10,000
Sewerage extension	3,500
Total	\$30,000

FENCE FOR THE FORESTRY LOT AND FOR THE HORTICULTURE LOT.

About two years ago an appropriation of \$2,500.00 was made for this purpose. The Agricultural department finds this amount not adequate for the style of fence which it desires to erect. The committee, therefore, recommends that the appropriation for this purpose be increased to \$4,000.00.

SITE FOR A HOUSE AND BARN FOR DAIRY EXPERIMENTAL PURPOSES.

The committee has approved a site southeast of the cemetery and near the old rifle range.

SITE FOR FLORICULTURAL GREENHOUSE.

The committee recommends a site south of the farm buildings, to be agreed upon between the Dean of the College of Agriculture and the President of the University.

Respectfully submitted,

COMMITTEE ON BUILDINGS AND GROUNDS.

W. L. ABBOTT, *Chairman.*

DEED TO LAND IN SOUTHERN ILLINOIS.

Mr. Hatch returned the deed to a tract of land which had been purchased in southern Illinois with the recommendation that the deed be recorded, that Mrs. Kate Carter, of whom the land had been purchased, be paid \$5, and that the back taxes be paid, these expenditures to be charged to the special funds for the department of Agronomy of the College of Agriculture.

STREET RAILWAY ACROSS THE SOUTHERN CAMPUS.

The special committee, to which was referred the matter of the street railway company crossing the south campus, made the following report:

CHICAGO, ILL., July 20, 1907.

To the Board of Trustees of the University of Illinois, Urbana, Illinois:

GENTLEMEN—Your committee appointed to confer with the representative of the Urbana and Champaign Railway, Gas and Electric Company, regarding the request of that company for permission to cross the University south campus, had a conference July 13th, with George A. Mattis, assistant treasurer of that company.

The committee agreed with Mr. Mattis to recommend to the board the following described route which Mr. Mattis agreed to accept:

Starting from Oregon street the car track will curve to the north on Mathews avenue and run north in the west parkway of Mathews avenue next to the curb to a point east of the north end of the Agricultural Building, from which point the line will turn west with a curve of 100-foot radius and run directly across the campus on the line of the center of Daniel street, produced, to a point 73 feet east of the east curb line of Wright street. From this point it will turn north on Wright street with a curve of 75-foot radius and run in the paved portion of Wright street next to the curb to a point east of the Y. M. C. A. House, from which point it will turn west in John street with a curve of 65-foot radius.

The granting of this right of way to be contingent on the part of the University upon the agreement of the railway company to remove their tracks from Green street as soon as the crossing on the south campus is completed. The acceptance of this route on the part of the railway company is contingent upon their being able to secure the frontage consent of the property owners on Wright street to their petition for permission to lay their track in that street.

Since the conference above referred to, an opinion has been received from the Attorney General regarding the validity of the resolution adopted by the Legislature granting permission to the Urbana & Champaign Railway to cross our campus. The last paragraph of the Attorney General's opinion reads as follows

"I am of the opinion, therefore, that said joint resolution is without operative force to confer any irrevocable rights upon the City Railway Company and is not binding upon the Board of Trustees of the University of Illinois."

While the resolution above referred to is not therefore binding upon this board, your committee, recommends that, for the good of the University, and as a matter of public policy, the tentative agreement entered into between your committee and the representatives of the Railway Company be confirmed by the board.

Respectfully submitted,

E. L. JAMES,
W. L. ABBOTT.

The board adopted the following resolution with regard to the report:

Resolved That the report of the committee in conference with the street railway company meets with the general approval of the board subject to the reduction of the curve on entering the campus from the east to 75-foot radius and that the center of the track adjoining Mathews avenue on the west be not more than five feet from the curb line, and that the said committee have full power to complete an agreement in all details.

The secretary presented an opinion of the Attorney General given in response to the request of the board.

W. H. STEAD,
Attorney General.

STATE OF ILLINOIS,
OFFICE OF ATTORNEY GENERAL,
SPRINGFIELD.

July 17, 1907.

EDUCATIONAL INSTITUTIONS.

W. L. Pillsbury, Secretary of the Board of Trustees of the University of Illinois, Urbana, Ill.:

DEAR SIR—I have your favor of the 13th inst., in which, in referring to the joint resolution of the Forty-Fifth General Assembly purporting to give the Urbana & Champaign Railway, Gas and Electric Company authority to cross the grounds of the University of Illinois, you ask my opinion as to the legal effects of said joint resolution, and to what extent it is binding upon the trustees of the University of Illinois.

House Joint Resolution No. 30, entitled, "Resolved by the House of Representatives, the Senate concurring therein," grants permission and authority to the Urbana & Champaign Railway, Gas and Electric Company for itself, its successors and assigns to enter into, along, upon and across the grounds of the University of Illinois, for the purpose of constructing a single track railway over the land specifically therein described. Such railway is to be constructed and maintained at a grade to be approved by the board of trustees. Said railway may be operated by electricity or any other motive power except steam, and the board of trustees have power and authority to regulate the speed and the operation of cars,

"And the rights and privileges hereby granted shall continue and remain in full force and effect for a period of twenty years from (then) and after the passage of this resolution. *Provided, however,* that unless the railway hereby authorized shall be completed and in operation within two years from the date of the passage of this resolution, all rights hereby granted shall cease and determine."

On August 6, 1905, in a letter to Hon. S. A. Bullard, President of the Board of Trustees of the University of Illinois, in answer to a question, among others, as to whether or not the Board of Trustees of the University of Illinois had the power to grant the right to a street railway to cross the grounds of said University, I said:

"The Supreme court has held that the real property of the Illinois Industrial University, now the University of Illinois, is not subject to taxation for the reason that the real estate belongs to, and is under the entire control of the State. Nowhere in the act creating the Illinois Industrial University, or in any act amendatory thereof, is there found any provision which authorizes or empowers the board of trustees to alien or convey the real estate, or any portion thereof, which belongs to the University. On the other hand, the State has reserved to itself the power to alien and convey said real estate. * * * These several things (among others, granting a right to a street railway to cross the grounds) can be done only by the State itself."

This joint resolution purports to grant to the Urbana & Champaign Railway, Gas and Electric Company a right of way. The only question is, is such joint resolution operative to confer any irrevocable rights upon the street railway company or to impose any duties upon the Board of Trustees of the University of Illinois.

If the joint resolution confers any irrevocable rights to the street railway company, it must be because the joint resolution has the force of law. If said joint resolution imposes any duties upon, and enlarges the powers of the board of trustees, it must be because it is an act of the General Assembly. If it is binding on the board of trustees, it must be because it is a statute.

It is a legislative prerogative to deal with and dispose of the property of the State. This can be done only by an act, not by a resolution. The State exercises its sovereign will not by resolution, but by statute. The will of the people is crystallized into law in the manner provided in the Constitution. Any resolution, bill or proceeding given the force of law is an act. Is this resolution, therefore, a statute?

It will be noted that this joint resolution does not have a title. It has no enacting clause. The journals of the House and Senate do not show that it was read at large upon three different days in each house. The journals do not show that upon its final passage the yeas and nays were called. It was not presented to the Governor nor was it approved by him. It is well settled that under the Constitution of this State, the constitutional requirements as to the mode of passage of a law or mandatory and must be observed before a bill, resolution or other proceeding can have the force and effect of a statute law. Our court has held that a joint resolution is not a law.

Burritt v. Commissioners of State Contracts, 120 Ill., 322.

Other states having similar constitutional provisions hold in accordance with the Illinois court.

Mullen v. State, 114 Cal., 578

Collier Lithographing Co. v. Henderson, 18 Col., 259.

Mayor v. Rice, 91 Ind., 546;

Boyer v. Crane, 1 W. Va., 176;

Rice v. State, 93 Ind., 33.

I am of the opinion, therefore, that said joint resolution is without operative force to confer any irrevocable rights upon the street railway company and is not binding upon the board of trustees of the University of Illinois.

Very respectfully,

W. H. STEAD,

Attorney General.

The president of the board was authorized to sign petitions for franchises to be granted to the street railway company when all arrangements as to the crossing have been satisfactorily concluded by the committee.

ARCHITECT FOR NEW BUILDINGS.

The committee on the question of an architect for new buildings reported progress and was given further time.

It was voted to appoint a Committee on Legislation, consisting of the President, President Abbott and Mr. Lehman, to take into consideration the question of the State Architect in relation to the State University.

ADVISORY COMMITTEES.

The secretary has just received and inserts here the Attorney General's opinion on the question of the effect of the provisos in the agricultural appropriations bill with regard to the appointment of advisory boards.

W. H. STEAD,
Attorney General.

STATE OF ILLINOIS
OFFICE OF ATTORNEY GENERAL,
SPRINGFIELD, July 20, 1907.

EDUCATIONAL INSTITUTIONS—UNIVERSITY OF ILLINOIS.

W. L. Pillsbury, Secretary of the Board of Trustees, of the University of Illinois, Urbana, Illinois:

DEAR SIR—I have your favor of the 18th inst., in which you state that the Board of Trustees of the University of Illinois desire the opinion of this office as to how far the power of said board is limited by the provisos in the various sections of an act entitled,

“An Act to extend the equipment and increase the instruction in the College of Agriculture of the University of Illinois and to provide for the extension of the Agricultural Experiment Station, and to make appropriations therefor,”

Approved June 4, 1907, in force July 1, 1907.

Section 1 of said act makes it the duty of the College of Agriculture to give thorough and reliable instruction in the economic production of crops, etc., and appropriates \$50,000.00 annually for the years 1907 and 1908 to carry out the provisions of the section. By a proviso of said section it is provided that the disposition of the funds shall be made along lines agreed upon by the dean of the College of Agriculture, and an advisory committee consisting of the presidents of the several state agricultural organizations.

Section 2 makes it the duty of the agricultural experiment station to conduct investigations calculated to develop the beef, pork, etc., producing interests of the State, etc., and appropriates \$25,000.00 annually to carry out the provisions of the section.

“*Provided*, that the work undertaken and outlined in this section shall be carried out on lines to be agreed upon by the director of the Agricultural Experiment Station and an advisory committee of five to be appointed by the Illinois Live Stock Breeder's Association.”

Section 3 makes it the duty of the Agricultural Experimental Station to conduct experiments to discover the best methods of producing corn, wheat, etc., and appropriates \$15,000.00 annually to carry out the provisions of the section. By a proviso, the work outlined in this section is to be carried out on lines agreed upon by the director of the Agricultural Experiment Station and an advisory committee of five to be appointed by the agricultural societies.

Section 4 makes it the duty of the Agricultural Experiment Station to make chemical and physical examinations of the various soils of the State, etc., and to carry out the provisions of this section \$25,000.00 annually is appropriated. By a proviso it is enacted that the work outlined in this section shall be carried out on the lines to be agreed upon by the director of the Agricultural Experiment Station and an advisory committee of five, to be appointed by the Illinois Farmers' Institute.

Section 5 makes it the duty of the Agricultural Experiment Station to discover and demonstrate the best methods of orchard treatment, etc., and appropriates \$15,000.00 annually to carry out the provisions of this section, and by a proviso it is enacted that the work outlined in the section shall be carried out on lines to be agreed upon by the director of the Agricultural Experiment Station, and an advisory committee of five, to be appointed by the Illinois State Horticultural Society.

Section 6 makes it the duty of the Agricultural Experiment Station to investigate the dairy conditions of the State, etc., and appropriates \$15,000.00 to carry out the provisions of this section, and by a proviso it is enacted that the work outlined in this section shall be carried out on lines to be agreed upon by the director of the Agricultural Experiment Station and an advisory committee of five to be appointed by the Illinois State Dairy-men's Association.

Section 6½ makes it the duty of the Agricultural Experiment Station to demonstrate the best methods of producing plants, etc., and appropriates \$7,500.00 annually to carry out the provisions of this section. By a proviso it is enacted that the work outlined in this section shall be carried out on lines to be agreed upon by the director of the Agricultural Experiment Station and an advisory committee of five to be appointed by the Illinois Florist's Association.

Section 7 makes it the duty of the several committees to meet at such times and places as may be designated by the dean of the College, or by the director of the Agricultural Experiment Station, and said committees are required to make reports to their respective associations of the work and progress under the provisions of this act.

Section 8 provides how the money can be drawn from the State Treasury. Section 8 then continues:

"Nothing herein contained shall be deemed to take away from the Board of Trustees of the University of Illinois the usual authority conferred by law over the expenditure of moneys appropriated to said University. The recommendations of the committee herein provided for shall be advisory; but the use of the moneys herein appropriated shall rest in the discretion of said board for the purpose herein set forth, and said board shall account therefor."

I am of the opinion that the duties of the several committees provided for in the various sections of the act are purely advisory. The final disposition of the moneys therein appropriated, and the manner of carrying into effect the various sections of the act rest in the discretion of the Board of Trustees of the University. Their discretion is not limited or controlled by the creation of such committees. It was doubtless thought by the Legislature that the subject with which the trustees would be dealing in the expenditure of the money was somewhat technical. In order that the best methods might be adopted, and that the money might be expended most wisely, it was no doubt thought that the trustees would welcome the advice, counsel and co-operation of men of scientific learning and practical experience. The law, therefore, created committees of such men of learning and experience to formulate lines of investigation to be pursued in carrying into effect the various sections of the act. While the recommendations of these committees would be entitled to the respect and consideration of the trustees, yet the Legislature by section 8 of the act was particularly careful to say that the usual power and authority of the Trustees of the University of Illinois over the expenditure of money is not in any way limited or controlled. With the Board of Trustees of the University of Illinois rests the ultimate power to decide as to the proper expenditures of the moneys appropriated by said act.

Very respectfully,

W. H. STEAD,
Attorney General

The board adjourned.

W. L. PILLSBURY,
Secretary.

W. L. ABBOTT,
President.