

MEETING OF THE BOARD OF TRUSTEES

OF THE

UNIVERSITY OF ILLINOIS

January 23, 1943



The January meeting of the Board of Trustees of the University of Illinois was held at the Chicago Illini Union Building, 715 South Wood Street, Chicago, at 10 a.m. on Saturday, January 23, 1943.

When the Board convened, the following members were present: President Meyer, Mr. Adams, Mr. Davis, Mr. Forno, Mrs. Grigsby, Mr. Jensen, Mr. Nickell. Mr. Cleary and Mr. Livingston arrived later in the morning. Mr. Vernon L. Nickell, State Superintendent of Public Instruction and *ex officio* a member of the Board, was present for the first time.

President Willard was present; also Mr. A. J. Janata, Assistant to the President, Mr. H. E. Cunningham, Secretary, Mr. Lloyd Morey, Comptroller, Judge Sveinbjorn Johnson, Counsel, Mr. J. F. Wright, Director of Public Information, and, during part of the day, Dr. Raymond B. Allen, Executive Dean of the Chicago Departments.

MINUTES APPROVED

The Secretary presented the minutes of the meetings of November 27 and December 15, 1942.

On motion of Mr. Jensen, the minutes were approved as printed on pages 163 to 226 above.

MATTERS PRESENTED BY PRESIDENT WILLARD

The Board considered the following matters presented by the President of the University.

DEGREES TO BE CONFERRED IN FEBRUARY, 1943

(1) A recommendation that the Board of Trustees authorize conferring of degrees in February on those candidates recommended for such degrees by the faculties of their colleges or schools and the University Senate.

Approximately 450 undergraduate and 63 graduate students will complete their work for degrees at the end of the current semester. As a result of the accelerated program, the number of seniors qualifying for degrees in February is much larger than in previous years. In recognition of the University's all-year educational program, and especially in view of the fact that many of the men graduating at this time will be in military service or in other war work and therefore will not be able to attend the Commencement exercises in June, Commencement exercises will be held for the February graduates on Sunday, January 24, at 3 p.m. in the University Auditorium. Diplomas will be awarded later.

On motion of Mrs. Grigsby, these degrees were authorized as recommended.

MEETING OF GENERAL ADVISORY COMMITTEE

(2) A meeting of the University of Illinois General Advisory Committee will be held in the Illini Union Building at Urbana on Wednesday, January 27, 1943. The meeting is called for 12:30 p.m. and will begin with luncheon, following which there will be a tour of the campus, including inspections of certain buildings and areas. After the tour the Committee will meet again in the Faculty Lounge of the Illini Union Building to receive reports from University officers on University matters of interest to that Committee and to transact whatever business may be in order.

Members of the Board of Trustees are, of course, cordially invited to this meeting.

This report was received for record.

LEAVES OF ABSENCE

(3) A recommendation that the following leaves of absence be granted members of the staff for the reasons and periods and under the conditions indicated in each case:

DONALD B. KEYES, Professor of Chemical Engineering, leave without pay beginning February 1, 1943, and continuing until further notice, for service as Chief of the Chemicals Section in the Office of Production Research and Development of the War Production Board. Professor Keyes has been released at the urgent request of Mr. Donald M. Nelson, Chairman of the W.P.B., and Dr. Harvey N. Davis, Director of the Office of Production Research and Development. The Department of Chemistry has found a satisfactory replacement for Professor Keyes to take over his instructional program. Professor Keyes was on leave of absence on one-half pay from September 1 through December 31, 1942, for part-time service in the Chemicals Section of the War Production Board, and was on full-time University service January 1-31, 1943.

VICTOR E. FERRALL, Associate Professor of Law, leave without pay for the second half of the present academic year (March 1 to September 1, 1943), in order that he may accept a position with a law firm, and in consideration of the decreased enrollment in the College of Law, with the provision that this leave may be extended after September 1, 1943. This leave is granted for the convenience of the University.

FREDERIC E. LEE, Professor of Economics, sick leave with full pay from February 1 through April 30, 1943. Because of reduced enrollment during the second semester, it will be possible for the Department of Economics to combine some courses and otherwise carry on Professor Lee's work without additional expense to the University. This is an extension of sick leave previously granted on part pay to Professor Lee for three months from November 1, 1942. It was

not possible for the Department to absorb all of his work during the first semester without some additional expense; consequently, leave for the balance of the semester was approved on a part-pay basis, and the salary of his temporary replacement was deducted from Professor Lee's salary. The original leave and the extension here recommended are in accordance with the rules of the Board of Trustees.

EMMET B. McNATT, Assistant Professor of Economics, leave without pay for the second semester of 1942-1943, or March 1 through August 31, 1943, for service with the Sixth Regional Area of the National War Labor Board. This is a position in which Professor McNatt can render valuable professional service to the Federal Government. Because of the decreased enrollment, granting this leave will be a convenience to the University as well as a service to the Government.

HARVEY W. HUEGY, Assistant Professor of Business Organization and Operation, leave without pay for the second semester of 1942-1943, for service as Economist and Marketing Expert in the Office of Price Administration, Washington, D.C. This is an extension of leave without pay previously granted by the Board (May 16, 1942) for the first semester of the current year. Because of reduced enrollment during the second semester, it is not necessary to recall Professor Huegy at this time, as the Department can combine sections or otherwise reassign them to provide for his courses. The extension of this leave is for the convenience of the University as well as a service to the Government.

D. PHILIP LOCKLIN, Professor of Economics, leave of absence without pay from February 1 through August 31, 1943, for continuation of his services to the Federal Board of Investigation and Research. This is an extension of leave previously granted Professor Locklin covering the first semester of 1942-1943.

Leaves of Absence for War Service
(The leave in each case is without pay.)

HERMAN L. MISHKIN, Associate in Surgery, from October 1, 1942, through August 31, 1943.

C. OTIS SMITH, Instructor in Obstetrics and Gynecology, from December 1, 1942, through August 31, 1943.

HAROLD WAGNER, Junior Laboratory Assistant in the Department of Pathology, from January 1 through August 31, 1943.

FRANCIS SEYFARTH, Associate in Mechanical Engineering, from January 1 through August 31, 1943.

LEROY L. QUALLS, Junior Library Assistant, from January 1 through August 31, 1943.

BURTON A. MILLIGAN, Instructor in English, from January 1 through June 30, 1943.

JOSEPH PATTON FULTON, Graduate Assistant in Botany, from January 1 through June 30, 1943.

MAYNARD FOWLE MOSELEY, JR., Graduate Assistant in Botany, from January 1 through June 30, 1943.

ROBERT ARMINE CONOVER, Graduate Assistant in Botany, from January 1 through June 30, 1943.

JOHN BETTINARDI, Orderly in the Research and Educational Hospitals, from January 15 through August 31, 1943.

On motion of Mr. Davis, these leaves were granted as recommended.

MEDICAL EXAMINATIONS OF UNIVERSITY STAFF MEMBERS

(4) At the meeting of the Board on December 15, 1942 (Minutes, page 222), I submitted a memorandum on the program of medical examinations of University staff members which the Board had previously authorized subject to the availability of funds. Further study of this program reveals the following circumstances:

1. It is impossible for the present staff to give more physical examinations than it is now giving, without neglecting work of equal or greater importance, for the following reasons: (a) The staff of the Men's Division of the Health Service is now only 55 per cent of its normal strength. (b) The staff of the

Women's Division is only 40 per cent of normal. (c) The total number of physicians in Champaign-Urbana has been reduced in approximately the same proportion. The University, therefore, can not get the help it could a year ago. (d) With few exceptions the doctors remaining in Champaign-Urbana, like those on the Health Service staff, are above 45 years of age and have more work on their hands than they can do. (e) Reduction in the number of doctors in Champaign-Urbana increases the student load on the Health Service. (f) The University is having a marked labor turnover on account of war, with the result that more employees have to be examined than normally. (g) The new requirements in physical education, not only for freshmen and sophomores but for juniors, seniors, and graduate students, will greatly increase the work of the Health Service by increased examinations, more accidents, and additional calls. (h) The medical staff of the Health Service is being further loaded by giving first-aid instruction to some 300 to 500 civilian defense workers to protect the interests of the University. It has already had 800 to 900 employees under instruction in first aid. (i) There has been no such percentage decrease in the student body and number of employees as in the medical staff of the Health Service.

2. From January 1 to May 1 is the period of the greatest prevalence of illness, particularly communicable disease, among students. It is, therefore, in the interest of the University that the doctors remaining on the Health Service staff see as many students as possible who call at the Health Service Station, in order to detect contagious disease in its incipency before the victims have an opportunity to expose others.

3. About 500 employees and faculty members have already left the University for war work, and a number of obviously temporary people have been employed to meet the emergency. If such temporary employees were examined, there would be considerable expense with little permanent benefit to the University.

4. At the present time, the Health Service is examining as fast as it can all new employees who must enter the Retirement System and all employees who have reached the age of thirty since the introduction of the Retirement System. These two groups represent a total of approximately 500 to 600 persons.

In view of these circumstances, the following program has been authorized:

All new faculty members and employees will be given medical examinations on entering the service of the University. Examinations will be given to other faculty members on request, if circumstances permit after provision has been made for those mentioned in paragraph four above. Periodic or follow-up examinations will be given those members of the faculty who desire them.

On motion of Mr. Davis, this report was received for record, and the action of the President in authorizing this program was approved and confirmed.

REPORT FROM FACULTY COMMITTEE ON PATENTS

(5) The Faculty Committee on Patents submits the following recommendations relating to discoveries by members of the faculty:

Dr. C. C. Price, Associate Professor of Chemistry, in a study of the mechanism of addition polymerization, has discovered several procedures for preparing addition polymers, such as polystyrene and polymethyl methacrylate, with certain reactive functional groups in the molecule. The procedures for the preparation of such polymers are: (1) use of substituted acyl peroxides as catalysts; (2) use of substituted aryldiazonium hydroxides as catalysts; and (3) use of various nitro and polynitro aromatic compounds as retarders for the polymerization. Professor W. C. Rose, Acting Head of the Department of Chemistry, has advised that on the basis of available information, it does not seem that the procedures in question will prove to be of commercial value. He recommends release of rights to the discoverer so that he might assume the risks involved in patent applications, should he so desire. Professor Roger Adams concurs in this recommendation. Accordingly, the Committee recommends release of the discovery to Dr. Price.

Dr. Milan Novak, Associate Professor of Bacteriology and Public Health in the College of Medicine, has devised a new blood and plasma filter. The Committee finds that neither the University's materials and facilities nor the University's time were used, and not a cent of University money was spent in developing the device. The Committee finds further that the device is very simple and does not promise any substantial commercial value; that the returns, if the device is patentable—some of the members think this doubtful—will be nominal and will not justify the expenditure of a substantial sum in order to obtain a patent; that, however, the device may be useful in the war and that it is important that Dr. Novak file an application for a patent as promptly as possible in order, as he puts it, to prevent commercial exploitation to the detriment of the discovery and its possible uses in the present war. He has written an article, publication of which he is withholding, pending action on this matter. The Committee recommends that the discovery be released to Dr. Novak.

I concur in these recommendations.

On motion of Mr. Adams, this matter was referred to the Committee on Patents (see page 242).

PATENTABLE DISCOVERIES BY MEMBERS OF THE UNIVERSITY STAFF

(6) As a result of the discussion at the meeting of the Board on December 15 of the policy of releasing to members of the University staff discoveries made on their own time, I requested the Faculty Committee on Patents to consider this question and formulate a declaration of policy for consideration by the Board. The Committee offers the following:

1. In general, all patentable discoveries made by staff members are the property of the University, and should be assigned to it.

2. A staff member who has any part in conducting a research or investigation which, in whole or in part, is under the financial sponsorship of any person, corporation, or agency outside the University shall report all such discoveries promptly to the head of his department or to the dean of his college, and assign all applications for patents thereon to the University, unless the discoveries be released to the staff member concerned by the Board of Trustees.

3. Discoveries made outside the line or lines of investigation or study which a staff member carries on as an employee of the University, and in the development of which University materials or equipment are not used, need not be assigned to the University but shall be regarded as the property of the discoverer; provided that no discovery shall be released without formal approval by the Board of Trustees. Any discoveries falling within the provisions of this paragraph shall be promptly reported by the staff member to the head of his department, who, in turn, shall report the matter to the dean of the college with a full statement of all pertinent facts.

This statement does not involve any real departure from the policy heretofore pursued by the University which the Faculty Committee on Patents has sought to apply in all cases. The Committee's attitude has been that, generally, patentable discoveries by staff members belong to the University and should be assigned to it. In the case of research sponsored by an outside agency, the policy has been explicit. In the case of discoveries made by staff members on their own time and developed with their own resources, the University has in some cases released such discoveries to the staff members for patenting at their own expense if they so desire.

The only departure in the above statement from existing policy, if there be any, is in paragraph 3. If this policy be adopted by the Board, *all* discoveries made by staff members within the line or lines of investigation carried on by them as employees of the University would be assigned to the University regardless of any claim that a discovery was conceived by a staff member while not on duty. As to discoveries outside of the regular lines of investigation pursuant to his employment, a staff member, in the judgment of the Faculty

Committee on Patents, is the true owner and should have control of it. There is, of course, no obligation on the part of the University to apply for patents on all discoveries made, for, as in the past, discoveries deemed unimportant can in the discretion of the University be released to the discoverers.

I concur in the recommendations of the Faculty Committee.

On motion of Mr. Davis, this matter was referred to the Committee on Patents (see page 242).

LEGISLATION FOR UNIVERSITY AIRPORT

(7) The biennial budget of the University of Illinois, as approved by the Board on October 17, and submitted to the State Department of Finance, includes funds for an airport—\$200,000 for the purchase of land and \$550,000 for buildings and equipment. If such an appropriation is secured it is proposed to seek the assistance of the Illinois Aeronautics Commission in the preparation of plans and specifications and Federal funds for grading, drainage, fencing, construction of runways, and installation of a lighting system. This project was approved by the Board of Trustees a year ago and was presented to the Governor when it appeared that a special session of the General Assembly would be called and a State appropriation could be requested. The Governor at that time indicated great interest in the project and stated that he would include a provision for such legislation in his proclamation in the event a special session were called.

I recommend that the Board of Trustees authorize the President of the University to have introduced in the 63rd General Assembly of Illinois a bill or bills amending the present act making appropriations to the University of Illinois for the biennium of 1941-1943 to authorize the use of any unexpended balances in appropriations for building remodeling and other capital improvements (which appropriations cannot be fully expended for their original purpose because of Federal limitations upon construction and use of certain critical materials during the period of the war) for the purchase of land and its development, including buildings, as an airport. If such legislation can be secured, and particularly if it can be passed as an emergency, its effect would be (1) to reduce the biennial budget for 1943-1945 by whatever expenditures the General Assembly authorizes be made for the airport project from funds already appropriated for the current biennium, and (2) to make funds available for the purchase of land prior to July 1, 1943, thus accelerating the development of the airport project.

I recommend further that the Board of Trustees authorize legislation which would empower the Board to apply for and receive aid from the United States Government for the acquisition, construction, maintenance, or operation of airports, landing fields, air markings, or any equipment or aids to aerial navigation, for use in connection with the development of the educational program, whether military or civilian, of the University of Illinois. Such legislation will empower the Board to take such steps as may be necessary to obtain the aid of the United States Government in the construction and operation of an airport whether or not State funds are secured in the immediate future or later for such a project.

On motion of Mr. Fornof, these recommendations were adopted.

At this point, Mr. Livingston took his place with the Board.

RESEARCH CONTRACTS WITH THE UNITED STATES GOVERNMENT

(8) On September 27, 1940 (Minutes, page 50), the President of the University was authorized to conduct negotiations with agencies of the United States Government for confidential research work by the University on problems relating to national defense, and to take such action as is appropriate in the public interest, including the approval of contracts with the Government.

On January 24, 1942 (Minutes, pages 759-761), the Board approved a report from its Committee on Patents recommending certain changes in the policy and rules governing patents and publications of scientific discoveries resulting from researches sponsored by individuals, associations, public agencies (including

United States governmental agencies), technical societies, and similar organizations. Under the new rules such sponsors of research are expected to enter into contracts containing provisions that all results of experimental work, including patentable discoveries, carried on under the supervision of the scientific staff of the University, belong to the University and to the public and will be used and controlled so as to produce the greatest benefit to the public. The University also reserves the right to publish the results of such researches.

The Federal Government will not enter into contracts for confidential researches on war problems which would give the University the control of patentable discoveries or the right of publication of results of these researches. The Government takes the position that the public interest requires control of the patent and rights of publication by the Federal Government. Consequently, in exercising the authority granted the President of the University on September 27, 1940, *prior to the adoption of the present patent and publication policies in January, 1942*, contracts have been entered into with Federal agencies for confidential researches on war problems which do not reserve to the University any patent or publication rights on the ground that these are special arrangements of an emergency character to which the latter action of the Board does not apply. It seemed to me, however, that this should be brought to the attention of the Board for its information. The Government will not enter into contracts for these confidential arrangements without reserving to itself the patent and publication rights. The University must either make exceptions in such cases or decline to do the research work, in which case it must be prepared to face public criticism for refusing to cooperate with the Government in important scientific work.

I recommend that the Board authorize approval of such contracts with the Government without any reservation by the University of patent and publication rights.

On motion of Mr. Davis, this matter was referred to the Committee on Patents (see page 242).

ACOUSTICAL WORK IN RESEARCH AND EDUCATIONAL HOSPITALS

(9) On December 15, 1942 (Minutes, page 205), the Board approved a budget for remodeling and equipment in the Research and Educational Hospitals, including an item of \$23,000 for acoustical work in corridors, wards, laboratories, operating rooms, and offices. Bids covering such treatment for corridors and larger wards were opened on December 22, 1942, and were as follows:

<i>Contractor</i>	<i>Trade Name</i>	<i>Unit Price per sq. ft.</i>	<i>Total</i>
H. E. Anning Co.....	{Cushiontone	23.5¢	\$14,782
	{Acoustone	27.5¢	17,299
Johns-Manville Sales Corp.....	{Permacoustic	37.8¢	24,881
	{Fibracoustic	24.3¢	15,985
James L. Lyon Co.....	{Acousti-celotex	24.0¢	15,520
	{Muffletone	30.0¢	19,360
Airtite Insulation Co.....	Cushiontone	22.5¢	13,695

The Director of the Physical Plant recommends that the contract be awarded to the Airtite Insulation Co., on the basis of the lowest bid, \$13,695. The Comptroller requests authorization to execute this contract.

Action on this matter was deferred, pending the receipt of further information (see page 242).

ADJUSTMENTS IN BUDGET FOR 1942-1943

(10) In approving the budget for 1942-1943 the Board of Trustees authorized the President to make such minor changes and adjustments as are necessary. Pursuant to this authorization, the adjustments shown in the attached schedule

were made during the quarter ended December 31, 1942. An appropriation of \$8,710 from the 1942-1943 budget reserve is needed to cover these adjustments.

Permanent additions to current budget:

Agricultural administration, aids to vocational agriculture teachers' salaries, to provide for the appointment of Mrs. Dorothy D. Knell.....	\$1 200 ²
Chicago Health Service salaries, change in salary of Joseph H. Filip Dean of Men's office salaries, to provide for the appointment of E. E. Stafford.....	800
Education administration salaries, change in salary of Mrs. Martha J. Sanders.....	1 000 ¹
General Division, L.A.S. salaries, to provide for the appointment of Mrs. Thelma K. Hanson.....	60 ²
Mathematics salaries, to provide for the appointment of Mrs. Ethel G. Batell.....	300 ²
Physical Education for Men salaries, change in salary of R. W. Kireilis.....	750 ¹
Registrar's office salaries, to provide for the appointment of Mrs. Janis W. Good.....	100 ³
Spanish and Italian salaries, to provide for the following appointments:	600 ³
Ruth Frances Willard.....	300 ¹
Mrs. Elizabeth K. Allen.....	300 ¹
Mrs. Evelyn Bristow.....	300 ¹

Temporary additions to current budget:

Mathematics salaries.....	1 500
English salaries.....	1 500
<i>Total</i>	\$8 710

On motion of Mr. Livingston, this appropriation was made as recommended, by the following vote: Aye, Mr. Adams, Mr. Davis, Mr. Fornof, Mrs. Grigsby, Mr. Jensen, Mr. Livingston, Dr. Meyer, Mr. Nickell; no, none; absent, Mr. Cleary, Mr. Green, Mr. Karraker.

**APPROPRIATION FOR SOUND-MOTION PICTURE
OF UNIVERSITY LIFE**

(11) The Director of Public Information has requested an appropriation of \$2,500 for a colored sound-motion picture of current University life, including special war activities, and 15 additional prints of this picture. The proposal has been reviewed by the Committee on Special Appropriations and Non-Recurring Expenditures and received approval. I recommend an appropriation of \$2,500 from the General Reserve for this purpose.

Director Wright commented on this matter.

On motion of Mr. Adams, this appropriation was made as recommended, by the following vote: Aye, Mr. Adams, Mr. Davis, Mr. Fornof, Mrs. Grigsby, Mr. Jensen, Mr. Livingston, Dr. Meyer, Mr. Nickell; no, none; absent, Mr. Cleary, Mr. Green, Mr. Karraker.

PURCHASE OF PAPER

(12) The Comptroller recommends the purchase of 125 reams of 22x34, 40-lb. 100% rag bond water-marked paper, for the Office Supply Stores, from Dwight Bros. Paper Company, Chicago, the lowest bidder, at a price of \$1,275 delivered.

On motion of Mr. Livingston, this purchase was authorized as recommended.

¹Reported to Board of Trustees in meeting of October 17, 1942.

²Reported to Board of Trustees in meeting of November 27, 1942.

³Reported to Board of Trustees in meeting of December 15, 1942.

PURCHASES AUTHORIZED

(13) A report of the following purchases authorized by the Comptroller acting for the President:

1. 278 cases of Pyrex laboratory glassware, the order divided as follows: Central Scientific Company, Chicago, \$1,802.36; E. H. Sargent and Company, Chicago, \$2,231.42. This is a non-competitive item, being sold through jobbers at prices fixed by the manufacturer for lots of 100 or more cases. The above vendors were selected because they carry the largest stocks of Pyrex and will be able to fill our orders without delay.

2. 500 rolls of coal-tar saturated roofing felt and 40 tons of coal-tar roofing pitch, for the Physical Plant Department, from Koppers Company, Chicago, the lowest bidder, at a price of \$1,669.80, to be used for replacing roofing on the Armory.

3. 50 hospital beds from Interior Contract Furnishers, Chicago, the lowest bidders, at a price of \$1,397.50. These additional hospital beds are required for the opening of the south wing of the Research and Educational Hospital.

On motion of Mr. Livingston, the action of the Comptroller in authorizing these purchases was approved and confirmed.

**CONTRACTS EXECUTED BY THE COMPTROLLER
DECEMBER 11, 1942, TO JANUARY 13, 1943**

(14) A report of contracts executed by the Comptroller.

Contracts executed under general regulations of the Board of Trustees:

<i>With Whom</i>	<i>Purpose</i>	<i>Amount to be received by the University</i>	<i>Date</i>
Office of Scientific Research and Development	Supplement to confidential contract OEM-299	\$16 925	Dec. 17, 1942
United States War Department (Surgeon General)	Training in neurosurgery—three courses for 30 students	9 000	Dec. 7, 1942
United States War Department (Surgeon General)	Training in anesthesiology—two courses for 10 students	2 000	Dec. 7, 1942
United States War Department (Surgeon General)	Training in thoracic surgery—three courses for 14 students	4 200	Dec. 7, 1942
United States Navy (Bureau of Supplies and Accounts)	Confidential contract	2 000	Dec. 31, 1942

Leases executed under general regulations of the Board of Trustees:

<i>With Whom</i>	<i>Property</i>	<i>Amount to be paid by University</i>	<i>Date</i>
Jacob E. Reisch	Premises in Springfield, Illinois, for Division of Services for Crippled Children	\$150 a month	Nov. 30, 1942
Distillation Products, Inc.	Cyclic-bath molecular still for O.S.R.D. research	\$100 a year	Nov. 17, 1942

On motion of Mr. Jensen, this report was received for record.

At this point, President Meyer, being called from the room, asked Mr. Jensen to preside during the presentation of the next item.

QUARTERLY REPORT OF THE COMPTROLLER

(15) In accordance with the provisions of the University Statutes, the Comptroller presents his quarterly report as of December 31, 1942. Copies have been sent to all members of the Board individually, and a copy has been filed with the Secretary of the Board.

This report was received for record.

**OPINION OF AMERICAN COUNCIL ON EDUCATION COMMISSION
ON BOOZ, FRY, ALLEN, AND HAMILTON SURVEY**

(16) In accordance with the instructions of the Board, the American Council on Education was requested to authorize and direct the Commission, which has been making a survey of the University of Illinois, to express an opinion upon

the report of Booz, Fry, Allen, and Hamilton on the Survey of the University made by that firm.

The President of the Council has advised that it is not possible to comply with this request because:

1. The field of the American Council Survey was definitely limited and it does not include any supplementary studies.

2. The Commission has had its final meeting and is now putting its report in final shape for presentation to the Council and to the University.

3. To express an adequate opinion on the Booz, Fry, Allen, and Hamilton Survey Report would require considerable time and study on the part of the members of the Commission. Its financial resources (i.e., the funds appropriated by the Board of Trustees for the American Council Survey) are not sufficient to enable the Commission to undertake this additional responsibility.

4. Finally, the President of the Council questions the wisdom of having the Council's Commission attempt to pass upon the character of another study which was undertaken and carried on contemporaneously.

This report was received for record.

REPORT OF COMMISSION OF AMERICAN COUNCIL ON EDUCATION

At this point, on request of President Meyer, the President of the University presented printer's proofs of the report of the Commission of the American Council on Education, with the statement that a copy of the report had been furnished by the Commission for use at this meeting in advance of the formal transmittal by the Council through President Zook; and that, while minor editorial changes might be made, these would not alter the recommendations made in the report.*

President Willard characterized the report as a valuable contribution, severely critical, which will be profoundly helpful, and commented on the several recommendations and on the report as a whole.

Mr. Cleary took his place with the Board during the presentation of this item.

On motion of Mr. Davis, this report was referred to a special committee to be appointed by the President of the Board, to include Mr. Jensen, Mr. Nickell, and President Willard, to consider this report in conference with Dean Works, and possibly a representative of the firm of Booz, Fry, Allen, and Hamilton, and to make recommendations to the Board.

President Meyer appointed Mr. Jensen, Mr. Nickell, and President Willard to act on this committee.

GIFTS TO THE UNIVERSITY AND GRANTS FOR RESEARCH AND OTHER PURPOSES

(17) A report of the following gifts and grants of funds for research and other purposes received by the University since the last report:

Gifts

1. W. K. Kellogg Foundation, Battle Creek, Michigan, \$5,000, representing an additional gift to the College of Medicine for student aid, to be applied according to the same plan and under the same conditions as the original plan of \$10,000 for this purpose.

2. Mr. H. R. Teichert of Chicago, \$300 for the furthering of the study of literature by Professors Harris Fletcher and Marvin T. Herrick of the Department of English.

3. Board of Trustees of Sinai Temple of Champaign-Urbana, \$50 for the establishment of a scholarship in the School of Music to be known as the "Sinai Temple of Champaign-Urbana Scholarship."

*For the final report see appendix.

4. Mr. C. A. Kiler, Champaign, a Hepplewhite sofa to the Department of Home Economics.

5. Mr. Virginius Chase, Peoria, 8500 labeled specimens of Illinois vascular plants to the University of Illinois Herbarium.

6. Mr. David S. Lansden, Cairo, a copy of his father's book, "History of the City of Cairo," to the Ricker Library of Architecture.

7. Dr. D. M. Olkon, Assistant Professor of Psychiatry, College of Medicine, the following equipment for the Department of Psychiatry, with the understanding that the equipment will be assigned to Doctor Olkon for his sole use as long as he remains a member of the faculty: 1 oscillogram, 1 kymograph with clock, 1 jaquet timing clock, 1 bow galvanometer, 1 myo-angiograph, 1 Zeiss microscope, 1 calcium arc lamp with rheostat and stand, 1 time watch, 1 "Foku" camera (Zeiss) with rheostat, and a variety of attachments. The original cost of this equipment was approximately \$2,000.

8. Dr. and Mrs. Eric Oldberg, Chicago, a late 16th century embroidered textile of English design, which was used as a baptismal font cover at the baptism of Charles I of England, to the Department of Art.

9. Professor Emeritus Frederick Green, \$1,000 as a further contribution to the "Lois Shepherd Green Scholarship" fund for undergraduate students in Philosophy.

10. Woman's League, \$1,000 as a fund to be known as "Woman's League Fund," the interest to be distributed by the Dean of Women to needy women students of the University.

Grants for Research

1. Dr. B. Z. Rappaport, Associate in Medicine, and three of his patients, a total of \$5,500 in support of the allergy antigens research work of Dr. Rappaport, with the understanding that these funds are to be used in accordance with the same conditions as those which applied in the case of previous grants for this purpose.

2. Aeration Processes, Incorporated, \$2,800 for research work on the manufacture of ice cream, to be carried on by the Department of Dairy Husbandry during the academic year 1942-1943.

3. Aeration Processes, Incorporated, \$2,500 for the support of a post-doctorate fellowship in Bacteriology during 1942-1943.

4. Coca-Cola Company, Wilmington, Delaware, \$1,200 in support of a research project under the direction of Professor C. C. Price of the Department of Chemistry.

5. Eli Lilly and Company, Indianapolis, \$1,200 for the establishment of a fellowship in the College of Medicine for the investigation of the diagnostic value of colostrum.

6. Winthrop Chemical Company, Inc., New York City, \$1,000 for the support of research work on the effect of vitamin A in hypertension, to be carried on in the Department of Physiology under the direction of Dr. G. E. Wakerlin.

7. Eastman Kodak Company, Rochester, New York, \$1,000 in support of a fellowship in Organic Chemistry for the academic year 1942-1943.

8. National Lead Company, Brooklyn, New York, \$1,000 for the establishment of a graduate research assistantship in Chemistry for fundamental research on the properties and uses of soybean oil, to become effective at the beginning of the second semester of 1942-1943.

9. Mr. Charles R. Walgreen, Jr., \$1,000 for the establishment of a fellowship in the College of Pharmacy to be known as the "Charles R. Walgreen Fellowship."

10. Stanolind Oil and Gas Company, Tulsa, Oklahoma, \$875 in support of research work by Dr. N. D. Coggeshall of the Department of Physics.

11. Hynson, Westcott & Dunning, Inc., Baltimore, Maryland, \$800 additional for the purpose of defraying publication costs of the results of research carried on in the Department of Obstetrics and Gynecology under the supervision of Dr. F. H. Falls.

12. Continental Oil Company, \$750 for the renewal of a special research assistantship under the direction of Professor G. L. Clark of the Department of Chemistry, for the academic year 1942-1943.

13. Monsanto Chemical Company, St. Louis, Missouri, \$750 for the continuation of the fellowship in Chemistry in support of Professor C. S. Marvel's program of research during the academic year 1942-1943.

14. Velsicol Corporation, \$725 for the continuation of research under the direction of Dr. Clyde Kearns of the Department of Entomology.

15. American Dry Milk Institute, Inc., \$720 for the continuation of research on the "Utilization by Animals of the Calcium of Whole Milk and of Liquid and Dried Skim Milk and Their Values as Sources of Calcium in the Diet in Comparison with Other High-Calcium Foods," for one year beginning July 1, 1942, by the Department of Animal Husbandry.

16. Henry Strong Foundation, \$600 for the renewal of the Henry Strong Fellowship for the year 1942-1943, the recipient to be a chemist or an engineer.

17. Upjohn Company, \$600 for the continuation of a fellowship in the Department of Chemistry for research on the brain lipids under the direction of Professor H. E. Carter, for the academic year 1942-1943.

18. Jensen-Salsbery Laboratories, Inc., Kansas City, \$500 for research on methods of administering phenothiazine as an antihelminthic for sheep by the Department of Animal Pathology and Hygiene.

19. Social Science Research Council, \$200 in support of research work in Psychology by Professor Roger Barker.

20. American Medical Association, \$500 for the continued support of research on appetites and food preferences in the rat by Professor P. T. Young of the Department of Psychology.

21. American Cyanamid & Chemical Corporation, \$200 for research to determine the effectiveness of certain compounds as seed treatments for corn as a control for certain seed and soil-borne organisms, by the Agricultural Experiment Station for a period of six months beginning June 1, 1942.

22. Viobin Corporation, Monticello, \$200 additional for research on the antioxidant qualities of wheat germ oil when used in powdered milk by the Department of Dairy Husbandry.

23. Tennessee Coal, Iron, and Railroad Company (a member of United States Steel Corporation Subsidiaries), Pittsburgh, Pennsylvania, \$625 additional for research on rolled steel brake shoes by the Engineering Experiment Station.

This report was received for record.

SERVICES OF H. M. GRAY ON WAR LABOR BOARD

(18) Dr. H. M. Gray, Professor of Economics and Assistant Dean of the Graduate School, has been requested to serve as one of four representatives of the general public on the Regional War Labor Board with headquarters in Chicago, which functions for seven middle western states. One public representative is to be appointed from each of three other state universities in this area—Minnesota, Wisconsin, and Purdue. This service will involve approximately one day's time a week, and the Federal Government will pay a per diem compensation. The Acting Dean of the College of Commerce and Business Administration and the Dean of the Graduate School recommend that Dr. Gray be permitted to accept such an appointment.

On motion of Mr. Davis, permission was granted as recommended.

IMPROVEMENTS IN SEWAGE RESEARCH LABORATORY

(19) In the State appropriations for capital expenditures for the current biennium the sum of \$125,000 is included for reconditioning, remodeling, and improvements of certain buildings, including the Sewage Research Laboratory. This laboratory is in fact a temporary frame structure built in 1916 when this research program was started. The program is carried on under the direction of Professor H. E. Babbitt and has achieved important results.

The question of better facilities for this work has been thoroughly studied and endorsed by Professor Huntington, Dean Enger, and the faculty building committee. The Physical Plant Department has made studies of the improvements needed, which amount to a material expansion of space and facilities substantially replacing the present structure, material from which will be used

in the new structure. Specifications were issued and bids opened for the proposed work on January 5, 1943, with the following results:

<i>Bidder</i>	<i>Base Bid</i>	<i>Alternate¹</i>	<i>Alternate²</i>
King & Petry.....	\$31 500	\$75	\$120
E. N. DeAtley.....	33 450	75	...
T. J. Corkery.....	36 240	75	90

Mechanical equipment and service are not included in the above bids, and it is proposed to do such work through job orders or through additional minor contracts. The total cost of the project is estimated at \$45,000.

The War Production Board has approved the release of necessary materials.

The Director of the Physical Plant Department recommends, and the Comptroller concurs, that an assignment of \$45,000 for this project be made from the State appropriation above mentioned and that the contract for the construction work be awarded to King & Petry, the lowest bidder. I concur in these proposals and recommend that they be approved and that the Comptroller and Secretary of the Board be authorized to execute the proposed contract.

On motion of Mr. Jensen, these recommendations were approved and authority was granted as recommended.

INSTALLATION OF REFRIGERATION EQUIPMENT IN RESEARCH AND EDUCATIONAL HOSPITALS

(20) On December 15, 1942 (Minutes, page 205), the Board approved a budget for remodeling and equipment in the Research and Educational Hospitals, including an item for refrigeration improvements. Specifications were prepared by the Physical Plant Department covering the installation of refrigeration equipment to replace the ammonia central refrigeration system now in operation. Bids received on the project were as follows.

Burge Ice Machine Company.....	\$3 395 60
Carrier Corporation & Air Comfort Corporation....	3 928 00
Midwest Engineering & Equipment Company.....	3 466 00

The responsibility for securing necessary priorities was put on the University in all cases. The Physical Plant Department and the Business Office have been working with the lowest bidder to secure release of the necessary material, and in some cases it has been necessary to substitute materials for those originally specified. As a result, an addition of \$218 to the original bid is necessary, making a total contract of \$3,481 after deducting excise taxes of \$132.60 which do not have to be paid by the University.

The Director of the Physical Plant recommends that the contract be awarded to the lowest bidder, Burge Ice Machine Company, on the revised basis. The Comptroller requests authorization to execute this contract.

On motion of Mr. Livingston, this contract was awarded and authority was granted as recommended.

REFUNDS OF FEES TO STUDENTS WITHDRAWING FOR MILITARY SERVICE

(21) A recommendation that for the period of the war the Board of Trustees authorize refunds of fees to students called into service with the armed forces during any semester or term, as follows:

A student who withdraws from the University and enters active service with the armed forces within ten days after such withdrawal, will receive a refund of his fees as follows: (1) a full refund of fees if his withdrawal occurs at a time in a semester when, under existing regulations, he receives no credit for the work of that semester; (2) a refund of one-half of his fees if his withdrawal occurs at a time when he receives half credit for his work. No refund of fees will be made if his withdrawal occurs at a time when he receives full credit for his work.

¹Deduction if all sheet metal, gutters and down spouts are omitted.

²Addition if tongue-and-groove sheathing is used instead of gypsum plank sheathing

Under these provisions a student withdrawing for active service during the first seven weeks of a semester will receive full refund of his fees, since this is the period during which he receives no credit for his work. If he withdraws after the seventh week and before completing the twelfth week of the semester he will receive a refund of one-half of his fees, since this is the period during which he is entitled to one-half credit for his work, except that a second semester senior in line for graduation at the end of the semester, who withdraws during this period, will receive no rebate, since he will receive full credit for his work. If the student withdraws after the close of the twelfth week, he will receive no refund, since he is entitled to full credit for his work. Thereafter withdrawal will not entitle him to any rebate, since he will be receiving full credit for his work.

On motion of Mrs. Grigsby, these refunds were authorized and recommended.

CHANGES IN REQUIREMENTS FOR ADMISSION TO THE UNDERGRADUATE COLLEGES

(22) The University Senate has approved a recommendation from its Committee on Admissions from Secondary Schools that the requirements for admission to the University be amended to provide for the admission of selected pupils who have achieved senior standing in high school, i.e., students who have completed the junior year in high school. The Senate recommends the following plan to the Board of Trustees:

An applicant for admission to the University of Illinois who has achieved senior standing in high school may be admitted under the following conditions:

1. An applicant must be at least 16 years of age. The dean of the college concerned, however, may admit on petition a student 15 years of age who meets all other requirements for admission and who is to reside, while attending the University, with his parents or guardian or with someone selected by them.

2. He must be recommended for admission to the University by a committee of his high school faculty, consisting of the principal and at least three teachers, one of whom shall be a pupil counselor if the school has in operation an organized guidance program.

3. He must have completed not fewer than 14 units acceptable towards admission to the University, including all subjects prescribed for admission to the particular curriculum in which he wishes to enroll.

4. He must rank in scholarship in the upper 25 per cent of his high school class. (The scholastic rank of the pupil is based on his achievement in all subjects for which he is allowed credit towards graduation from high school.)

5. He must demonstrate that he possesses the intellectual ability, social maturity, and emotional stability essential to success in college by passing satisfactorily such tests as may be prescribed and administered by the Personnel Bureau of the University. In general, a rank below the 75th percentile on University of Illinois norms will be cause for denial of admission. If the pupil has taken the tests given in many high schools through the Illinois High School Testing Program, the results of those tests will be considered along with the results of tests given at the University by the Personnel Bureau.

On motion of Mr. Jensen, this plan was approved, under the conditions recommended and subject to review and reconsideration after the war.

CONTRACT FOR WEATHER STRIPPING

(23) It has been the policy of the Physical Plant Department in recent years to install weather stripping in various buildings where saving of heat and other benefits would accrue from such installations, as funds are available. In line with that policy, eight firms were asked to bid on such installations in the Transportation, Mechanical Engineering, Electrical Engineering, and Men's Old Gymnasium buildings. Three firms requested plans and specifications. Only one bid was received on time, and one other was received late and therefore rejected (this bid was not lower in any event). One firm explained it was not bidding because it could not get materials without priority ratings.

The Champaign Weather Strip Co., the only bidder, submitted the follow-

ing bids: Transportation Building, \$1,593; Mechanical Engineering Building, \$627; Electrical Engineering Building, \$1,249; Men's Old Gymnasium, \$1,185.

Funds are available in the current year's appropriation for Physical Plant Operation and Maintenance to do this work. Priority regulations make it possible to secure the necessary material, but the maximum amount which can be done in any one building is \$1,000. Since in three cases the bids exceed this figure, it is proposed to reduce the cost in each of these cases below \$1,000, making a total of \$3,900 for the four buildings.

The Director of the Physical Plant Department recommends, and the Comptroller concurs, that a contract for weather stripping be awarded to the Champaign Weather Strip Co. for \$3,900 for work in the four buildings listed. I concur and recommend that the Comptroller and the Secretary of the Board of Trustees be authorized to execute such a contract, to be charged to the current year's appropriation for Physical Plant Operation and Maintenance.

On motion of Mr. Livingston, these recommendations were adopted and authority was granted as recommended.

LEGISLATION CHANGING SOUTHERN ILLINOIS NORMAL UNIVERSITY TO "UNIVERSITY OF SOUTHERN ILLINOIS"

(24) A statement on the pending legislation changing Southern Illinois Normal University to "University of Southern Illinois."

On motion of Mr. Jensen, this matter was referred to the Committee on General Policy with power to act in conference with President Willard.

INSURANCE ON MEDICINE, DENTISTRY, AND PHARMACY BUILDING

(25) As required by the bond indenture, the University carries fire and extended coverage insurance on the Second Unit of the Medicine, Dentistry, and Pharmacy Building in the total amount of \$1,160,600 on an 80% co-insurance basis. The sum of \$249,600 is renewable February 14, 1943.

Inquiries have been made among various agencies, and uniform rates have been quoted, the total amount of premiums varying slightly due to different methods of computation. Companies and agencies which are now carrying the insurance have made the lowest quotations.

The Comptroller recommends that the insurance be renewed in present companies through the following agencies:

	<i>Amount of Insurance</i>	<i>Premium for Five Years</i>
Howard B. Hare, Chicago.....	\$175 800	\$1 026 67
Burton and Trelease, Champaign.....	73 800	430 99
<i>Total.....</i>	<i>\$249 600</i>	<i>\$1 457 66</i>

Funds are available in the Physical Plant Operation and Maintenance budget to cover this expenditure.

On motion of Mr. Davis, this recommendation was adopted.

RETURNS ON GOVERNMENT CONTRACTS

(26) The Comptroller reports that at the present time reimbursement in cash has been received for substantially all outlays made by the University on account of the Naval Training Schools, and that the accounts of all contract operations with the United States Government at this date show a cash balance in our hands.

The amounts expended out of the State capital fund have been deposited in the University Income Fund in the State treasury, ear-marked for use for capital purposes only. As a result there is a net unassigned balance of about \$401,000 in the capital appropriation of \$640,000 for the biennium.

Certain advances made out of Illini Union funds have also been recovered, with a sufficient amount to cover all cash outlays for operating expenses to date.

Mr. Morey commented on this report, which was received for record.

**PROFESSOR W. W. YAPP APPOINTED ACTING HEAD
OF THE DEPARTMENT OF DAIRY HUSBANDRY**

(27) A recommendation that Professor W. W. Yapp be appointed Acting Head of the Department of Dairy Husbandry, with additional compensation at the rate of \$500 a year during the absence of Professor H. A. Ruehe, the arrangement and the extra compensation to terminate on the return of Professor Ruehe to University service.

On motion of Mr. Livingston, this appointment was made as recommended.

ACOUSTICAL WORK IN HOSPITALS

At this point, President Willard reported that he had received further information on the contract for acoustical work in the Research and Educational Hospitals, that the treatment proposed affected ceilings only in corridors and larger wards which are plastered, and that it was adequate for the results desired.

On motion of Mr. Davis, the contract was awarded to the Airtite Insulation Company as recommended (see page 233).

EXECUTIVE SESSION

At this point, the Board went into executive session to consider the recommendation of the President of the University on the following matter.

RESIGNATION OF PROFESSOR WILLIAM F. PETERSEN

Dr. William F. Petersen, Professor of Pathology, has submitted his resignation from the faculty, to take effect at the pleasure of the University but not later than January 1, 1943.

I recommend acceptance of the resignation.

Dean Allen commented on this matter.

On motion of Mr. Jensen, this resignation was accepted, effective January 1, 1943.

REPORT OF COMMITTEE ON PATENTS

Mr. Adams, for the Committee on Patents, reported the following recommendations with respect to the reports from the Faculty Committee on Patents on the release of patents (items 5 and 6 on pages 230 and 231) and with respect to research contracts with the United States government (item 8 on page 232).

1. The release of discoveries made by Dr. C. C. Price and Dr. Milan Novak should be approved.
2. The final judgment in such matters (patentable discoveries by members of the University staff) is and should remain with the Board of Trustees.
3. Government contracts, for the duration of the war, may be drawn without the usual patent clause, without prejudice.

On motion of Mr. Adams, these recommendations were adopted.

REPORT OF COMMITTEE ON ATHLETIC ACTIVITIES

Mr. Davis read the following report of the Committee on Athletic Activities:

A meeting of the Committee on Athletic Activities was held at the University Club, in Chicago, on Friday, January 8, 1943. Present: Mr. Chester R. Davis, Mr. Frank A. Jensen, President A. C. Willard, and, during part of the session, Mr. Waldo Ames, representing the Board of Directors of the Athletic Association. Mr. Fornof, who was not present, later indicated by letter his approval of the action taken. The Committee recommends:

1. That the Board of Trustees approve the recommendation of the Directors of the Athletic Association that a shortage of \$300 in ticket office funds occurring during the basketball season of 1940-1941 as indicated in the audit report of Arthur Andersen & Co. for that year, be written off against surplus funds of the Association.

2. That the Board of Trustees approve a recommendation of the Directors of the Athletic Association that the employment of an auditor-cashier in charge of ticket sales be postponed until the athletic program has been clarified.

CHESTER R. DAVIS, *Chairman*
JOHN R. FORNOF
FRANK A. JENSEN

On motion of Mr. Davis, these recommendations were adopted.

REPORT OF COMMITTEE ON GENERAL POLICY

Mr. Davis read also the following report of the Committee on General Policy:

A meeting of the Committee on General Policy was held at the University Club, in Chicago, on Friday, January 8, 1943. Present: Mr. Chester R. Davis, Chairman, Mr. Frank A. Jensen, Mr. Park Livingston, and President A. C. Willard.

1. The Committee recommends that the following policies be established for the future in recognizing distinguished persons connected with the University by giving their names to buildings, campus areas, streets and drives, etc.

(a) Such recognition shall be restricted to the names of persons who are deceased.

(b) Recognition of former presidents shall be in the form of the naming of campus areas.

(c) Buildings of all kinds may be named only for distinguished persons who have been officially connected with the University and who were prominent in the field for which the building so named is used.

(d) Drives, streets, walks, etc., may be named for other distinguished persons who have been officially connected with the University.

The Committee recommends that all previous conflicting actions and statements of policy be amended to conform with these policies. In making these recommendations, the Committee has no intention of restricting the naming of any building, area, etc., for donors who may give such things to the University.

2. The Committee requested that President Meyer, President Willard, and Dean Allen act as a committee to discuss the proposed resignation of Dr. W. F. Petersen (in conference with Dr. Petersen if they so desire) with a view to presenting if possible a recommendation on the matter at the next meeting of the Board.

3. The Committee reports progress on the consideration of the general policy of insuring University property and liability in mutual companies, and requests the Comptroller to send to the members of the Committee data on the practice in other state universities.

4. The Committee discussed material presented by the President of the University on the proposed Army and Navy training program for specialists, and other phases of the University's contribution to the war effort, including:

(a) Letter from President Willard to deans, directors, and heads of academic departments (January 8, 1943).

(b) Letter from President Willard to parents of students (December 24, 1942).

(c) Memorandum No. 262 from the Bureau of Institutional Research on a survey of teaching manpower at the University.

(d) The Army Program Chart prepared by the Registrar and the Dean of Men, showing probable dates of induction of students.

(e) Table of Students in the Enlisted Reserves, arranged by classes.

The President reported that he was unable to give definite information on what institutions were to be selected or what size quotas would be assigned, or when, but that the University was making all possible preparations contingent on possible developments in the light of existing information.

CHESTER R. DAVIS, *Chairman*
FRANK A. JENSEN
PARK LIVINGSTON

On motion of Mr. Davis, these recommendations were adopted.

**DECISION OF SUPREME COURT ON RIGHT OF UNIVERSITY
TO EMPLOY LEGAL COUNSEL**

At this point, on request of President Meyer, Judge Johnson presented the opinion of the Supreme Court of the State of Illinois (filed January 21, 1943) and commented thereon as follows:

The salient points in the opinion of the court can be best understood in the light of the statement by the court itself of the question before it:

"The decisive question is whether the Attorney General is, by virtue of his office, and in his official capacity, the sole legal advisor, counsel, and attorney for the University and its Board of Trustees. The solution of this question involves a determination of the status of the University as a corporate entity and its relation to the State government, as well as the powers vested in the Attorney General by the constitution and the laws of this State."

The court held, after describing the organization and stating the history of the University, both in relation to the Land Grant Act of 1862 and the charter by the General Assembly of the State of Illinois of 1867:

1. The University of Illinois, while not strictly a municipal corporation, is a public corporation, of the general kind and class of municipal corporations.

2. The employees of the University are employees of the State. Their selection is vested solely in the University; the State has delegated to the governing body the operation, administration, and management of the University; and as long as its present charter is in force, the State has committed to this corporate entity "the absolute power to do everything necessary in the management, operation, and administration of the University."

3. The University may sue and be sued in connection with the exercise of its powers "the same as if it were a municipal corporation;" such powers can be taken from it only by amendment or repeal of its charter granting the powers; and the only power the State can exercise with reference to the administration and operation of the University is by limiting or withholding appropriations or by changing the statute.

4. As an incident of its corporate existence and the exercise of its corporate powers, "it has the undoubted right to employ its own counsel or engage the services of any other employees it may deem necessary or proper, by contract or otherwise." This power must be exercised, however, always with a view to the requirement that when such faculty members or employees are paid from State funds they must be within the classification for which such funds have been appropriated and are available.

5. "Neither the constitution nor the statutes, however, have conferred upon the Attorney General the power, or imposed upon him the duty, to represent public corporations, their managing trustees, or other officers. No such powers or duties existed at the common law."

6. "It is not the duty of the Attorney General to represent either the corporation or the trustees, by virtue of his office as chief law officer of the State. He has no right to do so. Both the University as a public corporation and its trustees are entitled to select their own legal counsel and advisor and to be represented in all suits brought by or against them by counsel of their own choice."

7. The members of the Board of Trustees are responsible to this public corporation, the University, whose managing officers they are. The corporate entity is the responsible trustee to the State. The members of the Board are elected solely as managing officers of the University, which is a public corporation. "They exercise no powers as State officers. They do not function as such."

8. The Attorney General is not the legal advisor or representative of the members of the Board of Trustees because they are not State officers within the constitutional and statutory provisions making him the legal advisor of State officers.

In the second division of the opinion it is held that inasmuch as in the classification of positions and employments made in the Appropriation Act there does not appear the position "University Counsel" or "Assistant University Counsel" as such, no funds have been made available to pay a person who is certified to the Auditor under such designation. The University having certified Mr. Johnson's position to the State Auditor under the title "Professor and Counsel" and no such specific designation appearing in the Appropriation Act, the court holds that the Auditor is technically correct in refusing to draw a warrant for such a position. The same is true of the certification of Mr. Hodges as "Assistant University Counsel," for no such title appears in the Appropriation Act referred to. The court points out that "when certified as such on the University pay roll," the Auditor is not authorized to issue warrants because these positions have not been recognized in any legislative act by such a name. It points out that "no division was made as to the amount due him for professorial services and the amount due him as University Counsel." (The Appropriation Act uses the classification "Administrative Officer." The position of University Counsel has for many years been classified by the University as an administrative office.)

Referring to the importance of the decision, the University Counsel said:

No opinion prepared by the Supreme Court of Illinois has been of comparable importance to the University. The decision establishes the independence of the institution in a degree similar to that of the great Universities of Michigan and Minnesota which, under the constitutions of those States, are free of State control except that the legislature determines the amount of money each shall have. Hence it is clear that the University of Illinois is only subject to the control of the General Assembly which, of course, has the power to change its charter and fix the funds available to carry out the purposes of its creation. The opinion is its Magna Carta, its charter of freedom.

On motion of Mr. Fornof, the matter of the method of payment of the University Counsel and the Assistant University Counsel was referred to the Executive Committee.

OPINION OF THE SUPREME COURT OF ILLINOIS

Docket No. 26947—Agenda 40—November, 1942.

The People *ex rel.* The Board of Trustees of the University of Illinois *et al.*,
Petitioners, v. George F. Barrett, Attorney General, *et al.*, Respondents.

Mr. JUSTICE SMITH delivered the opinion of the court:

This is an original petition for *mandamus*. The relators are the Board of Trustees of the University of Illinois and Norval D. Hodges and Sveinbjorn Johnson, individually. Hodges and Johnson are alleged to be employees of the university. The action is brought against the Attorney General and the Auditor of Public Accounts of the State of Illinois. Its purpose is to compel the payment of salaries alleged to be due to the individual relators; to prevent the Attorney General from interfering with Johnson and Hodges acting as counsel and assistant counsel, respectively, for the university and its Board of Trustees, and from interfering with them in the exercise of the asserted right to represent the Board of Trustees in a case now pending in the circuit court of Cook county.

Respondents appeared and filed an answer. With the consent of the parties, the answer was ordered to stand as a demurrer to the petition. The cause has been submitted on the petition and the answer thereto, treated as a demurrer, and upon briefs and oral arguments. On this state of the pleadings the facts well pleaded in the petition, as distinguished from conclusions of the pleader, must be taken as true.

The petition contains forty-five paragraphs. It is divided into seven divisions. For convenience these divisions will be followed in analyzing the averments of the petition.

The first division describes generally the organization and history of the university; its functions as an educational institution and its relationship, through membership in the North Central Association of Colleges and Secondary Schools, with other educational institutions. It is averred that the university was created by an act of the legislature in 1867, and has existed and operated under that act and supplemental and amending acts since that time; that it is a public tax-supported institution offering instruction in liberal arts and sciences, agriculture, mechanical arts and military science; that it operates various colleges and schools specializing in certain general and professional fields, such as Colleges of Law, Medicine and Dentistry, the Schools of Journalism, Physical Education and Graduate Studies; that the governing body of the university since its inception has been the Board of Trustees; that the trustees have power to adopt rules and bylaws, elect officers, prescribe the duties of its officers, and act generally as the policy-forming body of the university; that the board also is empowered to elect a President of the University, who acts as the executive agent of the board.

It is further alleged that the board has divided the university into various schools, colleges and departments, each administered by an officer designated as Director, Dean or Head of such department. For the purpose of providing instruction it is alleged that the board employs more than one thousand professors, associate professors, assistant professors, instructors and assistants; that full professors are hired on a permanent basis, and their employment can be terminated only by retirement, resignation, or discharge for cause after a full hearing before the board; that this plan is in conformity with the practice followed by similar educational institutions of higher learning, throughout the country.

The board has created an organization known as the University Senate, composed of full professors, the president, and certain other staff members. This group deals solely with problems of internal administration and educational policy, and recommends rules and regulations for adoption by the board. The rules and regulations, when adopted by the board, become the University Statutes and are binding upon the administrative agents, staff members and employees of the university; they deal with the organization of the schools, colleges and departments, terms of employment, policies regarding patents and research, student loans, gifts and trust funds, and any other matter which has to do with carrying out the general policies of the board.

It is averred that the board holds and administers trust funds for endowment and other purposes, including student loan funds of approximately \$359,000; that pursuant to power granted by its charter, the board enters into contracts with its staff members, both teachers and administrative workers. The petition alleges the necessity for competing with other educational institutions in the securing of competent staff members. It also describes the accrediting system whereby the members of the North Central Association are constantly supervised and given accredited ratings only if they maintain certain standards of effectiveness as educational institutions; that in the interests of the citizens of the State it is imperative that the university retain its standing as an accredited institution; that in order to meet the requirements of the North Central Association for accredited status, it is necessary that the board alone shall have the responsibility for the employment or removal of the university staff members, and that no outside person or official shall have the right to order the dismissal of one of the staff members of the institution.

The second division of the petition relates to the position of relator Hodges. It is alleged that Hodges was hired in September, 1941, as Student Loan Assistant in the Bursar's Division of the Business Office, at a salary of \$2100 per year; that Hodges, who is an attorney, was also given the title of Assistant University Counsel, with an additional salary of \$900 per year; that \$2100 of his annual salary is paid out of the student loan funds and \$900 from the State appropriation for the University; that Hodges' duties are to assist in the admin-

istration of the student loan fund, and to supervise and assist in the collection and adjustment of loans; that the University Counsel, under the rules of the board, is ultimately responsible for the collection of the loans, but that Hodges performs most of the actual work in connection with the administration of the loan funds.

It is alleged that inasmuch as the student loan funds represent gifts from many individuals, and the board acts as trustee of these funds, it is imperative that the board alone control the hiring and firing of the staff members charged with the duty of administering the funds.

The third division describes the duties of relator Johnson. Johnson became a member of the university staff in 1926, as Professor of Law and Legal Counsel, succeeding the late Judge O. A. Harker in the latter position; that his title was changed in 1931, and in September, 1941, Johnson was designated in his written contract with the board as Professor of Law and University Counsel, at a salary of \$9000 per year; that no apportionment of his compensation was made between his duties as professor and counsel; that the business office has since certified payroll vouchers to the Auditor of Public Accounts under the designation of "Sveinbjorn Johnson, Professor and Counsel." Johnson's duties as Professor of Law consist in teaching such courses in the College of Law as may be assigned to him, consulting with students, and supervising the preparation of law review notes. As University Counsel, his duties include preparing and checking legislative bills which affect the University, counseling with the president on administrative problems of mixed law and fact, collecting delinquent student loans and representing the board when requested. His primary status, however, is alleged to be professorial.

The fourth division is devoted to an exposition of the duties and activities, professorial and administrative, required by the board of many of the staff members of the university. For example, the Director of the Library is also the Director of the Library School and Professor of Library Science, the Provost of the University is also dean of one of the colleges and the Dean of the College of Medicine is head of the Department of Bacteriology, Pathology and Public Health and Professor of Pathology. Some staff members hold titles with other State and Federal departments; a Professor of Chemistry is, for example, Director of the State Water Survey and paid by the State Department of Registration and Education, whereas, the Dean of the College of Agriculture is also Director of the Extension Service. For his services in connection with the extension service he is paid with Federal funds.

Since 1906, the board has appointed one of the professors of law as Legal Counsel, or University Counsel. Johnson has held this position since 1926. His salary is paid by payroll vouchers certified to the Auditor of Public Accounts showing that he is employed as "Professor and Counsel." Other members of the College of Law faculty are also called upon for technical services, such as serving on the University Civil Service Committee, Committee on Accountancy, and University Retirement Committee. Johnson serves as secretary of the Committee on Patents, and in so utilizing his ability the board is merely following the procedure commonly adopted in university administration in other colleges.

In the fifth division the events leading up to the present action are set forth. It is alleged that during 1941 and 1942 the Attorney General suggested from time to time that he should select the counsel for the board. The board discussed the question at a meeting held April 22, 1942, at which time it took no action but informally indicated that it was satisfied with Johnson. On the same day the Attorney General wrote Johnson a letter purporting to accept his resignation as Assistant Attorney General and University Counsel. It is alleged that no such resignation had been submitted by Johnson. On May 7, 1942, the Attorney General advised the board and the President of the University by letter, that he had accepted the resignation of Hodges as assistant to the University Counsel, and Johnson as Assistant Attorney General and University Counsel. Also, on May 7, 1942, the Attorney General advised the Auditor of Public Accounts of the purported resignations, and directed the Auditor to cease issuing salary warrants to Johnson and Hodges as counsel and assistant counsel for the university. It is alleged that the Attorney General has never

certified the names of Johnson and Hodges to the Auditor of Public Accounts, on his payroll for salary warrants, and that the only payroll vouchers on which their names have appeared were those certified by the University of Illinois. It is also asserted that the Attorney General has no power to ask for, or to accept, if tendered, the resignation of any member of the university staff.

On May 29, 1942, the Auditor of Public Accounts informed the Comptroller of the University that in accordance with the request of the Attorney General it would be necessary for him to withhold the warrants payable to Johnson and Hodges. Since that time it is alleged that the Auditor has refused to issue or deliver any salary warrants to either Johnson or Hodges, although requested to do so and although the Comptroller of the University has duly certified payroll vouchers for both, each month; that the Auditor has also withheld a warrant for \$8.40 payable to Johnson for expenses, since August 13, 1942.

The board met on May 16, 1942, and authorized the continued drawing of vouchers payable to Johnson and Hodges. At a meeting of the board held June 20, 1942, Johnson was appointed Professor of Law and University Counsel and Hodges was appointed Assistant University Counsel for the academic year 1942-43, at the same salaries which they had theretofore received. On August 18, 1942, a petition for *mandamus* against the university and the board was filed in the circuit court of Cook county, by one Earl Zazove. The President of the University as agent for the board, directed Johnson to appear as counsel for the defendants and to prepare and file an answer in the cause. Johnson filed an answer in which he set up the justification for the action of the university in refusing to admit Zazove. This answer was filed on August 24, 1942. On August 28, 1942, the Attorney General filed a motion to strike the answer filed by Johnson, on the grounds that the Attorney General and not Johnson, was the legal representative of the university and the board, and that Johnson's appearance and answer were unauthorized.

On August 29, 1942, the board met and formally ratified the action of the president directing Johnson to appear as counsel for the university and board, in that cause. The board has never authorized the Attorney General to appear for them in said cause. The motion of the Attorney General in that case was filed after the return day of the summons. It is alleged that if Johnson had not filed an answer, the university would have been defaulted and convicted of racial prejudice, and would have lost its accredited standing, to the detriment of the people of the State of Illinois. It is not alleged that the Attorney General was ever notified by the university or the board of the pendency of said suit or the service of process on either of them.

The sixth division of the petition deals with the practice of former Attorneys General. It alleges that such former Attorneys General recognized the position of University Counsel and its occupant as the proper representative of the university and the board. Copies of letters from three former Attorneys General, addressed to Johnson, are set out, in each of which his position as legal advisor to the university is alleged to have been recognized. The petition refers to numerous cases since the organization of the university in 1867, in which the Board has been represented by counsel other than the Attorney General. It is further alleged that since 1906, when the position of Legal Counsel was created, the salary for that position has appeared annually in the internal budget of the University and biennially in the report of the board to the Governor. It is alleged that such report is also distributed to members of the General Assembly and that the General Assembly bases its appropriations for the University upon such report.

The seventh and final division of the petition alleges that the attempt of the Attorney General and the Auditor of Public Accounts to remove Hodges and Johnson from the staff of the university against the will of the board is an infringement of the rights of the board, menaces its independence as a public corporation, and operates to deny to relators due process of law. It alleges that the conduct of the Attorney General and Auditor is in violation of sections 1 and 2 of article II of the constitution of the State of Illinois, and of the fourteenth amendment to the constitution of the United States.

The petition is replete with statements with reference to the practice in

other departments of the university, with comparative averments as to the division of time between two or more departments or activities of the same employee in other departments or branches of the professorial staff, executives, assistants, administrative agents and employees. In many respects the petition is redundant with conclusions and argumentative statements which, in no sense, constitute the averment of facts admitted by the answer when treated as a demurrer or motion to dismiss. We have above set out all the material facts well pleaded and upon which facts the issues of law are framed.

The prayer for relief is that a writ of *mandamus* issue directing the Attorney General to rescind his order to the Auditor of Public Accounts advising him that no warrants may be lawfully issued in payment of compensation to Johnson and Hodges, and like orders to the President and Board of Trustees of the University; that the Attorney General be directed to withdraw and dismiss his "Motion to Strike Purported Appearance and Answer" in the Zazove case; and that the Auditor of Public Accounts be ordered to issue warrants in favor of petitioners for their salaries accrued at the time the petition was filed. There is also a prayer for general relief.

The decisive question is whether the Attorney General is, by virtue of his office, and in his official capacity, the sole legal advisor, counsel and attorney for the university and its Board of Trustees. The solution of this question involves a determination of the status of the university as a corporate entity and its relation to the State government, as well as the powers vested in the Attorney General by the constitution and laws of this State.

By an act of July 2, 1862, (12 Stat. 503; 7 U. S. C. A. sec. 301 *et seq.*) the Congress of the United States made certain land grants to the several States for the endowment, support and maintenance of at least one college in each State, where the leading object should be to teach such branches of learning as are related to agriculture and the mechanic arts. It was further provided that the enumeration of these subjects as the leading purpose and object of such colleges should not exclude the teaching of other scientific and classical studies and military tactics.

That it was the purpose and intention of the Congress that the title to the land granted should vest in the several States for the maintenance of such colleges is clear from the language used in section 1 of the act, which reads: "There is granted to the several States, for the purposes hereinafter mentioned in sections 302 and 308, inclusive, of this chapter, an amount of public land, to be apportioned to each State a quantity equal to thirty thousand acres for each Senator and Representative in Congress to which the States are respectively entitled by the apportionment under the census of 1860."

Section 2 of said act provides for the apportionment of the lands granted among the several States. It further provides that the lands granted and apportioned to each State shall be selected from the public lands located within such State, subject to sale by private entry. It further provides that where the quantity of public lands available within any State, subject to sale by private entry, is not sufficient to fill the quantity of land apportioned to such State, land scrip in the amount in acres of the deficiency in its distributive share shall be issued and delivered to the State. It is further provided that no State shall be authorized to select lands under the grant which are located outside its own boundaries. The States were, however, authorized to assign the land scrip issued to them, and the assignees were authorized to locate and acquire lands with no restrictions as to the State in which such lands were located.

Section 4 of the act provides that all moneys arising from the sale of lands and from land scrip shall be invested and shall forever thereafter constitute a perpetual fund, the capital of which shall forever remain undiminished; that the interest arising from such funds shall be inviolably appropriated and be used for the endowment, support and maintenance of such college or colleges.

Section 5 imposed seven conditions upon which the grant to each State was made, as follows: First—If any portion of the fund invested, or the interest thereon, shall by any action or contingency be diminished or lost, it shall be replaced by the State to which it belongs, so that the capital of the fund shall remain forever undiminished; and the annual interest shall be regularly applied without diminution for the purposes mentioned in section 4. Second—No por-

tion of the fund, or the interest thereon, shall be applied directly or indirectly for the purpose of erection, preservation or repair of any building or buildings. Third—Any State claiming the benefit of the provisions of the grant shall provide within five years from the date of its acceptance not less than one college to be endowed under the act. Fourth—Each State is required to make an annual report regarding the progress of each college, showing any improvements and experiments made, with the costs and results and certain other economical statistics. Copies of this report are to be submitted to all the other colleges which may be endowed under the act, and one copy must be mailed to the Secretary of Interior. Fifth—When lands are selected from those which had been raised to double the minimum price, in consequence of railroad grants, they were required to be computed to the States at the maximum price, and the number of acres proportionally diminished. Sixth—No State, while in a condition of rebellion or insurrection against the Government of the United States, shall be entitled to the benefits of the act. Seventh—In order for a State to be entitled to the benefits of the act, it was required to express the acceptance thereof through its legislature within three years from July 22, 1866.

By subsequent legislation, Congress has made substantial annual appropriations for the more complete endowment and maintenance of colleges for the benefit of agriculture and the mechanic arts, established in accordance with the provisions of the act of July 2, 1862. These appropriations are also made to the State. 7 U. S. C. A. 322.

In compliance with these conditions the legislature on February 28, 1867, passed an act creating a corporation to be styled "The Board of Trustees of the Illinois Industrial University." Laws of 1867, p. 123; Ill. Rev. Stat. 1941, chap. 144, par. 22.

By section 1 of this act, a corporate entity was created and its powers defined, as follows: "That it shall be the duty of the Governor of this State within ten days from the passage of this act, to appoint five trustees, resident in each of the judicial grand divisions of this state, who, together with one additional trustee, resident in each of the congressional districts of this state, to be appointed in like manner, with their associates and successors, shall be a body corporate and politic to be styled 'The Board of Trustees of the Illinois Industrial University;' and by that name and style shall have perpetual succession, have power to contract and be contracted with, to sue and be sued, to plead and be impleaded, to acquire, hold, and convey real and personal property; to have and use a common seal, and to alter the same at pleasure; to make and establish by-laws, and to alter or repeal the same as they shall deem necessary, for the management or government, in all its various departments and relations, of the Illinois Industrial University, for the organization and endowment of which provision is made by this act. Said appointments to be subject to approval or rejection by the senate at its next regular session thereafter, and the appointees to be, and they are hereby authorized to act as trustees as aforesaid, until their successors shall be appointed by the governor and such appointment shall be approved by the senate." Ill. Rev. Stat. 1941, chap. 144, par. 22.

By section 7 of the act, the powers of the trustees were set out in the following language: "The trustees shall have power to provide the requisite buildings, apparatus, and conveniences; to fix the rates for tuition; to appoint such professors and instructors, and to establish and provide for the management of such model farms, model art, and other departments and professorships, as may be required to teach, in the most thorough manner, such branches of learning as are related to agriculture and the mechanic arts, and military tactics, without excluding other scientific and classical studies. They may accept the endowments of voluntary professorships or departments in the University, from any person or persons or corporations who may proffer the same, and, at any regular meeting of the board, may prescribe rules and regulations in relation to such endowments and declare on what general principles they may be admitted." Ill. Rev. Stat. 1941, chap. 144, par. 28.

By section 12, the college was located at Urbana in Champaign county, in consideration of certain inducements offered by that community, which are there set out at length. (Ill. Rev. Stat. 1941, chap. 144, par. 33.) Other sections of

the act provided for military instruction, the sale, assignment and transfer of land scrip, the investment of the funds received from such sales and other provisions, in compliance with the act of Congress above referred to.

By an act of June 19, 1885, the name of the corporation was changed to "University of Illinois." (Ill. Rev. Stat. 1941, chap. 144, par. 48.) By an act of June 15, 1887, it was provided that the trustees shall be elected from the State at large at regular general elections, instead of being appointed by the Governor, as provided in section 1 of the original act. Ill. Rev. Stat. 1941, chap. 144, par. 41.

Relators contend that the university is a legal entity separate and distinct from the State; that it is not an agency, a board, commission or department of the State government; that it is a creature of the legislature having a legal personality all its own; that it has the power to employ its own counsel as a necessary incident to its corporate life, implied in the power to sue and be sued, and to plead and be impleaded.

On the other hand, respondents contend that the university is an agency or instrumentality of the State; that its trustees are State officers; that its funds and property belong to the State; that the Attorney General is the sole legal representative of the State, its agents and instrumentalities, and that it can only be lawfully represented by the Attorney General, who is the chief law officer of the State and all its departments.

Able briefs and arguments have been presented on both sides, which are obviously the result of commendable energy and exhaustive research. They have been a great aid to the court. In the briefs on both sides and in the arguments at the bar, extensive theories have been classically expounded, analytical of the character and corporate powers of the Universities of Oxford and Cambridge. Comparisons of the charters of these universities with the charter powers of the University of Illinois, are made and relied upon by both sides. These great institutions trace their origin back to mediaeval times. The genesis of most of their powers antedate their charters. They were acquired by prescription before their charters were granted. Both before and after their charters were issued they exercised sovereign powers, even as against the Crown.

The traditions of Oxford extend back to the dynasty of King John. It was not actually chartered as a corporate entity, however, until during the reign of Elizabeth in 1570. The University of Cambridge is also of ancient origin. It was the outgrowth of certain public schools established by the Monks in the vicinity of Cambridge in the 12th century. It was not chartered as a corporate entity until many years later. Each of these colleges passed its own laws, enacted its own statutes and elected its own executive and legislative departments. They also maintained their own courts. Their statutes were confirmed by Royal decree. Each was authorized to, and did, elect two members of the British Parliament. In certain fields within their territorial and ecclesiastical jurisdiction they administered both the civil and criminal laws. They possessed liberties *de Academia*. Lord Mansfield in *Rex v. Vice Chancellor*, 3 Burr. 1647, said: "But there is a vast deal of difference between a new charter granted to a new corporation, (who must take it as it is given,) and a new charter given to a corporation already in being, and acting either under a former charter or under prescriptive usage. The latter, a corporation already existing, are not obliged to accept the new charter *in toto*, and to receive either all or none of it: they may act partly under it, and partly under their old charter or prescription. Whatever might be the notion in former times, it is most certain now, 'That the corporations of the universities are lay-corporations: and that the Crown cannot take away from them any rights that have been formerly subsisting in them under old charters or prescriptive usage.' The validity of these new charters must turn upon the acceptance of the university. When Queen Elizabeth gave these statutes, the University of Cambridge was of ancient establishment, and had many prescriptive rights, as well as former charters of very old date. And there was no intention to alter and overturn their ancient constitution. These statutes undoubtedly meant to leave a vast deal upon the ancient constitution of the university; without repealing or abrogating their old established customs, rights, and privileges; nor could the

university mean to accept them upon any such terms. Therefore I am clear, that the Statutes of Queen Elizabeth cannot be set up, to invalidate establishments subsisting long before she was born." See also Holdsworth, *A History of English Law*, vol. 1, p. 165, and Willard's, *The Royal Authority and the Early English Universities*, p. 1.

In the famous *Dartmouth College case* (*Dartmouth College v. Woodward*, 4 Wheat. 518, 17 U. S. 518, 4 L. ed. 629,) Chief Justice Marshall used the following language: "The legislature of New Hampshire has no more power over the rights of the plaintiffs than existed somewhere, in some department of government, before the revolution. The British parliament could not have annulled or revoked this grant, as an act of ordinary legislation. If it had done it at all, it could only have been, in virtue of that sovereign power, called omnipotent, which does not belong to any legislature in the United States. The legislature of New Hampshire has the same power over this charter, which belonged to the king, who granted it, and no more. By the law of England, the power to create corporations is a part of the royal prerogative. 1 Bl. Com. 472. By the revolution, this power may be considered as having devolved on the legislature of the state, and it has, accordingly, been exercised by the legislature. The king cannot abolish a corporation, or new model it, or alter its powers, without its assent. This is the acknowledged and well known doctrine of the common law."

In its corporate status and in its powers and privileges the University of Illinois is in no sense comparable to the Universities of Oxford and Cambridge. The issues here involved must be solved by an examination of the statute creating the University of Illinois, and the applicable decisions of this court. Authorities from other jurisdictions, many of which have been cited and carefully examined, are of little aid. The controlling principles are found in our own decisions. The principles announced in these decisions are firmly established. They can neither be obscured by precatory admonitions nor brushed aside by skeptical prophecies.

Under the decisions of this court, there is little room for speculation or disagreement as to the character of the University of Illinois as a corporate entity. In the case of *Spalding v. People*, 172 Ill. 40, where the question was directly involved, it was definitely held that while the university is not strictly a municipal corporation, it is nevertheless, a public corporation. It was organized for the sole purpose of conducting and operating the university, as a State institution. It is not a private corporation. In *Thomas v. Board of Trustees of Industrial University*, 71 Ill. 310, the question of its corporate status was directly passed upon. It was there said: "There is nothing in the act from which it can be inferred that this institution was, in any respect, to be a private corporation, either in whole or in part. It was founded on donations from the general government, the county of Champaign, the Central railroad, and, it may be, from private individuals. These donations consisted of land scrip from the general government, lands and bonds given by Champaign county, freights by the railroad company, the title to which was transferred to the State, and became the property of the State, to hold in trust for the purposes of the university, and these trustees and officers were appointed by the authority of the State for its government and control. Private individuals have no interest in or control over it, but it is, in every sense of the term, a State institution. It, with its property, management and control, is entirely under the power of the General Assembly, and this has been recognized by the General Assembly by making subsequent appropriations for the erection of buildings, and to defray expenses, and by expressly prohibiting the board of trustees from obligating the State for the payment of any sum of money in excess of the appropriations thus made. (Sec. 3, acts 1871-2, p. 143.) The officers of the incorporation are paid, either directly or indirectly, from funds belonging to the State. All of the interest derived from the funds invested, from rents from real estate, and for tuition paid by pupils, or otherwise, belongs to the State, and hence there can be no pretense that the institution is private, or is to be governed by laws relating to private persons or corporations."

In *Board of Trustees of Industrial University v. Champaign County*, 76 Ill. 184, this court said: "It is true, that the General Assembly have created a body

corporate, as the most convenient mode of controlling the institution, its property and affairs; but it will be observed that the State retains the power of appointing its trustees, and, no doubt, has power, through agents other than the trustees, to sell and dispose of the property of the institution, or they may, at pleasure, amend or even repeal the charter, as public policy or the interest of the university may require." In *Elliott v. University of Illinois*, 365 Ill. 338, the same principle was announced.

In *People ex rel. Olmsted v. University of Illinois*, 328 Ill. 377, it was said: "Does this property belong to the State? The University of Illinois was founded by an act of the legislature approved February 28, 1867, as the Illinois Industrial University. In 1885 its name was changed to the University of Illinois. It is maintained by interest from its permanent endowment fund arising from grants of land from the United States and by appropriations made by the General Assembly. It is governed by a board of trustees elected by the people. Though the State has created a body corporate to control the University of Illinois, yet the State retains the power of selecting trustees, and may through other agents than the trustees sell and dispose of the property of the institution or change its charter as the legislature may direct. The property of the University of Illinois, though held by the board of trustees, belongs to the State. (*People v. Board of Trustees*, 283 Ill. 494; *Spalding v. People*, 172 id. 40; *Board of Trustees v. Champaign County*, 76 id. 184; *Thomas v. Industrial University*, 71 id. 310.) While the State through its board of trustees is virtually a trustee of the property and funds of the university for the use of the people, it nevertheless has power to resume the fund and to use it for the purposes designated. *City of Chicago v. People*, 80 Ill. 384."

It has no employees. Its employees are employees of the State. (*People ex rel. Redman v. Board of Trustees*, 283 Ill. 494.) Their selection and employment, however, are powers committed solely to the corporation. While it is true that the legislature has created a separate corporate entity, its powers are limited by the act of its creating. Such powers are limited to the purposes for which it was created. By creating the corporation and conferring upon it the powers delegated by the act of its creation, the State has committed to it the operation, administration and management of the University of Illinois. While the legislature has the power at any time to modify or change, or even may take away entirely the powers thus conferred on the corporation, it can only do so by legislation. As long as the present statute is in force, the State has committed to the corporate entity the absolute power to do everything necessary in the management, operation and administration of the university.

The statute provides that the corporation shall have power to contract and be contracted with, to sue and be sued and to plead and be impleaded. Thus it is given contractual powers in all matters relative to the administration of the university. It may sue and be sued in connection with the exercise of such powers, the same as if it were a municipal corporation. (*Board of Trustees v. Bruner*, 175 Ill. 307.) It was also given power to acquire, hold and convey real and personal property. This power, however, is limited by statute. It can only acquire and hold property as the trustee and agent for the State. Because it holds all of its property merely for the State, obviously it cannot convey such property without being expressly authorized to do so by the State through its legislature. This is so, because the State is the beneficial owner of all property, the title to which may be held by the corporation. (*People ex rel. Olmsted v. University of Illinois, supra.*) In entering into contracts, if such contracts involve or in any way affect the property or property interest which it holds as trustee for the State, it must keep within the authorization and appropriations available. Within the limitations imposed, it has power to contract, to sue and be sued, and to plead and be impleaded concerning any matters arising out of the operation of the university. Such powers can be taken from it only by an amendment or repeal of the statute, by which such powers are conferred. The only power the State can exercise with reference to the administration and operation of the university is by limiting or withholding appropriations, or by changing the statute.

It is a public corporation, created for the specific purpose of the operation

and administration of the university. As such, it may exercise all corporate powers necessary to perform the functions for which it was created. It is vested with exclusive power to conduct and manage the business affairs of the university. It may employ professors, teachers, and other employees, over whose employment, services or activities, the State has no control. The State may, and does, biennially, in its appropriations for expenses to be incurred, designate the number, classification and rate of compensation of employees to be paid from funds belonging to the State. In its internal corporate affairs the State has no voice except indirectly by curtailing its appropriations or restricting the classification of employees and the purposes for which appropriations may be used. This the State has constantly done. In contracting with employees or others its powers are unlimited, except by the statute and by the classification and provisions found in the biennium appropriations. As to all matters incident to, or arising out of, the exercise of its corporate functions, it may contract and be contracted with, sue and be sued, plead and be impleaded, and it may exercise any other necessary or incidental powers in the furtherance of its corporate purposes. As to all such matters the State has no control over it, except indirectly, as above noted.

While it is a public corporation, it was organized and exists for one specific purpose. It is unique in that it has and can own no property in its own right. Whatever property or interest in property it acquires belongs to the State, and is held by it as trustee for the use of the State. It has no taxing powers and no means of raising money or acquiring property, except through the operation of the university. Its power to borrow money and to issue bonds is granted and limited by the act of June 4, 1941. (Ill. Rev. Stat. 1941, chap. 144, par. 71 *et seq.*) True, it may receive donations and gifts, but whatever it may receive as such, like all other property which it acquires, it holds only as trustee for the State, the beneficial owner. It has no power to select its own trustees or managers. This power is reserved to the State. It functions solely as an agency of the State for the purpose of the operation and administration of the university, for the State. In doing this, it functions as a corporation, separate and distinct from the State and as a public corporate entity with all the powers enumerated in the applicable statutes, or necessarily incident thereto. It has and can exercise no sovereign powers. It is no part of the State or State government. As definitely held by this court in *Spalding v. People*, *supra*, by establishing the university the State created an agency of its own through which it proposed to accomplish certain educational objects, and the corporate entity created for that purpose is a public corporation belonging to the class of corporations enumerated in section 80 of division I of the Criminal Code. (Ill. Rev. Stat. 1941, chap. 38, par. 214.) Its contractual powers are so restricted by statute that it can create no liability or indebtedness against the State and no liability or indebtedness against itself as a corporate entity in excess of the funds in the hands of the treasurer of the university at the time of creating such liability or indebtedness and which may be specially and properly applied to the payment of the same. (Ill. Rev. Stat. 1941, chap. 144, par. 28.) No suit can be maintained against it which would adversely affect the rights of the State. *Schwimg v. Miles*, 367 Ill. 436.

As such corporation it may formulate and carry out any educational program it may deem proper with complete authority over its faculty, employees and students, as well as all questions of policy. Incident to its corporate existence and the exercise of its corporate powers, it has the undoubted right to employ its own counsel or engage the services of any other employees it may deem necessary or proper, by contract or otherwise. This power is, however, always subject to the restriction that when such faculty members or other employees are to be paid from State funds, they must be within the classifications for which funds have been appropriated and are available.

Under the power reserved to the State to select the trustees of the University of Illinois, the State, by statute, has repeatedly changed the manner of their selection. In their tenure they come within the definition of officers, found in section 24 of article V of the constitution. In the manner of their selection

they come within the definition of State officers approved by this court. *Ramsay v. VanMeter*, 300 Ill. 193; *Fergus v. Russel*, 270 id. 304; *Wilcox v. People ex rel. Lipe*, 90 id. 186.

In *Fergus v. Russel*, *supra*, it was held that the definition of "offices" contained in section 24 of article V of the constitution is limited, in its application, to the State government with whose executive department article V of the constitution deals. (*Peabody v. Sanitary District*, 330 Ill. 250.) In *People v. Spalding*, *supra*, an officer of the University of Illinois was held to be an officer of a public corporation as distinguished from an officer of the State or a municipal corporation. These cases show that the question of whether any officer is a State officer is not to be determined alone from the territory from which he is selected or within which his official duties are to be performed. The question as to whether he is to be classified as a State officer also depends upon the character of the duties he is to perform, as such officer.

Here the trustees are elected from the State at large, but they perform no duties to the State, except through the corporation which they manage. They are responsible to the corporation whose managing officers they are. The corporation, as a corporate entity, is the trustee responsible to the State. They are elected solely as trustees, directors or managing officers of the University of Illinois, which is a public corporation. They function only in that capacity. They are in many respects comparable to a common council created by statute as the governing body of a municipality. They perform no duties and exercise no powers, except the management of the corporation. While they are officers within the broad definition found in section 24 of article V of the constitution, they exercise no powers as State officers. They do not function as such.

The power of the legislature to create public corporations is practically unlimited. It may create any conceivable kind of a corporation it sees fit for the more efficient administration of public affairs and endow such corporation with such powers and functions as it deems necessary and proper for the administration of such corporate powers and affairs. (*People ex rel. Wies v. Bowman*, 247 Ill. 276.) In creating corporations, the legislature must necessarily provide the officers by and through whom their corporate powers are to be exercised and their corporate functions performed. In the matter of creating such offices and providing the manner in which they shall be filled, the legislative power is supreme. When the legislature creates an office, either public or corporate, such office is wholly within the power of the legislature creating it and it may prescribe and limit the powers and duties of the incumbent of such office. *Perkins v. Comrs. of Cook County*, 271 Ill. 449.

The power of the legislature is also unlimited as to who shall constitute the trustees, managing directors, or other officers or governing body of all public corporations, as well as the manner in which they shall be chosen. There is nothing in the constitution, or in the public policy or laws of this State, to prevent the legislature from providing for the selection of these officers, either by the people of the whole State, or of any part of the State, in the same manner and at the same times, that State officers are elected. It can do this as to all public corporations, or as to cities, counties or other municipal or quasi-municipal corporations. The plan adopted may be changed at any time. This principle finds practical demonstration in the history of the statute under consideration. For the first twenty years of its existence the university was governed by trustees appointed by the Governor and approved by the Senate. In 1887 the statute was amended so as to provide for the election of three trustees in the general election in November, 1888, and at each general election every two years thereafter, for terms of six years. It further provided that the trustees so elected, together with the Governor, President of the State Board of Agriculture and the Superintendent of Public Instruction, should constitute the board. (Ill. Rev. Stat. 1941, chap. 144, par. 41.) Under the statute it seems clear that the sole function of the trustees of the University of Illinois is the management of the corporation. They are not State officers in the sense that the Attorney General is their legal advisor or representative, as contended by respondents in this case.

In *Fergus v. Russel*, *supra*, we held that while the constitution prescribed no express powers or duties of the Attorney General, he was a common-law officer and possessed all the powers and duties of the attorney general at common law, as the chief law officer of the Crown. Under our form of government, all the prerogatives which pertained to the Crown in England under the common law are vested in the people. In this State the Attorney General was vested, by the constitution, with all of the common-law powers of that officer. The common law is as much a part of the law of this State, where it has not been expressly abrogated by statute, as the statutes themselves. By creating the office of Attorney General, under its well-known common-law designation, the constitution conferred upon it all the powers and duties of the attorney general under the common law and gave to the General Assembly the authority to confer and impose upon the incumbent of that office such additional powers and duties as it should see fit.

The same principles were announced in *Dahnke v. People*, 168 Ill. 102, *People ex rel. Gullett v. McCullough*, 254 id. 9, and *Chicago Mutual Life Indemnity Ass'n v. Hunt*, 127 id. 257. Neither the constitution nor the statutes, however, have conferred upon the Attorney General the power, or imposed upon him the duty, to represent public corporations, their managing trustees or other officers. No such powers or duties existed at the common law.

In the sense that it is a department or branch of the State government, the University of Illinois is not an agency or instrumentality of the State. It is a separate corporate entity, which functions as a public corporation. It is not the duty of the Attorney General to represent either the corporation or the trustees, by virtue of his office as chief law officer of the State. He has no right to do so. Both the university as a public corporation and its trustees are entitled to select their own legal counsel and advisor and to be represented in all suits brought by or against them by counsel of their own choice. As the managing or governing body of the university and all its property, clearly it would be the duty of the Attorney General to institute all appropriate proceedings against the corporation, and its officers and trustees, to either prevent or redress any breach of the trust. He would do this as the representative of the State and not as the representative of the corporation or its trustees. Ill. Rev. Stat. 1941, chap. 14, par. 4; *People ex rel. Barrett v. Finnegan*, 378 Ill. 387; *Saxby v. Sonnenmann*, 318 id. 600; *Hunt v. Chicago Horse and Dummy Railway Co.* 121 id. 638.

As determinative of the right of relators to have issued to them salary warrants by the Auditor of Public Accounts, as claimed in the petition, we refer to the facts alleged on which this claim is based. With reference to relator Johnson, it is alleged in the petition that during the academic year 1941-42 the university, in accordance with its established procedure, certified payroll vouchers covering the position held by him under the following description, "Sveinbjorn Johnson, Professor and Counsel." It sets out the creation of the position of "University Counsel" and his appointment and succession to that office, naming his predecessor, in great detail. His duties as University Counsel are set out at length, as well as his professorial duties. In the payroll vouchers, no division was made as to the amount due him for professorial services and the amount due him as University Counsel. As to relator Hodges, the petition alleges that he performed services during the academic year 1941-42 as "Student Loan Assistant" and "Assistant University Counsel;" that as "Assistant University Counsel" he was entitled to a salary of \$900 per year, payable from State appropriations to the University.

It is nowhere alleged in the petition that funds had been appropriated or were available for payment of "University Counsel" or "Assistant University Counsel." The duties of University Counsel and Assistant University Counsel, as distinguished from professorial and other duties, are, however, clearly set out in the petition. They are wholly unrelated. From the petition it is clear that although the duties may all be performed by the same individual, a professor is not necessarily either a counsel or an assistant counsel, any more than a counsel or an assistant counsel could be classified as a professor.

It is well settled that before the Auditor of Public Accounts may be

directed by *mandamus* to issue and deliver warrants to anyone claiming payments from the State, it must be clearly shown that a proper appropriation has been made and that there are available funds in the appropriation, against which such warrants may be drawn. In *People ex rel. Redman v. Board of Trustees of University of Illinois*, *supra*, we said: "The Attorney General further argues that the petition in this case does not state or show that there was at the time of filing said petition any appropriation against which it was the duty of the Auditor to draw his warrant and out of which it was the duty of the Treasurer to pay the sum claimed by the petitioner. Under section 17 of article IV of the constitution of 1870 it is provided that no money shall be drawn from the treasury except in pursuance of an appropriation made by law and on the presentation of a warrant issued by the Auditor thereon, and no money shall be diverted from any appropriation for any purpose other than that for which it was appropriated. Before mandamus the State Auditor or State Treasurer, as prayed for in this petition, there must be sufficient funds alleged in said petition to show that they are under legal obligations or duty to perform the required act. (High on Ex. Legal Remedies, (3d ed.) secs. 114, 117; *Stevens v. Truman*, 127 Cal. 155.) The petition is defective if it does not allege facts from which it can be fairly inferred that there is a specific fund from which such money can be drawn. (*Commissioners v. State*, 42 Kan. 327; *People v. Stevenson*, *supra*.)" To the same effect is *Bengson v. City of Kewanee*, 380 Ill. 244; *DeWolf v. Bowley*, 355 id. 530; *People ex rel. Downs v. Brown*, 281 id. 390; *Board of Supervisors v. People ex rel. Comrs. of Highways*, 222 id. 9; *Fitzsimmons v. O'Neill*, 214 id. 494; *City of Chicago v. People ex rel. Gray*, 210 id. 84.

Article IV, sections 17, 18 and 19, of the constitution makes it unlawful for the Auditor to issue warrants where there is no appropriation available for the purposes for which the warrants are issued. (*Adams v. Nudelman*, 375 Ill. 217; *Fergus v. Brady*, 277 id. 272.) In *Fergus v. Brady*, *supra*, we said: "These provisions of the constitution and statute are clear and unambiguous in terms and their purpose and object can not be misunderstood. . . . By section 19 the General Assembly is prohibited from authorizing the payment of any claim, or part thereof, created against the State under any agreement or contract made without express authority of law, and all such unauthorized agreements or contracts are null and void, with the exception that the General Assembly may make appropriations for expenditures incurred in repelling invasion or suppressing insurrection. By the Criminal Code the making of a contract in excess of the amount of an appropriation subjects the offender to a fine not exceeding \$10,000 and removal from his office, trust or employment. No right whatever can grow out of the commission of a crime, and by the plain language of the constitution every claim or contract is utterly void if not within the amount of appropriations already made, unless there is express authority of law for the creation of the debt or claim or the making of the contract. In section 19 claims under any agreement or contract made by express authority of law are excepted, and if there is some particular and specific thing which an officer, board or agency of the State is required to do, the performance of the duty is expressly authorized by law. That authority is express which confers power to do a particular, identical thing set forth and declared exactly, plainly and directly, with well-defined limits, and the only exception under which a contract exceeding the amount appropriated for the purpose may be valid is where it is so expressly authorized by law. An express authority is one given in direct terms, definitely and explicitly, and not left to inference or to implication, as distinguished from authority which is general, implied or not directly stated or given."

Not only is the petition lacking in any averment that there are funds available in any appropriation against which it is claimed the warrants should be drawn, but this court takes judicial notice of the appropriation acts passed by the General Assembly. They are public statutes. *People ex rel. Redman v. Board of Trustees*, *supra*; *People ex rel. Nelson v. Taylor*, 281 id. 355; *People ex rel. Downs v. Brown*, *supra*.

An examination of the appropriations for the University of Illinois for the 1941-42 biennium discloses that no appropriation for either "University Counsel"

or "Assistant University Counsel," was made. Section 9 of the act making appropriations (Laws of 1941, p. 242) sets out in detail a classification of employees of the University of Illinois for whom payments are to be made from the appropriations. We find nothing in section 9 or in any other part of the act or in any of the prior appropriation acts, appropriating funds for the University of Illinois, which could come under the classification or designation of "University Counsel" or "Assistant University Counsel." There is nothing in the appropriations which would authorize the Auditor to issue warrants for salaries or compensation for such officers or employees, when certified as such on the university payroll. Nor do we find any appropriation for the employment of attorneys or counsel, or for legal expenses, in any form or amount.

It is argued by relators, and the petition sets forth, that preceding the appropriations for the 1941-42 biennium, and preceding each appropriation for many years prior thereto, the University of Illinois has submitted, in its internal budget to the General Assembly, the funds needed for the current biennium in the operation of the university; that it has included in such budget, as necessary anticipated expense during the period covered by the budget the positions of "University Counsel" and "Assistant University Counsel." Preceding the passage of the appropriations by the General Assembly, it is alleged that copies of this internal budget have been delivered to each of the individual members of the General Assembly. From this premise it is argued, and the petition alleges, that the ensuing biennium appropriations were based upon the internal budgets so submitted, and that appropriations for these positions were necessarily included in the appropriations because they were included in the internal budgets. This is not the averment of a fact. At best it is a mere speculative and inadmissible conclusion. This averment is not admitted by the answer when treated as a demurrer. It is purely an argument and a factual conclusion. In our opinion, it is a conclusion not justified by the facts. If we assume the facts alleged, the conclusion does not follow. With the internal budgets before it, in which were included items for the payment for counsel and assistant counsel, the appropriations made show that the legislature has consistently omitted to include any such items in its appropriations. The logical conclusion is that the legislature did not approve of those particular expenditures and, for that reason, refused to make appropriations therefor.

It follows that there being no averment in the petition of funds available for the payment of warrants, which petitioners ask this court to compel the Auditor to issue, it must be assumed that no such funds are available in any applicable appropriation. It appears from the appropriations made that no such items were included. In this situation, obviously, it was not the duty of the Auditor to issue the warrants, even though the salaries of relators had been duly certified in the university payrolls. The Attorney General was correct in advising the Auditor to refuse to issue the warrants. By the eighth subparagraph of section 4 of the statute prescribing the duties of the Attorney General, it is made his duty "To enforce the proper application of funds appropriated to the public institutions of the state . . ." Ill. Rev. Stat. 1941, chap. 14, par. 4.

The Auditor was equally justified in refusing to issue the warrants. Any prevailing custom to the contrary, however long followed, cannot aid petitioners in this respect. In *Fergus v. Russel*, *supra*, this court said: "We are not unmindful of the fact that for many years it has been the practice of the legislature of this State, and of each house thereof, to thus appoint, by joint or separate resolutions, committees to act after the session of the legislature had ended, but we have never been called upon to determine the validity of such action. The long indulgence in this custom cannot create a right in the legislature, or either house thereof, to do that which it has no power or authority to do."

In *Fergus v. Brady*, *supra*, with reference to the same subject, the following language was used: "The language of the constitution and intent of the people in adopting it being clear and free from doubt or uncertainty, the practice of the General Assembly and officers of the government in making appropriations has no influence in determining their legality. Contemporaneous con-

struction is of value only where there is doubt and uncertainty, and there is none in this instance. All that has been done is that the General Assembly and public officials have disregarded constitutional requirements adopted by the people for their protection. It cannot be said that the people, who constitute the other party in interest, have acquiesced in the construction adopted by the General Assembly, since the money interest of an individual taxpayer would not justify the necessary expense of an appeal to the courts to prevent such unlawful action. It would not be practicable to enumerate the appropriations held void by the chancellor and to explain in detail their nature. Each one was for the payment of a claim created without express authority of law and either without a previous appropriation or in excess of the appropriation." See also *People ex rel. Lucey v. Turney*, 273 Ill. 546, and *Whittemore v. People*, 227 id. 453.

The Attorney General was in error in assuming that he was the sole legal representative of the University of Illinois, or its trustees. He was also in error in appearing in the case described in the petition, pending in the circuit court of Cook county, as attorney for the university and the other defendants therein named.

The writ of *mandamus* is awarded directing the Attorney General to withdraw his appearance and all pleadings filed by him in the case of *People of the State of Illinois ex rel. etc., v. University of Illinois et al.*, general number 42C11035, being an action at law on the docket of the circuit court of Cook county. In all other respects the prayer of the petition is denied.

Writ awarded.

APPOINTMENTS MADE BY THE PRESIDENT

The Secretary presented for record the following list of appointments made by the President of the University.

ALLAWAY, WILLIAM HUBERT, Special Research Associate in Mechanical Engineering and Petrography, in the Department of Mechanical Engineering, in the Engineering Experiment Station, for eight months beginning January 1, 1943, at a salary at the rate of two thousand five hundred dollars (\$2500) a year. (December 21, 1942)¹

BLUM, ELEANOR, Junior Library Assistant in the Loan Department of the Library, beginning February 1, 1943, and continuing through August 31, 1943, subject to University Civil Service rules, at a salary at the rate of one thousand five hundred dollars (\$1500) a year. (January 15, 1943)

BROCKWAY, MRS. FRANCES LEE, Junior Clerk-Typist in the Military Department, beginning January 1, 1943, and continuing through August 31, 1943, subject to University Civil Service rules, at a salary at the rate of one hundred twenty dollars (\$120) a month. (December 17, 1942)

BROWN, VIRGINIA KATHERINE, Junior Clerk-Stenographer in the Extension Service in Agriculture and Home Economics, beginning December 14, 1942, and continuing through August 31, 1943, subject to University Civil Service rules, at a salary at the rate of one hundred five dollars (\$105) a month (this supersedes her previous appointment). (December 22, 1942)

CAMPBELL, ROBERT D., Junior Library Assistant in the Engineering Library, beginning January 15, 1943, and continuing through August 31, 1943, subject to University Civil Service rules, at a salary at the rate of one thousand five hundred dollars (\$1500) a year (this supersedes his previous appointment). (January 15, 1943)

CANALE, ALFRED JOHN, Assistant in Chemistry, on one-half time, beginning February 1, 1943, and continuing through June 30, 1943, at a salary at the rate of sixty dollars (\$60) a month. (December 21, 1942)

COON, LUCY GUSTA, Associate in Hygiene, and Medical Adviser for Women, beginning February 1, 1943, and continuing through August 31, 1943, at a salary at the rate of two thousand seven hundred dollars (\$2700) a year. (January 6, 1943)

¹The date in parenthesis is the date on which the appointment was made by the President of the University.

DELONG, CHARLES CLIFTON, Senior Accountant in the Accounting Division of the Business Office, on nine-tenths time, subject to University Civil Service rules, and Assistant in Accountancy, on one-tenth time, beginning January 1, 1943, and continuing through August 31, 1943, at a salary at the rate of two thousand seven hundred dollars (\$2700) a year (this supersedes his previous appointment). (January 6, 1943)

DERROUGH, ELIZABETH DOLORES, Assistant Laboratory Attendant in the Department of Botany, beginning January 4, 1943, and continuing through August 31, 1943, subject to University Civil Service rules, at a salary at the rate of one hundred dollars (\$100) a month. (January 8, 1943)

DOLAN, CATHARINE, Senior Clerk-Stenographer in the Office of the High School Visitor, beginning January 1, 1943, and continuing through August 31, 1943, subject to University Civil Service rules, at a salary at the rate of one thousand six hundred twenty dollars (\$1620) a year (this supersedes her previous appointment). (December 29, 1942)

FILIP, JOSEPH HENRY, Medical Assistant to the Health Officer of the Chicago Departments, beginning December 1, 1942, and continuing through August 31, 1943, at a salary at the rate of three thousand four hundred dollars (\$3400) a year (this supersedes his previous appointment). (December 16, 1942)

GOLDWASSER, MOSES, Associate in Medicine, on one-sixth time, beginning January 1, 1943, and continuing through August 31, 1943, at a salary at the rate of three hundred dollars (\$300) a year (this supersedes his previous appointment). (December 24, 1942)

HYSON, ARCHIBALD MILLER, Assistant in Chemistry, on one-half time, beginning February 1, 1943, and continuing through June 30, 1943, at a salary at the rate of sixty dollars (\$60) a month. (December 24, 1942)

INSKEEP, GEORGE ESLER, DuPont Fellow in Chemistry, beginning February 1, 1943, and continuing through June 30, 1943, at a stipendium at the rate of seventy-five dollars (\$75) a month. (January 11, 1943)

KRAUT, HARRY, Assistant in Medicine, beginning February 1, 1943, and continuing through August 31, 1943, without salary. (January 15, 1943)

KULHANEK, LADDIE JOSEPH, Assistant in Prosthetic Dentistry, in the College of Dentistry, on three-tenths time, beginning January 4, 1943, and continuing through August 31, 1943, at a salary at the rate of five hundred dollars (\$500) a year (this supersedes his previous appointment). (January 9, 1943)

LANGDON, WILLIAM MONDENG, Assistant Professor of Chemical Engineering, beginning January 15, 1943, and continuing through August 31, 1943, at a salary at the rate of three thousand two hundred dollars (\$3200) a year. (January 6, 1943)

LITTLE, MRS. MADGE LINKE, Home Adviser at Large and Instructor in Home Economics Extension, in the Extension Service in Agriculture and Home Economics, beginning January 1, 1943, and continuing through August 31, 1943, at a salary at the rate of one hundred seventy-five dollars (\$175) a month. (December 17, 1942)

MCDONNELL, HELEN, Junior Clerk-Stenographer in the Department of Mechanical Engineering, in the Engineering Experiment Station, beginning January 1, 1943, and continuing through August 31, 1943, subject to University Civil Service rules, at a salary at the rate of one thousand two hundred dollars (\$1200) a year. (December 29, 1942)

McNAIR, ADRIENNE, Junior Laboratory Assistant in the Department of Prosthetic Dentistry, in the College of Dentistry, beginning January 1, 1943, and continuing through August 31, 1943, subject to University Civil Service rules, at a salary at the rate of one hundred dollars (\$100) a month (this supersedes her previous appointment). (December 31, 1942)

MUSGRAVE, GLENN E., Storekeeper in the Military Department, beginning January 1, 1943, and continuing through August 31, 1943, subject to University Civil Service rules, at a salary at the rate of one hundred fifty dollars (\$150) a month. (December 17, 1942)

NOVAK, RUDY, Assistant in Physical Education for Men, beginning February 1, 1943, and continuing through May 31, 1943, at a salary at the rate of two hundred dollars (\$200) a month. (January 19, 1943)

OSGOOD, MRS. ALBERTINE WALTHER, Assistant in Spanish, and Counselor in

the Personnel Bureau, beginning December 1, 1942, and continuing through June 30, 1943, at a salary at the rate of one hundred fifty dollars (\$150) a month (this supersedes her previous appointment). (December 21, 1942)

PARHAM, WILLIAM EUGENE, Assistant in Chemistry, on one-half time, beginning February 1, 1943, and continuing through June 30, 1943, at a salary at the rate of sixty dollars (\$60) a month. (December 21, 1942)

PORTER, MRS. HELEN BRUNDZA, Assistant in Home Economics, in the College of Agriculture, on one-half time, beginning February 1, 1943, and continuing through June 30, 1943, at a salary at the rate of sixty dollars (\$60) a month. (January 21, 1943)

REYNOLDS, JOHN TODD, Associate in Surgery, in the College of Medicine, on 40/100 time, assigned to Anatomy, on 25/100 time, beginning November 1, 1942, and continuing through May 31, 1943, at a salary at the rate of one hundred seventy-two dollars fifty cents (\$172.50) a month, and from June 1, 1943, through August 31, 1943, at a salary at the rate of one hundred ten dollars (\$110) a month (this supersedes his previous appointment). (December 16, 1942)

SCHNEIDER, EDWIN OTTO, Special Research Assistant in the Agricultural Experiment Station, in cooperation with the State Natural History Survey Division, on one-half time, beginning January 1, 1943, and continuing until further notice, at a salary at the rate of nine hundred dollars (\$900) a year. (December 21, 1942)

SENN, WILLIAM FRANKLIN, Instructor in Physical Education for Men, beginning February 1, 1943, and continuing through May 31, 1943, at a salary at the rate of two hundred fifty dollars (\$250) a month. (January 19, 1943)

SHERROD, THEODORE ROOSEVELT, Junior Medical Technologist in the Department of Pharmacology, Materia Medica, and Therapeutics, in the College of Medicine, beginning January 1, 1943, and continuing through August 31, 1943, subject to University Civil Service rules, at a salary at the rate of one thousand eight hundred dollars (\$1800) a year (this supersedes his previous appointment). (January 4, 1943)

SHRIVER, CHARLES FORREST, Special Research Assistant in Theoretical and Applied Mechanics, in the Engineering Experiment Station, beginning January 1, 1943, and continuing until further notice, at a salary at the rate of two thousand dollars (\$2000) a year. (December 24, 1942)

SHUGER, HARRY, Assistant in Medicine, beginning January 15, 1943, and continuing through August 31, 1943, without salary. (December 31, 1942)

TEXTOR, CHARLES S., II, Assistant in Surgery, in the College of Medicine, beginning February 1, 1943, and continuing through August 31, 1943, without salary. (January 15, 1943)

WEINERT, ROBERT W., Assistant Record Clerk in the Department of Orthopaedics, in the College of Medicine, beginning January 1, 1943, and continuing through August 31, 1943, subject to University Civil Service rules, at a salary at the rate of one thousand eighty dollars (\$1080) a year. (January 4, 1943)

WESTABY, HENRY, Assistant in Prosthetic Dentistry, in the College of Dentistry, beginning January 4, 1943, and continuing through August 31, 1943, without salary. (January 19, 1943)

WHITING, GERALDINE ELIZABETH, Junior Account Clerk in the Tabulating Division of the Business Office, beginning January 1, 1943, and continuing through August 31, 1943, subject to University Civil Service rules, at a salary at the rate of one thousand three hundred twenty dollars (\$1320) a year (this supersedes her previous appointment). (January 6, 1943)

WILDHAGEN, ARTHUR RUDOLPH, General Assistant in the Public Information Office, on three-fourths time, for eight months, and Assistant in Press Photography, in the School of Journalism, on one-fourth time, for six months, beginning January 1, 1943, at a salary at the rate of two thousand four hundred dollars (\$2400) a year (this supersedes his previous appointment). (December 23, 1942)

WILLARD, RUTH FRANCES, Assistant in Spanish, beginning December 1, 1942, and continuing through June 30, 1943, at a salary at the rate of one hundred twenty dollars (\$120) a month (this supersedes her previous appointment). (December 21, 1942)

RESIGNATIONS AND CANCELLATIONS

The Secretary presented also for record the following list of resignations and cancellations of appointments.

BENTON, CLIFFORD STURGIS, Assistant in Chemistry—resignation effective February 1, 1943.

BEST, CHRIS EDWARD, Assistant in Chemistry—resignation effective February 1, 1943.

BLACK, CAROL ELIZABETH, Instructor in Art—resignation effective January 31, 1943.

BLICK, PHILIP, Instructor in Pharmacology, Materia Medica, and Therapeutics, in the College of Medicine—resignation effective February 1, 1943.

BRUCKART, MRS. SARA MOYER, Instructor in Home Economics, in the College of Agriculture—resignation effective February 1, 1943.

BUDEMMEIER, WILBUR DAHL, Associate in Agricultural Economics Extension, in the Extension Service in Agriculture and Home Economics—resignation effective February 1, 1943.

CARR, RICHARD KILNER, Assistant in Chemistry—resignation effective February 1, 1943.

CONROY, EDWARD HUBERT, Special Research Assistant in Chemistry, and Assistant in Chemistry—resignation effective January 1, 1943.

COON, LUCY GUSTA, Associate in Hygiene, and Medical Adviser for Women—resignation effective February 1, 1943.

COPPER, ROBERT RYAN, Associate in Crop Production, in the Department of Agronomy, in the College of Agriculture, and in the Agricultural Experiment Station—resignation effective at the close of business, December 31, 1942.

FIELDING, MRS. JEAN GILBERT, Assistant in Spanish—resignation effective December 31, 1942.

FLANINGAM, MRS. RUTH ANDERSON, Junior Library Assistant in the Loan Department of the Library—resignation effective February 1, 1943.

FRANKOWSKI, CLEMENTINE E., Assistant in Medicine (Rush)—cancellation effective September 1, 1942.

HELLEBERG, ANGELENE DAGMAR, Assistant in Home Economics, in the College of Agriculture—resignation effective February 1, 1943.

HOOVER, MILDRED E., Junior Library Assistant in the Catalog Department of the Library—resignation effective February 1, 1943.

INSKEEP, GEORGE ESLER, Assistant in Chemistry—resignation effective February 1, 1943.

JONES, MRS. GENEVA MILLARD, Assistant in Soil Survey Publications, in the Department of Agronomy, in the Agricultural Experiment Station—resignation effective at the close of business, December 8, 1942.

KEARNS, AMELIA, Junior Library Assistant in the Loan Department of the Library—resignation effective January 1, 1943.

POWER, RUTH TARLTON, Junior Library Assistant in the University High School Library—resignation effective January 15, 1943.

PRUSINSKI, JEROME CASIMER, Assistant in Medicine—resignation effective January 15, 1943.

REID, BETTY CAROL, Assistant Clerk-Stenographer in the Registrar's Office—resignation effective at the close of business, December 26, 1942.

REUTER, LOUIS FREDERICK, III, Assistant in Chemistry—resignation effective February 1, 1943.

SCHIRMER, FRANK BONNELL, JR., Instructor in Chemistry—cancellation effective September 1, 1942.

SCHMIDT, MARION, Assistant Laboratory Assistant in the Department of Surgery, in the College of Medicine—resignation effective January 1, 1943.

SCHROEDER, MILDRED, Assistant Clerk-Typist in the Catalog Department of the Library—resignation effective January 4, 1943.

SCOTT, LOUIS DALE, Assistant in Chemistry—resignation effective February 1, 1943.

SHEPHERD, DOUGLAS ALFRED, Assistant in Chemistry—resignation effective January 6, 1943.

SIDELL, OKA ELLEN, Assistant Clerk-Stenographer in the Department of Agricultural Engineering, in the College of Agriculture, in the Agricultural Experiment Station, and in the Extension Service in Agriculture and Home Economics—resignation effective at the close of business, December 31, 1942.

VANLOON, MRS. VERNEDA, Assistant Clerk in the Registrar's Office—resignation effective January 6, 1943.

WASCHER, HERMAN, Assistant Chief in Soil Survey, in the Department of Agronomy, in the Agricultural Experiment Station—resignation effective at the close of business, January 31, 1943.

DEGREE OF DOCTOR OF MEDICINE

The Secretary presented also for record the following degree of Doctor of Medicine conferred as of December 31, 1942:

SIDNEY MARKS, B.S., 1938

The Board adjourned.

H. E. CUNNINGHAM
Secretary

KARL A. MEYER
President