

**THE UNIVERSITY OF WYOMING
MINUTES OF THE TRUSTEES**

September 20, 1934

**For the confidential information
of the Board of Trustee**

The Board of Trustees of the University of Wyoming, at Laramie, Wyoming, a body corporate of the State of Wyoming under the name and style of "The Trustees of the University of Wyoming," and hereinafter referred to as the Board of Trustees, met in regular meeting, in full conformity with law and the by-laws and regulations of the said corporation, at the regular place of meeting of said Board, at Laramie, Wyoming, on the 20th day of September, 1934, at 2 o'clock p.m., at which meeting there were present and answering the roll call:

Trustees: Wallace C. Bond, President; Harriett T. Grieve, Vice President; John A. Guthrie, Treasurer; Charles H. Friday; Mary S. Embree; N. D. Morgan; Mabelle G. Oviatt; M. A. Thrasher; A. G. Crane, President of the University, ex officio (without vote); Fay E. Smith, Secretary (without vote).

Absent; Leslie A. Miller, Governor of the State of Wyoming, ex officio (without vote); Katharine A. Morton, State Superintendent of Public Instruction, ex officio (without vote); Paul R. Greever.

The minutes for the regular meeting of The Trustees held August 23, 1934, and for the meetings of the Executive Committee August 24, 1934, and September 4, 1934, were approved as read by the Secretary.

Mr. N. E. Corthell, representing the City Park Commission, appeared before The Trustees to discuss the proposed park along the west side of the Laramie River which embraces a part of the University stock farm.

Roll Call

Minutes approved

City Park Commission
University land at
Stock Farm.

Mr. Corthell urges the sale of a portion of this land to the city for park purposes as authorized by the legislature. The Trustees visited the farm and examined the land. Upon the action of Mrs. Oviatt, President Bond appointed a committee consisting of Dr. Crane, Mayor Friday, Dean Hill, and Architect Curtiss to investigate and make a recommendation to The Trustees. This motion was seconded by Mrs. Embree and carried.

Committee to investigate

The next item of business was an interview with Mr. Choate, Assistant General Freight Agent of the Union Pacific Railroad and Mr. Mitchell, representing the Southern Wyoming Coal operators. These men urged The Trustees to continue with the use of coal in the power plant. Mr. Kiplinger and Mr. Griffin, representing the Rocky Mountain Gas Company then appeared before the Board with an offer to install gas burning equipment. At the conclusion of this interview, it was agreed that this subject should be held in abeyance until we are able to have a meeting of The Trustees with full attendance. An effort will be made to have such a meeting and settle this question in March.

Interviews re-coal and gas for power plant

Upon the motion of Mrs. Oviatt, Dr. Crane was authorized to work with Mayor Friday and Architect Dubois and see what can be done towards rebuilding the Little Theatre on a new site, using skilled FERA labor. Dr. Crane will report to the Executive Committee who are given power to act. This motion was seconded by Mrs. Embree and carried.

Little Theatre
✓

Mr. Morgan moved that Dr. Crane be authorized to issue such tuition work orders as may seem necessary, making monthly reports to the Executive Committee. This motion was seconded by Mr. Thrasher and so ordered.

Tuition work orders

At the suggestion of Attorney N. E. Corthell, The Trustees included the following decision rendered by the Supreme Court of the State of Wyoming in the liberal arts building case:

Supreme Court Decision

IN THE SUPREME COURT, STATE OF WYOMING

April Term, A. D. 1934.

June 19, 1934.

C. P. Arnold, Frank S. Burrage and Will Goodale,

Plaintiffs and Appellants,

vs.

Wallace C. Bond, Mabelle G. Oviatt, M. A. Thrasher, Harriett T. Grieve, Charles H. Friday, John A. Guthrie, Paul R. Greever, N. D. Morgan, Mary S. Embree, Katharine A. Morton, Ex Officio; A. G. Crane, Ex Officio; Leslie A. Miller, Ex Officio; Constituting the Board of Trustees of the University of the State of Wyoming, existing under the corporate name of The Trustees of the University of Wyoming; also The Trustees of the University of Wyoming, a body corporate; Leslie A. Miller, Governor of the State of Wyoming, A. M. Clark, Secretary of State, Harry R. Weston, State Treasurer; Roscoe Alcorn, State Auditor, and Katherine A. Morton, State Superintendent of Public Instruction; constituting the Board of Land Commissioners of the State of Wyoming; C. H. Fitzpatrick, Commissioner of Public Lands, Roscoe Alcorn, State Auditor, and Harry R. Weston, State Treasurer,

Defendants and Respondents

No. 1877.

Plaintiffs + Appellants

Defendants + Respondents

Appeal from the District Court, Albany County; Hon. V. J. Tidball, Judge.

For the appellants there was a brief and the case was argued orally by W. O. Wilson, of Cheyenne, Wyoming.

Appellants
W.O. Wilson

For the respondents there was a brief by Ray E. Lee, Attorney General, O. O. Natwick, Deputy Attorney General, and Wm. C. Snow, Assistant Attorney General, all of Cheyenne, Wyoming, and oral argument by Mr. Lee.

Respondents
Ray E. Lee
O.O. Natwick
Wm. C. Snow

Blume, Justice.

This case was brought by plaintiffs, citizens and taxpayers of this State, on behalf of themselves and all other persons similarly situated, against the Board of Trustees of the University of Wyoming, the Board of Land Commissioners, the Commissioner of Public Lands, and the State Auditor and the State Treasurer. Plaintiffs ask that the court declare and determine the constitutionality and validity of Chapter 21 of the Session Laws of Wyoming, passed at the Special Session of 1933; to declare, determine and construe the rights of the respective parties to the suit with respect to the power claimed to be conferred thereby on the Board of Trustees of the University of Wyoming, and to enjoin such board from carrying the legislative act into effect. The special matters herein involved will be mentioned later. A demurrer was filed and sustained on the ground that the petition as amended does not state facts sufficient to constitute a cause of action. Plaintiffs elected to stand on their pleading and have appealed from a judgment of dismissal entered pursuant thereto.

Case brought by -

Reason for bringing suit
6 8

The Legislature at its special session in 1933 passed Chapter 21. Sections 1, 2 and 4 thereof, the only ones material herein, are as follows:

Legislature, 1933.

"Section 1. That The Trustees of the University of Wyoming, a body corporate, is hereby authorized and empowered to accept grants of money or borrow in sums not exceeding in all Three Hundred Thousand Dollars (\$300,000.00) Dollars from the Government of the United States, or any duly authorized agency thereof, for the construction of a Liberal Arts building to be erected upon the campus of said University at Laramie, Wyoming, upon the following conditions and no others, to-wit:

The Trustees of the University of Wyoming is empowered to contract for the repayment of said loan or loans solely by the

creation of a first lien upon the income of that fund known as the University Permanent Land Fund, more specifically identified by Section 3 of the Act of Admission of The State of Wyoming.

Section 2. That nothing in this Act shall be construed to empower The Trustees of the University of Wyoming to obligate in any way whatsoever the general credit, or any other funds, property or assets of The State of Wyoming, of the University of Wyoming, or of any other institution under the charge of said The Trustees of the University of Wyoming, except the income, and the income only of that fund described in Section 1 of this Act.

Section 4. That nothing in this Act shall be construed to change, alter, diminish or increase the powers of The Trustees of the University of Wyoming as elsewhere set forth and determined by the laws of The State of Wyoming, except insofar as is necessary to give effect to the purposes and objects specifically set forth in this Act."

Pursuant to the power thus conferred, the Board of Trustees of the University of Wyoming applied to the Federal Emergency Administration of Public Works for a loan of \$300,000 for the purpose expressed in the legislative act, and agreed to repay the loan on an amortization plan and by the creation of a first lien upon the income of the University Permanent Land Fund. The amount so agreed to be repaid is, generally speaking, in annual installments, composed of principal and interest, payments to commence on January 1, 1935, and ending January 1, 1966. The total amount of principal to be repaid is the sum of \$210,000.00. In other words, the United States will contribute the sum of \$90,000.00 toward the erection of the contemplated building. The total interest agreed to be paid is approximately the sum of \$142,390.41, making the total repayment the sum of \$352,390.41, as against \$300,000.00 received. The annual repayment, principal and interest, to be made, will be the sum of \$11,417.98, except that interest only will be paid

Application to FEKA.
\$300,000.00

Amortization plan

Dates of payments

Principal

Grant

Interest, Approx.

Annual Repayment

to January 1, 1937. By an amended application the Board agreed as follows:

"The Trustees of the University of Wyoming agree, if desired by said Public Works Administration, to issue notes or bonds of such character as may be acceptable to the said Public Works Administration, secured by the income of the said University Permanent Land Fund; or issue other evidences of such debt secured by the income of said University Permanent Land Fund."

Bonds to be issued

The University Permanent Land Fund amounts approximately to the sum of \$2,000,000.00 bringing in an annual income of over \$100,000.00 so that approximately ten per cent only of the annual income from the fund will be required for the purpose of meeting the amounts annually agreed to be repaid as above mentioned.

University Permanent Land Income Fund.

The fund here in question was derived from a land grant by the United States to this State. It originated with the act of Congress of February 18, 1881 (St. at Large, 21, 326). That act granted to Wyoming and other territories 72 sections of land for the "use and support" of a university in each of the territories embraced in the act. Under it the land was not to be sold for less than \$2.50 per acre, and the money derived from the sale was to constitute a university fund. It was further provided that:

Derivation of fund.

"No part of said fund shall be expended for university buildings, or the salary of professors or teachers, until the same shall amount to \$50,000.00, and then only shall the interest on said fund be used for either of the foregoing purposes until the said fund shall amount to \$100,000.00, when any excess, and the interest thereof, may be used for the proper establishment and support respectively of said universities."

Restrictions

Under section 8 of the Act of Admission of this State, the 72 sections of land granted by the foregoing act were vested in the State of Wyoming. It provided further:

"But said act of February 18th, 1881, shall be so amended as to provide that none of said lands shall be sold for less

than \$10.00 per acre, and the proceeds shall constitute a permanent fund to be safely invested and held by said state, and the income thereof shall be used exclusively for university purposes."

By Section 1 of Article 18 of the Constitution, the state accepted the land grants made by the United States, with the conditions and limitations imposed by Congress, and by Section 2 of the same article it is provided that "the proceeds from the sale and rental of all lands and other property donated, granted or received or that may hereafter be donated, granted or received from the United States or any other source shall be inviolably appropriated and applied to the specific purposes specified in the original grants or gifts." Sections 3 and 4 of the same article make further regulations as to such lands, but the provisions thereof are immaterial herein. The University of this state was established in 1886, and the establishment thereof confirmed by Section 15 of Article 7 of the Constitution, and that section, too, provides that the lands granted shall be devoted exclusively "for the purposes for which they were granted." Section 17 of the same article provides for the management of the University by seven trustees, and for two unofficial members without vote, and that "the duties and powers of the trustees shall be prescribed by law." The legislature has enacted laws in conformity with that section. Sections 108-401 - 530. It is not necessary to set out the detailed provisions thereof, except to say that under Sec. 108-506 the Board of Trustees constitutes a body corporate. These laws do not, in terms at least, authorize the board of trustees to borrow money as proposed. But Chapter 21 of the Laws of the special session of the legislature of 1933 purports to do so, and the question herein is as to whether that law is constitutional and in conformity with the grant of land by Congress for university purposes. Various questions have been raised in

Establishment

Management of Uni.

A body corporate

that connection. Thorough briefs of counsel for the parties herein have considerably lessened the labor of the court.

1. It is argued that the income from the fund in question cannot be used for the purpose of erecting building, but for the purpose of current expenses only. The cases of Roach v. Gooding, 11 Idaho 244, 81 Pac. 642; Independent School District v. Pfost, 51 Idaho 240, 4 P. (2d) 893; Sheldon v. Purdy, 17 Wash. 135, 49 Pac. 228, are cited to sustain that contention. These cases are based on the theory that the term "support" means and refers to current expenses only. It is the contention of plaintiffs that these cases apply here for the reason that, while section 3 of the Act of Admission provides merely that the income from the fund in question shall be used "for university purposes," these purposes are limited by section 5 of the Act of Admission, 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." Counsel for the defendants contend that this section relates only to lands belonging to the common school fund, citing State v. Rice, 33 Mont. 365, 83 Pac. 875; State v. Candland, 36 Utah 406, 104 Pac. 285, 24 L.R.A.N.S. 1260, and other cases. It is not, however, necessary, we think, to pass upon that point, for if we assume that that particular provision should be construed as relating to lands of the university as well as that belonging to the common school fund, the conclusion that the term "support" excludes the right to use any part of the money for erecting buildings does not necessarily follow. The meaning of the term "support" was discussed in the case of State v. Bard, 8 Wyo. 104, 55 Pac. 451, and it was held that it included the erection of buildings as well. The court, speaking through the late Chief Justice Potter, said:

Use of income

Explanation of "support"

"The statutes of this State have for many years provided that there shall be levied annually a tax 'for the support of the common schools.' The Act of Admission grants to the State sections 16 and 36 in every township 'for the support of common schools.' Would it be contended in the absence of express, adverse legislative provision that schoolhouses could not be erected or repaired from the proceeds of the tax, or the income, or avails from the donated public lands? Is not the erection of suitable buildings as necessary a part of the support of the common schools, as the employment of teachers? What feature in the support of any public institution is more essential than providing a house in which its operations may be carried on, or in making such repairs as its condition demands?"

In any event the term "support" may be used in a narrow and in a broad sense, and when used in the latter sense, may include "current expenses, maintenance, upkeep, continuation of existing functions, as well as appropriations for new building." State v. Claussen, 85 Wash. 260, 148 Pac. 28. Bearing in mind that the act of February 18, 1881, permitted the use of the funds therein mentioned for building purposes under certain conditions, and bearing further in mind that the enabling act permits or requires the use of the income "for university purposes," we think we are justified in holding that the use of such income was not intended to be confined to current expenses, but may, if necessary and proper, be used for erection of buildings as well, provided, of course, that legislative authority for such purpose has, as in the case at bar, been granted.

2. Article 16 of the Constitution contains provisions for the limitation of indebtedness. Section 1 thereof provides:

"The state of Wyoming shall not, in any manner, create any indebtedness exceeding one per centum on the assessed value of the taxable property in the state, as shown by the last general assessment for taxation, preceding; except to suppress insurrection or to provide for the public defense."

Section 2 thereof provides:

"No debt in excess of the taxes for the current year, shall in any manner be created in the state of Wyoming, unless the pro-

Lawful indebtedness

position to create such debt shall have been submitted to a vote of the people and by them approved; except to suppress insurrection or to provide for the public defense."

The question is whether either of these sections are violated by the legislative act in question and by the proposed loan. There is no such violation, of course, if the indebtedness is not a state debt, or if by reason of the payments to be made only out of the income of the university fund, liability thereon is limited so as not to be a charge on the taxpayers of the state. In the case of State ex rel v. McMillan, 12 N.D. 280, 96 N.W. 310, bonds issued by the trustees of a Normal School were held invalid as being an obligation of the state. The law in question in that case provided that the interest should be paid out of the income from lands granted to the state for normal school purposes, and that if such income should prove to be insufficient, the remainder should be paid out of the general fund of the state. In the case of State ex rel. v. Candland, 36 Utah 406, 104 Pac. 285, 21 L.R.A.N.S. 1260, bonds issued for the erection of buildings at the Utah University were held invalid. The land board was authorized under the law to take \$250,000 from the principal of the university fund and loan it to the University Board. The income from the fund was, under the law, to be turned over to the board as usual, and the principal and interest on the loan was directed to be paid out of any money in the hands of the board or appropriated for its use. It was held that the loan was an indebtedness of the state, and that the effect of the payments of principal and interest on the loan in the manner specified by the law meant merely that the tax payers of the state would be compelled to make up that amount in some other way. The legislative act in the case at bar does not contain the specific and objectionable features above mentioned. The majority of courts have held that an

Cases cited

obligation similar to that involved in the case at bar is not a debt of the state. State ex rel. Bickford v. Cook, 17 Mont. 529, 43 Pac. 928; Stein v. Morrison, 9 Idaho 426, 75 Pac. 246; Lewis v. Brady, 17 Idaho 251, 104 Pac. 900, 28 L.R.A.N.S. 152; State ex rel v. Collins, 21 Mont. 448, 53 Pac. 1114; Barbour v. State Board, 92 Mont. 32, 13 P. (2d) 225; State ex rel v. Regents, 32 N.M. 428, 258 Pac. 571; State ex rel v. Claussen, 134 Wash. 196, 235 Pac. 364; Allen v. Grimes, 9 Wash. 424; Fanning v. University of Minnesota, (Minn.) 236 N.W. 217; Caldwell v. Board, 176 La. 825, 147 So. 5. In McClain v. Regents, 124 Or. 629, 265 Pac. 412, the court held that while the obligation involved in that case, which was similar to that involved in the case at bar, was that of the state, it did not violate the constitutional provisions relating to limitation of indebtedness, in view of the fact that it could be paid only out of a particular fund. In the case of State ex rel v. Claussen, supra, it appears that the legislature authorized the issuance of bonds for the purpose of erecting a capitol building, the bonds, both principal and interest, to be paid only out of revenues derived from the grant of lands for capitol building purposes. The validity of the bonds was upheld. Holding that they did not create an indebtedness of the state, the court said:

"The legislative act under discussion expressly provides that the principal and interest of the bonds authorized shall be payable only from revenues hereafter received from the lease and sale of the granted lands. In no possible way is the credit of the state involved. Not one dollar of its general property can be used to discharge those bonds or the interest on them. Not one dollar of taxes can be put to that purpose. *****Its (the state's) only obligation under this act is to see that all the revenues hereafter received from the lease or sale of the granted lands shall be applied towards the payment of these bonds and their interest. On no principle of law can it be said that under these circumstances any debt has been contracted 'by or on behalf of this state.'"

The court then distinguishes Rodmay v. Munson, 13 Barb. 63, and Newel v. People, 7 N.y. 63, where bonds issued, to be paid out of a particular fund,

were held to create a debt of the state, and proceeds to say:

"There the revenues pledged came from the operation of canals owned by the state in its proprietary capacity. Its revenues when collected belonged to the state, and might be applied towards the discharge of any of its general obligations. Any amount of the funds so arising, which must go to the discharge of the certificates which were sought to be issued, would have been made up by taxation of the property within the state or of its people in some form or other. The situation here is very different. These granted lands do not belong to the state in the ordinary sense, and any moneys coming from them can be used only for the purpose of constructing capitol buildings. To us the distinction between those cases and this one is very clear."

In the case of *State v. Regents of University*, 32 N.M. 428, 258 Pac. 571, the regents were sought to be enjoined from issuing bonds for building purposes, payable only out of the income of the university land fund. The court said:

"The Attorney General argues that the proposed bonds are in effect the obligation of the state, and as such may be issued only in compliance with the provisions of section 8 of Article 9 of the Constitution, which requires that any law authorizing any such debt shall provide for an annual tax levy sufficient to pay interest and provide a sinking fund, and each law shall be submitted to a vote of the people for approval, neither of which requirements have been complied with. The argument is unsound and based upon a false premise. *****It (the University) proposes to contract with its bondholders that it will appropriate out of its income sufficient sums of money to pay interest and provide a sinking fund for the retirement of the bonds. It does not propose to mortgage its property in specie. It simply agrees to pay out of its income. How it can be said that this will be an obligation of the state, we cannot understand. This is simply a contract of the University to pay out of a designated fund when received. It is no more an obligation of the state than would be the obligation to pay the salaries of the University faculty. The mere fact that the University is the creature of the state and one of its instrumentalities to carry out its governmental functions is not controlling. The state has given the University certain property rights and has authorized it to make use of the same in a certain manner. This the University is proposing to do, and we can see no objection to the same."

We are inclined to agree with the opinion of the majority of the courts. The legislative act in question here specifically provides that only the income from the university land fund, and not the general credit of the state or any property whatsoever except such income shall be obligated under the loan. We do not see why we should not give this language its natural meaning, or construe the act as creating a greater obligation, moral or otherwise, than it purports to create, when the terms thereof are clearly known before the proposed loan is made. The argument that the tax payers of the state will be compelled to make up the principal and interest paid out on the loan has, of course, force from a practical standpoint and cannot be overlooked. Theoretically, the legislature may, or may not, appropriate out of the general funds or otherwise the amount so to be paid. It is not, theoretically, compelled to do so. Of course, if the proposed loan were of such amount that as a result of it the legislature would practically be compelled to make up the payments under the loan by taxation in order that the university might be able to function as such in a reasonable way, a different question would arise, and we should probably not be warranted in that case to waive aside the objection here discussed merely because of the theoretical side of the question. But, as will be shown in another connection, the loan is not of that amount. We may add that this opinion should not be construed as permitting the state or its subdivisions to borrow money by the pledge of a special fund for repayment. No such general question is before us, and this opinion is strictly confined to the specific questions before us.

3. Another point argued is as to whether or not the board of trustees of the university may issue bonds to evidence the proposed loan. It is claimed that Chapter 33 of the Special Session of the legislature confers

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such power. Section 1 of that chapter authorizes "public authorities, public agencies, political subdivisions, public municipal instrumentalities and municipalities, public corporations, boards and commissions" to apply for loans to the Federal Emergency Administration of Public Works. Section 2 authorizes the execution of such documents and instruments as may be required to evidence the loans. The difficulty is that the end of that section states: "provided that nothing in this section shall authorize any authority to incur any debt beyond the current year's income without the vote of the people." It would seem that under this provision, the exercise of the power granted in Chapter 21, supra, must either be approved by a vote of the people or Section 2 of Chapter 33, supra, does not apply herein. We are inclined to take the latter view. Chapter 21 was passed and approved on December 20, 1933; Chapter 33 on December 23rd, 1933. There is nothing in the latter chapter which specifically indicates that it was intended to modify the former chapter so as to require the people to vote on the exercise of the power given. Chapter 21 was passed to meet a specific purpose, Chapter 33 to meet a general purpose, and we believe that the former should control herein.

Bonds

Section 4 of Chapter 21 gives the Board of Trustees of the University the power to do whatever is necessary to effect the purposes and object of the chapter. Courts are divided, as to whether or not the power of a municipality to borrow money implies the power to issue bonds. But it is further held that the power may be clearly implied. 44 C.J. 1177. That rule may be applied here. If the lender herein cannot or will not make the loan without the issuance of bonds, the board of trustees must do so in order to affect the purposes of the law. It is not in position, under the circumstances, to demand that the loan be made upon its terms and conditions

Power of Board of Trustees

as is more or less true when dealing with private parties. The power to issue bonds was held to be implied in McClain v. Regents, supra, under facts similar to those in the case at bar. We think the power is implied under the provisions of Chapter 21, supra, the bonds to be limited in their scope, of course, as therein prescribed, and they, and the interest thereon, can be made payable only out of the income as therein stated.

4. The further and the main point herein arises as to whether or not the use of the income of the fund in question may be anticipated. That this may be done is assumed in the New Mexico case heretofore cited, and the same may, perhaps, be said of McClain v. Regents, supra, and State ex rel. v. Collins, supra, although the question was not discussed in any of these cases, nor have we found any case in point. We have been referred to Section 6 of Article 18 of the Constitution, which provides that "if any portion of the interest or income of the perpetual school fund be not expended during any year, said portion shall be added to and become part of the said school fund." It may be doubted that the section refers to the university fund. But even if it does, it at most but hints at the point above mentioned, and we cannot feel safe in basing our decision thereon. The term "income" involves time as an essential element, and generally refers to a given period. 31 C.J. 400. It can hardly be doubted that ordinarily at least, the very purpose of the grant of income of a trust like that involved in the case at bar is intended for support from year to year and as it accrues. (Private cestuis que trust,) it is true, may, in the absence of a statute or a provision in the grant to the contrary, alienate income before it becomes due. 65 C.J. 551. But that, we take it, is based on the rule of freedom of contract. No such principle applies in the case of public bodies.

Anticipation of
Income

And we should think that such alienation in their case ought not to be held to exist unless the power is expressly given or implied in the grant, and then only to the extent so implied, so that the fundamental purpose of the trust may not be frustrated. To appropriate and use the income thereof by pledging it in one year when it will not come into existence for, say, thirty years, or any other term, would seem to be clearly against public policy, and should, if the power to do so is implied in the grant, never be extended to the point when it would be subversive of the fundamental purpose for which the fund was created, namely, the support and maintenance of the institution from year to year. It is held that an assignment of unearned salary of a public officer is against public policy and void. 5 C.J. 872. This is on the theory that the efficiency of the officer to perform his public functions should not be weakened. The like reason exists in a case like that at bar. If an institution with a regular income is permitted to assign that of future years, its efficiency during that time is apt to be diminished, and to guard against that is one of the very purposes of the creation of a grant like that involved here. This much is certain, that if all the income were pledged in perpetuity in order to repay a loan used for university purposes now, the effect would be to destroy the very principal of the fund. That, it is too clear for mention, could not be done. The question therefore is, as to whether it is permitted to stop short of that, and if so, how far? Is the method sought to be taken herein a partial and temporary destruction of the fund or the income thereof which is not permissible? If we should apply the strict rules of logic, we should, we think, answer in the affirmative, and should be compelled to hold the law in question to be invalid. We realize, however, and we have held, that these rules

must, at times, be tempered by other considerations. First National Bank v. Ford, 30 Wyo. 110, 126, 216 Pac. 691, 31 A.L.R. 1441. The attorney general freely admitted on oral argument that, in order that a law, which permits a loan against the income of the fund, may be valid, it must be reasonable as to the amount and the time of the loan. And he contends that it is reasonable in the case at bar. The criterion thus proposed is probably too broad, unless limited to the special circumstances in this case. But we have said that the income from the fund in question may be used not only for current expenses but for the erection of buildings as well, and the latter right can, we think, give rise to an implied power of anticipating the income, provided that the exercise of that power is reasonably consistent with all the purposes of the trust. If, then, it can be said under the facts in this case that the fund and the income thereof will not, on the whole, be impaired and affected adversely in contemplation of the grant, we should, we think, uphold the legislative act in question and the proposed loan. Turning then to the facts, we find that only approximately ten percent of the income of the fund will be needed to repay the loan on the amortization plan already mentioned, and there seems to be no reason to think that the proportion will be increased during the time necessary to repay the loan. The legislature may be presumed to know the condition and the needs of the university. The act in question may be taken as a declaration that it needs the proposed building, and that at the same time the repayment of the loan will not in any substantial manner impair the essential functions of the university. The Federal Government will contribute ninety thousand dollars toward the erection of the proposed building. The total amount to be repaid will be about \$352,000.00. In other words there will, under the amortization plan, be

Pledge of income

Percentage of income needed to repay loan

Need for L.A. Building

Total amount to be repaid

paid for the use of the total sum of \$300,000.00 interest at the rate of only approximately one per cent per annum, when we know that money obtained from other sources could probably not be obtained at less than four per cent, and it is not unlikely that it would be more. The life of the proposed building should last at least as long as the proposed loan. And even if by accident it should cease to exist, so that further payments would then be foreign to any then existing university purposes, we may well presume that such accident will be guarded against by proper insurance. Taking all of these facts into consideration, and solely in view of these special facts, we have come to the conclusion that we cannot say that the legislature was wrong when it determined, as it must be presumed to have done, that the fund and the income thereof would not, on the whole, inconsistent with all the purposes of the trust, be adversely affected and impaired. Courts will not hold a law invalid, if it can be upheld on any reasonable ground, and we think we should uphold it in this case, leaving the blame for any folly, if folly thereis, to rest where it should - with the legislature and the board of trustees of the university. The legislature is ordinarily the sole judge of the policy, wisdom and expediency of statutes. State v. Buck Mercantile Company, 38 Wyo. 46, 56, 264 Pac. 1023. And even though we should, perhaps, not entirely ignore that phase (12 C.J. 703), we should bear in mind that our individual feeling of apprehension of future danger, if any, might lead us to err. Speaking individually and generally, and not for the court, it is not, perhaps, surprising that such apprehension should exist and in no small degree. The favorable aspects presented in the case at bar would have a tendency to ally it in this particular instance, were it not for the fact that here a new field, heretofore considered

Approx. rate of interest

General Holdings

Legislature - Judge of policy.

sacred, is invaded for the purpose of exploration. Is there no end? Many of us were not brought up in the bosom of luxury, nor did we sleep in marble halls. The village schools with their humble surroundings, and the university campus graced with edifices hoary with age, seemed ^{to us} to satisfy the longings for learning. We heard at that time of the wrecks and ruins of the past brought about by mortgaging the future, ordinarily generously indulged in under pretense of benefit to the children yet unborn, but often in reality with the purpose that the living may enjoy the magnificence of the present at the expense of posterity - the forgotten man. We heard of the existence in the past of cities, once humming with the glad refrain of hundreds of thousands of happy human beings, lying now desolate, with their stately baths, their roomy porticoes, their sacred shrines in ruins because no space, no corner, no nook had become exempt from the invasion of the gatherer of public burdens. Do ruins tell tales merely to be scorned? But perhaps we heard wrongly. Times change. Younger generations perhaps learn better than their elders. The tide of the day sweeps us along into whirlpools which seem giddy. We can but hope that they may not be what they seem.

The judgment of the trial court is affirmed.

Kimball, Ch.J., and Riner, J., concur.

Affirmed Judgment

Mr. Fuller came in and reported that he had received and accepted bids for 425 tons of hay at prices ranging from \$12.00 to \$16.50 per ton. Since placing these orders, and prior to the delivery of the hay, the price of hay has increased and the men with whom these orders are placed wish to withdraw from the agreement. Mr. Morgan moved that these orders be not released and that Mr. Fuller use every effort to secure delivery of the hay as ordered at the original price. This motion was seconded by Mrs. Grieve and carried.

Bids on hay

Mrs. Oviatt moved that it is the policy of this Board, that purchases of \$500.00 or more, for delivery thirty days or more later, shall be protected with an enforceable contract. This motion was seconded by Mrs. Grieve and carried.

Purchases of \$500⁰⁰ or more protected.

Mr. Morgan moved that the Executive Committee is authorized to appropriate funds monthly to a revolving fund to carry on the work of quarrying and cutting stone for the liberal arts building. Dr. Crane is authorized to investigate in Washington and approve a method of handling the stone situation that will meet federal requirements. This motion was seconded by Mrs. Embree and carried.

liberal Arts Building
Stone situation

The Secretary was instructed to send a letter to the different Lions Clubs of the state, expressing the appreciation of The Trustees for the support which this organization is giving the University.

Lions Clubs

Thereupon Trustee Guthrie, introduced a resolution entitled: "A resolution to provide for the construction of a Liberal Arts Building to be erected

Liberal Arts Building

upon the campus for the University of Wyoming, at Laramie, Wyoming, to be designated "University Liberal Arts Building Revenue Bonds"; prescribing the form of said bonds; and providing for the payment of the same by pledging the income of the University Permanent Land Fund, more specifically identified by Section 8 of the Act of Admission of the State of Wyoming;" which resolution was thereupon read in full and is as follows, to-wit:

Bonds

A RESOLUTION TO PROVIDE FOR THE CONSTRUCTION OF A LIBERAL ARTS BUILDING TO BE ERECTED UPON THE CAMPUS OF THE UNIVERSITY OF WYOMING, AT LARAMIE, WYOMING, BY ISSUING THE SPECIAL OBLIGATIONS OF THE TRUSTEES OF THE UNIVERSITY OF WYOMING, TO BE DESIGNATED 'UNIVERSITY LIBERAL ARTS BUILDING REVENUE BOND'; PRESCRIBING THE FORM OF SAID BONDS; AND PROVIDING FOR THE PAYMENT OF THE SAME BY PLEDGING THE INCOME OF THE UNIVERSITY PERMANENT LAND FUND, MORE SPECIFICALLY IDENTIFIED BY SECTION 8 OF THE ACT OF ADMISSION OF THE STATE OF WYOMING.

Resolution for the construction of same

WHEREAS, The Board of Trustees of the University of Wyoming, at Laramie, Wyoming, a body corporate of the State of Wyoming, known and designated as "The Trustees of the University of Wyoming," and hereinafter referred to as the Board of Trustees, is vested by virtue of the Laws of the State of Wyoming with general control and supervision of the University of Wyoming, at Laramie, Wyoming, with power to provide suitable grounds and buildings for the use of said school, including a Liberal Arts Building; and,

WHEREAS, the University of Wyoming lacks a suitable Liberal Arts Building to provide adequate and modern classroom, office, and auditorium facilities for the University as a whole and specifically for the College of Liberal Arts, and there are not sufficient funds in the treasury of the Board of Trustees to provide for the construction of such necessary building; and

WHEREAS, the Board of Trustees does hereby find and declare that there is an imperative and immediate need for the establishment, erection and construction of an additional building at the said University of Wyoming, at Laramie, Wyoming, such building to be a Liberal Arts Building with class room, office, and auditorium facilities, for the use and benefit of the students, officers and employees of said University; and,

Need for L.A. Bldg.

WHEREAS, the Trustees of the University of Wyoming do further find and determine that it is advisable and necessary, in order to provide funds for the purpose of establishing, erecting and constructing such Liberal Arts Building, to borrow money and to issue therefor the special obligations of the said Board of Trustees to be secured by a first lien upon, and to be payable from, the income of that fund known as the University Permanent Land Fund, more specifically identified by Section 8 of the Act of Admission of the State of Wyoming;

Special Obligations

NOW, THEREFORE, BE IT RESOLVED BY THE TRUSTEES OF THE UNIVERSITY OF WYOMING, OF THE STATE OF WYOMING:

Section 1. That for the purpose of establishing, erecting and constructing a Liberal Arts Building, with class room, office and auditorium facilities, on the campus of the University of Wyoming at Laramie, Wyoming, there be borrowed the sum of two hundred twenty-eight thousand dollars (\$228,000), and that in evidence of such loan there be issued bonds of The Trustees of the University of Wyoming in the aggregate principal amount of two hundred twenty-eight thousand dollars (\$228,000). The said bonds shall consist of two hundred twenty-eight (228) bonds of the denomination of one thousand dollars (\$1,000) each, shall be dated as of the first day of

To borrow \$228,000

228 bonds

\$ 1,000 each

September, 1934, shall be designated "University Liberal Arts Building Revenue Bond", shall bear interest at the rate of four per cent (4%) per annum, payable semi-annually on the first days of March and September of each year and evidenced by interest coupons attached to each bond, and shall be payable in any coin or currency which, on the respective dates of payment of the principal of and interest on the bonds, is legal tender for the payment of public and private debts. The said bonds shall be numbered in regular and consecutive order, commencing with number 1, and shall mature, in the order of their number, as follows:

- \$1,000 on the first day of September in the year 1937.
- \$7,000 on the first day of September in the year 1938.
- \$8,000 on the first day of September in the year 1939.
- \$10,000 on the first day of September in each of the years 1940 to 1947, both inclusive.
- \$11,000 on the first day of September in each of the years 1948 to 1959, both inclusive.

The said bonds and the coupons attached thereto shall be payable at the office of the Treasurer of the State of Wyoming, in Cheyenne, Wyoming, or at the option of the holder at the Chase National Bank, in the Borough of Manhattan, City and State of New York. The said bonds shall be signed by the President of The Trustees of the University of Wyoming, shall be attested by the Secretary thereof, under the official seal of the said Board of Trustees, and shall be countersigned by the Treasurer of said Board of Trustees; the coupons attached to said bonds shall be signed with the facsimile signatures of the said President, Secretary and Treasurer, which officers shall, by the execution of the said bonds, adopt as and for their own proper signatures their respective facsimile signatures appearing on said coupons. The said bonds shall be registerable, at the option

Date
Interest
Payable

Dates of maturity

Places payable

Signatures on bonds

Registerable

of the holder, as to principal only.

Section 2. That the said bonds and the coupons thereto attached shall be in substantially the following form:

Form of bonds

(Form of Bond)

UNITED STATES OF AMERICA

STATE OF WYOMING

THE TRUSTEES OF THE UNIVERSITY OF WYOMING

UNIVERSITY LIBERAL ARTS BUILDING REVENUE BOND

No. \$1,000.00

The Trustees of the University of Wyoming, a body corporate of the State of Wyoming, for value received, acknowledges itself indebted and hereby promises to pay to the bearer, or if this bond be registered, to the registered owner hereof, the sum of

Amount

ONE THOUSAND DOLLARS

on the 1st day of September, 1934, with interest thereon from date until payment at the rate of four per centum per annum, payable semi-annually on the 1st day of March and the 1st day of September in each year, upon presentation and surrender of the respective coupons hereto attached as they severally mature, both principal and interest being payable at the office of the Treasurer of the State of Wyoming in Cheyenne, Wyoming, or, at the option of the holder, at the Chase National Bank in the Borough of Manhattan, City and State of New York, in any coin or currency which, on the respective dates of payment of the principal of and interest on the bonds, is legal tender for the payment of public and private debts.

Places payable

This bond is one of a series in the aggregate principal amount of Two

Hundred Twenty-eight Thousand Dollars (\$228,000), all of even date herewith, issued for the purpose of constructing a Liberal Arts Building, with class room, office and auditorium facilities, on the campus of the University of Wyoming at Laramie, Wyoming, in full conformity with the Constitution and laws of the State of Wyoming, and pursuant to and in full conformance with Chapter 21 of the Special Session Laws of Wyoming, 1933 and resolutions of said Trustees duly adopted prior to the issue hereof. This bond, together with the issue of which it forms a part, is payable, both as to principal and interest, solely from the income derived from that fund known as the University Permanent Land Fund, more specifically identified by Section 8 of the Act of Admission of the State of Wyoming, and constitutes a first, direct and exclusive lien and charge thereon. The holder hereof shall never have the right to demand payment of this obligation out of any funds raised or to be raised by taxation, and this obligation shall never be or become a charge against the general credit, or any other funds, property or assets of the State of Wyoming, of the University of Wyoming, or of any other institution under the charge of said The Trustees of the University of Wyoming, except the income, and the income only, of the said University Permanent Land Fund.

This bond may be registered as to principal by the holder in his name on the bond registration books of the Treasurer of the State of Wyoming, at Cheyenne, Wyoming, and such registration shall be noted on the back of this bond, after which no valid transfer of this bond shall be made except on said books until after transfer to bearer.

This bond is subject to the condition and every holder hereof by

Purpose of issue

Bonds payable from
Uni. Permanent Land Fund

Never to be paid
from funds raised
by taxation.

May be registered

accepting the same agrees with the obligor and every subsequent holder hereof that (a) the delivery of this bond to any transferee if not registered, or if it be registered, if the last registered transfer be to bearer, shall vest title in this bond and the interest represented thereby in such transferee to the same extent for all purposes as would the delivery under like circumstances of any negotiable instrument payable to bearer; (b) the obligor and any agent of the obligor may treat the bearer of this bond, or if it be registered in the name of a holder, the registered holder of this bond, as the absolute owner hereof for all purposes and shall not be affected by any notice to the contrary; (c) the principal of and the interest on this bond will be paid, and this bond and each of the coupons appertaining thereto are transferable, free from and without regard to any equities between the obligor and the original or any intermediate holder hereof or any setoffs or cross-claims; and (d) the surrender to the obligor or any agent of the obligor of this bond and each of the coupons if not registered or if it be registered if the last registered transfer be to bearer, of the receipt of the registered holder for the principal hereof and interest hereon if this bond be registered in the name of a holder, shall be a good discharge to the obligor for the same.

It is hereby found, certified and declared that this bond is issued pursuant to and in strict compliance with the requirements of law, that all acts, conditions and things required to be done precedent to and in the issuance of this bond have happened and have been done and performed in regular and due time, form and manner as required by law, and that the above described income has been lawfully and irrevocably pledged to the payment of

Holders' agreement
with obligor.

(a) Title in bond.

(b) Owner

(c) Transferable

(d) Discharge

Issued in compliance
with requirements
of law.

the principal hereof and the interest hereon.

IN TESTIMONY WHEREOF, The Trustees of the University of Wyoming, a body corporate of the State of Wyoming, has caused this University Liberal Arts Building Revenue Bond to be signed by its President, countersigned by its Treasurer, and attested by its Secretary under the official seal of said corporation, and the interest coupons hereto annexed to be executed by the facsimile signatures of the President, Secretary and Treasurer, which officials, by the execution hereof, do adopt as and for their proper signatures, their respective facsimile signatures appearing on said coupons, all as of the first day of September, 1934.

President

COUNTERSIGNED:

Secretary

Treasurer

(FORM OF COUPON)

No.

\$20.00

On the 1st day of ~~September~~ ^{March}, A. D. 19 , The Trustees of the University of Wyoming, a body corporate of the State of Wyoming, will pay to the bearer

TWENTY DOLLARS

in any coin or currency which, on the respective dates of payment of the principal of and interest on the bonds, is legal tender for the payment of public and private debts, at the office of the Treasurer of the State of

Form of coupon

\$ 20.00

Wyoming, at Cheyenne, Wyoming or, at the option of the holder, at Chase National Bank, in the Borough of Manhattan and City and State of New York, out of the funds specified in the bond to which this coupon is attached, being six months' interest then due on its University Liberal Arts Building Revenue Bond, dated as of September 1, 1934.

Placespayable

Bond No.

(Facsimile Signature)

Secretary

(Facsimile Signature)

President

(Facsimile Signature)

Treasurer

REGISTRATION CERTIFICATE

Registration Certificate

The principal of the within bond is registered in the office of the Treasurer of the State of Wyoming, at Cheyenne, Wyoming, in the name of the owner named below, and shall be payable to such owner only, unless the last registration shall be to bearer, and subject to the express provision appearing on the face of this bond.

| DATE | OWNER | ADDRESS | TREASURER'S SIGNATURE |
|------|-------|---------|-----------------------|
| : | : | : | : |
| : | : | : | : |
| : | : | : | : |
| : | : | : | : |
| : | : | : | : |

Treasurer of the State of Wyoming

Section 3. That said bonds shall be payable to bearer, or to the registered owner thereof, at the option of the owner. Any bond payable to

Payable to bearer at the option of owner

bearer may be registered as payable to the registered owner upon presentation thereof to the Treasurer of the State of Wyoming, at Cheyenne, Wyoming, at any time during office hours, and delivery to him of a written request therefor, signed by the owner and designating the name and address for registry. Thereupon the said Treasurer shall record in a book of registry of The Trustees of the University of Wyoming, appropriate for the purpose, the number of each bond so presented, its principal amount, the number of coupons attached thereto, the name and address of the owner and the date of registration, and shall attest such registration by his official signature. He shall also note on each bond, in the blank prepared for that purpose, the name and address of the owner and the date of registration, and shall attest the same by his official signature. No transfer of any bond so made payable to the registered owner thereof shall be valid, or recognized by The Trustees of the University of Wyoming or the Treasurer of the State of Wyoming for any purpose, unless made on said book of registry.

The said Treasurer of the State of Wyoming upon presentation to him as aforesaid of any bond so registered, and upon delivery to him of a written request for transfer, duly signed and acknowledged by both parties thereto, or by the transferor if to bearer, and specifying whether transfer is desired to bearer or to the person whose name and address are designated therein, or upon production to him of such other evidence of transfer as may be satisfactory to him, shall in like manner and detail record in said book of registry the transfer of said bond from the then registered owner to the person whose name and address are so designated, specifying the same, or to the bearer, as the case may be, and the date of

Registry

Requirements of State Treasurer.

registered transfer, and shall attest the same with his official signature. He shall also make corresponding notation in the blank on said bond and attest the same with his official signature. Any bond after registered transfer to bearer shall be transferable as if unregistered until again made payable to registered owner as above provided.

Registration of the bond shall not restrain negotiability of the coupons by delivery merely.

The Treasurer may also note on said book of registry any change of address of the registered owner upon request therefor satisfactory to him.

Section 4. That when said bonds have been duly executed as aforesaid all of said bonds, or so many thereof as may be necessary to raise funds for the construction of the said Liberal Arts Building, shall be sold and delivered to the purchasers thereof, and the proceeds of the said bonds and the funds raised thereby shall be applied to the purpose aforesaid, to-wit, the construction of a Liberal Arts Building, with class room, office and auditorium facilities, on the campus of the University of Wyoming at Laramie, Wyoming, and for no other purpose whatsoever, but the purchasers of said bonds shall in no manner be responsible for the application or disposal by the said The Trustees of the University of Wyoming or any of its officers, of any of the funds derived from the sale thereof.

Purchasers not responsible for application by The Trustees.

Section 5. That the entire income derived from the aforesaid University Permanent Land Fund is hereby irrevocably pledged to the payment of the principal of and interest on said bonds as and when the same become due, and such pledge constitutes a first lien upon the income of the said fund; provided, however, that nothing contained herein shall be construed to obligate the general credit, or any other funds, property or assets of the State of

Entire Uni. Perm. Land Income Fund pledged to payment of bonds

Wyoming, of the University of Wyoming, or of any other institution under the charge of said The Trustees of the University of Wyoming, except the income, and the income only, of that fund described in Section 1, of Chapter 21, Session Laws of Wyoming, Special Session, 1933.

Section 6. That in the event of a default in any interest or principal payment on the said bonds, it shall be the duty of the Treasurer of the State of Wyoming thereupon to apply all income subsequently accruing to the said University Permanent Land Fund to the payment of such defaulted principal or interest until such defaulted principal or interest has been paid in full, together with interest thereon for the period of such default at the rate of eight per centum per annum.

Section 7. That the said Board of Trustees shall furnish or cause to be furnished to the United States of America so long as it holds any of the bonds, and to any holder of any of the bonds, at the written request of such holder, not more than thirty days after the close of each six months' fiscal period, a complete financial statement of the condition of the said University Permanent Land Fund, in such detail as the United States of America or such holder may require, certified by the Treasurer of the State of Wyoming.

Section 8. That any purchaser of twenty-five per centum in aggregate principal amount of the bonds issued under the provisions of this resolution at the time then outstanding, or any holder or holders of twenty-five per centum of said amount of outstanding bonds, shall have the right at all reasonable times to inspect the records, accounts and data of the Board of Trustees relating to the said University Permanent Land Fund.

Section 9. That while any of the bonds issued under the provisions of this resolution remain outstanding, the said Board of Trustees shall not

Default

Financial statement
of condition of Per-
manent Land Fund
to United States

Right to inspect
records of B. of T.

Additional bonds
not to be issued
from Permanent
Land Fund
Provision

issue any additional bonds payable from or a charge upon the income of the said University Permanent Land Fund unless the lien of such bonds on the income of the said Fund is made junior and subordinate and in all respects subject to the lien of the bonds issued under the provisions of this resolution.

Section 10. That the sale to the United States of America of the bonds authorized herein, as provided by the Loan Agreement heretofore entered into between the said Board of Trustees and the United States of America under date of September 22, 1934, be and the same is hereby in all respects ratified and confirmed, and that the said bonds shall be prepared and executed as soon as may be after the adoption of this resolution, and shall be thereupon delivered to the purchaser thereof upon payment therefor at par and accrued interest in accordance with the terms of the said Loan Agreement.

Sale of bonds
ratified

Section 11. That all resolutions, by-laws and regulations of The Trustees of the University of Wyoming in conflict with this resolution be and they are hereby repealed.

Conflicting resolution
repealed.

Section 12. That after said bonds are issued, this resolution shall be and remain irrevocable until the said bonds and the interest thereon shall have been fully paid, satisfied and discharged as herein provided.

This resolution
irrevocable---

Section 13. This resolution, immediately on its passage, shall be authenticated by the signature of the President and Secretary of the Board of Trustees, sealed with the corporate seal, and recorded in the minute book of said Board of Trustees kept for that purpose.

PASSED, ADOPTED AND APPROVED this 20th day of September, 1934.

H. C. Bond

President

ATTEST:

Jay E. Smith

Secretary

It was then moved by Trustee Grieve and seconded by Trustee Morgan that all rules of this Board which might prevent, unless suspended, the final passage and adoption of this resolution at this meeting, be and the same are hereby suspended for the purpose of permitting the final passage and adopting of said resolution at this meeting.

Suspension of rules

The question being upon the adoption of said motion and the suspension of the rules, the roll was called with the following result :

Those voting Aye: Trustees Grieve, Oviatt, Embree, Morgan, Guthrie, Friday, Thrasher, Bond.

Those voting Nay: Trustees None.

Eight members of the Board of Trustees having voted in favor of said motion, the presiding officer declared said motion carried and the rules suspended.

Trustee Thrasher then moved that the resolution entitled: "A resolution to provide for the construction of a Liberal Arts Building to be erected upon the campus of the University of Wyoming, at Laramie, Wyoming, by issuing the special obligations of The Trustees of the University of Wyoming, to be designated 'University Liberal Arts Building Revenue Bonds'; prescribing the form of said bonds; and providing for the payment of the same by pledging the income of the University Permanent Land Fund, more specifically identified by Section 8 of the Act of Admission of the State of Wyoming", be now placed upon its passage.

Resolution to erect L.A. Bldg.---

Trustee Embree seconded the motion, and the question being upon the placing of said resolution upon its passage, the roll was called with the following result :

Those voting Aye: Trustees Grieve, Oviatt, Embree, Morgan, Guthrie, Friday, Thrasher, Bond.

Those voting Nay: Trustees None.

The presiding officer declared the motion carried and the resolution placed upon its passage.

Trustee Oviatt then moved that said resolution be passed and adopted as read. Trustee Friday seconded this motion.

The question being upon the passage and adoption of said resolution the roll was called with the following result:

Those voting Aye: Trustees Grieve, Oviatt, Embree, Morgan, Guthrie, Friday, Thrasher, Bond.

Those voting Nay; Trustees None.

The presiding officer thereupon declared that eight members of The Trustees of the University of Wyoming having voted in favor thereof, the said motion was carried and the said resolution duly passed and adopted.

On motion duly adopted, it was ordered that said resolution be approved and authenticated by the signatures of the President and the Secretary of said Board of Trustees, sealed with the corporate seal, and recorded in the minute book of said Board of Trustees, said record to be signed by the said officers and sealed with the seal of said Board of Trustees.

W. C. BOND
President

SEAL

ATTEST:

FAY E. SMITH
Secretary

Upon the motion of Mr. Guthrie, the President and Secretary of the Board were authorized to consult with Washington authorities and the Treasurer of Wyoming, and make arrangements to meet the requirements for receiving and disbursing funds for the construction of the liberal arts building. This motion was seconded by Mr. Morgan and carried.

Receiving and disbursing funds for L.A. Bldg.

Upon the motion of Mr. Thrasher, the Secretary of the Board was authorized to take necessary steps to procure the bonds for the Liberal Arts Building. This motion was seconded by Mr. Guthrie and carried.

Authority to procure bonds

Upon the motion of Mrs. Grieve, the construction of a new housekeeping unit at Merica Hall was authorized. This motion was seconded by Mr. Morgan and carried.

Merica Hall House-keeping unit

Upon the motion of Mr. Guthrie, seconded by Mr. Thrasher and carried, the following out of state travel was allowed:

Out of state travel
Crane

Dr. A. G. Crane - Association of Land Grant Colleges and National Association of State Universities - Washington, D. C., November 19-24. Estimated expense \$175.00 to be paid from the President's Travel fund.

Dean J. A. Hill - Meeting of the Land Grant College Association - Washington, D. C., November 19-21. Estimated expense \$150.00 to be paid from Hatch funds.

Hill

Director A. E. Bowman - Meeting of Land Grant College Association and Extension Directors' Conference - Washington, D. C., November 17-21. Estimated expense \$150.00 to be paid from Federal Smith-Lever Funds.

Bowman

Mr. A. W. Willis - National Annual Agricultural Outlook Conference - Washington, D. C., October 27 to November 5. Estimated expense \$150.00 to be paid from Additional Federal Cooperative funds.

Willis

Dr. A. F. Vass - Outlook Conference - Washington, D. C., October 29 to November 2. Estimated expense \$150.00 to be paid from Additional Federal Cooperative funds.

Vass

Major B. C. Daly - Rocky Mountain Faculty Athletic Conference-Denver, Colorado, October 5-6. Estimated official travel expense \$20.00 to be paid from General University Travel Fund.

Daly

Freight for carload of show sheep and expense for Klemke and student assistant at International Livestock Exposition December 1-10, not to exceed \$200.00 to be paid from Agricultural College funds. This is the same number of men as was used last year and the year before and is the minimum number that can attend to the business satisfactorily.

Klemke

Upon the motion of Mr. Morgan, \$2,500.00 was appropriated for the use of Dr. Crane as an emergency teaching appropriation. This motion was seconded by Mrs. Embree and carried.

Appropriation
\$2,500.⁰⁰

Upon the motion of Mr. Guthrie, \$2,085.00 was appropriated for the purchase of materials for FERA until January 1, 1935. This motion was seconded by Mrs. Grieve and carried.

\$2,085.⁰⁰

Upon the motion of Mr. Thrasher, Dr. Vass was authorized to sell horses at the Agronomy farm and apply the proceeds for the purchase of a new tractor. This motion was seconded by Mrs. Grieve and carried.

Agronomy Farm
Sale of horses

The Trustees agreed that if Dean Goodrich finds it possible to do so, certain pieces of assay equipment may be loaned to the Casper Chamber of Commerce. The Secretary is instructed to see that proper security is given for the safe return of this equipment.

Assay Equipment
Casper C. of C.

Upon the motion of Mrs. Oviatt, authority was granted to issue the state budget along the lines as outlined in the President's report, subject to the approval of the Executive Committee. This motion was seconded by Mr. Friday and carried.

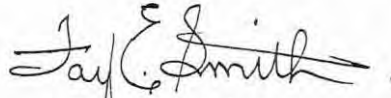
State budget

Secretary Smith made his annual report of the financial condition for the close of business, June 30, 1934.

Secretary's report

There being no further business, the meeting was adjourned at 6:15 p.m., September 21, 1934.

Adjournment



Fay E. Smith
Secretary