

MEETING OF JANUARY 11, 1916.

A special meeting of the Board of Trustees of the University of Illinois was held at the Blackstone Hotel, in Chicago, on Tuesday, January 11, 1916, at 12 o'clock noon, pursuant to the following notice which was sent out by the Secretary on January 4, 1916:

On 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 the Blackstone Hotel, in Chicago, on Tuesday, January 11, 1916, at 12 o'clock noon, to consider such matters as the committees of the board and the President of the University may submit, and such other matters as may be duly presented.

When the board convened, the following members were present: Mr. Abbott, Mrs. Busey, Mr. Carr, Mrs. Evans, Mr. Ward, Miss Watson.

President James was present.

As there was no quorum, the board adjourned.

W. L. ABBOTT, *President*.

H. E. CUNNINGHAM, *Secretary*.

Meeting of the Executive Committee, January 11, 1916.

A meeting of the Executive Committee of the Board of Trustees of the University of Illinois was held at the Blackstone Hotel, in Chicago, on Tuesday, January 11, 1916, immediately following the meeting of the Board of Trustees on the same date.

Mr. Abbott, Chairman, and Mr. Carr, a member of the committee, were present; also Mrs. Busey, Mrs. Evans, Mr. Ward, and Miss Watson, members of the board.

President James was present, also, during a part of the afternoon, Judge O. A. Harker, Legal Counsel, and Prof. J. M. White, Supervising Architect.

MATTERS PRESENTED BY THE PRESIDENT OF THE UNIVERSITY.

The committee proceeded to the consideration of the following matters presented by President James:

REVISED PLANS FOR EDUCATION BUILDING.

(1) Revised plans for the building for the School of Education.

Prof. White explained these plans.

No action was taken.

APPROPRIATION FOR CHEMISTRY LABORATORY.

(2) A request from the Supervising Architect for an additional appropriation of \$6,000 for the construction of the addition to the Chemistry Laboratory, and the reconstruction of the old part, to provide for instruction in the second semester.

On motion of Mr. Carr, this appropriation was made.

APPROPRIATION FOR VIVARIUM.

(3) A request from the Supervising Architect for the further appropriation of \$8,000 for equipment and furniture for the Vivarium. The board appropriated \$70,000 (June 15, 1915, page 302) for the building, but this year's budget carries only \$50,000, and it is now proposed to expend \$58,000 out of this year's funds.

On motion of Mr. Carr, this appropriation was made.

RUSH MEDICAL COLLEGE.

(4) Correspondence with Dr. Frank Billings, Dean of Rush Medical College.

On motion of Mr. Carr, and after the reading of this correspondence and of Judge Harker's opinion which follows, the reply of President James to Dr. Billings was approved.

(Dr. Billings to President James.)

December 22, 1915.

President Edmund J. James, University of Illinois.

DEAR PRESIDENT JAMES: I succeeded in having a resolution passed by the Board of Trustees of the College for the appointment of an official committee which will confer with you in reference to the proposed union of Rush Medical College with the University of Illinois.

The committee has just been appointed by President J. J. Glessner and consists of three of the trustees, Judge Jesse A. Baldwin, chairman, Charles L. Hutchinson, A. A. Sprague, 2d, and two members of the faculty, Dr. Arthur Dean Bevan and me. Mr. Glessner will act ex officio as member of the committee.

It is my desire to get at things at an early date and as a preliminary, will you please write me a letter making me as definite statements as you can upon the following points in reference to the University of Illinois:

First—The amount of money appropriated for the University Medical School for the biennium beginning July 1, 1915. In this to make a statement as to whether in addition to the money for the administration of the Medical School there is any additional sum for the purchase of ground and the erection of buildings in Chicago.

Second—The present organization of the University Medical School as to the appointment of permanent teachers and this to include not only the fundamental years, but also the clinical years. This second statement to include also the methods which you would follow for the appointment of a new faculty in the clinical departments.

Third—A statement as to the preliminary requirements of students admitted to medicine and this to include a statement as to the status of the students now in the Medical Department of the University.

Fourth—A statement as to the erection of Clinical Buildings in Chicago, should Rush Medical College be taken over by the University of Illinois.

Fifth—What action would be necessary on the part of the Board of Trustees of Rush Medical College in reference to the property of the school should Rush Medical College be taken over by the University.

Sixth—Please make statements as to the present faculty of Rush Medical College in the Clinical Department as to resignation from present positions and how you would propose to form a new clinical faculty.

Seventh—Please make a statement as to how the Presbyterian Hospital, the Home for Crippled Destitute Children, and other hospitals now affiliated with Rush Medical College would be connected with the University of Illinois in the event of a union of Rush Medical College with the University of Illinois. Would it be in the power of the Trustees of the University to make contracts with these affiliated hospitals and carry them on in the same way that we have done in past years?

Please add anything else that you may think essential points of consideration by the committee of Rush Medical College.

I have wondered whether the law in reference to the transfer of the property of Rush Medical College by the trustees to the University of Illinois would be in any way modified in the opinion of attorneys as to the legality of such transfer when it is known that the Rush Medical College holds a special charter from the State. As you know, the charter of Rush Medical College makes the Governor and Secretary of State ex officio members of the Board of Trustees and Rush Medical College is empowered to grant any degree whatever in addition to the medical degree. Probably the charter of Rush Medical College was granted by an act of the Legislature and in all probability the Legislature could enact a measure which would make the transfer of the property to the University legal.

Would you consult the Attorney General of the State in reference to this point?

I should like to have an answer as early as possible because I believe that we should strike while the iron is hot.

Very sincerely yours,

FRANK BILLINGS.

(President James to Dr. Billings.)

URBANA, ILL., January 6, 1915.

Dr. Frank Billings, 122 South Michigan Boulevard, Chicago.

MY DEAR MR. BILLINGS: In answer to your letter of December 22, asking certain definite questions concerning the College of Medicine of the University of Illinois, I beg to make the following reply:

In answer to your first question I may say that the Legislature does not appropriate any money directly for the University College of Medicine, nor does it for any other single department of the University. The Trustees of the University approve from year to year a budget for the different colleges of the institution, and the annual report of the Comptroller shows the amount of money actually spent for different departments.

I have directed that the Comptroller should forward to you a copy of his report for the year ending June 30, 1915, and also for the year ending June 30, 1914. From these two reports you can get an accurate statement under the head of the Colleges of Medicine and Dentistry of the amount of money spent for these departments during those two years.

The Departments of Medicine and Dentistry are housed together in the same buildings, and the instruction to dental students in certain subjects is given in the same laboratories as to medical students. Thus there is a certain consolidation of accounts. According to the last report of the Comptroller—that for the year ending June 30, 1915 (see page 52, "The Disbursements for the Colleges of Medicine and Dentistry for the two years 1914-14 and 1914-15")—the sum of three hundred and sixty-eight thousand four hundred and seventeen dollars (\$368,417) in round numbers, was expended upon these two colleges. Of this sum, forty-six thousand nine hundred and eight dollars (\$46,908) were spent in the payment to the Chicago School Board of certain mortgages on the property owned by the University and used for its medical school, and in payment of interest on certain bonds secured

by mortgages on these buildings, leaving for the actual support of the schools the sum of three hundred and twenty-one thousand five hundred and nine dollars (\$321,509) for the biennium. Of this a considerable sum was expended, as you will see from the list on that page, for the equipment of the different departments.

Aside from these, the University of Illinois conducts a School of Pharmacy in the city of Chicago which is located at present at Twelfth Street and Michigan Avenue, but which will be transferred to a new site recently acquired at the south-west corner of Wood and Flournoy Streets on the east side of Cook County Hospital.

For the present year, from July 1, 1915, to June 30, 1916, the board appropriated on August 4, 1915, the sum of two hundred thousand dollars (\$200,000) for the support of the Colleges of Medicine and Dentistry, as you will see from the minutes of the Board of Trustees, page 540, sub-head 13, a copy of which I am sending you. I am also sending you a copy of the minutes of the Board of Trustees for September 27, 1915, in which, on pages 609 to 618, you will find an itemization of these budget funds. There is an unassigned balance which will be used in improving the equipment in the buildings.

In addition to this sum of two hundred thousand dollars (\$200,000) for the support of the Colleges of Medicine and Dentistry, the University appropriated the sum of twenty-five thousand dollars (\$25,000) in round numbers, for the support of the School of Pharmacy, and, as noted above, it has just purchased a site and buildings for the housing of the School of Pharmacy in the immediate neighborhood of the Cook County Hospital, at a cost of thirty-five thousand dollars (\$35,000) and has appropriated the sum of twenty-five thousand dollars (\$25,000) for reconstructing these buildings, and bringing them up to date in condition and equipment, so that the total appropriation for the present year for Medicine, Dentistry, and Pharmacy is two hundred and eighty-five thousand dollars (\$285,000).

The board has also voted to acquire a site and erect a Clinical Building for the use of the Clinical Departments of the College of Medicine. The site has, however, not been as yet acquired, nor have the plans been drawn up for the building.

In answer to your second question, I may say that the Board of Trustees have made indefinite, that is, permanent, appointments in the College of Medicine as follows: Dr. Albert C. Eycleshymer, Professor of Anatomy; Dr. David J. Davis, Director of the Laboratory of Experimental Medicine; Dr. George P. Dreyer, Professor of Physiology. The following have been appointed for the definite terms: Dr. William H. Welker, Assistant Professor of Physiological Chemistry; Dr. Victor E. Emmel, Assistant Professor of Anatomy; Dr. William H. Burmeister, part-time Assistant Professor of Pathology; Dr. Alfred O. Shaklee, Assistant Professor of Pharmacology; Dr. Bernard Fantus, part-time Professor of Pharmacology.

All other appointments in the College of Medicine, both in the Junior College and in the Senior College, are for one year, and the terms of all professors expire on or before August 31, 1916. Special notice has been given to each member of the clinical staff that, inasmuch as it will be necessary to reconstruct the faculty in the immediate future, owing to the decrease in the number of students, etc., all terms will expire at the end of the present academic year, as indicated above.

The Board of Trustees has been looking for a head for the Department of Pharmacology, and a head for the Department of Pathology, and as soon as satisfactory men are found, they will doubtless be put upon indefinite, that is, permanent, appointment.

The Trustees have also been looking for sometime for a Dean for the College of Medicine. When such a man is appointed, he will be expected to recommend suitable candidates for the clinical and other positions.

According to the by-laws of the Board of Trustees, the President of the University makes all nominations for positions under the board. If the Board of Trustees is not satisfied with his nominations, they ask him to make others.

The President of the University expects, in his turn, the Dean of the College to make nominations. If they are not satisfactory, the Dean is expected to make others, until a suitable faculty has been selected by common consent. The Dean is expected of course to consult heads of departments for nominations in their respective fields.

As to your third question, viz., requirements for admission, no students have been admitted either last year or the present year to the College of Medicine of the University of Illinois who have not completed two full years of college work including certain prescribed work in physics, chemistry, biology, French, and German, corresponding to the standard accepted by most of the first class medical schools in the country.

The students in the present junior class were admitted with one year of college work. Those in the senior class, with high school graduation.

The class graduating in June of the present year, 1916, is the last class with high-school requirement. The class of next year will have had one year of college work, and all after that two full years of college work.

The class graduating in June of the present year, 1916, is the last class with high-school requirement. The class of next year will have had one year of college work, and all after that two full years of college work.

In answer to your fourth question, I may say that if the Rush Medical College should become a part of the University of Illinois, I do not suppose it would be necessary to proceed immediately with the erection of a Clinical Building. The buildings which Rush Medical College has, plus those which the University of Illinois has, would, I should think, serve the purpose for the time being, though of course the Trustees would expect at an early date to proceed with the erection of a modern Clinical Building. The Trustees have been considering the Marquette School site, but the board of education of the city of Chicago is not yet ready

to vacate that site. They have tried to secure a portion of it for the Clinical Building, but did not succeed.

In answer to your fifth question, I think the only action which would be necessary on the part of the Board of Trustees of Rush Medical College in reference to the property of the school, would be to deed the entire property with all privileges, franchises, contracts, etc., to the Trustees of the University of Illinois. With this, of course, should go to the working contracts with the Presbyterian and other hospitals. I presume that after the Board of Trustees of Rush Medical College had deeded the property to the University they could practically close the corporation of Rush Medical College by resigning their positions as Trustees and giving up the charter.

In insisting on a complete passing of the property and privileges, I am only concerned to do what may be necessary in order to get adequate state support for the Medical Department. The University of Illinois could not, of course, spend any money on property or an enterprise which did not belong completely to the State.

In answer to your sixth question, in case the Trustees of the University of Illinois should take over Rush Medical College property, it would be necessary, I take it, for the resignations of the members of the present staff to accompany such action. This is the practical situation with the members of the present clinical staff of the University of Illinois.

I have indicated above the plan which will be pursued in forming a new clinical faculty; namely, I should nominate to the Board of Trustees of the University of Illinois a Dean of the Medical College, and on his appointment he would proceed to make nominations to me for the positions on the staff.

In answer to your seventh question, the Counsel of the University informs me that it is entirely within the power of the Board of Trustees of the University of Illinois to make contracts with the Presbyterian Hospital, the Home for Destitute Crippled Children, and other hospitals now affiliated with Rush Medical College, and carry them out in the same way in which Rush Medical College has been carrying them out in past years.

The powers of the Board of Trustees of the University of Illinois, as conferred by the law creating the institution, are very comprehensive, with full power to make contracts in furtherance of the purposes for which the University exists.

The question as to the method by which a corporation, organized not for profit, may pass out of existence has not, I presume, been decided by the Supreme Court of the State of Illinois; but in a somewhat similar case the Supreme Court of California held that it was perfectly proper and in harmony with the principles of public policy for a private institution to pass over to the State University its property for the uses for which the property was given to the corporation.

I should think that in deeding the property of Rush Medical College to the Trustees of Illinois, the statement should be made that inasmuch as the Trustees of the Rush Medical College desire to make more effective the purpose for which property has been given it and the corporation organized, namely, the promotion of medical research and education, they have decided to deed to the Trustees of the University of Illinois in trust, to use for the promotion of medical research and education, the property now owned by the corporation.

I may say further that in case the Trustees of Rush Medical College should pass over the property, franchises, contracts, etc., of Rush Medical College to the Trustees of the University of Illinois for the advance of medical education, I should be willing to recommend to the Trustees of the University of Illinois, that, in addition to the appropriations made for the support of the school at the present time, the sum of fifty thousand dollars (\$50,000) per annum be appropriated for the support of the work of the clinical years, and that this sum of fifty thousand dollars (\$50,000) per annum should be in addition to the sum received from fees of students in the junior and senior years of the Medical School.

I take it that the fees of students belonging to the junior and senior classes, would, in case of consolidation, amount to some thirty-five thousand dollars (\$35,000) per annum. To this would be added the sum of fifty thousand dollars (\$50,000) per annum, i. e., the income at five per cent on a million dollars.

I am also sure that this sum would be only a beginning. The University will surely develop its Medical School as it has its Schools of Agriculture and Engineering. In ten years the University of Illinois will be spending, in my opinion, a million dollars per annum on medical education and research.

I don't know that there is anything further that I could say which would be of interest or value, except that I should like to call attention to the fact that there is no doubt that the State, in the Mississippi Valley at any rate, will be the controlling feature in medical education and research. The State medical schools are destined to be, speaking generally, the great medical schools. There is a peculiar propriety in asking the State to support medical education and research, inasmuch as the chief benefit accrues to the members of society as a whole through the improving conditions of public health.

I believe that a union of Rush Medical College with the University of Illinois at the present time would promote in the most efficient way the advance of medical research and medical education in the city of Chicago, the State of Illinois, and the whole Mississippi Valley. By such a union, we could accomplish in the next five years in this important department of social effort more than can be accomplished in twenty-five years without such union.

Faithfully yours,

EDMUND J. JAMES.

JUDGE HARKER'S OPINION.

Judge Harker read the following opinion concerning the powers of the boards of trustees of Rush Medical College and of the University of Illinois in this matter.

[STATEMENT.]

On March 2, 1837, the Rush Medical College was organized with seventeen individual names constituting, as a body politic and corporate, the "Trustees of the Rush Medical College." The charter stated that the object of the corporation was to promote the general interests of medical education and to qualify young men to engage in the profession of medicine and surgery. The location of the college was fixed in Cook County. It was provided that in that corporate name the trustees mentioned and their successors should have perpetual succession. It was provided that vacancies occurring from resignation, death or dismissal should be filled by the remaining trustees.

The corporation was given power, "to make contracts; to sue and be sued; to plead and be impleaded; to grant and receive by its corporate name; to accept and acquire, purchase and sell, property, real, personal, or mixed, and in all lawful ways to use, employ, manage, dispose of such property, and all moneys belonging to the corporation, in such manner as should seem to the Trustees best adapted to promote the objects for which the corporation was formed." It was provided in case of donation, devise, or bequest, that the Trustees should accept the same and apply them in conformity with the conditions of the donor. Various amendments of the charter were made prior to the adoption of the present State Constitution, but they do not materially affect the question concerning which the President and the Board of Trustees of the University are interested.

The college has been in operation since its establishment under the special act mentioned. I am asked whether if the Trustees of Rush Medical College desire to transfer all of its property, real and personal, to the Board of Trustees of the University of Illinois, in consideration that the property be devoted to the interests of medical education, and that the works be carried on in Cook County as contemplated by the articles of incorporation, they can legally do so; the Board of Trustees of the University of Illinois being willing to accept the property and devote it to the purposes involved in the consideration. The questions submitted for consideration are—

1. May the Trustees of Rush Medical College legally make such transfer?
2. May the Board of Trustees of the University of Illinois legally accept the property and perform the trust involved?

OPINION.

The power of the Trustees of Rush Medical College to do this thing contemplated is not entirely free from doubt. The corporation is eleemosynary in character and exists by virtue of a special charter that could not be granted under our present State Constitution.

In obedience to the constitutional requirement that the General Assembly should provide by general law for the organization of corporations thereafter to be created, an act was passed in 1872 providing for corporate organizations and charters thru the office of the Secretary of State. They were divided into two general classes—corporations for pecuniary profit and corporations not for pecuniary profit. Many corporations then existing under special laws, passed before the adoption of the Constitution, continued to operate under the terms of their special charters. The Rush Medical College was so continued, although the Legislature in 1874 passed an act enabling colleges, academies and other institutions of learning which had been incorporated under special laws, to incorporate under the provisions of the general law of 1872. Under its special charter, it has received large donations, made, so I am advised, for the purpose of enabling it to carry on the educational work undertaken. It now owns an equipment and property which its Trustees may desire to transfer to the Board of Trustees of the University, under the belief that the purpose and mission of the college will thereby be more completely fulfilled. Have they the legal right to do so?

The question is a new one in Illinois. I am not advised that it, or one closely resembling it, has ever been presented to any of our courts. In one form or another, it has been considered in Massachusetts, South Carolina, Tennessee and California.

The President and Fellows of Harvard College desired to transfer to an organization, designated as the Society for Promoting Theological Education, certain funds which they held in trust for the benefit of a divinity school attached to Harvard College. They filed a bill in equity, praying for leave to make the transfer. As grounds for the prayer, it was alleged that it had become apparent to the complainants that the college and theological school could not be conveniently managed by one and the same corporation; that the exercise of the trusts of the public charity for a divinity school is in high degree inconsistent with and injurious to the due execution of another and prior trust vested in them as Trustees of the college; that the united management of the two institutions was also injurious to the divinity school, and that the Trustees of the college could not so acceptably fulfil the intents and purposes of the donors of that charity as the same might be fulfilled by other Trustees, and by a separate institution, wholly disconnected from the college.

But the Massachusetts Supreme Court held that a chancery court could not permit the withdrawal of funds given by individuals to the Corporation of Harvard College in trust for the promotion of theological education at the college and for the benefit of a divinity school attached to the college, and intrust them to an independent board of trustees, to be applied to the support of a divinity school not connected with the college. 3 Gray's Reports, 280. Opinion delivered in 1855.

"The Trustees of the Greenville Academies" was a South Carolina corporation owning lands and buildings, secured by private donation, where schools were successfully maintained for a number of years. But the establishment of a male academy at Greenville under the supervision of the Baptist Convention of South Carolina, with a staff of able and learned professors, so affected the attendance and patronage of the other institution as to make it apparent to a majority of the trustees that it could no longer be successfully conducted. To induce the Baptist Convention to locate a female seminary at Greenville, a majority of the trustees, over the objection and against the protest of a minority, proposed to transfer to the Baptist Convention the Academy lands "for the purpose of endowing a female college, on condition that the said Baptist Convention would forever keep up in the village of Greenville both a male and female school, where all the branches usually learned in a male and female academy shall be taught by competent and able teachers, and which shall be open to the whole community."

A petition for authority to make the transfer was accordingly presented to the court. It was vigorously opposed by a minority of the trustees. The court granted the petition and ordered the transfer, with the condition that the trusts declared in the deeds of the donors be executed by the substituted trustees. On appeal, the Court of Errors held that the transfer was legally allowable, but that an order of court allowing it was not necessary. The doctrine announced was in effect that if conditions were such that the academies could no longer be successfully conducted, the petitioners required no aid or authority from a court to make the transfer but could make it on their own motion, and that the act of a majority of the trustees in the matter was the act of the corporation. *Ex Parte, The Trustees of the Greenville Academies*, 7 S. C. Eq. Rep., 471. Opinion delivered in 1854.

The Grant Memorial University was a Tennessee corporation, which had received its property thru private donation. From lack of sufficient resources, it was unable to carry on its work satisfactorily. In 1892, it conveyed its property to the Freedman's Aid and Southern Educational Society, with the understanding that it would be conveyed by the grantee to the new U. S. Grant University, another educational corporation, whenever the latter should become financially able to carry on both schools. At the same time, the Grant Memorial University transferred its franchises, powers and privileges to the U. S. Grant University. Certain obligations were assumed at the time by the Freedman's Aid and Southern Educational Society and the U. S. Grant University, which it was afterwards claimed were not fulfilled. Accordingly, a bill was filed in the chancery court to enforce the contracts or, in the alternative, to cancel the contracts and have the property reconveyed and restored to the Grant Memorial University.

The court sustained a demurrer to the petition, holding that the Grant Memorial University was not entitled to a decree, either for the enforcement of the contracts or for a cancellation of them, and also that it was not entitled to a return of the property. On appeal, the Supreme Court of Tennessee held that where an educational corporation conveys and transfers its franchises, powers and privileges to another educational merger corporation, and conveys all its properties to an educational aid or auxiliary corporation, with the provision and agreement that the property is to be conveyed by the said auxiliary corporation to the educational merger corporation when it shall be financially able to operate and carry on the school, and upon its refunding to the auxiliary corporation the money expended in payment of its debts and delivers the possession of the property to the merger corporation, the conveying corporation, by such conveyance, worked a dissolution and terminated its existence, and could not maintain a suit for a return of the property.

It will be observed that the exact question presented here was not in issue when the case was being reviewed by the Supreme Court of Tennessee. It seems to have been conceded by counsel on both sides, and consequently by the court, that there was nothing wrong in the Grant Memorial University surrendering its property, franchises and privileges to another educational institution. The case is valuable only as indicating the views of counsels on both sides of that controversy.

The College of California, incorporated in 1855 as a College of Science and Letters, acquired by gift and purchase various tracts of land, and also receive quite a number of donations of money from individuals. The trustees of the college were desirous to establish and carry on a university adequate to the necessities of the state, but finding that they were unable to do so because of insufficient resources, and being desirous of inducing the state of California to establish a state university, in 1867 proposed to convey to the state 160 acres of land for a site for the state university. The legislature, in 1868, passed an act creating and organizing the University of California, to be located upon the 160 acres of land mentioned, and the land was conveyed to the state of California. The regents of the university took immediate possession of the 160 acres, which I may say is the present site of the University of California, and expended eight or nine thousand dollars in improving the land and preparing it for the buildings. Some question arose as to the power of the trustees of the College of California to make the conveyance. The regents suspended any more expenditures and a suit to quiet title was commenced in the superior court. A judgment was rendered sustaining the action of the trustees of the College of California, and confirming the title in the state. The case is in many respects like the one under consideration. The court held that, in the absence of any statutory authority for dissolution, the trustees had the right to dissolve and make such disposition of the property of the college as would enable the state to carry on a state university.

It will be seen that this opinion was delivered in 1869, eleven years after the decision in the Harvard College case. They are diametrically opposed on principle. There is perfect harmony between the courts of California and South Carolina on the question. The Harvard College case, so far as I am advised, is not supported by any other American decision. Of course it is impossible to express a decided opinion in the absence of a holding in our own State. It seems to me, however,

that the decision in the California case is sound, and would be followed by our Supreme Court should the question come before it.

No violence is done to the purpose of the original incorporators by a transfer of the property belonging to the Rush Medical College to the Board of Trustees of the University of Illinois. The object for which the corporation was created may be better conserved by this proposed action than for the college and its property to remain under the management of the Rush Medical College trustees. Neither does the proposed act do violence to the purpose for which donations were made to Rush Medical College. If the public interest are better subserved by dissolving this corporation and turning its property over to the Board of Trustees of the State University, that should be the controlling influence for a correct decision by our Supreme Court.

There is no doubt of the power of the Board of Trustees of the University to accept this property.

Respectfully submitted,

O. A. HARKER,
Legal Counsel University of Illinois.

DESCRIPTION OF LOCOMOTIVE.

(5) A letter from Prof. Edward C. Schmidt, describing the locomotive recently deposited at the University by the Illinois Central Railroad Company:

URBANA, ILL., January 6, 1916.

President E. J. James, Administration Building.

MY DEAR PRESIDENT JAMES: Dr. Phelps has asked that I send you the following information concerning the locomotive which was recently placed on deposit at the University by the Illinois Central Railroad to be used for experimental purposes:

The locomotive was built by the Rogers Locomotive Works in 1893. The locomotive alone weighs 126,000 pounds, and its tender, 80,000 pounds, making a total weight of 206,000 pounds. The locomotive comes to us in excellent condition, and I should judge that the repairs which were made upon it immediately before it was delivered cost the Illinois Central road about \$2,000. In view of these facts, I believe that its present selling price may be very conservatively estimated at \$6,000.

Possibly the following additional data may also be of some use to you in this connection:

Type of locomotive—Mogul (2-6-0).

Diameter of cylinders—19 inches.

Stroke—26 inches.

Diameter of driving wheels—56½ inches.

Tractive force—23,300 pounds.

Total heating surface—1,532 square feet.

Grate area—26 square feet.

Very truly yours,

EDWARD C. SCHMIDT.

This letter was received for record.

ORDER FOR CHEMICAL APPARATUS.

(6) A request from Prof. W. A. Noyes, Director of the Chemistry Laboratory, endorsed by the Dean of the College of Liberal Arts and Sciences, for permission to place orders to an amount not to exceed \$10,000 for glassware, hardware, porcelain, rubber goods, and other supplies, to be delivered by September 1, 1916, and to be paid for from the appropriation for the Department of Chemistry for the fiscal year beginning July 1, 1916.

On motion of Mr. Carr, this purchase was authorized.

McKEY AND POAGUE'S BILLS FOR PHARMACY SITE.

(7) A letter from Alexander Prussing for McKey and Poague, relating to the purchase of certain property on South Wood Street by the University; also a letter from Alexander Prussing, for McKey and Poague, enclosing a statement of the account of the Board of Trustees with McKey and Poague in the matter of purchasing certain properties:

January 5, 1916.

Hon. W. L. Abbott, 72 West Adams Street, Chicago.

DEAR SIR: Pursuant to your instructions, we have filed for record today the deeds to 707 and 709 South Wood Street (Old Detention Hospital) and 701 to 705 South Wood Street (Jenner Medical College) and have given instructions to the Chicago Title and Trust Company to guarantee titles to the above described properties and to the Prehler property, 713 to 719 South Wood Street in the grantors the dates of record of the deeds from them to the Board of Trustees of the University of Illinois.

We have taken possession for you of the various properties and have notified all of the tenants of your ownership.

The guarantee policies should be completed by the 10th instant when we will render our account. All the buildings are insured against loss by fire.

Yours truly,

McKEY AND POAGUE.
By ALEXANDER PRUSSING.

January 11, 1916.

Hon. W. L. Abbott, 72 West Adams Street, Chicago.

DEAR SIR: Enclosed are statements [of] account [of] purchases of buildings and ground [at the] southeast corner [of] South Wood and Flournoy Streets which

we think explain themselves and which show a balance to our credit of \$121.99 for which we shall be pleased to have the remittance of the Board of Trustees of the University of Illinois.

Kindly advise to whom we shall deliver the title papers, insurance policies, and other documents which have come into our possession for you, and oblige.

Yours truly,

McKEY AND POAGUE.
By ALEXANDER PRUSSING.
January 11, 1916.

The Board of Trustees of the University of Illinois in account with McKey & Poague, Re Purchase of 701 to 705 South Wood Street, Chicago, being a 4-story and basement brick building situated on lots 14, 15, and 16 in Carpenter's Resubdivision of the west half of block 5 in Hadduck's Subdivision into blocks 4, 5, and 17 of that part of the east half of the southeast quarter of section 18, T. 39 N., R. 14 E. of Third Principal Meridian set off to said Hadduck by Superior Court.

| | | |
|--|-------------|-------------|
| Comptroller | | \$16,100 00 |
| Ogden Sheldon & Co..... | \$ 500 00 | |
| Ogden Sheldon & Co..... | 15,500 00 | |
| McKey & Poague, commission..... | \$400 00 | |
| McKey & Poague, from O. S. & Co..... | 300 00 | |
| | 100 00 | |
| L. E. Yeager & Co.—Premiums on fire insurance policies, 5 years, to Jan. 5, 1921— | | |
| Hanover Fire Ins. Co. No. 51042, \$3,500..... | \$63 00 | |
| Home Ins. Co. No. 03425, \$3,500..... | 63 00 | |
| Standard Ins. Co. No. 1083548, \$3,000..... | 54 00 | |
| | 180 00 | |
| Balance (debit) | | 180 00 |
| | \$16,280 00 | \$16,280 00 |

January 11, 1916.

The Board of Trustees of the University of Illinois in account with McKey & Poague, Re Purchase of 709-711 South Wood Street, Chicago, being a 3-story and basement brick and stone front building situated on lots 12 and 13 in Carpenter's Resubdivision of the west half of block 5 in Hadduck's Subdivision into blocks 4, 5, and 17 of that part of the east half of the southeast quarter of section 18, T. 39 N., R. 14 E. of Third Principal Meridian, set off to said Hadduck by Superior Court.

| | | |
|--|------------|------------|
| Comptroller | | \$9,240 00 |
| Chicago Title & Trust Co. Receiver..... | \$ 500 00 | |
| Chicago Title & Trust Co. Receiver..... | 8,500 00 | |
| McKey & Poague, commission..... | 240 00 | |
| | \$9,240 00 | |
| Chicago Title & Trust Co. Receiver, premiums on fire insurance policies: | | |
| \$3,000 to May 14, 1916, Liverpool & London & Globe Ins. Co. No. 78004 (4½ months at 83 1/3 cents)..... | 3 75 | |
| \$2,000 to Oct. 2, 1916, Royal Ins. Co. No. 127501 (9 months at 83 1/3 cents)..... | 7 50 | |
| Balance (debit) | | 11 25 |
| | \$9,251 25 | \$9,251 25 |

The Board of Trustees of the University of Illinois in account with McKey & Poague, Re Purchase of 713-717-719 South Wood Street, Chicago, being three 2 story frame buildings and a frame barn in the rear of No. 719, situated on lots 9, 10, and 11 in Carpenter's Resubdivision of the west half of block 5 in Hadduck's Subdivision into blocks 4, 5, and 17 of that part of the east half of the southeast quarter of Section 18, T 39 N, R 14, E of Third Principal Meridian, set off to said Hadduck by Superior Court.

| | | |
|---|-----------|-------------|
| Comptroller | | \$10,250 00 |
| Adam Prehler | \$ 500 00 | |
| Adam Prehler | 9,500 00 | |
| McKey & Poague, commission | 250 00 | |
| Adam Prehler, taxes 1915 | | 111 00 |
| Water taxes to Jan. 1, 1916 | | 4 07 |
| Rent, Louis Clark, first floor, 713 South Wood Street, \$10 per month to Jan. 12, 1916 | | 5 00 |
| Louis Clark, on account | | 3 00 |
| Anna Molley, second floor, 713 South Wood Street, \$10 per month to Jan. 28, 1916 | | 10 00 |
| Sidney Gordon, first floor, 717 South Wood Street, \$14 per month to Jan. 5, 1916 | | 2 30 |
| Vacant, second floor, 717 South Wood Street. | | |
| Louis Goldberg, first floor, 719 South Wood Street, \$13.50 per month to Jan. 11, 1916 | | 5 06 |
| Louis Goldberg, to Jan. 31, 1916 | | 9 00 |
| Mary Zimmer, second floor, 719 South Wood Street, \$9 per month to Jan. 16, 1916 | | 4 50 |
| Nathan Foreman, barn rear 719 South Wood Street, \$4 per month to Jan. 31, 1916 | | 3 73 |

Adam Prehler, premiums on fire insurance policies—

| | |
|---|---------|
| 713 South Wood, \$1,500 to March 25, 1918, Royal Insurance Company, No. 85124 | \$27 00 |
| 717 South Wood, \$1,500 to March 25, 1918, Royal Insurance Company, No. 85125 | 33 75 |
| 719 South Wood, \$1,500 to March 25, 1918, Royal Insurance Company, No. 85126 | 27 00 |

| | | |
|---|---------|--|
| Total premium for term | \$87 75 | |
| Premium unexpired (2 years, 2 months, 25 days) | \$39 25 | |
| Chicago Title & Trust Company, guarantee policy No. 348470 (including other property) | 49 15 | |
| Balance (credit) | 69 26 | |

\$10,407 66 \$10,407 66

On motion of Mr. Carr, the Comptroller was authorized and instructed to pay to McKey & Poague the balance of \$121.99 still due.

ENGINE PRESENTED TO MUSEUM.

(8) A letter from Mr. Samuel Insull, President of the Commonwealth Edison Company, to Dean W. F. M. Goss, announcing the presentation to the University by the Commonwealth Edison Company of a 600-horsepower vertical triple-expansion engine:

CHICAGO, ILL., December 20, 1915.

Dean W. F. M. Goss, Dean of the College of Engineering, Urbana, Ill.

MY DEAR DEAN GOSS: Learning of your purpose to establish at the University an Engineering Museum in which shall be preserved significant exhibits of machinery which in its day was typical of the highest development in its branch of the mechanical arts, and of your desire in furtherance of this purpose, to secure one of the old engine units from the Harrison Street Station of the Commonwealth Edison Company, I take pleasure in presenting to the University of Illinois, on behalf of this company, for this Museum, a vertical triple-expansion, engine, with its direct-connected generators and their equipment of transformers, regulators, etc.

This engine, which was one of ten similar units, has a normal rating of 600 horsepower and was built in the year 1893 by the Southwark Foundry and Machine Company, of Philadelphia, Pa. It was erected during the winter of 1893-4 in the above-mentioned power house of the then Chicago Edison Company.

Direct-connected to the engine, one on each side, were two 200-kilowatt, 150-volt direct-current generators, built by the General Electric Company. The Chicago Edison Company later replaced these generators with the present double-current machines, which were among the first of this type of generators built. The unit was put into service on August 1, 1894.

The large size and efficiency of its generating units (as these units were at that time regarded) made the Harrison Street Station quite celebrated for its modern equipment and great aggregation of power; but so rapid has been the increase in the size and efficiency of steam prime movers, accentuated in recent years by the advent of the steam turbine, that within ten years from the time these engines were put into service they passed out of use, because they were considered small, inefficient, and inadequate.

This equipment, of which a complete list accompanies this letter, will, at your request, be dismantled, crated, loaded free on board cars and shipped to you at Urbana, where it may, I hope, be of historical value in your Museum.

Yours truly,

SAMUEL INSULL, President.

On motion of Mr. Carr, this gift was accepted and the thanks of the board were extended to Mr. Insull and the Commonwealth Edison Company.

CHANGES IN DENTAL BUILDING.

(9) A request for a further assignment of \$1,500 from the appropriation for the College of Medicine and Dentistry to make certain changes and improvements in the dental building.

On motion of Mr. Carr, this appropriation was made.

PATENTS ON DISCOVERIES.

(10) A letter from Mr. C. W. Miles, of Cincinnati, Ohio, concerning the wisdom of taking out patents on discoveries made in University laboratories:

CINCINNATI, OHIO, December 31, 1915.

Hon. E. J. James, President, University of Illinois, Urbana, Ill.

DEAR SIR: My attention was called recently by a newspaper item to recent development in iron alloys having improved magnetic properties by your Engineering Experiment Station, which subject is of interest to me.

The article referred to further stated that no patents would be taken, but that the discovery would be given to the public, which is a law point that has interested me for some time past.

I have no personal interest as to whether this invention is patented or not, but my past experience and knowledge of manufacturing and commercial methods convinces me that you can not thus effectively donate discoveries to the public, that the real inventor of merit is in fact stepping aside to make room for a less worthy individual.

In my opinion the preferable course would be to protect such discoveries by patent, and thereafter license desirable parties, or those qualifying to produce the product properly, either with or without royalty, and thereby to employ the patent to exercise a supervision over the manufacture in the interests of the public in general, and protect the public against inferior product, and to attain other desirable results.

The late Prof. Robert Kennedy Duncan, of Pittsburgh, Pa., appears to me to have had a clear conception of the points involved in this subject, and I herewith attach a copy of a quotation which I find in my files taken from one of his works entitled "Chemical Problems of Today." It is my recollection that there is additional matter on this subject in his works.

I would therefore respectfully suggest that it might be well to carefully reconsider this matter before finally deciding not to obtain patents upon important developments in the arts.

Very truly yours,

C. W. MILES.

[Extract from "Some Chemical Problems of Today" by Robert Kennedy Duncan, Director of Industrial Research and Professor of Industrial Chemistry at the University of Pittsburgh and at the University of Kansas.—Harvard Bros., Pub. 1911.]

"It is not generally understood, as it should be, that the results of scientific investigation can go to the people only through the industrialists. We often hear it stated that some man eminent in science has 'given' his results to the people. This is, in nearly every instance, nonsense. No man can 'give' his results to the people. Take, for example, Roentgen's discovery of the X-rays, upon which, of course, he took out no patents. Did he 'give' these X-rays to the people? Not at all. The X-rays could go into medical practice only by the use of X-ray bulbs, and these X-ray bulbs were manufactured and improved by certain corporations, through whose factories they went to the people. These corporations, naturally and not at all improperly, placed on these X-ray bulbs all that that trade would bear. The fact that Roentgen, for example, took no money for his research simply added that much to the corporations concerned; his generosity did not make the slightest difference in what people paid. But let us understand that industrialists may come and industrialists may go, but that every new, significant fact hangs on forever, as a permanent gift to the human race in its struggle for that unknown goal toward which it is proceeding."

On motion of Mr. Carr, the President of the University was authorized to instruct Mr. Trygve D. Yensen to take out a patent on the discoveries recently made by him and to assign the patent to the University.

INCOME FROM SMITH FARMS.

(11) A letter from Prof. J. G. Mosier, concerning the income from the Smith farms:

January 8, 1916.

President E. J. James, University of Illinois.

MY DEAR PRESIDENT JAMES: I am sending you a statement of the Smith farms for the quarter ending December 31, 1915. Since the last statement, repairs have been made to the corn crib and one or two outbuildings on the St. Joseph farm, and 80 posts and 160 rods of barbed wire have been secured for the Ludlow farm.

The corn, with the exception of about 100 bushels, has been sold at the St. Joseph farm at 61 cents per bushel. The corn on the other farm is in the crib.

Very sincerely yours,

J. G. MOSIER.

EXPENSES AND RECEIPTS ON ACCOUNT OF SMITH FARMS, OCT. 1, 1915, TO JAN. 1, 1916.

EXPENSES.

| | | |
|--|-----------|---------|
| <i>Howard-Ludlow Farm.</i> | | |
| Barbed wire | \$ 6 00 | |
| Posts | 24 00 | \$30 00 |
| <i>Foltz-St. Joseph Farm.</i> | | |
| Nails | \$ 2 60 | |
| Lumber | 25 21 | |
| Alfred Cole, labor..... | 17 50 | 45 31 |
| <i>Arbuckle-Champaign Farm.</i> | | |
| Russell Arbuckle, threshing oats | | 50 82 |
| <i>General.</i> | | |
| Home Telephone Company | | 10 |
| Total expense | \$ 126 23 | |

RECEIPTS.

| | | |
|-------------------------------|------------|--|
| <i>Foltz-St. Joseph Farm.</i> | | |
| 1,889 bushels corn | 1,152 29 | |
| Pasture rent | 100 00 | |
| Total receipts | \$1,252 29 | |

This report was received for record.

ASSISTANT PROFESSOR OF HOUSEHOLD SCIENCE.

(12) A request for authority to appoint a successor to Dr. N. E. Goldthwaite, Assistant Professor of Household Science, at a salary not to exceed that paid Dr. Goldthwaite.

On motion of Mr. Carr, this authority was given to the President of the University.

HEAD OF DEPARTMENT OF CERAMIC ENGINEERING.

(13) A request for authority to appoint a Professor and head of the Department of Ceramic Engineering. We have not succeeded in finding a satisfactory man to fill the important position which Prof. Bleininger left vacant when he went to Washington. Prof. Bleininger returned to take charge of this work for the first semester of the present academic year, but has found it impossible to remain with the University longer.

On motion of Mr. Carr, this authority was granted.

PROF. OLIVER'S LEAVE EXTENDED.

(14) A request from the Belgium Relief Commission that the University give Prof. T. E. Oliver permission to remain for the rest of the academic year in the service of the commission. The commission states that his work is quite necessary and very satisfactory.

On motion of Mr. Carr, authority was given to the President of the University to extend Prof. Oliver's leave of absence until August 31, 1916.

SUMMER GRADUATE WORK IN MEDICINE.

(15) A request from the instructors in the Junior College of the College of Medicine for permission to offer during the summer advanced instruction in the subjects taught in the Junior College. They state that this can be done for no additional expense beyond the income from the student fees.

On motion of Mr. Carr, the President of the University was authorized to announce such instruction, and to take the necessary steps to organize the work.

APPOINTMENTS TO FILL VACANCIES.

The Secretary of the board presented for record the following list of appointments to fill vacancies made by President James:

Bates, Margaret M., Library Clerk in the College of Medicine, at a salary of fifty dollars (\$50) a month, beginning as soon as she reports for duty and continuing until further notice, subject to the rules of the Civil Service Commission. (January 8, 1916.)*

Bauer, Clifford, Clerk in the Business Office, at a salary of forty-five dollars (\$45) a month, beginning December 7, 1915, and continuing until further notice, subject to the rules of the Civil Service Commission. (January 4, 1916.)

Ferguson, H. F., Assistant Engineer in the State Water Survey, at a salary of one hundred twenty-five dollars (\$125) a month for six months beginning January 1, 1915; this appointment superseding his former appointment at ninety dollars a month. (December 23, 1915.)

Harper, A. C., Instructor in Machine Design, at a salary of one hundred fifty dollars (\$150) a month for five months beginning February 1, 1915. (January 6, 1916.)

Hayes, Margaret L., University Stenographer, Rank II, in the Department of Mechanical Engineering, at a salary of fifty dollars (\$50) a month, beginning December 20, 1915, and continuing until further notice, subject to the rules of the Civil Service Commission; this appointment superseding her former appointment in the Library. (December 24, 1915.)

Hunt, O. L., Clerk and Messenger in the Registrar's Office, at a salary of forty dollars (\$40) a month, beginning December 1, 1915, and continuing until further notice, subject to the rules of the Civil Service Commission. (December 9, 1915.)

Luther, Ida, Stenographer in the Office of the School of Education, at a salary of fifty dollars (\$50) a month, beginning December 1, 1915, and continuing until further notice, subject to the rules of the Civil Service Commission. (December 9, 1915.)

McMillen, Mary B., University Stenographer, Rank II, in the Department of Agronomy, at a salary of sixty dollars (\$60) a month, beginning December 1, 1915, and continuing until further notice, subject to the rules of the Civil Service Commission, this appointment superseding her previous appointment at fifty dollars a month. (December 9, 1915.)

Rogers, Sophie, Graduate Assistant in Psychology for five months ending January 30, 1916, at a stipend of fifty dollars (\$50) a month; this appointment superseding her previous appointment at thirty-five dollars a month. (December 16, 1915.)

Ruehl, Henrietta, Assistant in the Office of the Senior Dean of the College of Medicine and Assistant Nurse in the Dispensary, at a salary of sixty dollars (\$60)

* The date in parenthesis is the date on which the appointment was made by the President of the University

a month, beginning December 1, 1915, and continuing until further notice, subject to the rules of the Civil Service Commission. (November 30, 1915.)

Sawyer, Lester E., Storekeeper in the Business Office, at a salary of sixty dollars (\$60) a month, beginning December 16, 1915, and continuing until further notice, subject to the rules of the Civil Service Commission. (January 4, 1916.)

Schnellbach, J. F., Assistant Engineer in the State Water Survey, at a salary of one hundred dollars (\$100) a month, for six months beginning January 1, 1916; this appointment superseding his previous appointment at seventy-five dollars a month. (December 23, 1915.)

Shulters, J. R., Assistant in Romance Languages, for five months beginning February 1, 1916, at a salary of eighty dollars (\$80) a month. (December 22, 1915.)

Sperry, J. A., to make Bacteriological Examinations for students and Civil Service employees, at a compensation of twenty-five dollars (\$25) a month, beginning November 1, 1915, and continuing until further notice. (January 4, 1916.)

The Executive Committee adjourned.

W. L. ABBOTT, *Chairman*.

H. E. CUNNINGHAM, *Clerk*.