

THE UNIVERSITY OF WYOMING
MINUTES OF THE TRUSTEES

December 12-13, 1916

For the confidential information
of the Board of Trustee

The semi-annual meeting of the Board of Trustees of the University of Wyoming was held at 4.30 o'clock on this date pursuant to call, with Judge Timothy F. Burke in the chair. In addition to Judge Burke, the following members of the Board responded to roll-call:- Dr. Hamilton, Messrs. Lyman H. Brooks and Charles S. Beach, Mrs. Mary B. David and Mrs. Mary N. Brooks, Messrs. W. S. Ingham and C. D. Spalding, Judge Carey, State Superintendent of Public Instruction Edith K. C. Clark, and President C. A. Duniway, this being a complete attendance of the entire membership of the Board. The minutes of the last annual meeting held June 6th, 1916, were read and approved.

The Secretary read a letter of thanks from Henry Merz, Professor Emeritus of German and French, a copy of which follows:-

TO THE HONORABLE BOARD OF TRUSTEES
OF THE UNIVERSITY OF WYOMING:

I wish to take this first opportunity of thanking you and President Duniway for the kind words expressed in resolutions regards my services while actively connected with the University, and placing my name upon the roll of the Faculty as Emeritus Professor of German and French, also granting me a monthly remuneration during 1916-17 for some services in the Correspondence School.

I greatly appreciate all these favors and especially the kind feeling of the Board toward me. I shall ever have the interest of the University at heart.

Wishing you as Trustees and President of the University the very best of success, I remain

(Signed)

Yours sincerely,
HENRY MERZ,
Professor Emeritus.

The Secretary also read a letter from the Chief of the Weather Bureau relative to seismographs. The Board, at its annual meeting in June, instructed the Secretary to find out if the Weather Bureau of the Federal Government would supply the University with such an instrument, or, if not, where it could be gotten and what it would cost. Chief Marvin, in his letter, stated that the Government did not supply the same and named four firms from which the instrument could be purchased, and stated that its cost would be about five hundred dollars, duty free.

The Secretary next read a letter from the Honorable John W. Hay of Rock Springs, making application for an oil operating lease on Sec. 9, Twp. 33 N., R. 76 W., located in the Big Muddy oil field.

President Duniway then began the reading of his semi-annual report to the Board. After the completion of this reading, the Board proceeded to deal with the suggestions contained in this report.

The Board approved of the action of the President in deciding to give his time during the Christmas recess to attend a meeting of a special commission of the Carnegie Foundation for the Advancement of Teaching. The President stated that he had been appointed as a member of this special commission to represent the state universities, the entire commission consisting of eleven different gentlemen from different parts of the country and representing different educational interests. He stated that the meeting would be held in New York City on December 26th and 27th to consider the question of annuities and retiring allowances for college professors, the expenses of the trip to be borne by the Carnegie Foundation.

President Duniway, in his report, stated that it was the opinion of Secre-

tary Burrage and Mrs. E. H. Knight, the Adviser of Women, that owing to the prevailing high prices that unless a small raise in the price of board both at the Women's Hall and the Men's Commons should be made, at the end of the fiscal year there would be a deficit. It was suggested that a raise of one dollar a month, which in the case of the Commons would mean twenty-five cents a week, this raise applying to approximately 110 people, might offset the estimated deficit. The Board, however, after a full discussion, decided, upon motion of Judge Carey, that the rates as announced in the catalogue should be maintained for the remainder of this fiscal year, and that any deficit which might arise should be borne by the University out of other funds.

At this point the Board adjourned for dinner at the Women's Hall, to meet again at 7.30.

-[UW]-

The Board re-assembled shortly after 7.30 with the same members in attendance as at the previous session.

President Duniway, in his report, had brought in a tentative plan with reference to a University Training School for nurses in connection with the Ivinson Memorial Hospital. There was a lengthy discussion of this matter, and it was finally moved that it be deferred until the June meeting of the Board of Trustees and that the President of the Board and the President of the University at that time bring in a plan complete in detail

as to the co-operation between this Board and the Board of that hospital. Carried.

The President also stated in his report that in the matter of affiliating Jireh College with the University as a Junior College, he could not make completed report, as he had not heard finally from that institution with reference to its decision. President Duniway stated that the Faculty of the University had approved in principle the idea of such an affiliation and that as soon as he had heard finally from President Atkinson of Jireh the Faculty would then work out the details of the completed plan. Upon motion of Judge Burke, seconded by Judge Carey, the Board in principle approved of this affiliation and decided that it would take final action when President Duniway should bring in the detailed plan to the June meeting.

The Board then took up the matter of the request for a lease from Mr. John W. Hay of Rock Springs of Sec. 9, Twp. 33 N., R. 76 W., located in the Big Muddy oil field. Upon motion of Judge Carey, the Secretary was instructed to write a letter to Mr. Hay to say that the matter had been taken under consideration and that the Board was asking for legal advice.

Upon the recommendation of the President and Faculty, the degree of Bachelor of Arts was conferred upon Miss Flora H. Krueger, Principal of the Rawlins High School.

The Board entered into a full discussion as to what should be done with the money coming to the University from oil leases. Finally, upon motion of Mr. Brooks, the recommendation of President Duniway that it be put into a fund to be used for permanent improvements was carried, Judge Carey voting "No".

The following resolution was then introduced by Mr. Ingham, seconded and carried:-

BE IT RESOLVED: That the Secretary shall request of the Attorney General of the State of Wyoming his opinion upon the following questions, viz:

FIRST

Construing Section 15 of Article VII of the Constitution of the State of Wyoming, which provides:-

"All lands which have been heretofore granted or which may be granted hereafter by Congress unto the University as such, or in aid of the instruction to be given in any of its departments, with all other grants, donations, or devises for said University, or for any of its departments, shall vest in said University, and be exclusively used for the purposes for which they were granted, donated or devised. The said lands may be leased on terms approved by the land commissioners, but may not be sold on terms not approved by congress",

and Section 17 of said article, which provides:-

"The legislature shall provide by law for the management of the University, its lands and other property by a Board of Trustees":

1. Is the power to determine whether said lands shall be leased vested in the "land commissioners", or in the "board of trustees" of the university?
2. Which of these bodies is legally authorized to prescribe to whom and upon what terms any such lease may be made?

SECOND

Construing Section 1 of Article XVIII of the Constitution of the State of Wyoming, which provides:-

"The state of Wyoming hereby agrees to accept the grants of lands heretofore made, or that may be hereafter made by the United States to the state, for educational purposes, for public buildings and institutions and for other objects, and donations of money with the conditions and limitations that may be imposed by the act or acts of congress, making such grants or donations".

and Section 5 of the act of admission of the State of Wyoming, approved July 10th, 1890, which provides:-

"That all lands herein granted for educational purposes shall be disposed of only at public sale, the proceeds to constitute a permanent school fund, the interest of which only shall be expended in the support of said schools. But said lands may, under such regulations as the legislature shall prescribe, be leased for periods of not more than five years, in quantities not exceeding one section to any one person or company:"

1. Can a lease of the lands vested in the university as aforesaid be made for a longer period than five years?
2. In the event the lands vested in the university as aforesaid are leased for the extraction of mineral or oil or gas therefrom, can the rental money accruing therefrom be legally used for the maintenance of the university, or must the interest on said rental money alone be used for such maintenance?

-:-:-

The foregoing questions are all to be considered in the light of the provisions of the act of congress of the United States of February 19, 1881, 21 Stats. at L. 326, and the act of congress of the United States of August 9, 1888, chapter 819, 25 Stats. at L. 393, and the case of State, ex rel. Hockfeldt, v. State Board of School Land Commissioners, et al., 20 Wyo. 162.

Upon motion of Mr. Ingham, the Board decided that a special meeting should be called immediately after the receipt of the opinion from the Attorney General with reference to the oil leases.

in the Superintendent Edith K. O. Clark was asked to explain to the Board the provisions contemplated School Code. Miss Clark *proposed to* stated what the School Code Committee hoped to do, but the hour being late, the Board adjourned to meet again the following morning at nine o'clock, with the understanding that Miss Clark should continue her discussion at that time.

-[UW]-

The Board re-convened at nine o'clock on Wednesday morning, December 13th, and the roll call showed that all the members of the Board were present.

Miss Clark continued her discussion of the new School Code, and for the information of the Board, the Secretary read the recommendations of the Code Committee. There was a very full discussion of this question, particularly with reference to the points where it touches the administration of the University.

The following resolution of President Duniway was offered by Dr. Hamilton, seconded by Mr. Brooks:-

RESOLVED: That the Board approve the experiment of establishing a six weeks' branch Summer School in Sheridan in the summer of 1917. The President is instructed to report detailed plans to the Executive Committee for action in time for proper public announcements and complete necessary arrangements in Sheridan.

A vote being called for, the following members of the Board voted "aye" -- Dr. Hamilton, Mr. Ingham and Mr. Brooks; the following members voting "no" -- Mr. Burke, Mrs. Brooks, Mrs. David, Mr. Beach, Mr. Spalding and Judge Carey. The motion was therefore lost.

Judge Carey moved that the vote on this resolution be reconsidered, and this motion was carried. There was further discussion, but a vote being called for, the result was the same as before, the motion therefore being lost.

Upon motion of Mrs. Brooks, seconded by Mrs. David, it was decided that the University should guarantee to all teachers in all parts of the state a one-and-one-third round-trip fare to the coming Summer School. This resolution was unanimously adopted.

The Board next took up the consideration of an idea advanced by Dean and Director Knight. President Duniway stated that Dean Knight is of the opinion that the work of the Agricultural College and Experiment Station would be greatly strengthened by the creation of Advisory Committees elected or appointed by such organizations as the Woolgrowers' Association, the Stockgrowers' Association, the State Horticultural Association, etc. The purpose of these committees would be to advise the University on developments in all phases of agriculture. President Duniway reported that such a plan had been tried in Maine and Illinois, and found to be very useful. After a very lengthy discussion, upon motion

of Mr. Spalding, seconded by Mr. Beach, the Board said that it would welcome co-operation from agricultural and industrial interests of any kind in Wyoming, and that if such organizations desired to have Advisory Committees for the purpose of advising the University with reference to agriculture and other interests in this state, the Board would welcome the same. Carried.

The Board then began the consideration of the plans for the new Library building. There were found to be four sets, and these were arranged around the room for inspection. An informal ballot was taken with reference to the appearance of the exterior alone, but this method of balloting was found to be unsatisfactory. The Board then decided to appoint President Duniway and Dr. Grace Raymond Hebard, Librarian, a committee of two to go over the plans in detail and to make a report to the Board on the results of their investigations. The Board then took a recess, subject to the call of this committee.

The committee was out over an hour, after which the Board came together again and listened to the report of the committee. Dr. Hebard, supplemented by President Duniway, indicated the advantages and disadvantages of each set of plans. These plans had been lettered "A", "B", "C", and "D". The Board then proceeded to ballot. It was decided that only three places should be voted for, since there were only three awards to be made, the first prize being the commission arising from the completion of the structure, the second, \$300.00, and the third, \$200.00. It was found that the set of plans marked "D" had received eight votes for first place; those marked "C", six votes for second and two for third; "B", two votes for second and six for third; and "A" received no votes. The envelopes containing the nom-de-plumes of the competitors were then opened, and it was found that the first award had gone to Mr. Hitchcock of Laramie; second to Mr. William Du-

bois of Cheyenne; and third to Mr. D. D. Spani of Rock Springs. By motion, on the basis of this competition, the Board adopted this ballot, Mr. Hitchcock therefore being chosen as architect of the building, he to receive the customary commission when the building should be erected; the second award going to Mr. Dubois, he to receive \$300.00; and the third award going to Mr. Spani, he to receive \$200.00. The Board further resolved that the construction of the building be deferred until the finances of the University should justify the same.

The Board next entered upon a discussion of the advisability of appointing a legislative committee, but upon motion of Judge Carey, it was decided that the President of the Board be authorized, in case of necessity, to call upon any or all members of the Board to act with him as such a committee. This motion was seconded by Mrs. David and Unanimously carried.

Judge Burke appointed as a committee to examine the Secretary's books the following:- Mr. Brooks, Mrs. David and Mr. Beach.

It being dinner-time, the Board adjourned, to meet again at 8.30 o'clock.

-[UW]-

At 8.45, the Board re-assembled. Mr. Brooks presented the report of the committee on audit, which was as follows:-

To the President and Members of
The Board of Trustees of the
the University of Wyoming:

Ladies
Gentlemen:

We, your Committee duly appointed to audit the books of the
Secretary of the University of Wyoming, from July 1st, 1915, to June
30th, 1916, report as follows:-

We checked the totals of the receipts and disbursements and
the balances in the various accounts as shown by the books, with the
report of the State Examiner for the same period, and find them to
agree.

MARY B. DAVID.

C. S. BEACH.

L. H. BROOKS,

Committee.

Upon motion of Dr. Hamilton, this report was accepted and ordered placed
on file.

There being no further business, the Board adjourned, subject to the call
of the Chairman.



Secretary.

CHEYENNE, WYOMING, February 1, 1917.

HON. J. M. CAREY,
Cheyenne, Wyoming.

Dear Judge:

You have probably received official notification of the meeting of the board of trustees of the University, to be held at two o'clock on the 13th of this month, for the purpose of considering the opinion of the attorney general and taking appropriate action in relation to the question for which the semi-annual meeting was adjourned.

Further, it should be stated that a request has come from the state board of land commissioners that we should take action in relation to the leases which they have granted. Copy of this resolution, as furnished me, was accompanied by a letter from the governor, all of which impresses me with the importance of the matter that is coming before us and of the great necessity that we should all be present; and I know you will pardon the suggestion from me that our meeting should be judicial, we each refraining as far as possible from even forming an opinion as to what the conclusion should be until the matter has been fully submitted.

There will probably be a number of lawyers representing different interests, present to give their respective views on these matters.

Very truly yours,

Timothy F. Burke
President Board of Trustees,
University of Wyoming.

February 1, 1917.

HON. J. B. KENDRICK,
Governor of the State of Wyoming,
Cheyenne, Wyoming.

Sir:

As stated in my communication a few days since, a meeting of the board of trustees of the University is called for the 13th instant at two o'clock p. m., at which time we hope to have an opinion from the attorney general upon questions submitted in relation to leasing of the oil lands donated to the state for university purposes. Without action having been taken by the board, I am confident that I represent each and every member when I say that they will be greatly pleased to have present at that meeting a representative of the state board of land commissioners, and, therefore, I write you as chairman of that board, extending an invitation to have a representative of your board at that meeting.

I am equally sure that I speak for my board when I say that they will be most happy to be informed, not only as to what the land board has done in respect to the leasing of lands, but as to the reasons for their action.

Trusting that this invitation will be accepted and a representative will be present, I am,

Very truly yours,

President Board of Trustees,
University of Wyoming.

The State of Wyoming
Executive Department
Cheyenne

JOHN B. KENDRICK
GOVERNOR
BURKE H. SINCLAIR
SECRETARY

29 January 1917.

My dear Mr. Burke:-

Under separate cover I am sending you a copy of a resolution in reference to the leasing of University Lands. This resolution was passed at a recent meeting of the State Board of Land Commissioners.

The apparent necessity to the land board for such a resolution, was due to rumors that have been persistently circulated the past few weeks to the effect that the state land board has no legal authority for leasing university lands, and that litigation is to be commenced to set aside leases already made. While I have no information to the effect that these statements were authorized by your board, yet I naturally have been greatly concerned over them, both as a member of the state land board, and as chief executive of the state. As a member of the land board, I am anxious to get results, and to have the board live up to its every responsibility. As governor of the state, I am deeply concerned in avoiding any apparent difference of opinion, or conflict of authority between one of our state departments and the university trustees.

In all land leasing cases, the state land board has acted under what it has firmly believed to be its legal authority; but in those particular instances involving the university lands, our board has in addition acted under direct instructions of the

Board of Trustees of the University, such instructions being given by resolution of your board on August 30, 1907.

It is quite possible that our state land board may have made mistakes in accomplishing the leases in question but it should be borne in mind that all contracts are entered into in accordance with the light and information on hand, rather than that on subsequent events. At the time prospectors leases were given on university lands there was almost an entire absence of faith in oil possibilities of these lands. This doubt was shared by every geologist, so far as I know, that had examined the field. The state land board has always, as it does today, declined to put premiums on the privilege of prospecting our lands; therefore, the nominal price of only \$100 per lease has been exacted. All operating leases have been drawn under as good or better terms, I believe, than are written into any leases made in the state up to this time.

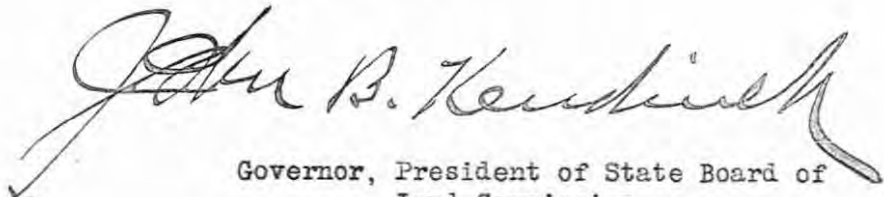
As set forth in the resolution which I am sending you, every member of the state land board will most heartily concur in a plan to definitely fix this question of authority, but I am constrained to say your own good judgment would decree that any action taken along these lines should apply to only future leases and not to any obligations already assumed. Any effort to interfere with contracts already made, would clearly question either the ability or the integrity of the state land board, and would thus suggest repudiation, of the State's contracts. This would not only bring discredit upon us, but would surely prove disastrous to future developments.

T. F. B. #3.

I am supplementing the board's resolution with this letter to you, with the sincere object of avoiding not only the conflict that may arise from indefinite litigation, but for the more important purpose of doing what I can to perpetuate the splendid spirit of cooperation and good will that has heretofore existed among all departments of our state government.

I feel that the gravity of this situation justifies me in asking you to call a meeting of the Board of Trustees of the University, not later than Monday, February 5th, 1917, in order that this matter may be laid before it for prompt adjustment.

Sincerely yours,


Governor, President of State Board of
Land Commission.

Hon. Timothy F. Burke, President
of the Board of Trustees,
University of Wyoming
Cheyenne, Wyoming.

RESOLUTION.

WHEREAS, The Constitution of the State of Wyoming, Section 15 of Article VII, referring to the leasing of University lands,

provides:

"The said lands may be leased on terms approved by the land Commissioners," and

WHEREAS, Section 3 of Article XVIII of the Constitution

provides:

"The Governor, Superintendent of Public Instruction and Secretary of State shall constitute a Board of Land Commissioners who, under such regulations as may be provided by law, shall have the direction, control, disposition and care of all lands that have been heretofore or may hereafter be granted to the State," and

WHEREAS, in order to carry into effect the provisions of the Constitution, the Legislature did, in 1903, Chapter 78, Section 2, now Section 603, Compiled Statutes 1910, create the State Board of Land Commissioners, composed of the Governor, Superintendent of Public Instruction and Secretary of State, and provided that such Board

"shall...have the direction, control, disposition and care of all lands granted or acquired by the State other than lands granted for the benefit and support of public schools," and

WHEREAS, the Legislature did, in 1907, Chapter 81, Section 2, now Section 619 Compiled Statutes 1910, provide:

"The State Boards of Land Commissioners are hereby authorized to lease, upon a royalty basis, any state or school lands supposed to contain coal, oil or minerals, and to make and establish rules or regulations covering the conduct of development and mining operations to be carried on thereunder," and

WHEREAS, the State Board of Land Commissioners believes and contends that full power and authority has been vested in it by the constitution and laws of the State to lease University lands, but

WHEREAS, some question having been raised as to the authority of the State Board of Land Commissioners to lease University lands, the Board of Trustees of the University did, on August 30, 1907, pass the following resolution:

"WHEREAS: It has been called in question, through the opinion of the Attorney General of the State of Wyoming, the power of the Board of State Land Commissioners to handle and care for the lands of the University, as well as those of the Agricultural College, and the query is made as to whether it is not the duty of the Board of Trustees to directly lease and care for one or both of these trusts; therefore, be it

"RESOLVED: That the State Commissioner of Public Lands be, and he is hereby requested and empowered, under the supervision and direction of the State Board of Land Commissioners, to care for and lease any and all of such lands in all respects as he cares for and leases other lands belonging to the State and under the control of said Board, and that a report be made to this Board, on or before June 1st of each year, as to his doings in this regard,"

which resolution has not been repealed by said Board and still stands as the order and authority of said Board of Trustees, and

WHEREAS, the State Board of Land Commissioners, acting under the authority vested in it by the Constitution and the Statutes for such cases made and provided, and under the authority and power vested in it by the said resolution of the Board of Trustees of the University, did, on the 10th day of May, 1916, issue a prospector's oil lease, No. 21148, to G. R. Hagens and J. F. Leeper, for the following described University lands, to-wit: $\frac{1}{2}$ SW $\frac{1}{4}$ Sec. 4, Twp. 33 N., Rg. 76 W., NE $\frac{1}{4}$: NE $\frac{1}{4}$ Sec. 5, Twp. 33 N., Rg. 76 W.,

And did on the 10th day of May, 1916, issue prospector's oil lease No. 21144, to William Marley, for the following described University lands, to-wit: Lots 1, 2, 3: SW $\frac{1}{4}$ NE $\frac{1}{4}$: SE $\frac{1}{4}$ NW $\frac{1}{4}$: W $\frac{1}{2}$ SE $\frac{1}{4}$: E $\frac{1}{2}$ SW $\frac{1}{4}$ Sec. 4, Twp. 33 N., Rg. 76 W.,

And did on the 10th day of May, 1916, issue prospector's oil lease No. 21156, to Ben M. Wood, for the following described University lands, to-wit: NW $\frac{1}{4}$: NE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 5, E $\frac{1}{2}$ NE $\frac{1}{4}$: NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 6, Twp. 33 N., Rg. 76 W.

And did on the 10th day of May, 1916, issue a prospector's oil lease No. 21147, to H. A. England, for the following described University lands, to-wit: W $\frac{1}{2}$ NE $\frac{1}{4}$: E $\frac{1}{2}$ NW $\frac{1}{4}$: SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 6, Twp. 33 N., Rg. 76 W.,

And did on the 5th day of May, 1916, issue a prospector's oil lease No. 21317, to A. E. Humphreys, for the following described University lands, to-wit: S $\frac{1}{2}$: NW $\frac{1}{4}$: S $\frac{1}{2}$ NE $\frac{1}{4}$ Sec. 8, Twp. 33 N., Rg. 76 W.,

And did on the 10th day of June, 1916, issue a prospector's oil lease No. 21315, to R. B. Whiteside, for the following described University

lands, to-wit: S₂: S₂N₂: NE₂NE₂: NE₂NW₂ Sec. 9, Twp. 33 N., Rg. 76 W., ✓

And did on the 5th day of May, 1916, issue prospector's oil lease No. 21149, to Merritt Oil and Gas Company, for the following described University lands, to-wit: All except NW₂NW₂ Sec. 10, Twp. 33 N., Rg. 76 W.,

And did on the 10th day of June, 1916, issue prospector's oil lease No. 21348, to James M. Douglas, for the following described University lands, to-wit: S₂: S₂NE₂: SE₂NW₂: Lots 1, 2, 3, Sec. 1, Twp. 33 N., Rg. 76 W., and

WHEREAS, the terms of these prospectors' leases require the lessees to explore said lands for oil during the term thereof and to pay the State, for the benefit of the University, a rental of \$100.00 for each lease; and

WHEREAS, certain of said lessees, relying upon the power and authority granted to the Board as heretofore provided for the leasing of said lands, under said prospectors' leases, numbered 21148, 21144, 21317, 21315 and 21149, did comply with the terms of said prospectors' leases and did pay to the State the said rental for the benefit of the University, and did expend large sums of money in exploring said lands for oil, and did discover oil in commercial quantities on said lands and were entitled, under the provisions of said leases, to operating leases, the state Board of Land Commissioners did, on the 1st day of September, 1916, issue to the Elkhorn Oil Company, Assignee of Hagens and Leeper, operating oil lease No. 21945, for the following described University lands, which are the same lands included in the said prospector's lease, to-wit: W₂W₂ of Sec. 4, NE₂: N₂SE₂ Sec. 5, Twp. 33 N., Rg. 76 W.,

And did on the 1st day of September, 1916, issue to J.C. Kinney, Assignee of William Marley, operating oil lease No. 21686, for the following described University lands, which are the same lands included in the said prospector's lease, to-wit: Lots 1, 2, 3: SW₂NE₂: SE₂NW₂: E₂SW₂: N₂SE₂ Sec. 4, Twp. 33 N., Rg. 76 W.,

And did on the 27th day of November, 1916, issue to Merritt Oil and Gas Company, an operating lease, No. 22014, for the following described University lands, which are the same lands included in the said prospector's lease, to-wit: All except the NW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 10, Twp. 33 N., Rg. 76 W.,

And did on the 25th day of January, 1917, issue to A. E. Humphreys, operating lease No. 22188, for the following described University lands, which are the same lands included in the said prospector's lease, to-wit: S $\frac{1}{2}$: NW $\frac{1}{4}$: S $\frac{1}{2}$ NE $\frac{1}{4}$ Sec. 8, Twp. 33 N., Rg. 76 W.,

And did on the 25th day of January, 1917, issue to R. E. Whiteside, operating lease No. 22187, for the following described University lands, which are the same lands included in the said prospector's lease, to-wit: S $\frac{1}{2}$: S $\frac{1}{2}$ NE $\frac{1}{4}$: NE $\frac{1}{4}$ NE $\frac{1}{4}$: NW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 9, Twp. 33 N., Rg. 76 W., and

WHEREAS, under the terms of the present prospectors' leases on University lands and under the terms of the operating oil leases issued on University lands, it is required, and the lessees are expending large sums of money and are to spend large sums of money in the future, in order to further develop said lands for oil, and

WHEREAS, under said operating leases the lessees are producing oil from said University lands and marketing the same and paying to the State, for the benefit of said University, the royalty thereon, and

WHEREAS, the validity of said leases has been questioned and rumors are current that the Board of Trustees of the University has the exclusive authority to lease the University lands, and that they will not stand by their resolution authorizing and empowering the State Board of Land Commissioners to lease said lands, and that it is the purpose of the Board of Trustees of the University to refuse to confirm the leases heretofore mentioned, and that it is the intention of the Board of Trustees of the University to lease said lands to other applicants, all of which rumors have been taken advantage of by designing persons and

doubt and uncertainty have been cast on the validity of the leases hereinbefore mentioned, which has rendered and is rendering it difficult for some of the lessees of said lands to obtain the capital to continue the development work required under the terms of their leases, and has cast such uncertainty upon the validity of said leases as to create a doubt in the minds of said lessees as to whether or not they should proceed with the expenditure of money and the development of these lands, as provided by the terms of said leases, which is liable to retard the development of said lands; and

WHEREAS, these rumors as to the attitude of the Board of Trustees of the University and the threatened litigation and proceedings to invalidate the leases made, and heretofore referred to, reflect upon the integrity not only of the State Board of Land Commissioners which granted the leases but upon the Board of Trustees of the University which authorized the State Board of Land Commissioners to grant said leases, and reflect upon the good name of the State, and cast a doubt upon its good faith and its purpose to carry out its contract with those whom it has induced to expend large sums of money in the development of its lands, all of which has created a condition intolerable to this Board; and

WHEREAS, if the Board of Trustees of the University desires to revoke its authority given to the State Board of Land Commissioners to lease and handle the lands of the University, and to contest the right and authority of the State Board of Land Commissioners, under the constitution and laws of the State, to lease said University lands, the State Board of Land Commissioners will co-operate with said Board of Trustees of the University to secure a determination of that question in the Courts for the benefit of future transactions, but, this should not be done with the purpose of affecting transactions already entered into by said State Board of Land Commissioners, and

WHEREAS, inasmuch as the Board of Trustees has by resolution empowered the State Board of Land Commissioners to lease and handle its lands, that the question of power and authority to grant these leases is not involved so much as the good faith of the State and the maintenance of the integrity of the action of the Board of Trustees in authorizing the State Board of Land Commissioners to lease the lands and the integrity of the action of the State Board of Land Commissioners in granting these leases,; now, therefore, in order to remove every doubt and uncertainty as to the validity of said leases, and in order to maintain the good name of the State in the keeping of its contracts, and to maintain the integrity and good faith of the Board of Trustees of the University of Wyoming and of the State Board of Land Commissioners, and in order that confidence may be restored and maintained by those who desire to enter into contract with the State for the development of its lands for the production of oil, be it

RESOLVED, by the State Board of Land Commissioners, present: Governor John B. Kendrick, Secretary of State F. L. Houx, Superintendent of Public Instruction Edith K. O. Clark, in special session, this 25th day of January, 1917, that the Board of Trustees of the University be requested to convene at the earliest date possible and to approve said leases and to determine whether or not said Board of Trustees desires in the future to revoke its authority to the State Board of Land Commissioners to lease and handle the lands of said State University.

The officers of this Board are hereby directed to send a copy of this resolution to each member of the Board of Trustees of the University and to request Hon. Timothy F. Burke, President of the Board of Trustees, to call a meeting of the said Board of Trustees

in conformity with this resolution, in order that said Board
may give this resolution due consideration and take proper
action thereon.

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