

57-207-5h-540.

BULLETIN
OF THE
UNIVERSITY OF TEXAS
NUMBER 87

OFFICIAL SERIES NO. 20

JANUARY 15, 1907

Regulations for the Government
of
The University of Texas.

Adopted by the
BOARD OF REGENTS
September 26, 1904

*Entered at the Postoffice in Austin, Texas, as second class mail matter
under Act of Congress, passed July 16, 1891*

REGULATIONS

For the Government of The University of Texas, Adopted by the Board of Regents, September 26, 1904.

BOARD OF REGENTS.

CHAPTER I.

ARTICLE I.

TIME, PLACE, AND MANNER OF MEETING.

SECTION 1. The regular meetings of the Board of Regents shall be held each year at 10 a. m., on the third Tuesdays of January and October and on the Tuesday preceding Commencement Day, at the Regents' Room in the Main Building of the University at Austin, and in May at Galveston on the day preceding the one on which the graduating exercises of the Medical Department are held; and the Board shall continue in session, except during Commencement and Graduating Exercises, until the business before it shall have been disposed of.

SEC. 2. Any five members of the Board may, at any time not less than twenty days subsequent to a regular meeting, send a written request to the Chairman of the Board, that he call a meeting thereof, the purpose and object of said special meeting being stated, whereupon it shall be the duty of the Chairman to call such special meeting, by causing written notification of the time, purposes and place thereof to be mailed to each member of the Board at least five days before the time of the meeting. No business other than that embraced in the call for said special meeting shall be transacted thereat, except by consent of a majority of the whole Board.

ARTICLE II.

OFFICERS AND THEIR DUTIES.

SECTION 1. The Board shall elect a Chairman at the first meeting after its appointment by the Governor, who shall hold his office for two years and until his successor is duly elected.

In case of the death, resignation, or disqualification of the Chairman before the expiration of his term of office, the Board shall, as soon as may be practicable thereafter, elect another Chairman, and, until such election

is had, the Vice Chairman shall exercise and hold the duties of the office of Chairman.

SEC. 2. It shall be the duty of the Chairman to preside over the meetings and deliberations of the Board, to call special meetings thereof as herein provided, and to perform such other special duties as shall be from time to time devolved upon him by the Board; he may vacate the chair, temporarily, for the purpose of joining in the discussion of any question before the Board, whereupon the Vice Chairman (or if the Vice Chairman is absent, then such other member of the Board as he shall call to the chair), shall preside until the question pending shall have been disposed of.

SEC. 3. At the time of election of a Chairman of the Board a Vice Chairman shall also be elected who shall, upon the death, absence, resignation, disability or disqualification of the Chairman, exercise the duties of the office of Chairman until the Chairman shall resume his duties, or his successor shall have been elected as herein provided.

SEC. 4. The Board shall, at the time of the election of the Chairman, also elect a Secretary whose term of office shall be two years, and whose duty it shall be to keep a correct record and minute of the proceedings of the Board, to carefully file and preserve all papers and documents pertaining to the business and proceedings of the Board, and to perform such other and cognate duties as shall be provided by the Board. He shall receive such compensation as may be fixed by the Board, and shall be removable at the pleasure of the Board.

ARTICLE III.

STANDING COMMITTEES AND THEIR DUTIES.

SECTION 1. The following Standing Committees shall be appointed by the Chairman, by and with the consent and advice of the Board:

Executive Committee.

Committee on Finance.

Auditing Committee.

Committee on Buildings and Grounds.

Committee on Complaints and Grievances.

Land Committee.

Committee on Medical College.

Legislative Committee.

SEC. 2. Said committees shall remain as constituted (unless a vacancy shall be caused by death or refusal to act of some member of the committee), until the first meeting of the Board after its appointment by the Governor, at which time, every two years thereafter, the said committees

shall again be constituted by the Chairman, by and with the consent and advice of the Board, as aforesaid.

SEC. 3. In case a vacancy shall occur on any of the Standing Committees it shall be immediately filled by the Chairman appointing another member or members of the Board to serve thereon, until the next regular meeting, at which time the sense of the Board shall be taken on said appointment and, if same shall be confirmed, such appointment shall stand until the time for reconstituting the Standing Committees, as herein provided.

SEC. 4. The Executive Committee shall consist of three members, of whom the Chairman of the Board shall be one and ex officio Chairman thereof. It shall be the duty of this Committee to execute and carry out such orders, resolutions and behests of the Board as shall be assigned to it in any meeting of the Board; and when the Board is not in session and an emergency shall arise requiring immediate action it shall take such temporary and immediate action as said emergency shall, in the judgment of the committee, require.

It shall report, in writing, to the Board all its acts and measures, in regard to those matters that have been specially referred to it by the Board, as well as its acts concerning matters not so referred, at each meeting for approval.

SEC. 5. The Finance Committee shall consist of three members. To this committee shall be referred all questions involving the finances of the University and matters cognate thereto, which the Board may desire to be referred.

SEC. 6. The Auditing Committee shall consist of two members. To this committee shall be referred the auditing of all accounts of receipt and expenditure on behalf of the University, and such other matters as the Board may desire to have audited.

SEC. 7. The Committee on Buildings and Grounds shall consist of three members. To this committee shall be referred any question or matter relating to the buildings and grounds, both of the Main University at Austin and of the Medical College at Galveston, and other cognate matters.

It shall be the duty of this committee, on behalf of the Board, to make and let all contracts for the erection of new buildings, and for extraordinary and extensive improvements and repairs of the old buildings and of the grounds of the University, and to prepare and have filed written contracts therefor; which committee shall report their action, in writing, to the next regular called meeting of the Board for its information and approval. All matters involving ordinary repairs, changes, adjustments, and improvements for the purpose of putting and keeping in good con-

dition and efficient use the buildings, grounds and equipments of the University, shall be and hereby are committed to the President, who shall, from time to time, make report of his action in such matters to the Board.

SEC. 8. The Committee on Complaints and Grievances shall consist of three members. To this committee shall be referred all matters relating to any complaints or charges concerning the conduct of any member of the Faculty or of any employee of the Main University at Austin, with power to examine into same and make report thereon. And it shall have like power to hear, examine, and inquire into all such complaints, charges and grievances during the time the Board is not in session; and in the event of any emergency requiring prompt action they shall have power to take such provisional action as they may deem necessary until the sense of the Board may be obtained concerning the same at their regular or special meeting.

Said committee shall report, in writing, at each regular meeting of the Board, and at such other times as may be directed, concerning all matters referred to or acted upon by it, and shall make such recommendations concerning same as it may deem proper.

SEC. 9. The Committee on Medical College shall consist of three members. To this committee shall be referred all matters touching the conduct of the Medical College at Galveston which have not, under these rules, been specially assigned to some other committee or to the President. It shall be clothed with the same powers and charged with the same duties with respect to the Medical College that have been assigned to the Committee on Complaints and Grievances. It shall report, in writing, at each regular meeting of the Board, and at such other times as may be directed by the Board, touching matters with which it is charged, or which have been referred to it, and make such recommendations in said reports concerning said matters as it may deem proper.

SEC. 10. The Legislative Committee shall be composed of three members, and to this committee shall be referred all matters relating to the Constitution and laws of the State affecting the interests of the University. It shall be the duty of the members of said committee to familiarize themselves with the history of all legislation pertaining to the University, to prepare and present to the Legislature for passage such new laws and amendments to existing laws of the State, as will promote the interests of the University and increase its efficiency. It shall be the duty of said committee to report, in writing, to the Board all action taken by it, with such suggestions and recommendations as may seem best to said committee.

SEC. 11. The Committee on Lands shall consist of three members. It shall have immediate supervision of the work of the Land Agent, and is

authorized to make sales and leases of University lands, forwarding recommendations to the Chairman of the Board, who will sign and execute all deeds and leases, and to cancel leases. It shall also pass upon all rebates or refunds. It shall be the further duty of the committee to see that the records of the Land Agent are correctly and safely kept, and that his reports are full and accurate and are promptly filed as directed by the Board. It shall make such recommendations for improving the management of the lands as it may see fit.

ARTICLE IV.

RULES OF PROCEDURE AND ORDER OF BUSINESS.

SECTION 1. The rules laid down in Cushing's Manual of Parliamentary Law, when the same are not in conflict with any of the provisions hereof, are hereby adopted as the law of procedure for the government of the Board when in session.

SEC. 2. The order of business when the Board shall meet in regular session shall be as follows:

1. Reading minutes of preceding meeting.
2. Report of President.
3. Reports of Standing Committees.
4. Reports of Special Committees.
5. Unfinished business.
6. New business.

SEC. 3. The Board shall, in all cases when practicable and desirable, before taking action on any subject or measure coming clearly within the sphere of the duties of any Standing Committee, refer the same to the proper Standing Committee, which shall report, in writing, its recommendation concerning the same.

SEC. 4. In the interest of clearness, to prevent misapprehension and to secure accuracy of record, each maker of a motion or mover of a resolution, at the time of offering the same, shall reduce it to writing and shall deliver it to the Secretary of the Board.

SEC. 5. All communications to the Board from persons not members thereof, except in the case of the President, shall be in writing, nor shall any such person be allowed to address the Board while in session, unless by unanimous consent of all the members present.

SEC. 6. At the request of any two members of the Board, the presiding officer shall declare the same in executive session, whereupon every person not a member of the Board shall be excluded from the place where the meeting is being held; and from thenceforward until open session shall be renewed the proceedings of the Board shall be secret, and no member

shall directly or indirectly, reveal to any one, not a member, any part of said proceedings, or any vote, or anything concerning any debate had in such executive session, but the whole proceedings shall be held to be of a secret and confidential nature. If the services of a secretary shall be needed during such executive session, the Chairman shall appoint one of the members of the Board as Secretary of said executive session, whose duty it shall be to act as such and keep the minutes of such executive session, which he shall thereafter preserve unless he is ordered to destroy them by the Board; but no minutes shall be kept of the proceedings of an executive session unless by unanimous consent.

ARTICLE V.

MISCELLANEOUS PROVISIONS.

SECTION 1. The Board of Regents shall have the power to remove any Professor, Tutor, or other officers and employees connected with the University when, in its judgment, the interests of the University shall require it; and all contracts now existing between the University and Professors, Instructors, Tutors, and other officers and employees thereof, and those that may hereafter be made, are and shall be subject to the foregoing provisions.

SEC. 2. The President of the University shall be elected by the Board of Regents and shall hold his office during good behavior and while he renders efficient and satisfactory service. He shall have such authority and exercise such powers as are usually vested in the President of a State University, subject to the provisions of the Statutes of this State and to the regulations of the Board of Regents for the government of the University, and he shall perform such duties as, under the law and regulations of the Board for the government of the University, shall be devolved upon him. He shall receive such compensation for his services as shall be determined by the Board, and he shall be removable from said office at the pleasure of the Board when, in their judgment, the interests of the University shall so require.

SEC. 3. The Board shall, at its June meeting in each odd year, elect a Proctor, Registrar, and Auditor, and at its May meeting, a Provost, each of whom shall hold office for two years from the first day of September following his election and until his successor shall have been elected and qualified, and shall have such powers, and perform such duties as shall be required of and devolved upon him under the regulations of the Board for the government of the University, or by any resolution or rule of the Board. Each shall be removable from his said office at the pleasure

of the Board when, in its judgment, the interests of the University shall so require.

SEC. 4. The reasonable expenses of the Regents while attending meetings of the Board or performing duties as committeemen, shall be paid to them out of the available fund of the University.

SEC. 5. The reasonable traveling expenses of the President shall be paid to him while he is engaged in the discharge of his duties as President, and in attending public educational meetings as the representative of the University.

SEC. 6. It shall be the duty of the Chairman, under the direction of the Board, to prepare the reports to the Board of Education and Legislature required by law from the Regents, and he shall have power to require the advice and assistance of the President and other officers of the University in compiling said reports.

SEC. 7. All rules, orders, and resolutions heretofore enacted by this Board concerning the conduct of business by the Regents, which are either in conflict with or which deal with the subject matter covered by these regulations, are hereby repealed.

SEC. 8. These regulations shall not be altered, added to, or amended except by a vote of a majority of all the Regents, at a regular meeting; and such alteration, addition, or amendment shall be posted in writing and filed with the Secretary thirty days before such meeting; and it shall be the duty of the Secretary to forthwith mail a copy thereof to each member of the Board.

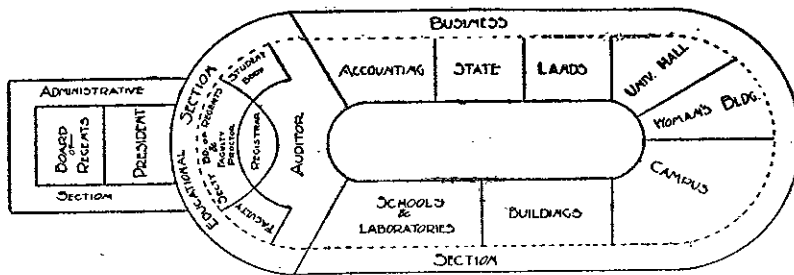
CHAPTER II.

PROPOSED BUSINESS SYSTEM FOR THE GOVERNMENT OF THE UNIVERSITY OF TEXAS.

In formulating a business system for the University, it is necessary to keep in view its functions. The University is an educational institution and its prime function is therefore educational, while its business function is secondary. To provide for the successful management of the Institution, it is necessary that these primary and secondary functions shall be properly correlated and adjusted to each other.

To show this more clearly and the relations of the Board and the President to the officers, Faculty, Student body and business interests of the Institution, an effort has been made to illustrate the same by a chart which designates the relative position of each, which will serve as a working basis for the system outlined; and which chart, for the sake of convenience, has been divided into three sections: Administrative, Educational and Business.

CHART.



1. ADMINISTRATIVE SECTION.

From this chart it will be seen that the government of the University, as fixed by law, is in the Board of Regents, whose chief administrative or executive officer, chosen by it, is the President. As shown in the chart outlined, the President is in close relation to the Faculty and Student Body, and is the direct medium of communication between the Educational Section and the Board of Regents. His authority also extends throughout the Business Section. It is desirable that the powers and duties of the Chief Executive Officer shall be clearly defined, and that the limitation of the discretionary power vested in this officer shall be fixed.

The Board of Regents, as the governing power of the University, is and must be responsible for the policy of the Institution, and for the administration of its affairs, and the President, as the chief executive officer of the Board, is and must be responsible to that body for the carrying out of its policy; hence, it is necessary that all other and subordinate officers and members of the Faculty shall be responsible to and under the immediate control and direction of the President, whose discretionary powers must be broad enough to enable him to secure efficiency in the administration of all the affairs of the Institution, and to authorize him to make temporary arrangements in all emergencies between meetings of the Board of Regents.

The functions of the Board of Regents are legislative and not executive; and it is the duty of said Board to secure, as far as possible, the needed revenues for the University and to determine the ways in which such revenues shall be applied, and to map out the policy of the University; but it must of necessity leave the execution of such policy to its executive agents.

PRESIDENT.

The President of the University shall be the chief executive and responsible agent of the Board of Regents, and as such he shall have constant watch and care over all University interests. All appointments, promotions and dismissals shall be made upon the recommendation of the President, or motion of a member of the Board of Regents. All communications between the Faculty and the Regents relating to the University shall pass through the hands of the President for such endorsements and recommendations as he may desire to make. He shall be ready to recommend suitable persons for positions and to fill vacancies in the Faculty and, in case of an exigency, shall fill a vacancy until the next meeting of the Regents, so that the work of the University shall not be interrupted. He shall see that all members of the Faculty and instruction force and all employees of the University are competent and right spirited, and shall hold all to the exact and full discharge of their duties; and if, in his judgment, the necessity arises, he shall initiate steps for a change of such Instructors or employees. He shall attend all meetings of the Board of Regents and shall follow the directions given by said Board in any particular matter; but the Board will not undertake to direct most of the details of executive action, and the President is expected to act with perfect freedom within the lines of general policy laid down by the Board of Regents.

2. EDUCATIONAL SECTION.

This section is divided into the College of Arts, Education, Engineering and Law Departments for the Main University, and the Department of Medicine for the Medical Branch. Besides the President and the Deans of the several Departments, the administrative officers of the Main University shall be the Proctor (who is also Secretary of the Board of Regents and Secretary of the Faculty), Registrar and Auditor. The administrative officers of the Medical Branch shall be the Dean of the Medical Department and the Provost.

PROCTOR.

The Proctor, as Secretary of the Board of Regents and of the Faculty, shall keep full and accurate minutes of the proceedings of all meetings of these bodies; he shall keep and preserve in a neat and orderly manner all the papers and records of said bodies, and shall so index and file the same as to make them easily accessible so as to be readily referred to at all times; and he shall perform such other duties as are usually performed by a Secretary.

The Proctor, as Secretary of the Board of Regents, shall procure and keep a suitable book in which he shall record all bonds and other documents of like importance.

As Proctor, it shall be his duty to maintain order and the observance of proper decorum in the corridors of the University buildings, and upon the Campus; to watch over the moral welfare of the students, and to advise and counsel with them; to visit the sick and report such cases to the Faculty Committee on Sick as are in need of special attention; to keep a register of boarding houses suitable for young men and women attending the University; and to assist in finding employment for those who are in need of work to help defray their expenses while attending the University.

The Proctor shall have immediate charge of the Janitor force of the University, and shall be responsible for the efficiency thereof; he shall see that all the buildings upon the Campus and all the grounds adjacent thereto are kept in a safe, neat, clean and sanitary condition at all times.

REGISTRAR.

The Registrar shall be the corresponding Secretary of the University. It shall be his duty to answer all correspondence relating to the general requirements for admission to the University; to prepare, under the direction of the President, and send out to the press of the State such gen-

eral information concerning the work of the Institution as may be of interest to the public; to prepare and have distributed all advertising matter; to supervise the mailing of all bulletins and circulars issued by the University. He shall prepare and keep a mailing and exchange list; he shall keep a permanent record of the alumni, showing, as far as possible, the history and work of each; he shall collect and preserve all statistics of the University and, as far as practicable, the statistics of other State Institutions of Learning. He shall keep a revised list of the Affiliated Schools of the State, and a permanent record of all students in the University holding scholarships from these schools. He shall, under the direction of the Dean of the College of Arts, have prepared and furnish to students the necessary blanks for matriculation, and see that they have complied with all requirements prerequisite for admission to the University. It shall be his duty, on the first teaching day of each session, to furnish to the heads and instructors of each section of the various schools, the names of the students matriculating, and the courses registered for in their division, and he shall likewise notify them of any changes in such course as soon as made. He shall have prepared and furnish to the heads and instructors of the various schools the proper blanks for making all necessary reports of the standing of the student, and these reports, when filed with the Registrar, shall by him be classified and preserved as part of the permanent records of his office. At the end of each term, it shall be the duty of the Registrar forthwith to tabulate for permanent record in his office the grades of each student, and to mail to the parent or guardian of each student a copy of these grades.

The Registrar's office shall be the mailing department of the University. His office shall be charged with and he shall be the custodian of all stamps purchased. He shall be required to keep a record of all stamps used, and these daily records shall be summarized once a month, showing the number and denomination of all stamps used and the cash value of same, which, added to the value of stamps on hand, should agree with the amount charged against his office for stamps for that month. If stamps are drawn from his office for use of any department, a requisition blank shall be used signed by the party drawing same, showing the number, the denomination and cash value of the stamps so drawn, which shall be treated by the Registrar in the same manner as his daily stamp report in making up his monthly summary and report of stamps used. In this manner a complete record of the postage used by the University shall be kept, which will also show the volume of the University mail.

The following forms shall be used for this purpose:

The Active Assets comprise cash, which includes the amount in the State Treasurer's hands, and the balance due from the bank; Land Leases, current, outstanding; Interest on Land Notes, current, outstanding; Interest on State Bonds; Available University Fund; and miscellaneous.

Fixed Assets include the permanent investment, such as Buildings, Equipment, Water System, Water Tower, Campus, Athletic Field, and other investments of a similar nature.

The Permanent Assets represent the State Endowment Fund, which is invested in Lands, Land Notes and Bonds.

The Liabilities of the University are divided into three classes: *Dormant, Passive and Capital.*

The Dormant Liabilities consist of the State Endowment Fund, and Endowments from other sources.

Passive Liabilities represent unpaid Students' Deposits, Accounts Payable, etc.

Capital Liability represents Surplus of Assets over Liabilities.

INCOME.

The Income for the year consists of the debts accruing from all sources of the University, although these may not necessarily be collected within the period. The Current Income is derived from Land Leases, Interest on Land Notes, Interest on State Bonds, Legislative Appropriations, etc., while the special income is derived from legislative appropriations for special purposes, donations, etc.

EXPENDITURE.

The Current Expenditures are such as are incurred in the daily conduct and maintenance of the University, as Salaries, Schools and Laboratories, Maintenance, Repair and Improvement of Buildings and Grounds, Janitor Supplies, Campus, Furniture and Fixtures, Postage, Stationery and Office Supplies, Contingent Expenses, etc.

Special Expenditures are in the nature of Permanent Buildings, Improvements, etc.

The appropriations for all expenditures shall be made by the Board of Regents, based upon a budget prepared and submitted by the President.

In outlining a system of accounting for the income and expenditures of the University, the essential feature is the proper accounting for all receipts and the safeguarding of the expenditures from extravagance and irregularity. The former is comparatively easy, as the income accounts outlined above show the receipts from all sources, while the expenditure

accounts should be safeguarded in the contracting of debts against these accounts.

All expenditures shall be based upon appropriations made by the Board of Regents upon a budget prepared by the President from reports from heads of schools and other officers, showing the necessary expenses to be incurred for the year. The appropriations for salaries are fixed, during the continuance of service, for the year, and there is little or no opportunity for these appropriations to be misapplied.

The appropriations for Schools and Laboratories should be divided into two classes: Permanent and Perishable Equipment. These appropriations can only be judicially expended by the heads of the schools for which they are made, and these heads should be held strictly responsible for all bills made by them against these appropriations.

The appropriations for Current Expenses shall be divided into two classes: (1) Maintenance; and (2) Improvements, Repairs, Office Furniture and Fixtures. All expenditures under the former head should be passed upon and approved by the Auditor, who should be held responsible for all bills approved by him. Expenditures under the latter head (2) should be made only when authorized by the President, which authorization should pass through the Auditor's hands, in order that a record may be made of same.

Appropriations for Special purposes shall be under control of the President and shall only be expended upon his order, and the bills for the same shall be approved by the party to whom the order is given.

A proper record shall be kept of all orders for expenditures. This can only be done by having such orders pass through the hands of the Auditor. These should be made in duplicate, approved by the party making the requisition, and signed by the Auditor, the duplicate being retained in the Auditor's office so that he can check against the invoices for such expenditure when received.

THE VOUCHER SYSTEM.

This system is recommended for the payment of all bills. When invoices are received, they shall be checked by the Auditor against the duplicate order for same; a voucher shall be made out to which the invoice shall be attached and referred to the proper party for approval as to receipt of goods (this approval shall be in the form of a certificate, certifying that the invoice is correct, that the articles therein enumerated have been received and were necessary for and have been or will be applied to the work of of the University of Texas, and are provided for by an appropriation made by the Board of Regents,

and that the prices charged are reasonable and just) and return to the bookkeeper who shall verify the additions and extensions and certify to the correctness of same, enter it on the Voucher Record, and return it to the Auditor for his approval for payment, after which it shall be approved by the Chairman of the Board and become authority for the Comptroller to issue a warrant to the State Treasurer for payment of same.

THE COLLECTION OF VOUCHERS.

In the collection of vouchers, they should either be mailed direct to the parties in whose favor they are drawn, or should be collected by the Auditor and remitted for by him. In the former case, the voucher, when properly approved, becomes a draft on the Comptroller, and is collected by the party in whose favor it is drawn. One objection to this plan, especially during the deficiency period, is that these drafts will be used by the holders as cash items and deposited in bank as such; and, when presented for payment, registered warrants will be issued in lieu of cash payment. This will lead to great confusion and much correspondence.

Another objection is that the Auditor will have no way of verifying the balances as shown by his books, with the balances as shown by the Comptroller's and Treasurer's books. When vouchers are issued by the Auditor, they are charged against their respective accounts. These vouchers are only charged by the Comptroller and Treasurer when they are paid. The vouchers issued by Auditor and unpaid by Comptroller would represent difference in balance between Auditor's and Comptroller's books.

This would also apply where a voucher has been issued by the Auditor and lost and a duplicate voucher issued in lieu thereof. If the original voucher was found and presented for payment at a later date, the Auditor would have no way of detecting same. If the above plan should be adopted, special laws should be enacted requiring the Comptroller to report to the Auditor monthly all vouchers paid by him in order that the Auditor shall have proper data for checking his accounts.

If all vouchers were collected and remitted for by the Auditor, the balances, as shown by the books of the Comptroller and Treasurer should agree with the balances as shown by the books of the Auditor at all times. This would enable the Auditor to trace all vouchers issued for payment, and probably would prove more satisfactory to all parties concerned.

For funds that are disbursed by the Auditor for special purposes, not required by law to be deposited in the State Treasury, a voucher check is recommended.

LAND AGENT.

The Land Agent shall be in charge of all University lands. It shall be his duty to keep a permanent record of all such lands, giving full and complete details of same. He shall check up and make a report to date of all lands sold, giving location and number of acres embraced in each sale, the price per acre, rate of interest borne by land notes, amount paid on principal, interest due and past due. An abstract of this report shall be furnished to the Auditor who shall have kept in his office an account with each land note, and provision shall be made for having the State Treasurer furnish the Auditor with a duplicate receipt for all principal and interest paid. The same shall apply to the Land Leases. The Land Agent shall notify the Auditor promptly of all leases made and canceled, and of all rebates or refunds allowed.

WOMAN'S BUILDING AND UNIVERSITY HALL.

The Woman's Building and University Hall shall be under the supervision of the Auditor, who shall prepare proper books and blanks for keeping a record of the receipts and disbursements of these Dormitories, from which monthly statements shall be made by the Auditor to the President, showing the receipts from board and room rent and the disbursement of same.

It shall be the duty of the Lady Manager of the Woman's Building and the Steward of University Hall to keep a register of all students rooming and boarding at the Dormitory, showing the date of entry and withdrawal, and when a student secures room and board, it shall be the duty of said Lady Manager or Steward to issue a triplicate deposit warrant authorizing the Auditor to receive from the student the amount of board and room rent due for the current month. The original deposit warrant, when signed by the Auditor, shall be retained by the student as his receipt, the duplicate by the Auditor and the triplicate returned to said Lady Manager or Steward, showing that the student has paid his or her board and room rent for the current month. It shall be the duty of the said Lady Manager or Steward on the first day of each month, from the register kept by each, to issue triplicate deposit warrants to the student for board and room rent due for the month, and on the tenth day of October, November, December, January, February, March, April, and May, the said Lady Manager and Steward shall make a report to the Auditor (on blanks furnished by the Auditor) giving the names of all students and the amount due by each, to whom deposit warrants have been issued,

the triplicates of which have not been returned showing that the board and room rent for the current month has been paid.

The Auditor shall have authority to require such additional reports from said Lady Manager, Housekeeper and Steward as will give him a clear insight into the business affairs of the Dormitories, and to require them to keep such books as are furnished to enable them to make all necessary reports, and to furnish the Auditor monthly inventories of the supplies and property on hand at the close of each month.

MATRICULATION OF STUDENTS.

Each student shall be required to receive a permit from the Dean before he arranges his course with the Advisory Committee. The Auditor shall be authorized to receive all fees due by any student upon his presenting the Dean's permit upon the back of which his courses are checked off by the Advisory Committee, showing the fees due, if any, for each course.

AUDITOR.

The Auditor shall be the receiving, disbursing and purchasing agent for the University, and shall have charge of the Accounting Departments of the Institution. He shall devise and have kept a simple set of books, which shall show the assets and liabilities of the University, and all sources of income and disbursement, among which books shall be included a Day Book in which shall be entered, in ink, each day a complete description of each and every transaction in order that a reference thereto at any time will disclose a full explanation of same. He shall audit the accounts for all expenditures, see that they are charged to, and covered by proper appropriations, that all items of such proposed expenditures are clearly for the purpose for which the appropriations have been made by the Board of Regents, and that they have been properly approved by the persons responsible for such expenditure.

The Auditor shall not pay out funds except upon the previous authorization of the Board of Regents or other officially designated authority, and he shall be responsible for the proper accounting of every cent received and disbursed which may be placed in his hands.

The Auditor shall procure and have kept a full, complete and perfect set of books which shall show all the financial transactions of the University of Texas. In such books, under proper and appropriate headings, shall be entered and kept a full, complete, properly classified and perfect system of accounts showing all properties of every kind and description and wherever situated, belonging to The University of Texas,

on the first day of September, 1904, and all subsequent acquisitions, additions to and increase thereof, and in such manner as at all times to clearly, truthfully and fully set forth, with proper classification, all of the Assets and Liabilities of The University of Texas.

It shall be the duty of the Auditor to supervise and see that the bookkeeper shall properly keep all of said books and the accounts therein entered, that said bookkeeper shall promptly and accurately enter in said books all items of account so as to correctly and completely show all of the financial transactions of said University with all persons, and that at the close of each day said books, and all matters relating thereto, shall be posted and kept complete, and shall never be allowed to get behind, excepting only during the few very busy days of matriculation at the beginning of each session.

For the purpose of securing prompt attention and preventing loss of bills and accounts, a Voucher Record shall be kept, in which every account and bill against the University, after approval by the person contracting the same, shall be promptly entered, and approved by the Auditor for payment. Said Voucher Record shall show the date of payment of all bills and accounts, and to whom and how the same were paid, whether by check or by warrant.

All accounts of The University of Texas shall be kept in one Ledger, and the general trial balance shall cover all accounts.

The Auditor shall keep a special record for the purpose of furnishing monthly balances to the credit of each appropriation, which he shall promptly and regularly transmit, each month, for the examination of the President and Chairman of the Board of Regents, so that they may keep advised of the true condition of the affairs of the University.

The Auditor shall act as purchasing agent for all supplies for the University, except those specially authorized by the Board to be purchased by the heads of schools for their laboratories, and no purchases shall be made except upon an order signed by the Auditor of which he shall make and keep a carbon duplicate.

The Auditor shall purchase in bulk, and act as Commissary in keeping on hand, a reasonable supply of stationery, pencils, pens, ink and other office supplies, and he shall keep a complete record against each head of a department or school using the same, and all such supplies charged to the University shall be obtained from the Auditor.

The Auditor shall enter into a bond in the sum of \$20,000, with four or more good and sufficient sureties, conditioned that he will fully and faithfully perform all the duties now required of him or which may hereafter be required of him by the rules, regulations and resolutions of the Board of Regents, that he will faithfully and honestly keep, account

for and turn over to his successor, or to such person as the Board of Regents shall direct, and according to the directions of said Board, all moneys and all properties, vouchers and papers belonging to The University of Texas, or to any Department thereof, and that he will keep and have kept a full and complete set of books which shall correctly and truly set forth and show all the financial and property accounts, transactions and dealings of said University with all persons, and as required by said Board.

The Auditor shall be the custodian and shall be responsible for the safe keeping of all property belonging to The University of Texas, not in charge of the heads of the various schools, or special agents and employees of the Institution by authority of the Board, and he shall keep a true and correct inventory of all property in his charge, and shall have authority to require, at least annually, and oftener if necessary, a statement from such heads of schools, special agents and employees, showing the property in their immediate possession belonging to the University.

SPECIAL AUDITING EXAMINER.

There shall be appointed, annually, at the June meeting of the Board of Regents, for the ensuing fiscal year an experienced expert Auditing Accountant, who shall be known as Special Auditing Examiner, who shall in no wise be connected with The University of Texas, nor with any one sustaining any official relation or the relation of employee with said Institution, whose duty it shall be to periodically make a full and detailed examination of the office of the Auditor of the University. Such examinations shall be made at least twice each year and oftener, if so directed by the Chairman of the Board of Regents, and said Examiner shall, without giving notice beforehand, drop into the office of the Auditor, count the cash on hand, verify the bank account and the balances as shown by the Comptroller's and Treasurer's books, examine and check each and every voucher, see that all are regular and in accord and compliance with the appropriations and regulations of the Board and the authority given, examine and properly audit the books and records, and he shall then prepare and file a written report with the Chairman of the Board of Regents and President of the University, giving in detail any matter of irregularity he may find. Said Examiner shall also, from time to time, make in writing to the Chairman of the Board and to the President, any suggestions as to the future need of improvement in the accounting system of the University, as in the judgment of said Examiner will render more perfect said system.

APPROPRIATIONS, PURCHASES, EMPLOYMENT, ETC.

The Board of Regents in making appropriations shall plainly specify the purpose for which each appropriation is made, and no expenditure of money shall be made except upon the authority of such an appropriation previously made and entered of record upon the minutes of said Board.

All appropriations shall lapse at the end of the fiscal year, unless otherwise specially ordered. By a vote of the Board an appropriation may be made to lapse at any time.

Articles and materials for the University shall be purchased by persons or committees designated by order of the Board of Regents. When none are so designated, the Auditor shall act as purchasing agent.

The auditor shall issue an order for purchase to persons authorized by the Board of Regents to make purchases, but shall not do so unless the records of said Board show that such purchase has been authorized, and that the money for payment thereof has been appropriated. The order shall clearly set forth the articles or materials ordered, and shall state the fund from which the account is to be paid. The order of the Auditor shall accompany all bills of account for purchase (or said bills shall refer to said orders), on presentation of such bills for audit and payment. But no order for the purchase of furniture, apparatus, or equipment, unless specifically ordered by the Board of Regents, shall be made unless the advisability of such purchase is approved by the President of the University, nor unless the price which it is proposed to pay is approved by the Auditor.

General items of appropriations which are not under the direction of any specified School or head of a Department shall be under the direction of the President, and expenditures therefrom shall only be authorized by him.

All persons composing the force of administrative officers, and all other employees of the several Departments, and all members of the Faculty and Instruction force, shall be employed and their salaries shall be fixed by the Board of Regents. The monthly pay-roll of such persons shall be approved by the President, but he shall not approve the pay of any person who has not rendered prescribed service during the month, unless such person shall have been previously formally excused from performing such service by the Board of Regents or by the President of the University, under the rules governing the Institution. The Auditor shall have prepared the monthly pay-roll for the approval of the President each month, setting forth for each person the amount of salary for the month, as fixed by the Board of Regents.

Purchases to an amount exceeding \$100 shall be let by contract, after

competition, unless the character of the materials or articles renders competition impracticable.

FISCAL YEAR.

The fiscal year of the University shall begin on the first day of September in each year, and shall end on the thirty-first day of August next succeeding.

INVENTORIES OF PROPERTY.

There is a standing order of the Board of Regents requiring the head of each School in the University to keep an inventory book in which to enter in detail all apparatus and other property belonging to said School.

In addition to keeping said book, the Head of each School shall present to the Board of Regents, at its annual meeting in October, an inventory of all apparatus and other property belonging to said School, together with a statement of the condition thereof. Said inventories shall be prepared and delivered to the Auditor on or before July first, previous to said annual meeting, and it shall be the duty of the Auditor to present said inventories to the Board of Regents.

FORBIDDING PRIVATE USE OF UNIVERSITY PROPERTY.

No one connected with the University, in any capacity, shall use for his own pleasure or for any other personal purpose any University property of whatsoever description; and no one shall be permitted to remove from the buildings or grounds any property belonging to the University, even though it may seem to be of no value, unless it be temporarily and pursuant to some well established regulation or usage, or with the distinct approval of the President or Auditor of the University.

It shall be the duty of the Faculty to enact rules and regulations for the conduct of the University, subject to the authority of the President and Board of Regents.

CHAPTER III.

ORGANIZATION AND ADMINISTRATION.

FACULTY.

President—The President shall be the executive head of the University and a member of each Faculty thereof. It shall be his duty to secure efficiency in all of the Departments, and orderly and economical administration and healthful development in all the affairs of the University. He is clothed with all authority needful to that end, and for his acts is answerable to the Board of Regents alone.

Departments of the University—The University of Texas shall be composed of the College of Arts, the Department of Engineering, the Department of Education, the Department of Law, and the Department of Medicine, and such other Departments as may hereafter be established by the Board of Regents.

The Medical Branch, located by the vote of the people of the State at Galveston, shall constitute the Department of Medicine in the University.

The Main University, located by the vote of the people of the State at Austin, shall constitute all other Departments of the University.

Deans—The Deans of the several Departments of the University shall see to the execution of Faculty Regulations, shall concern themselves about the interests of individual students, shall see that the courses of instruction are as well correlated as practicable, and shall, with other members of the Faculty, render such assistance to the President as that officer may desire.

The Dean of each Department shall be responsible to the President for carrying out all University policies, and for the execution of all established rules or special directions given by any superior authority. The Dean of each Department shall make an annual report in writing to the President, on or before the first day in May in each year, in which he shall fully treat of the work in the Department over which he presides. He may make, report or advance suggestions at any time, and shall report to the President whenever requested to do so.

Schools or Chairs—The ranking Professor of each School or Chair in the University shall be the head thereof and, subject to superior authority as to policy and course of procedure, he shall be responsible for the quality and efficient progress of the School or Chair; and all subordinates therein shall conform to his views touching the policy of such School or Chair while they exercise their own originality or genius in carrying it

out. When there is no head Professor in a School or Chair, the President shall designate who shall act as such until a head Professor shall be appointed. Subordinates in any School or Chair, and particularly Associate Professors, shall be entitled to offer to the head Professor thereof such suggestions as they may see fit concerning the general policy of the School or Chair; but the final determination of that policy shall rest with the head thereof and with the authorities superior to him. Such head Professor shall make all reports for his School or Chair, shall prepare estimate for the expenses thereof, and shall be responsible for the distribution and expenditure of funds appropriated for it.

Dean of Women—The Dean of Women shall be charged with the general oversight of all the women students of the University. She shall seek to become their representative, guide and friend. It shall be her duty to aid and advise them in their University work and in social life, to the end that the highest attributes of independence and true womanly character may be developed.

The Dean of Women shall seek the improvement and extension of those lines of University work in which women students are most interested, and she shall endeavor to enlarge all instrumentalities which will promote their physical and intellectual vigor.

Employment—It is assumed that all persons worthy of employment in the University will be interested above all else in developing the work of the Department to which they respectively belong, will have no interest incompatible therewith, and will give the utmost of their powers at all times to the promotion of that end.

The importance of rest and recreation to teachers is recognized, and it is desired that all shall have reasonable vacations, and shall use their vacations rationally to promote the ends for which they were afforded; but it must not be supposed that the vacation of the Faculty extends from Commencement Day to the day on which instruction begins in the fall. All members of the Faculty will be expected to be in actual attendance up to the 15th day of June, and on and after the 15th day of September, except on leave extended, for special reasons, by the President of the University; and that during the intervening time they shall keep the President notified of their whereabouts, and will respond quickly for service.

It is the desire and intention of the Board that all competent and efficient teachers shall feel secure in their positions and remain permanently in the service of the University; but experience shows that it is necessary for the Board to reserve the legal right to terminate service at any time for any reason which, in the judgment of the Board, the interests of the University shall require; and all employment must be accepted upon this condition. No summary dismissal will be made, except for conduct pre-

judicial to the University. When service is terminated by the Board for other cause than misconduct, notice will be given at the earliest time practicable; and in case a member of the Faculty intends to leave the service of the University, it is but fair that the President of the University shall be advised, at least as soon as the purpose has been determined upon. In case a resignation is presented to take effect at some future time, the Board will exercise the right to terminate the service at that time, or at some earlier date, as may seem just to all interests involved. In case a member of the Faculty enters upon regular employment elsewhere before the termination of service in the University, that fact will work a termination of service and cessation of salary here. Absence from ordinary service in the University for any other cause than sickness must be with the approval of the President, if for less than ten days; and if for a longer time, with the approval of the Board of Regents. For any failure to comply with all the conditions of loyal and interested service, which are an honorable obligation upon all members of the Faculty, the Board of Regents will feel free to withhold salary so far as the interest of the University and justice to others may seem to demand.

Merit Basis for University Positions—All University positions should be kept upon the merit basis. No officer or employee should be removed except for good cause; and whenever an appointment is made it should be made solely with regard to the special fitness of the appointee. Appointment of a relative of a member of the Board, or of any other person occupying an influential position in the University, is wholly disapproved. Political, social, fraternal, or church influences are to be altogether ignored, and every appointment must be made upon the merit basis. The President and other officers of the University are to feel fully assured that the Regents will heartily support them in acting upon this principle.

Attending Teachers' Associations—Members of the Faculty should be disposed to attend, at least occasionally, and at their own expense, educational associations, because of the obligations all teachers are under to sustain such associations; and the same rule should apply to attendance by members of the Faculty upon meetings of associations of his own special class or calling for the promotion of the particular line of work in which he is engaged, because such attendance is in the interest of his own efficiency rather than of University representation. Beyond this, the President of the University is authorized to determine at what meetings it seems sufficiently important that the University shall be represented to justify the expense thereof; he shall feel free to attend such meetings himself, if he thinks it desirable to do so; and if not, he shall arrange for such representation as he thinks proper, and the expense thereof may be a University charge.

Services Rendered the University.—No member of the instructional force of the University shall be employed in any work which does not naturally come within the scope of his duties, and for which additional compensation is expected, without the approval of the President of the University and the action of the Board of Regents in regular session.

Library.—All books, pamphlets, maps, etc. (other than account books and books of record) purchased with funds of the University, shall be deemed to belong to the University Library.

All parts of the Library shall be in the custody of the Librarian, who shall be responsible for the condition of the same.

All reference books and current periodicals, magazines and newspapers, shall be made as easy of access as practicable to all patrons of the Library, and no limitations not necessary to their preservation shall be placed upon their free use.

All other books, except such as are referred to in the next paragraph, shall be delivered for use by the Librarian or his assistants only, upon a proper call.

Books which are purely technical and relate to the work of a single School or Department only may be taken out by that School or Department under such regulations and for such times as the Librarian may determine; but the Librarian shall not thereby cease to be responsible for their safe keeping and proper use.

The Librarian may make and enforce such rules for the government of the Library as are approved by the President.

FINIS.

APPENDIX.

I.—HISTORICAL SKETCH OF THE UNIVERSITY.

The University of Texas is a State institution, ordained by the Constitution, located by popular vote, endowed, and maintained by Legislative grants.

The idea of a university for Texas is as old as Texas. The Declaration of Texas Independence, March 2, 1836, has for one of the main counts in its indictment against the Government of Mexico the following: "It has failed to establish any public system of education, although possessed of almost boundless resources (the public domain), and although it is an axiom in political science that, unless a people are educated and enlightened, it is idle to expect the continuance of civil liberty, or the capacity for self-government." In accordance with the doctrine thus proclaimed, the first Constitution of the Republic declares it to be the duty of Congress "to provide, as soon as circumstances will permit, * * * a general system of education."

The first direct steps towards the founding of the University were taken by the Congress of the Republic in two acts passed during January, 1839. One of these provided for the setting apart of land for a campus in the future city of Austin. The other appropriated fifty leagues of the vacant lands of the Republic for the purpose of University education.

The establishment of the University was provided for by an act of the Legislature, February 11, 1858. The preamble of said act reads as follows: "Whereas, from the earliest time, it has been the cherished design of the people of the Republic and of the State of Texas, that there shall be established within her limits an institution of learning for the instruction of the youths of the land in the higher branches of learning and in the liberal arts and sciences, and to be so endowed, supported, and maintained as to place within the reach of our people, whether rich or poor, the opportunity of conferring upon the sons of the State a thorough education, and as a means whereby the attachment of the young men of the State to the interests, the institutions, the rights of the State, and the liberties of the people might be encouraged and increased, and to this end liberal appropriations have been made; and whereas the increase of population and wealth of the State, and the tendency of events, indicate the fitness of now putting the cherished design into effect; therefore," etc. This act made provision for the endowment of the University by adding to the fifty leagues granted in 1839 one hundred thousand dol-

lars in United States bonds, and one section of land out of every ten reserved for the use of the State by the various acts of the Legislature.

Provision was also made for the organization of the University, but was not carried out because of the Civil War and the unhappy era of Reconstruction. Indeed, under the exigencies of civil war, a large portion of the University endowment had been turned into the general revenue account and appropriated to the necessities of the State. But under direction of the Constitution of 1866 the Legislature refunded the amount previously diverted. The same Constitution provided that "the Legislature shall, at an early day, make such provision by law as will organize and put in operation the University;" but the times were unpropitious, and the organization was still delayed.

Provision for the organization and the maintenance of the University was again made in the Constitution of 1876. This Constitution took away from the endowment the lands which had been added to it by the Act of 1858, and gave in lieu thereof one million acres further west. It made the Agricultural and Mechanical College of Texas, which had been established a short time before and located in Brazos County, a branch of the University "for instruction in Agriculture, the mechanic arts, and the natural sciences connected therewith," and provided for the subsequent organization of "a College or branch University" for the instruction of the colored youths of the State. To the lands previously set apart and appropriated for the endowment, the Legislature in 1883 added one million acres.

The act of the Legislature providing for the organization of the University was passed in 1881. It provided for the location of the institution by popular vote, at the same time creating a Board of Regents, to whom was intrusted its organization and government. Among the provisions of the act affecting the policy of the University may be mentioned the limitation of the matriculation fee to thirty dollars, the admission of men and women on equal terms without charge for tuition, and the injunction that no religious qualification should be required for admission to any office or privilege connected with the University, and that no sectarian instruction be given therein.

By popular election in September, 1881, the Main University was located at Austin and the Medical Department at Galveston. Under authority of the Regents the Academic and Law Departments were organized; and on the 15th of September, 1883, the University was formally opened in the University building, then incomplete and consisting of the west wing only. The exercises were conducted in the Temporary Capitol until the first day of January, 1884, when the rooms in the University building were occupied. The central part of the Main University build-

ing was completed in the fall of 1889. The John Sealy Hospital was donated to the University by the city of Galveston in 1890, to be used in connection with instruction given in the Medical Department. University Hall, Austin, the gift of Mr. George W. Brackenridge, was opened to students December 1, 1890. The Medical Department building at Galveston was completed in the summer of 1891, and the Medical School was formally opened in October of that year. The Chemical Building of the Main University was opened to students January 1, 1892. University Hall, Galveston, also the gift of Mr. Brackenridge, was completed in March, 1898. The east wing of the Main University building was completed in January, 1899. In 1900, University Hall, Austin, was greatly enlarged. The Woman's Building, at Austin, was ready for occupancy in October, 1903. The Engineering Building was completed in September, 1904.

II.—CONSTITUTIONAL PROVISIONS AND LAWS RELATING TO THE UNIVERSITY.

A.

CONSTITUTION—ARTICLE VII.

UNIVERSITY.

SECTION 10. The Legislature shall as soon as practicable establish, organize and provide for the maintenance, support and direction of a university of the first class to be located by a vote of the people of this State, and styled "The University of Texas," for the promotion of Literature and the Arts and Sciences, including an Agricultural and Mechanical Department.

SEC. 11. In order to enable the Legislature to perform the duties set forth in the foregoing section, it is hereby declared that all lands and other property heretofore set apart and appropriated for the establishment and maintenance of "The University of Texas," together with all the proceeds of sales of the same heretofore made or hereafter to be made, and all grants, donations and appropriations that may hereafter be made by the State of Texas, or from any other source, shall constitute and become a university fund. And the same as realized and received into the treasury of the State (together with such sum belonging to the fund as may now be in the treasury), shall be invested in bonds of the State of Texas, if the same can be obtained; if not, then in United States bonds; and the interest accruing thereon shall be subject to appropriation by the Legislature to accomplish the purpose declared in the foregoing section;

provided, that the one-tenth of the alternate sections of the lands granted to railroads, reserved by the State, which were set apart and appropriated to the establishment of "The University of Texas," by an act of the Legislature of February 11, 1858, entitled "An Act to establish 'The University of Texas,'" shall not be included in or constitute a part of the permanent university fund.

SEC. 12. The land herein set apart to the university fund shall be sold under such regulations, at such times and on such terms as may be provided by law; and the Legislature may provide for the prompt collection, at maturity, of all debts due on account of university lands heretofore sold, or that may hereafter be sold, and shall in neither event have the power to grant relief to the purchasers.

SEC. 13. The Agricultural and Mechanical College of Texas, established by an act of the Legislature, passed April 17, 1871, located in the county of Brazos, is hereby made and constituted a branch of the University of Texas, for instruction in Agriculture, the Mechanic Arts and the Natural Sciences connected therewith. And the Legislature shall, at its next session, make an appropriation, not to exceed forty thousand dollars, for the construction and completion of the buildings and improvements, and for providing the furniture necessary to put said college in immediate and successful operation.

SEC. 14. The Legislature shall, also, when deemed practicable, establish and provide for the maintenance of a college or branch university for the instruction of the colored youths of the State, to be located by a vote of the people; provided, that no tax shall be levied and no money appropriated out of the general revenue, either for this purpose or for the establishment and erection of the buildings of The University of Texas.

SEC. 15. In addition to the lands heretofore granted to The University of Texas, there is hereby set apart and appropriated for the endowment, maintenance and support of said university and its branches, one million acres of the unappropriated public domain of the State, to be designated and surveyed as may be provided by law; and said lands shall be sold under the same regulations and the proceeds invested in the same manner as is provided for the sale and investment of the permanent university fund; and the Legislature shall not have power to grant any relief to the purchasers of said lands.

ARTICLE III.

SECTION 48. The Legislature shall not have the right to levy taxes or impose burdens upon the people, except to raise revenue sufficient for the economical administration of the government, in which may be included the following purposes:

The support of public schools, in which shall be included colleges and universities established by the State; and the maintenance and support of the Agricultural and Mechanical College of Texas.

B.

REVISED STATUTES—CHAPTER 1, ARTICLE 3836. (3679.)

FUNDS, DONATIONS, PROPERTY, ETC.

The following shall constitute a permanent fund for The University of Texas, to be used for the benefit of said university:

1. All lands and other property heretofore set apart and appropriated for the establishment and maintenance of The University of Texas under any previous law.

2. One million acres of the unappropriated domain of the State set apart for that purpose by the present Constitution, and one million acres of land set apart by act of April 19, 1883.

3. All bonds that have heretofore or that may hereafter be purchased with the proceeds of the sales of the university lands.

4. All proceeds of the sales of university lands that are now or may hereafter be placed in the treasury of the State.

5. In addition to the foregoing, all grants, donations and appropriations that may be hereafter made, or that may be received from any other source.

ART. 3837. (3680.) Such portions of the funds specified in the preceding article as are now in the possession of the State or that may hereafter be received, shall be held in trust by the State for the use and maintenance of said university; and all such funds as are susceptible of investment, and that have not heretofore been invested, shall be invested for the benefit of such university in the manner provided in the Constitution and laws on that subject.

ART. 3838. Any person, association of persons or body corporate making a donation of property for the purposes of establishing or assisting in the establishment of a professorship or scholarship in the university or any of its branches, either temporarily or permanently, may vest the legal title to the property in any person or persons, body corporate, or the State of Texas, to be held in trust for said purpose, under such directions, limitations and provisions as may be declared in writing in the donation which are now inconsistent with the objects and proper management of said institution and its branches.

ART. 3839. It shall be lawful for the person or persons or body corporate to declare and direct the manner in which the title to said property shall thereafter pass or be transmitted from the person or persons or

body corporate receiving it to others in continued succession, to be held and appropriated to the use aforesaid, and it shall be lawful for the donor or donors to declare and direct the person or class of persons who shall receive the benefit of said donation, together with the manner in which the person or persons who shall receive said benefits shall be from time to time selected, as it may become necessary to carry out the objects of the donation; provided said declarations and directions are not inconsistent with the objects and proper management of said institution or its branches.

ART. 3840. In the event there is a failure to transmit the title or to bestow its use in the manner as declared and directed in the donation, or in the event they or either of them should become impracticable from the change of circumstances, the title to the property unless otherwise directed expressly by the donor shall vest in the State of Texas, to be held in trust to carry into effect the purposes of the donation as nearly as may be practicable by such agencies as may be provided therefor.

ART. 3841. The title to said property donated shall be received and the trust conferred in the donation shall be assumed, subject to laws that may be passed and carried into effect from time to time, which may be necessary to prevent the loss of or damage the property donated, or an abuse or neglect of the trust so as to defeat, materially change, or prevent the objects of the donation.

ART. 3842. Copies of said donation shall be procured and filed with the board which may have control of the university or any of its branches to which the donation applies, which board shall report the condition and management of the property and the manner in which the trust is being administered, as part of the matters reported pertaining to said institution.

C.

GOVERNMENT OF THE UNIVERSITY.

REVISED STATUTES—CHAPTER 2.

ARTICLE 3843. The government of the University shall be vested in a board of eight regents, selected from different portions of the State, who shall be nominated by the Governor and appointed by and with the advice and consent of the Senate. The members of the Board of Regents heretofore appointed shall continue to exercise their duties until the expiration of their respective terms.

ART. 3844. The Board of Regents shall be divided into classes, numbered one, two, three and four, as determined by the board at their first meeting; shall hold their office two, four, six and eight years, respectively,

from the time of their appointment. Two members shall be appointed at each session of the Legislature to supply the vacancies made by the provisions of this article, and in the manner provided for in the preceding article, who shall hold their offices for eight years respectively.

ART. 3845. The regents and their successors in office shall have the right of making and using a common seal and altering the same at pleasure.

ART. 3846. The regents shall elect a Chairman of the Board of Regents from their own number, who shall hold his office during the pleasure of the board. They shall establish the departments of a first-class university, determine the offices and professorships, appoint a President, who shall, if they think it advisable, also discharge the duties of a professor, appoint the professors and their offices, fix their respective salaries, and they shall enact such by-laws, rules and regulations as may be necessary for the successful management and government of the university; they shall have power to regulate the course of instruction, and prescribe by and with the advice of the professors, the books and authorities used in the several departments, and to confer such degrees and to grant such diplomas as are usually conferred and granted by the universities.

ART. 3848. The regents shall have power to remove any professor, tutor or other officer connected with the institution, when, in their judgment, the interest of the university shall require it.

ART. 3849. The fee of admission to the university shall never exceed thirty dollars, and it shall be open to all persons in the State who may wish to avail themselves of its advantages, and to male and female on equal terms, without charge of tuition under the regulations prescribed by the regents, and all others under such regulations as the Board of Regents may prescribe.

ART. 3850. The treasurer of the State shall be the treasurer of the university.

ART. 3851. The regents shall have the authority to expend the interest which has heretofore accrued, and may hereafter accrue, on the permanent university fund, for the purposes herein specified, and for the maintenance of the branches of the university.

ART. 3852. All expenditures may be made by the order of the Board of Regents, and the same shall be paid on warrants of the Comptroller, based on vouchers approved by the president and countersigned by the secretary.

ART. 3853. No religious qualification shall be required for admission to any office or privilege in the university; nor shall any course of instruction of a sectarian character be taught therein.

ART. 3854. The Board of Regents shall report to the Board of Educa-

tion annually, and to each regular session of the Legislature, the condition of the university, setting forth the receipts and disbursements, the number and salary of the Faculty, the number of students, classified in grade and departments, the expenses of each year, itemized, and the proceedings of the board and the Faculty fully stated.

ART. 3855. There shall be appointed by the Legislature at each regular session a Board of Visitors, who shall attend the annual examinations of the University and its branches and report to the Legislature thereon.

ART. 3856. The reasonable expenses incurred by the Board of Regency and Visitation in the discharge of their duties shall be paid from the available University fund.

ART. 3857. The Governor is authorized and directed to have issued manuscript bonds of the State of Texas, to be sold or exchanged at par for the permanent University fund at any time when there is on hand in cash any reasonable amount of such funds not less than five thousand dollars.

ART. 3858. Said bonds shall be of such denomination as the Governor may direct, and shall be redeemable at the pleasure of the State, and shall bear interest at the rate of five per centum per annum, payable annually at the State treasury on the first day of March of each year.

ART. 3859. The bonds issued under this chapter shall recite the title and date of passage of the act of 1889, page 81, shall be signed by the Governor and Treasurer and countersigned by the Comptroller, and shall be registered in the office of the State Treasurer; and after said bonds have been registered the Governor shall offer said bonds to the Board of Education as an investment for the permanent University fund then on hand in cash which are by law authorized to be invested; and if the Board of Education take said bonds, the Treasurer and Comptroller shall make the proper entry, showing the facts of the transaction and the necessary transfer of such fund on their books; and if the Board of Education shall not take said bonds thus offered, the same shall be destroyed and canceled and of no effect whatever.

D.

GOVERNMENT OF THE UNIVERSITY—AMENDMENT.

UNIVERSITY OF TEXAS.

Section 1. Be it enacted by the Legislature of the State of Texas: That Sections 5 and 8 of an act approved March 30, 1881, entitled "An Act to establish The University of Texas," shall be so amended as to hereafter read as follows:

Section 5. The government of the University shall be vested in a

board of eight regents, selected from different portions of the State, who shall be nominated by the Governor and appointed by and with the consent and advice of the Senate. The members of the Board of Regents heretofore appointed shall continue to exercise their duties until the expiration of their respective terms.

Section 8. The regents shall elect a Chairman of the Board of Regents from their own number, who shall hold his office during the pleasure of the board. They shall establish the departments of a first-class University, determine the offices and professorships, appoint a President, who shall, if they think it advisable, also discharge the duties of a professor, appoint the professors and other officers, fix their respective salaries, and they shall enact such by-laws, rules and regulations as may be necessary for the successful management and government of the University; they shall have power to regulate the course of instruction and prescribe, by and with the advice of the professors, the books and authorities used in the several departments, and to confer such degrees and to grant such diplomas as are usually conferred and granted by universities.

E.

CONTROL OF LANDS.

AN ACT TO INVEST THE BOARD OF REGENTS OF THE UNIVERSITY OF TEXAS WITH THE MANAGEMENT AND CONTROL OF THE UNIVERSITY LANDS.

SECTION 1. Be it enacted by the Legislature of the State of Texas: That the Board of Regents of The University of Texas are hereby invested with the sole and exclusive management and control of the lands which have heretofore been, or which may hereafter be set aside and appropriated to, or acquired by The University of Texas, with the right to sell, lease, or otherwise manage, control, and use the same in any manner and at such prices and under such terms and conditions as may to them seem best for the interest of the University, not in conflict with the Constitution of this State; provided that such land shall not be sold at a less price per acre than the same class of land of other funds may be sold at under the statutes.

SEC. 2. The Commissioner of the General Land Office is hereby directed to furnish as soon as practicable to said Board of Regents complete and accurate maps, and all other data necessary to show the location and condition of every tract of said University lands, and shall at all times hereafter furnish to said board such additional information as they may require, and shall at all times render to said board such assistance as may be possible, and as they shall request, in the discharge of the duties hereby imposed on said board.

SEC. 3. All records and accounts of transactions in University lands, and of moneys paid thereon, shall be kept in the General Land Office, and in the office of the Treasurer, as heretofore, and all patents shall be signed and issued as heretofore, and all moneys received on the sales or leases of said lands shall be paid to the Treasurer of the State.

SEC. 4. Whereas, it is desirable to place said University lands under the control of the Board of Regents at as early date as possible, in order that the interests of the University be properly looked after, and the greatest possible amount of revenue realized, it is declared that an imperative public necessity exists, requiring the suspension of the constitutional rule which requires bills to be read on three several days, and the same is hereby suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

F.

LICENSE TO PRACTICE LAW BY GRADUATES.

LAW—LICENSE TO PRACTICE, BY GRADUATES OF THE UNIVERSITY OF TEXAS.

SECTION 7. Any person holding a diploma from the Law Department of The University of Texas shall be entitled to a license to practice as an Attorney and Counselor at Law in all the courts of this State without any further examination, upon presentation to the Clerk of the Supreme Court of the State such diploma within twelve months from the issuance of the same, together with a certificate from the commissioners court of the county in which such person resided, showing that such person bears a good reputation for moral character and honorable deportment, that he has resided in such county for at least six months, is at least twenty-one years of age, and such other and further facts as may be required by the Supreme Court of this State; and the Clerk of the Supreme Court of Texas is hereby authorized and empowered to issue said license upon payment of the fee of ten dollars, as required by law; provided, that nothing herein shall be construed to exempt the applicant for license from taking the oath required by law; and, provided further that any diploma issued by said University on a grade less than that prescribed by the Supreme Court for examinations of applicants shall not entitle the holder thereof to such license.

Approved April 15, 1905.

III.—OPINIONS OF ATTORNEY GENERAL.

A.

POWER TO PURCHASE LAND.

STATE OF TEXAS.

ATTORNEY GENERAL'S DEPARTMENT,

AUSTIN, TEXAS, July 6, 1901.

Hon. Thomas S. Henderson, Chairman Board of Regents, Austin, Texas.

DEAR SIR: I am in receipt of a communication from yourself, bearing date of July 1, 1901, in which you ask for an expression of the official opinion of the Attorney General, upon the question as to whether the Regents of the State University of Texas have authority to acquire by purchase additional land for University purposes, as for instance, the purchase of additional grounds on which to erect a gymnasium, and establish an athletic field for practice and instruction in physical culture for the students of the University, and in reply, beg leave to answer:

ART. 3843 of the Revised Statutes provides that the government of the University shall be vested in a board of eight regents, and Article 3846 provides that they (the Regents) shall establish the departments of a first-class University; and the question as to whether or not a gymnasium and athletic field is a necessary department of a first-class University, is entirely a question for the determination of the Regents. Their determination in the matter is not subject to be reviewed by anybody. I therefore give it as the official opinion of the Attorney General's Department that the Board of Regents would have the power and authority to make the purchase inquired about.

Very respectfully,

C. K. BELL,
Attorney General.

B.

CONTROL OF AVAILABLE FUNDS.

AUSTIN, TEXAS, November 11, 1905.

Hon. Jno. W. Stephens, Comptroller of Public Accounts, Capitol.

DEAR SIR: We have your letter of the 8th inst. enclosing a communication to you from President D. F. Houston of The University of Texas, of date November 7, 1905, relative to your authority to issue warrant in payment for certain repairs upon one of the buildings of The University of Texas.

The first paragraph of President Houston's letter is as follows:

"The University Auditor, Mr. Winn, reports to me that the warrant clerk has declined to issue warrant on the enclosed voucher for the sum of \$1181.37, due Mr. J. O. Buaas, of Austin, for repairing the auditorium roof, on the ground that the provisions of the closing paragraphs of the appropriation bill, relating to the employment of architects and agreements with contractors were not complied with. The amount in question is to be paid out of the available University funds, and I respectfully submit that it does not come within the scope of the provisions indicated, and that, therefore, the warrant should be issued."

The questions thus presented, are:

First. Had the Board of Regents of the State University authority for repairing the auditorium roof; and,

Second. Are said repairs within the operation of the restrictions set forth in the General Appropriation Act of 1905, relative to the employment of an architect, contractor, etc.

Section 10 of Article 7, of the Constitution of Texas provides as follows:

"The Legislature shall, as soon as practicable, establish, organize and provide for the maintenance, support and direction of a University of the first class, to be located by a vote of the people of this State and styled 'The University of Texas,' for the promotion of literature and the arts and sciences, including an Agricultural and Mechanical Department."

We are not aware that the meaning of the word "maintenance" in the above quoted section of the Constitution has been judicially determined.

But the word "maintenance" as used in Article 8, Section 9, of the Constitution, wherein it is provided that "the Legislature may pass local laws for the maintenance of public roads and highways without the local notice required for special or local laws," was construed by one of our Courts of Civil Appeals in the case of *Smith vs. Grayson County*, 18 Texas Civil Appeals, 156.

The court, referring to the last quoted constitutional provision say:

"It is insisted, however, that this clause of the Constitution limits the purposes for which local laws may be passed to the *maintenance* of roads already constructed and would not authorize the passage of a statute creating a road system. We do not think the word *maintenance*, as used in this section of the Constitution, was intended to be used in this restricted sense. By the use of the words *maintenance of public roads and highways*, the framers of the Constitution had reference to maintaining a system of public roads and highways, which would include all the necessary powers to provide and keep up a system of highways."

We have no doubt that the constitutional provision first above quoted,

providing for the "maintenance, support and direction of a University of the first class" contemplated the erection and repair, as needed, of all buildings reasonably necessary to fully carry out that beneficent and grand design.

Pursuant to said constitutional requirements, the Legislature of Texas has seen fit to provide in Revised Statutes, Article 3843, that "the government of the University shall be vested in a Board of Regents, selected from different portions of the State, who shall be nominated by the Governor, and appointed by and with the advice and consent of the Senate."

It can hardly be doubted that it was the intention of the legislative branch of the State Government to clothe said Board of Regents with a broad discretion in determining what is necessary in the way of buildings for the University; hence, the propriety and advisability of making repairs thereto, of a given kind, such as repairs to the roof of the auditorium, is a matter coming peculiarly within the province of the Board of Regents to determine, and especially so, in view of the fact that the cost of such repairs or improvements is to be paid out of the *available University fund*, and not out of the general fund.

Immediately following the above quoted provision for the establishment of a University, Section 11 of Article 7 of the Constitution provides:

"In order to enable the Legislature to perform the duties set forth in the foregoing section, it is hereby declared that all lands and other property heretofore set apart and appropriated for the establishment and maintenance of the University of Texas, together with all the proceeds of sales of same, heretofore made, or hereafter to be made, and all grants, donations, and appropriations that may hereafter be made by the State of Texas, or from any other source, shall constitute and become a permanent University fund."

There was thus set apart an extensive trust fund to enable the Legislature to carry into effect the above quoted requirements providing for the "maintenance, support and direction of a University of the first class," and this fund can be used for *no other purpose whatever*.

Recognizing the right of the University to the fund thus created, and also recognizing the fact that, under existing laws, the Board of Regents was already invested with wide discretion and authority, the General Appropriation Act of 1905 provides, in broad and general terms, and without one single specification or limitation as to details, that the portion of said trust fund available during the years ending August 31, 1906, and August 31, 1907, respectively, may be used during these years "for the maintenance, support and direction of The University of Texas, including repairs, extensions, improvements and buildings."

It will be noted that the Legislature which made this appropriation

acted subsequent to the rendition of the opinion in *Smith vs. Grayson County*, supra, which decision construed the word *maintenance* in such broad terms as to include by analogy, repairs to a University building; yet, that Legislature, as though not content to leave for judicial construction alone, the words "maintenance, support and direction" found in the constitutional provision for the University, took care to, itself, construe, in the very language of this Appropriation Act, and in harmony with the decision mentioned, these constitutional terms as including "repairs, extensions, improvements and buildings."

Consequently the legislative intent, that a portion of the available University fund, so appropriated by this act, may be used in repairing the auditorium roof is manifest.

When we come to the consideration of the second question, we find an appropriation out of the general fund to be used for the "maintenance, support and direction" of the University, this appropriation being made in lump sum of \$81,250.00 for the first year, and \$61,250.00 for the second year; but the paragraph making this appropriation does not specifically mention buildings or repairs.

Indeed, an appropriation out of the general revenues to be used for erecting or repairing University buildings would be beyond the scope of legislative authority, in view of that portion of Section 14 of Article 7 of the Constitution, which provides that: "No tax shall be levied and no money appropriated out of the general revenue * * * for the establishment and erection of the buildings of The University of Texas."

We further find that all the appropriations made by this act for the maintenance, support and operation of other State institutions are to be paid out of the general revenues, and that, as to each of these institutions, this act, in every paragraph making an appropriation therefor, sets forth numerous specifications and details concerning the character and amount of expenditures to be so made.

As to nearly every one of such other institutions, provision is made for new buildings, or improvements, or repairs, or machinery, or equipments; while, in several instances, two or more of such items are included.

Following all these appropriations, we find the restrictions above referred to, among which are the requirements that all buildings for the erection and equipment of which appropriations are made under this act, and all improvements and repairing of any public building shall be erected and made under the direction, management and supervision of a competent architect to be appointed by the Board of Managers of the institution for which said improvements is made, and that all architects so employed shall give bond, etc.; that the work shall be done by contract,

etc.; that all appropriations made under said act for the erection of new buildings and improvement of old buildings, and equipments of same, or to purchase machinery, may be withheld by the Governor, *if, in his opinion, the condition of the treasury will not warrant the expenditure of any such sum or sums*; that no surplus shall be diverted from *any account to any other account*; and that the money appropriated, or so much as may be necessary, shall be applied to the payment of *each item* for which the appropriation is respectively made, and nothing else.

Some of these provisions and restrictions can not reasonably be held to apply to appropriations of the available University fund. For instance, the provision that the money appropriated, or so much thereof as may be necessary for that purpose, shall be applied to the payment of "each item" for which the appropriation is made, and nothing else, seems plainly intended to apply alone to the itemized appropriations out of the general fund, and not to the appropriations of the available University fund, the latter appropriation *not being itemized*. So, as to transferring funds from one account to another; the appropriations for the University not being subdivided into specifically enumerated accounts as are appropriations made by this act for various other State institutions.

Again, the provision that the Governor may withhold appropriations made by this act for the erection of new buildings and improvement of old buildings, and equipments of same, or to purchase machinery, *if in his opinion the condition of the treasury will not warrant such expenditure*, seems to have been intended to meet conditions and exigencies as they may arise, dependent upon and growing out of the amount of revenues which may be in the treasury at a given time to the credit of the general fund, which amount, as the Legislature well knew, varies greatly from time to time, and which the Legislature must have foreseen, will, in the two years covered by this Appropriation Act, depend, to a greater or less extent, upon the success or failure of various statutes enacted at the same session of the Legislature and designed to produce extensive revenues, a large portion of which, when collected, will go into the general fund.

The evident reasons for this provision of the Appropriation Act, which seeks to confer such discretion and authority upon the Governor, do not and can not apply to appropriations to be paid out of the University fund, since, as we have seen, that fund can not affect or be affected by the condition of the general revenue.

And, in view of the far-reaching discretion and authority which, as we have seen, have been conferred upon the Board of Regents, and, inasmuch as some of the restrictions above set forth do not apply to the available University fund, and all of said restrictions seem to be intended to apply solely to the same class or character of appropriations, we conclude that

none of said restrictions were intended by the Legislature to apply to expenditures out of that particular fund.

A literal application of only that portion of this Appropriation Act which prescribes said restrictions, would lead to the conclusion that no warrant could legally be issued in payment for such repairs, except when made in compliance with the provisions relative to the employment of an architect, etc.; and in that view of the matter, you would not, in this instance be authorized to issue the requested warrant.

But Section 3 of the general provisions, found in the final title of our Revised Statutes, as interpreted by the courts, requires that the provisions of all statute laws of this State "shall be liberally construed with a view to effect their objects and to promote justice"; and upon consideration of this Appropriation Act as a whole, in the light of constitutional provisions applicable thereto, and searching diligently for the controlling intention of the Legislature as expressed in the act itself, we think it reasonably clear that the above mentioned restrictions upon the application and expenditure of appropriated funds do not apply to expenditures of the character under consideration, such as cost of repairs to the auditorium roof, when made under the direction of said Board of Regents and to be paid for out of the available University fund, and not out of the general revenues.

We, therefore, respectfully advise you, that, in our opinion, a warrant should be issued by you in this instance to cover the cost of said repairs. But nothing herein should be construed as holding or intimating that any and all of the restrictions set forth in said Appropriation Act do not apply to any and all construction, improvements, repairs and equipments made or to be made, under the direction and authority of any board of control of any other State institution, in cases wherein such institution is wholly dependent upon the general revenues of the State for maintenance and support, and the bill of expense is to be paid out of appropriations made by the Legislature for that specific purpose out of the general fund.

Yours truly,

W. E. HAWKINS,

Office Assistant Attorney General.

IV.—UNIVERSITY INCOME.

The income of the University is divided into two classes, the Available University Fund, and General Revenue.

THE AVAILABLE UNIVERSITY FUND.

The Available University Fund is under the control of the Board of Regents and may be used for the erection and repair of buildings and the maintenance and support of the University and its branches. This fund is derived from the following sources:

1. Interest accruing on State bonds purchased with the proceeds of the sale of University lands.
2. Interest on land notes arising from the sale of University lands.
3. Land leases derived from the leasing of unsold University lands.
4. Matriculation and laboratory fees paid by students.

GENERAL REVENUE.

The income of the University derived from the General Revenue of the State is dependent upon the following source:

1. Legislative appropriation biennially. This appropriation is restricted to the maintenance and support of the University.