

3-25-1913

## Minutes, March 25, 1913

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Hartford Conn, March 25th 1913.

A regular meeting of The Board of Trustees of The Connecticut Agricultural College was held at the Hotel Heublein this day, His Excellency, presiding.

Also present; Trustees, Jenkins, Storrs, Patten, Henry, Capen, Hopson, and Manchester, Also President Beach, of the college.

The record of the last meeting was approved without reading, each member having received a copy thereof.

The following communication from the Attorney General, addressed to President Beach, was read and ordered recorded with the minutes of the meeting, to-wit;

" State of Connecticut.

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Attorney General's Office,

Hartford, March 8th 1913.

Prof Charles L. Beach,  
President Connecticut Agricultural College,  
Storrs, Connecticut.

My dear Mr Beach;

I have your recent favor in which you say;

" My attention has been called to the opinion of the Attorney General relative to the payment of salaries and expenses to school committees in which statement is made that 'it is a well settled rule of common law that judicial and discretionary officers are disqualified to act in matters in which they are personally interested. The rule disqualifying for interest has been applied

by many Courts to make invalid a contract by a board or commission with one of it's own members.'

The Executive Committee of our Board have requested me to communicate with you and inquire if this ruling has application to the payment of salaries to members of The Board of Trustees of The Connecticut Agricultural College."

The office and duties of The Board of Trustees of The Connecticut Agricultural College are creatures of statute. The Trustees are required to hold in behalf of the State such lands, money, and other property, as may be donated or appropriated for the purpose of maintaining said college. ( Sec 4395 and 4396, G. S. )

They are charged with the duty of seeing that the funds of the college are applied in conformity with the provisions creating them. An essential incident of such trust property is that the trustees can never make use of it for their own benefit.

It was held in the case of Railroad Company vs Durant, 95 U.S. 576, 579, that the office of a trustee is important to the community at large, and frequently most so to those least able to take care of themselves. It is one of confidence. The law regards the incumbent with jealous scrutiny, and frowns sternly at the slightest attempt to pervert his powers and duties for his own benefit.

It is clear, therefore, that the rule of common law referred to by you, may be applied with added emphasis to the trustees of the funds of a college. The Trustees of The Connecticut Agricultural College have no authority to vote a salary to any member of the Board, and they should not make a contract with any member, under which such member might receive any of the funds of the college. It is questionable whether they should even audit and pay their own expenses as trustees out of the trust funds of the college. They may properly provide, under the form of rules, for the appointment of a Secretary, Treasurer, and such other

officers as may be necessary in the management of the college, and fix their salaries, but no member of the Board should be appointed to any office to which a salary is affixed.

If the custom of the Board is in conflict with what I have said, it must be remembered that custom or usage cannot alter the law, but it may be evidence of the construction given to it, and should be binding on past transactions.

United States vs Macdaniel, 7 Pet, 1. 16.  
United States vs Ripley, 7 Pet 1. 18.

Respectfully submitted,

Jno H. Light.

Attorney-General,"

Voted; That the Legislative Committee be directed to ask the Agricultural Committee of the Legislature, to amend a bill now before it, so as to provide for the payment of the traveling expenses of the Trustees, incurred while attending to the duties required of them.

The two following resolutions were presented by Pres Beach, and passed, viz;

Resolved; that the Treasurer be instructed to maintain the amount of insurance upon college property now in force, in such companies and with such agents as seem to him most desirable; and to place insurance upon new buildings.

Resolved; That the Treasurer be authorized to pay for policies of insurance which have been renewed by him to date.

The following recommendations made by President Beach, were adopted, to-wit;

1. That the President of the College, and Director of the Station, be authorized to engage an Agronomist, whose salary shall not be more

that [unclear] [unclear].

2. That the President be authorized to engage an Assistant in Agronomy whose salary be not more than \$1500.
3. That the resignation of Miss Barry, Instructor in Music, be accepted, and that the President be authorized to secure a teacher to fill the vacancy.
4. That the President be authorized to engage an Assistant in Botany, at a salary of not more than \$800.
5. That Miss Donovan, Assistant in Domestic Science, be notified that her services will not be needed after Sept 15th 1913, and that the President be authorized to fill this vacancy at a salary of not more than \$900.
6. That the resignation of Miss Packard, Steward of the Boarding Club, be accepted to take effect June 15th, and that the President be authorized to fill the vacancy.
7. That beginning October 1st 1913, Mr Lamson be paid a salary of \$2000.; Mr Newton, \$1800.; Mr Frazer \$1020.; Mr Garrigus \$2000. Miss Rogers, \$900.; Mr Hughes, \$1000.; Chief Clerk, \$1200.
8. That beginning April 1st, Mr Blake, Superintendant of Buildings, be paid a salary of \$1500.
9. That the resolution of the Board of Trustees, of Feb 3rd 1911, relative to tuition fees of non-resident students, to take effect Sept 1912, be amended to read Sept 14th 1914.
10. That a Department of Forestry be created, and that the President be authorized to engage an Instructor in Forestry at a salary of not to exceed \$1500.
11. That Mr John Fitts, be advanced from Assistant Professor, to full Professor of Mechanic Arts, and receive a salary of \$1900.00 beginning Sept 15th 1913.

12. That applications for cottages be referred to the Executive Committee, with power to assign cottages and tenements for occupancy.

Voted; That the payments to Mr Peck in the nature of a salary, be continued until the next regular meeting of The Board of Trustees.

Voted; To continue the Poultry Laying Contest for another year, but under the sole control of the college.

The Gilbert Farm Committee made the following recommendations which were adopted, conditional that President Beach, upon consulting the Will of Mr Gilbert, shall find that they are consistent therewith, viz;

1. That the Gilbert Farm Committee be instructed to prepare a budget of receipts and disbursements for the fiscal year beginning April 1st 1913. Said budget to be presented to the Board for approval at the next meeting. Budget to provide for the expenditure of the net income of the farm, and the dividends from the Gilbert & Bennett Company's stock.

2. To authorize the Gilbert Farm Committee, to spend during the next fiscal year, out of the dividend account, not to exceed \$2500. for the establishment of a Poultry-Plant at the Gilbert Farm.

3. To authorize the Gilbert Farm Committee to expend out of the dividend account, not to exceed \$1000. for planting an apple orchard.

Voted; That the Executive Committee, after conference with the Building Committee, be authorized to purchase a new boiler for the Dairy Building.

Voted; That the Supt of Buildings be authorized to decide whether the paint on the inside of the new cottages shall be dull or gloss finish.

Mr H. G. Manchester, tendered his resignation as a member of the Gilbert Farm Committee, and it was accepted. He also tendered his resignation as a member of the Legislative Committee, which was

not accepted.

No further business appearing, the meeting adjourned.

Attest;

U. A. Capen,

Secretary.