

THE ORIGIN OF THE UNIVERSITY OF KANSAS

THE TERRITORY OF KANSAS

Incorporations

CHAPTER 89

An act to incorporate and provide for the institution and support of a University in Kansas territory.

ARTICLE I.

1. Fund created for the support of a university.
2. To remain a permanent fund for the promotion of literature, &c.
3. Portion to be appropriated yearly.
4. Duty of auditor of public accounts.
5. List of sales to be entered.
6. Auditor and treasurer to perform certain duties.
7. Who shall be commissioners.
8. Auditor to make report to commissioners, when.
9. Certificates of stock may be taken.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows:

SECTION 1. There shall be hereby created and established a fund to support a territorial university for the promotion of literature and of the arts and sciences, to be denominated "The Seminary Fund," which shall consist of all moneys arising from the sale of all lands which may be donated by the congress of the United States for seminary purposes, and all money which may be donated for that purpose from any and all sources, and the interest, dividends, profits and proceeds of such lands and moneys, except such distribution as shall be by law authorized.

SECTION 2. The seminary fund shall be and remain a permanent fund for the promotion of literature and of the arts and sciences, and so much of the income thereof shall be added to and become a part of the fund as shall not be appropriated hereafter by law.

SECTION 3. So much only of the income of the seminary fund shall be appropriated in any year as shall be necessary for the purposes to which the application thereof shall be authorized by law, and the residue shall be added to and become part of the permanent fund, which shall never be lessened or impaired.

SECTION 4. It shall be the duty of the auditor of public accounts to provide and keep in his office a book to be called "The Register of Seminary Lands," in which shall be entered a description of all seminary lands held by the territory, showing the county wherein situate, the range, township and legal subdivisions, arranged with suitable columns; in which shall be noted all sales, by the date, number of acres, price per acre, and total amount of each tract.

SECTION 5. The auditor shall also enter in such book a list of sales hereafter made, showing the particulars of description of lands and the sales thereof, specified in the last preceding section.

SECTION 6. The auditor of public accounts and the treasurer of the territory shall respectively perform like duties and possess the same powers in relation to the seminary lands, fund, and income, as they respectively are or may be required to perform or exercise in relation to common school lands, funds and moneys, and shall account themselves, and shall require others to account to them, in the same manner as in common school lands, funds and moneys, except in cases otherwise provided.

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SECTION 7. The governor, secretary of the territory and district attorney shall, by virtue of their respective offices, be commissioners of the seminary fund.

SECTION 8. Whenever there shall be in the treasury or elsewhere, subject to the order of the treasurer, any money belonging to the capital of the seminary fund, the auditor shall make report to the commissioners, who shall direct the same to be invested in such public stocks as they shall deem most advantageous to the fund; and the auditor, as soon as it may be advantageously done, shall make the investment accordingly.

SECTION 9. Certificates of stock or bonds shall be taken for such investments in the name of the office of the auditor, in trust for the seminary fund, which trust shall be specially expressed in every such bond or certificate.

ARTICLE II.

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| 1. Government of university, in what vested. | 15. Curators to examine records. |
| 2. Created a body politic; powers. | 16. Duty of the treasurer. |
| 3. Number of curators, how chosen. | 17. Powers of curators. |
| 4. Qualification of curators. | 18. May confer diplomas, &c. |
| 5. Vacancy, how supplied. | 19. Grants to be applied, how. |
| 6. To take an oath of office. | 20. Duty of curators. |
| 7. Annual meetings, when held. | 21. Powers of curators. |
| 8. Officers to be chosen. | 22. President to superintend. |
| 9. Duty of the president. | 23. Curators to appoint professors, &c. |
| 10. May call special meetings; proviso. | 24. Auditor to perform certain duties. |
| 11. May order adjourned meetings. | 25. Curators may require auditor to draw warrant, &c. |
| 12. Number to constitute a quorum. | 26. Salaries of officers, how payable. |
| 13. Duties of secretary. | 27. Balance of funds to be applied, how. |
| 14. To keep records, prepare reports, &c. | 28. Location to be at Douglas. |

SECTION 1. A university is hereby instituted in this territory, the government whereof shall be vested in a board of curators.

SECTION 2. The university is hereby incorporated and created a body politic, and shall be known by the name of "The Curators of the University of the Territory of Kansas," and by that name shall have perpetual succession, power to sue and be sued, complain and defend, in all courts of law and equity; to make and use a common seal, and to alter the same at pleasure; to take, purchase and hold, to sell, convey and otherwise dispose of lands and chattels.

SECTION 3. The number of curators shall be twenty, five of whom shall be chosen at each session of the legislative assembly, by joint vote of the two houses, and may be removed by concurrent resolution of the two houses of the legislative assembly. They shall hold their offices for six years, and until their successors are duly elected and qualified by the governor and secretary of the territory. The district attorney and auditor of public accounts shall be curators by virtue of their several offices.

SECTION 4. No person shall be chosen a curator who shall not have attained the age of twenty-five years, and who shall not be a free white citizen of the United States, and a resident of the territory at the time of his election or appointment.

SECTION 5. Every vacancy happening in the office of a curator, chosen by the legislative assembly, shall be supplied by appointment by the governor until the next meeting of the legislative assembly, and until a successor is duly elected and qualified.

SECTION 6. The curators shall severally take an oath to support the constitution of the United States and faithfully demean themselves in office.

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SECTION 7. There shall be an annual meeting of the board on the last Wednesday in July, to be holden in the university edifice, or within one mile from the site thereof.

SECTION 8. There shall be a president and a vice president of the board, who shall be chosen by the board from the members thereof; a secretary, treasurer, and such other officers of the board as they may deem necessary, who shall be appointed by the board, and shall hold their offices during the pleasure of the board.

SECTION 9. The president, and, if he be absent, the vice president, and, if both be absent, a curator, chosen for the occasion, shall preside at the meetings of the board, and have a casting vote in case of equal division.

SECTION 10. The president of the board, and, until his election, or, in case of his absence or disability, any three curators, shall have power to call a special meeting of the board at the place of holding the annual meeting; provided, they give timely notice thereof in such form as the board at its annual meeting shall by resolution prescribe, or by printed notice published in some public newspaper of the county at least ten days before the day of the meeting.

SECTION 11. Adjourned meetings of the board may be by them ordered and held at such time and place as shall be by them agreed upon.

SECTION 12. At the annual meetings of the board eight curators shall constitute a board to do business, but five curators attending any special meeting shall constitute a quorum, and at any meeting a less number than a quorum may adjourn from time to time not exceeding eighteen days.

SECTION 13. The secretary shall keep a journal of the proceedings of the board, in which the ayes and nays on all questions shall be entered if requested by any one of the curators present.

SECTION 14. It shall be the duty of the secretary to keep and preserve all records, books and papers belonging to the board; to prepare, under the direction of the board, all their reports, estimates, &c., and record the same in a book to be kept for that purpose; and generally to do and execute all such matters and things as belong to his office, and may be required of him by the curator.

SECTION 15. Each curator shall at all times have access to and be permitted to take copies of any or all of the records, books and papers of the board.

SECTION 16. It shall be the duty of the treasurer to receive, keep and disburse all money belonging to the board, and to perform all customary acts pertaining to his office, under the direction of the curators, and to make report of the same at the annual meeting of the board.

SECTION 17. The curators shall have power to make such bylaws or ordinances, rules and regulations as they may judge most expedient for the accomplishment of the trust reposed in them, and for the government of their officers, and to secure their accountability.

SECTION 18. The curators shall have authority to confer by diploma, under the common seal, on any person whom they may judge worthy thereof, such degrees as are known to and usually granted by any college or university.

SECTION 19. Grants made to the curators for specified uses and purposes shall not be applied, either wholly or in part, to any other uses.

SECTION 20. It shall be the duty of the curators to provide for the protection and improvement of the site of the university as selected and established by law, to erect and continue thereon all edifices designed for the use and accommodation of the officers and students of the university, and to furnish and adapt the same to the uses of the several departments of instruction.

SECTION 21. The curators shall have power, whenever they shall deem it expedient, to appoint a president of the university, and to prescribe, by ordinance, his term of office, and the powers and duties thereof in cases not herein provided for, and to fix his compensation, to be paid out of the income of the seminary fund.

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SECTION 22. It shall be the duty of the president of the university, among other things, to superintend and direct the care and management of the institution, its grounds, library, philosophical and chemical apparatus, mathematical and other scientific instruments; and to make and transmit to the curators, on or before the twenty-first day of July, in every year, a report of the state and condition thereof, containing such particulars as the curators shall require.

SECTION 23. The curators are authorized to appoint the necessary professors and tutors of the university, no one of whom shall exercise the functions of any other profession during his continuance in office, and to fix their compensation and terms of office.

SECTION 24. The auditor of public accounts shall, semi-annually, to wit, on or before the fifteenth day of July and the fifteenth day of January, prepare and transmit to the curators a statement, showing the increase of the seminary fund in the treasury subject to be applied to the support of the university.

SECTION 25. The curators are authorized to cause such semi-annual increase of the funds in the treasury to be deposited in the treasury of the board, by a resolution requiring the auditor to draw his warrant on the treasury, in favor of the person named in such resolution, for the amount in the treasury.

SECTION 26. The salary of each officer of the university shall be payable semi-annually, and it shall be the duty of the president of the board of curators to draw his warrant accordingly on the treasurer of the board, payable to the order of the officer therein named, and bearing interest at the rate of six per centum per annum from the time it is presented to the treasurer of the board for payment till paid.

SECTION 27. The balance of the increase of the seminary fund, after payment of salaries for each current year, shall be applied as follows: First, to the payment of arrears of salaries; second, to provide for library apparatus, cabinet, &c.; third, to improvement of buildings, grounds, &c.; fourth, surplus to be invested as provided for in the first article of this act.

SECTION 28. The university shall, and is hereby declared to be, located in the town of Douglas, on the Kansas river; provided, the proprietors or trustees of said town donate at least ten acres of land, in some eligible part of town, for the site of the university buildings: and that George W. Clark, Paris Ellison and William Johnson are hereby appointed commissioners to select the site of the university buildings, as aforesaid.

This act to take effect and be in force from and after its passage.

CHAPTER 67

STATE UNIVERSITY AT LAWRENCE

An Act to locate the State University.

Be it enacted by the Legislature of the State of Kansas:

SECTION 1. There shall be appointed, by the Governor, three commissioners, whose duty shall be to permanently locate the State University.

SECTION 2. The commissioners thus appointed shall, within thirty days next after their appointment, meet and take the oath of office. Should there be a vacancy for any cause, those present shall notify the Governor that such vacancy exists, stating the cause therefor, if known; on receiving which notice the Governor shall fill such vacancy or vacancies as may exist. So soon as the board of commissioners shall have qualified, by taking the oath of office, they shall immediately proceed to permanently locate the State University at some eligible point in or adjacent to the city of Lawrence. Said location shall

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be made upon a tract of not less than forty acres of land. Said commissioners shall require a good and sufficient title in fee simple with warrantee thereto; Provided, however, That the title of said tract of land shall be procured to the State without cost, and, Provided, further, That there shall be an endowment of said University by or through the citizens of Lawrence, or some one of them, of the sum of fifteen thousand dollars in money, which money shall be deposited with the Treasurer of State within six months next after such location. On failure of such deposit of said sum of money, for such purpose, within six months next after such location, then the location herein authorized, shall be rendered null and void.

SECTION 3. The commissioners shall make a full and impartial report to the Governor of their proceedings, on or before the first day of May, A.D. 1863.

SECTION 4. At the expiration of six months after such location, by such commissioners, the Governor shall issue this his proclamation, declaring said University permanently located, and do all things necessary to the completion of the same; Provided, however, If the fifteen thousand dollars for endowment, mentioned in the second section of this act, shall not have been deposited with the Treasurer of the State, the proclamation shall not issue, and no location be deemed to have been made, by virtue of this act, at Lawrence; but, Provided, further, That should the city of Lawrence fail to comply with the proposition contained in the preceding section, then the State University is hereby located at Emporia, in Lyon county; Provided, An eligible tract of land of not less than eighty acres, adjacent to said town of Emporia, shall be donated, and secured to the State in fee simple, as a site for said University, within twelve months from the taking effect of this act, in which event it shall be the duty of the Governor to issue his proclamation as provided in case said location had been made at Lawrence.

SECTION 5. This act shall take effect and be in force from and after its publication, and the publishing three days in the Topeka State Record shall constitute such publication.

Approved, February 20, 1863.

THOMAS CARNEY,
Governor.

I hereby certify the foregoing to be a true copy of the enrolled Law on file in my office, and that the same was published in the Daily State Record, for February 21, 1863.

W.W.H. LAWRENCE,
Secretary of State

CHAPTER 105

ORGANIZING STATE UNIVERSITY.

AN ACT to organize the University of the State of Kansas.

Be it enacted by the Legislature of the State of Kansas:

SECTION 1. There shall be established in this State, at or near the city of Lawrence, in the county of Douglas, on the grounds secured for that purpose, pursuant to the act entitled "An act to locate the State University," passed Feb. 20, 1863, an institution of learning, under the name of the University of Kansas.

SECTION 2. The object of the university shall be to provide the inhabitants of this State with the means of acquiring a thorough knowledge of the various branches of literature, science and the arts.

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SECTION 3. The government of the university shall vest in a board of regents, to consist of a president and twelve members, who shall be appointed as hereinafter provided, and the State Superintendent of Public Instruction and Secretary of State shall also, during their respective terms of office, be ex officio members of said board. A majority of the board shall constitute a quorum for the transaction of business.

SECTION 4. The members of the board of regents shall be appointed by the Governor of the State, by and with the advice and consent of the Senate, two-thirds of the Senators concurring therein, and shall hold their offices respectively, except those appointed to the first board, for the term of six years from the first Monday of September succeeding their appointment, and until the appointment of successor: Provided, that not more than three of the regents to be appointed shall be members of the same religious denomination. Immediately upon the passage of this act, it shall be the duty of the Governor to appoint the members of the first board of regents, four of whom he shall appoint for two, four for four, and four for six years, from the first day of September next; and every second year after the passage of this act, there shall be appointed as aforesaid, for the term of six years, four members of said board whose term of office shall commence on the first day of September after their appointment.

SECTION 5. Whenever (there) shall be a vacancy in the office of regents of the university, from any cause whatever, it shall be the duty of the Governor to fill such office by appointment, and the person or persons so appointed shall continue in office until the close of the Legislature then next thereafter, and until others are appointed in their stead.

SECTION 6. The regents of the university and their successors in office shall constitute a body corporate, with the name and style of the Regents of the University of Kansas, with the right, as such, of suing and being sued, of contracting and being contracted with, of making and using a common seal, and altering the same at pleasure.

SECTION 7. The regents shall appoint a secretary, a treasurer and a librarian, who shall hold their respective offices during the pleasure of the board. It shall be the duty of the secretary to record all the proceedings of the board and carefully to preserve all its books and papers. The treasurer shall keep a true and faithful account of all moneys received and paid out by him, and shall give such bonds for the faithful performance of the duties of his office as the regents may require.

SECTION 8. The regents shall have power, and it shall be their duty to enact laws for the government of the university, to elect a chancellor, who shall be, ex officio, president of the board of regents, or when absent the board may appoint a president pro tem. They may also appoint the requisite number of professors and tutors, and such other officers as they may deem expedient; also determine the amount of their respective salaries.

SECTION 9. There shall be two branches of the university, viz; a male and a female branch. The female branch may be taught exclusively by women, and buildings for that branch shall be entirely separate from the buildings of the male branch. And to establish and maintain the said female branch, the regents shall annually appropriate a sufficient amount of the funds of the university.

SECTION 10. The university shall consist of six departments. First, the department of science, literature and the arts; second, the department of law; third, the department of medicine; fourth, the department of theory and practice of elementary instruction; fifth, the department of agriculture; sixth, the normal department. The immediate government of the several departments shall be entrusted to their respective faculties, but the regents shall have the power to regulate the course of instruction, and prescribe, under the advice of the professorships, the books and authorities to be used in the several departments, and also to confer such degrees and grant such diplomas as are usually conferred and granted by other universities.

SECTION 11. The regents shall have power to remove any officer connected with the institution, when in their judgment the interests require it.

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SECTION 12. The fee of admission to the university shall never exceed ten dollars, and the charge of tuition in the first and fourth departments shall never exceed in one year, to the residents of the State, thirty dollars; and as soon as the increase of the university fund will permit, tuition in those departments shall be without charge to all students in the same who are residents of the State.

SECTION 13. The regents are authorized to expend such portion of the income of the university fund and the fund now on hand as they may deem expedient, for the erection of suitable buildings and the purchase of apparatus, a library and cabinet of natural history: Provided, that before they make any purchase or proceed to the erection of such buildings, they shall submit a plan of the same to the Governor and Secretary of State, which shall be approved by them: And provided further, that before proceeding to erect said university building, or any part thereof, there shall be on hand and provided for, money sufficient to erect and complete an entire section or wing of said building, or a building entire of itself.

SECTION 14. The regents shall make a report annually to the Legislature at its regular session, exhibiting the state and progress of the university in its several departments, the course of study, the number of professors and students, the amount of expenditures, and such other information as they may deem proper. Meetings of the board may be called in such manner as the regents may prescribe, and any seven of them, at a meeting regularly called, shall be a quorum for the transaction of business, and a less number may adjourn from time to time. No sectarian tenets or opinions shall be required to entitle any person to be admitted as a student in said university, and no such tenets or opinions shall be required as a qualification for any person as tutor or professor of said university.

SECTION 15. Nothing herein contained shall be construed as involving the State in any expense in the organization of said university.

SECTION 16. This act to take effect on and after its passage.

Approved, March 1, 1864.

THOMAS CARNEY,
Governor.