

"N I N E T Y Y E A R S S I N C E"

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Nearly two years ago I had a phone call from an executive office - not the President's - asking for a copy of the University's charter. The fact is the University has no charter as such. It is, rather, the child of a statute passed in March, 1870.

The University has been inconsistent in observing its birthday. For four days, starting October 13, 1920, it celebrated its fiftieth anniversary. This was because on that day in 1870 it was decided to buy the Neil farm, lying far north of the city of 31,274 population, as the site for the new college.

In 1948-49 the University celebrated its seventy-fifth anniversary. This began October 14-15, 1948 and continued throughout the school year.

One tradition has been to regard September 17, 1873 as the birth date of the University since it first opened its doors then. Legally, however, the real founding of the University dates from March 22, 1870.

Early in 1919 plans were under way to publish Volume I of the University History. The manuscript was by Alexis Cope, former secretary of the Board of Trustees. This was edited by Thomas Corwin Mendenhall, only surviving member of the first faculty, who was a Trustee from June, 1919 until his death in March, 1924.

Recently I came across several letters between President William Oxley Thompson and Dr. Mendenhall. In one of March, 1919, Mendenhall asked whether part of the manuscript could not be sent to him. "It is with the first six or eight years that I shall be most concerned," he wrote. "I am anxious to bring

out . . . something of the controversy regarding the character of the institution - as reflected in the press during the years 1870 to 1873"

What is traced here is part of the final jockeying in the legislature and elsewhere over the college from the time the bill was introduced in January, 1870 to create an agricultural and mechanical college until its final passage two months later.

Ohio had dragged its feet in this. In the eight years since Lincoln signed the Morrill Act in 1862 successive Ohio General Assemblies had wrestled with the problem and had done only part of what was necessary. To comply fully with the provisions of the Land Grant Act, the State had two years left in which to create some kind of agricultural and mechanical college.

Like several of his predecessors, Governor Rutherford B. Hayes touched on this point in his annual message. On January 3, 1870 he urged the General Assembly to take steps to make the college a reality. He reported that the college fund, from the proceeds of the land scrip, amounted to \$404,911 37 1/2. He added:

The manner in which this fund shall be disposed of has been amply considered by preceding General Assemblies, and in the messages of my predecessors in the Executive Office. I respectfully urge that such action be had as will render this fund available for the important purposes for which it was granted. It is not probable that further delay will furnish additional information on any of the important questions involved in its disposition I therefore trust that the friends of education will not allow difference upon a question of comparatively small importance to the people at large longer to postpone the establishment of the institution in compliance with the obligation of the State.

Various issues were pressing for attention when the Fifty-Ninth General Assembly convened. Several still have a familiar ring. One was retrenchment in state government, another was capital punishment, and a third was woman suffrage. A petition was presented in the House to outlaw the sale of tobacco

except for medicinal and mechanical purposes. And the legislature ratified the Fifteenth Amendment.

Among the House committees were those on Agriculture and on Colleges and Universities. Reuben P. Cannon was chairman of the Agriculture Committee. He introduced the Agricultural College bill, as it was called, on January 12, the day after the House committees were named. Officially the measure was H.B. No. 29, "To establish and maintain a Mechanical and Agricultural College."

His name gets only one line in Volume I of the University History, plus ten in a footnote. But the University of 1960 still owes a substantial debt to Reuben P. Cannon, of Aurora, Portage County. For it was he who fathered the bill to create the Ohio Agricultural and Mechanical College.

A native of Massachusetts, Cannon was then 50 years old, had been a resident of Ohio since 1833, and was in his second term in the House. He had been active in public affairs since he was 22. He had a genuine interest in agriculture since he owned and operated a 300-acre farm. He served three terms on the State Board of Agriculture and was its president in 1875.. A Portage County history of 1898 called him "the writer and promoter of the bill which gave Ohio the agricultural college which now has become the state university."

The January 20, 1870 Ohio State Journal reported the second reading of H.B. No. 29. On motion "the bill was read the first time by its title."

There had been a tug of war as to which standing committee should get it. Some believed that it should go to the Committee on Colleges and Universities. But since it concerned agriculture others felt that it belonged to the Committee on Agriculture. After some debate, it was referred to the latter committee.

Other forces were at work. At the State Agricultural Convention on January 5 in the Senate chamber a resolution on the matter was adopted on

motion of Norton S. Townshend, of Lorain County. To anticipate, Townshend became a member of the first Board of Trustees and was then persuaded to resign so he could be elected the first professor of agriculture. Townshend Hall is named for him.

He spoke at length to the convention about establishing "the Agricultural College." He favored a school "imparting positive and useful knowledge" and urged that the college fund should not "be used for founding an institution in connection with any existing College or University" as some advocated.

A Major Milliken, of Butler County, differed with Townshend. He favored a liberal as well as a practical course but declared that "We want no more colleges in Ohio, but we want to strengthen those we have."

A Mr. Hill, of Defiance, asserted that most Ohio farmers favored an independent college and were "opposed to combining the fund with any broken down or failing college of the state." *Still another speaker blamed the opposition to an independent college on the existing colleges and universities* of the state.

Townshend then offered a resolution that the convention "most respectfully request the General Assembly of Ohio to take prompt measures to organize an Agricultural and Mechanical College" in accordance with the Morrill Act of 1862. The resolution was adopted unanimously.

The same week H. B. No. 29 was read in the House, the State Journal carried a letter signed J. H. Creighton, Athens, who wrote that "Once more the people are looking to see what the Legislature will do with the Agricultural Fund." In the same issue was a long editorial from the Zanesville City Times noting that the State Board of Agriculture had discussed the matter but "seemed to be as far from agreeing about the most feasible and profitable way of employing the fund as the legislature had been."

In February there were further developments including an attempt from the Committee on Colleges and Universities to present three minority reports. The House refused to entertain them. On February 10 the State Journal carried a long letter, signed "P", urging "The necessity for a University on a footing equal at least to the one in Michigan." Even that early the seed of a famous rivalry may have been sowed!

For about six weeks after the second reading of H. B. No. 29 there was little or no mention of its progress. But the February 28, 1870 State Journal reported that on motion of Cannon the measure was made a special order of business for the following Wednesday.

At this point Cannon called upon John H. Klippart, secretary of the State Board of Agriculture, to appear before the committee on the evening of March 1. In his address Klippart said Cannon asked him to "reply to the very indefinite charge that Agricultural Colleges everywhere are failures." The importance of Klippart's testimony may be judged from the fact that his lengthy address was carried in full - two columns - in the State Journal, while the Statesman ran a long letter from him to Cannon on the same general topic.

Klippart demanded what the existing thirteen or fourteen Ohio "Colleges collectively had done for Agriculture in Ohio." He answered his own question by asserting, "Absolutely nothing." He favored strongly the proposal for a new and independent college of agriculture and mechanic arts.

Finally, almost two months from the day Cannon's bill was introduced, the House passed it, beating down all opposition. In less than two weeks the Senate did likewise.

There was a lot of maneuvering, however, in both Houses. In the House, for example, an amendment was offered to have the Trustees elected at the

regular Congressional elections. This was beaten as were several attempts to recommit the measure. An effort was made to reduce the Board to nine members and to make the college president an ex officio Board member. Both failed. At the afternoon session of March 9, twenty-five moves were made to amend, recommit or block the bill before the House recessed. The next day, after spending most of the day debating the measure, the House passed it, 75 to 24.

Four days later the bill had its second reading in the Senate. The next day two petitions were presented. One, from Harrison County, favored "the establishment of an Agricultural College in Ohio." But the other, from Ross County, urged the use of the proceeds of the college fund in connection "with State Universities already established."

The Senate considered the bill in committee of the whole as a special order of business on March 17. Again various attempts were made to modify it. One would have deleted the power of the Trustees to remove the President or any faculty member or to fix and regulate the course of instruction, or to prescribe the extent and kind of experiments to be made. Finally, on the third reading, the bill was passed, 25 to 12, just as it came from the House.

The account of all these developments in the Ohio Statesman was much like that in the State Journal. On February 15 a letter on the subject in the Statesman from Ironton bore the initials "R. L." This almost certainly was the work of Ralph Leete who shortly became one of the first Trustees.

He declared that the State did not need "any more second or third rate colleges or literary institutions. . . ." "What is now wanted is a University on a large scale, where men, old and young, from every part of the State can go and prosecute investigations upon all such subjects as concern the welfare of the people or the advancement of scientific knowledge Such an institution

should be located no where else but Columbus." He even suggested that the lands and buildings of "the Idiotic Institution," meaning the State Hospital, be used for the purpose as being "the "the best locality about Columbus," with plenty of land.

The Statesman of March 21, three days after the passage of H. B. No. 29 by the Senate, commented that this action made it a law. But it still required the signatures of the presiding officers of the two Houses. The Session Laws of the Fifty-Ninth General Assembly (67 v. 20) have this notation as to H. B. No. 29: "Passed March 22, 1870. A. J. Cunningham, Speaker House of Representatives, J. C. Lee, president of the Senate." On this strong evidence, then, March 22, 1870 is the date of the founding of the Ohio Agricultural and Mechanical College. Eight years later the legislature renamed it the Ohio State University.

The first of the eighteen sections of the law declared that the College "is hereby established" and the final section provided that "This act shall take effect and be in force from and after its passage." The other sections can be summarized briefly. Fourteen dealt with the duties, powers and responsibilities of the Trustees. Section 7 provided for the admission of anyone over 14 years of age, subject to such rules, regulations and limitations as the Board might adopt and, curiously, even authorized instruction "either at the seat of the College or elsewhere in the State" as is now done at Newark, Marion and Mansfield.

Section 14 still in force, called for an annual report to the Governor. Section 15 made the Attorney General the legal adviser of the Board, as he still is. Section 17, significantly, provided that the College should be located permanently upon lands of "not less than one hundred acres" which were "best suited to the wants and purposes of said institution, the same being reasonably central in

the state, and accessible by railroad from different parts thereof, having regard to the healthiness of the location, . . . "The choice of the location for the College required a three-fifths vote of the Trustees and the law made it a misdemeanor, with a fine of from \$1000 to \$10,000, for any Board member to take "payola" in return for his influence in favor of a particular location.

So the six-year struggle to get the State of Ohio to take final advantage of the Federal land grant came to an end. Under existing law the signature of the Governor was not necessary. Hayes made his nominations for the first Board on April 6 and, with one change, they were confirmed before the legislature adjourned April 18 after its next to last session lasted until 5 a.m. Sunday, the 17th. The Board held its first meeting May 11 in Columbus.

During the two months between the introduction of the Cannon bill and its final approval I found no evidence that Hayes did anything to get his recommendation on the College carried out, although he may have. With one exception, his published diary and letters were silent on the matter.

Two days after the Senate passed the bill, he mentioned the matter in a letter to his uncle, Sardis Birchard. He wrote, in part:

I am rather busy now. The appointment of Agricultural College Trustees excites some interest. I think I shall get a good board. In your district I must appoint a Democrat, and have pretty much determined to appoint Warren P. Noble, of Seneca. I have offered Pendleton a place, and if he accepts will give the other to A. P. Perry.

Hayes got only part of his wish as to the appointments. Pendleton evidently declined but Noble and Perry accepted. Noble, from Tiffin, had served twice in the legislature and twice in Congress. Perry, a Cincinnati lawyer, had represented the U. S. government in important cases. Also named were Ralph Leete, of Ironton, previously mentioned, and Norton S. Townshend.

To sum up, let me suggest three points:

First, it would seem appropriate even now for the University somehow to recognize the name of Cannon who was the legislative father of the future University, and to perpetuate that of Hayes who used his influence as Governor to push the long delayed proposal and who, during the last six years of his life, himself served the University as a Trustee. Whatever happens to outmoded Hayes Hall, the Hayes name should be kept alive on the campus.

Second, while it is ten years off, it would be in order soon for the University to begin thinking - and planning - as to how it will mark its centennial in 1970. A lot of things have yet to come to pass but many of the lines have been drawn or are being laid and the general direction of further developments and achievements or goals can be discerned.

Finally, it is clear that on the basis of the overwhelming evidence of the time, the University was legally "born" on March 22, 1870 and it should hereafter regard that day as the one when it was officially launched on an uncertain, doubting and even somewhat hostile world.

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