

CROSS REFERENCE SHEET

Name or Subject Scholarships, LaVerne Noyes

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Regarding

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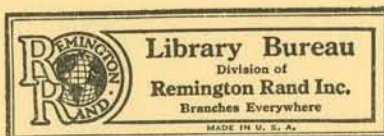
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Name or Subject

File No.

Noyes, LaVerne

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LAW OFFICES
TENNEY, HARDING & SHERMAN
137 SOUTH LA SALLE STREET
CENTRAL 5384

HORACE KENT TENNEY
CHARLES F. HARDING
ROGER SHERMAN
HERBERT A. LUNDAHL

GEORGE T. ROGERS
HARRY A. PARKIN
CHARLES F. HARDING, JR.
HENRY F. TENNEY

CHICAGO

January 11th, 1922.

Dr. Harry Pratt Judson,
President, University of Chicago,
Chicago, Illinois.

My dear Sir:-

I did not formally reply to your letter of November 26th concerning the University Statutes partly because I had the opportunity of talking with you about it, and partly because I found the question which I was studying in connection with the matter rather more puzzling than I had first supposed. My investigation of the question connected with the Noyes Foundation, is another illustration of the fact that a man does not have all of his wisdom at all times. I of course except you from this general classification, but I include myself in it.

The reason for dropping you this line is to say that I on further reflection, have come to a different conclusion from that expressed in my first impression about the Noyes Foundation. I am sending to Mr. Heckman today an opinion which he will doubtless at once communicate to you, the sum and substance of which is that the benefit of the Foundation is not extended to those who are taking the Correspondence-Study Courses, but is confined to students in the Colleges and Professional and Graduate Schools, and that under the division made by the University Statutes, the University Extension does not come within the meaning of the Deed of Gift.

I may say in passing that I have not for some time, had a question which puzzled me so much and yet when I got the full light upon it, seemed so comparatively simple. I generally find however, that when you get hold of a complex matter at the right point, it turns out to be simple in its final solution.

Yours very truly,

Horace Kent Tenney

HKT-L.

Room 1204
Tel. 1204

LAW OFFICE
TENNEY HARDING & SHERMAN
37 SOUTH LA SALLE STREET
CENTRAL BANK
ROBERT A. TENNEY
CHARLES E. HARDING
ROBERT SHERMAN
HARVEY A. LUNDGREN
WILLIAM T. ROBERTS
HARVEY A. LUNDGREN
CHARLES E. HARDING
ROBERT SHERMAN
HARVEY A. TENNEY

CHICAGO

January 11, 1922

Dr. Harry Pratt Judson,
President, University of Chicago,
Chicago, Illinois.

My dear Sir:-

I did not formally reply to your letter of November 28th concerning the University Statutes partly because I had the opportunity of talking with you about it, and partly because I found the question which I was studying in connection with the matter rather more pressing than I had first supposed. My investigation of the question connected with the higher foundation, is another illustration of the fact that a man does not have all of his wisdom at all times. I of course except you from this general classification, but I include myself in it.

The reason for dropping you this time is to say that I am not at all sure that I have been able to give you the answer which you asked for. I expressed in my first impression about the higher foundation. I am sending to Mr. Hodgman today an opinion which is a little different at some points from the one which I gave you. The new and substance of which is that the benefit of the foundation is not extended to those who are taking the correspondence study courses, but is confined to students in the College and Professional and Graduate Schools, and that under the division made by the University Statutes, the University Extension does not come within the meaning of the term of life.

I say very in passing that I have not for some time had a question which puzzled me so much as you when I got the first hint upon it, seemed so comparatively simple. I generally find however, that when you get hold of a complex matter at the right point, it turns out to be simple in its final solution.

Yours very truly,
Harvey A. Tenney

ENCLOSURE

Office of the Counsel and Business Manager

January Eighteen
1 -9 2 2

My dear President:

On the question whether students, receiving scholarships from the LaVerne Noyes Foundation, are entitled thereunder to take work in Correspondence-Study courses: I am sending with this an opinion of Horace K. Tenney, together with recommendations for amendments to the statutes in that connection.

- As the matter is likely to be presented at the next meeting of the Board, it seems desirable that the members of the Board have an opportunity for previous examination of the opinion and recommendations.

Very truly yours,

WH:EB
Enc.

yours,
Wm. McKim

Law Offices
Tenney, Harding & Sherman

C O P Y

Chicago
January 10th, 1922.

Mr. Wallace Heckman,
Counsel and Business Manager,
University of Chicago,
134 South LaSalle Street,
Chicago, Illinois.

My dear Sir:- IN RE LAVERNE NOYES FOUNDATION AND APPLICATION
 OF ITS FUNDS TO STUDENTS TAKING CORRESPONDENCE
 STUDY COURSES.

Since writing you before on the subject, I have examined it further and with special reference to the Statutes of the University which were not then submitted to me. From this examination I have reached a conclusion different from my first impression, and which is based upon the construction of the terms of the Deed of Gift in connection with the statutes of the University in existence for a long time prior to the creation of the Trust.

Concretely stated, the question is: Are those who take the Correspondence Study Courses conducted by the University, students within the meaning of the provisions of the Deed of Gift, whose tuition the University is to pay from the income of that fund?

Under the Statutes, the University is divided into four divisions. As the language of this Statute is of importance, I quote it in full:

"1. The University includes four Divisions: the Schools and Colleges; the University Extension; the University Libraries, Laboratories, and Museums; the University Press.

2. The Schools and Colleges include:

(a) The Divinity School, the Graduate School of Arts and Literature, the Ogden Graduate School of Science, the School of Education, the Law School, the School of Commerce and Administration, the Graduate School of Social Service Administration, already organized; the School of Medicine, partly organized.

(b) The College of Arts, the College of Literature, the College of Philosophy, the College of Science, the College of Education, and University College. Each of these colleges (with respect to its work) is divided into a Junior College and a Senior College. The former includes the first half of the curriculum, ordinarily known as the work of the Freshman and Sophomore classes, and the latter the second half, ordinarily known as the work of the Junior and Senior classes.

Mr. Wallace Heckman.
Page Two (2).
January 10th, 1922.

3. The University Extension includes the Correspondence Study Department and the Library and Reading Department. It is the function of the Division to direct work done by students who are unable to attend exercises held at the University."

It will be observed that this Statute makes a formal division and expresses a difference between the Schools and Colleges and the University Extension, assigning to each in general terms their appropriate departmental work. It thus seems clearly to indicate a distinction between those who are students in the Schools and Colleges, which includes the professional and Graduate Schools, and those who are students in the division which is called the University Extension.

The language of the Deed of Gift and the provisions in which Mr. Noyes defined the objects of his bounty, and the purpose which he sought to attain, are as follows:

"All of the above granted property and all other property acquired by purchase with the proceeds thereof or taken in substitution therefor, shall be and be held in perpetuity by the said The University of Chicago under the name and title of the Laverne Noyes Foundation.

The net income received by the University from the Laverne Noyes Foundation shall be used under the direction of the Board of Trustees for the following purposes and for no other, viz:

To pay tuition at not to exceed the ordinary rate in The University of Chicago, whether in its colleges or in its graduate or professional schools, for deserving students without regard to differences in sex, race, religion, or political party, who shall be citizens of the United States and who either

First: Shall themselves have served in the Army or Navy of the United States in the war for liberty into which our republic entered on the sixth day of April, 1917, provided that such service was terminated by an honorable discharge, or

Second: Shall be descendants by blood of anyone in service in the Army or Navy of the United States, who served in said war, or

Third: Shall be descendants by blood of anyone who served in the Army or Navy of the United States in said war, provided that such service was terminated by an honorable death or an honorable discharge.

It is declared to be the purpose of the donor in establishing this Foundation at the same time to express his gratitude to those who ventured the supreme sacrifice of life for their country and for the freedom of mankind in this war, and also by giving them honor, to aid in keeping alive through the generations to come the spirit of unselfish, patriotic devotion without which no free government can long endure or will deserve to endure.

Mr. Wallace Heckman.
Page Three (3).
January 10th, 1922.

And the Grantor hereby grants to the said The University of Chicago, and to the Trustees thereof, the right and power in aid of said purposes, to use twenty per cent (20%) of the whole of the net income of the above conveyed property for the purpose of paying salaries of members of the University Staff who are engaged in teaching American History or the public duties of citizenship, including courses offered by the Department of Political Economy, Political Science and Sociology."

The donor uses the exact words employed in the University Statutes to make the distinction between the division which includes the Schools and Colleges, and the division which includes the University Extension, and under it the Correspondence Study Department. There is no reason shown in the Deed to assume that this selection of language was accidental, or that the donor intended to use these words with a different significance, or to make a different classification from that which they make in the law governing the University. Indeed, it rather pointedly suggests a knowledge of the Statutes and an intention to conform to its provisions in designating the beneficiaries. Giving to the words the same meaning in the Deed of Gift that they have in the Statutes, it follows that those who are taking the Correspondence Study Courses, while in a general sense students, and perhaps students in the University, - because of the fact that they are getting instruction from one of its departments, - yet are not students in "its Colleges or Graduate or Professional Schools."

The donor evidently intended to provide for what is ordinarily known as college education, as distinguished from that which is obtained in primary, secondary and high schools. It is significant that he does not use the word "School" in a general sense as he does the word "Colleges", but restricts it by the expression "Graduate or Professional Schools." Whatever might be thought of the meaning of the word without this restriction, I regard this use as a limitation, and as excluding all schools which are not Graduate or Professional. A school might however, be a part of a College, and thus be included in the provision which embraces the Colleges. The Deed thus excludes from its benefits students in any school listed in Section 2 (a) of the Statute which is not a Graduate or Professional School, unless it is a School which is part of one or more of the Colleges and is thus of College rank. The School of Education is thus excluded; the School of Commerce and Administration is included or excluded, depending on whether it is a part of one or more of the Colleges, a question of fact about which I am not informed, but which I assume is readily determinable. The other Schools in the list are Graduate or Professional Schools, and thus come within the terms of the deed.

I understand from the information which you have given me that in the practical administration of the University affairs, those who take the Correspondence Study Courses are regarded not as students in the University, but as students who are qualifying themselves for

Mr. Wallace Heckman.

Page Four (4).

January 10th, 1922.

admission to the University, if they decide to apply for such admission and for credit for their work upon passing an examination after such admission. I understand also that no credit is given for work in the Correspondence Study Department unless and until the student applies for admission, becomes a resident student, and thereafter passes a satisfactory examination.

I have mentioned the fact that my first impression was that students in the Correspondence Courses might come within the benefits of this Gift, to illustrate that there is a possible uncertainty arising from some general expressions in other parts of the Statutes and in the Annual Register. I would suggest therefore, for the consideration of the Trustees the advisability of amending certain parts of the Statutes for the purpose of eliminating any uncertainty, and declaring a definite interpretation upon questions of this kind.

For the purpose of laying the matter definitely before you, and before the Trustees for their consideration, I have drafted changes in the Statutes to this end, and enclose forms of these drafts herewith, with the new wording in italics.

Upon consideration of the whole matter, I am of the opinion that those who take the correspondence study courses of the University, are not, while they are taking such courses, students in the University within the meaning of the Trust Deed and cannot be given the benefit of the fund. Of course those who apply for and are admitted as resident students thereby become students in the University within the meaning of the terms of the Deed, and may be given the benefit of its provisions, while they continue in that status.

Yours very truly,
(Signed) Horace Kent Tenney

HKT-L.
Enclosures.

Office of the President

Referred to _____

1924

Please

1. Dispose of as you think best.
2. Answer and retain in your files.
3. Answer and return with carbon of reply for our files.
4. Return with answer on President's stationery for him to sign.
5. Return
 - a) With information called for in writing.
 - b) With suggestion of answer in writing.
 - c) Comment in writing.
6. Return and arrange for personal interview.
7. Follow through—and report.
8. Initial and return (sent for information only).
9. Accept _____ Decline.
10. Send to _____ with covering letter.
11. File under _____
12. Make _____ copies.
Send to _____

13. Remarks.

My dear Mr. Waller
I have learned with great
pleasure that you are
providing for
fifty scholars in the
College by the estate of
La Verne Hogg.
Allow me on
behalf of
the U.

to express my hearty
appreciation of this
~~action~~ ~~note~~
gift to one of the im-
portant divisions of
the University

12. Remarks

Send to

13. Make

copies

11. File under

covering letter

10. Send to

with

9. Answer

Describe

8. Initial and return (sent for information only)

7. Follow through—and report

6. Return and arrange for personal interview

c) Comment in writing

b) With suggestion of answer in writing

a) With information called for in writing

5. Return

for him to sign

4. Return with answer on President's authority
our file

3. Answer and return with carbon of reply for

2. Answer and return in your file

1. Dispose of as you think best

Please

Referred to

copy

The University of Chicago

Office of the Vice-President and Business Manager

ROOM 1838, 230 S. CLARK ST.
TELEPHONE DEARBORN 9312

November Three
1 9 2 4

M 511
~~F 7~~
~~7 m 3~~

My dear Dr. Burton:

I am sending you herewith a copy of a letter which Mr. Harper has forwarded to me, from Mr. L. C. Walker, relative to additional LaVerne Noyes scholarships at Rush Medical College for the year 1924-25.

Mr. Harper informs me that the College is the recipient of fifty such scholarships for the current year at a value of \$240 each - a total of \$12,000. The committee in whose hands the recommendation for scholarships is lodged consists of Dean Irons, Dr. Hektoen, Dr. E. D. Miller and Mr. James H. Harper. Since the furnishing of these scholarships constitutes a notable gift, I think it would be very appropriate if you should express the University's appreciation to Mr. Walker. His address is 2500 Roosevelt Road. You also might wish to report the matter to the Board at its next meeting.

Very truly yours,

Trevor Arnett
Trevor Arnett

Dr. Ernest D. Burton
The University of Chicago

TA:EB
Enc

The University of Chicago

Office of the President and Academic Council

WILLIAM D. HALL
CHICAGO, ILLINOIS 60637

November 1955
1 2 3 4

My dear Mr. Boardman:

I am sending you herewith a copy of a letter which Mr. Boardman has forwarded to me from Mr. J. S. Bellamy, dated October 27, 1955. I have also enclosed a copy of a letter from Mr. Boardman dated October 27, 1955. Mr. Boardman informs me that the College is the recipient of fifty such letters which for the current year at a value of \$250 each - a total of \$12,500. The committee in whose name the recommendation for scholarship is lodged consists of Dean Brown, Dr. H. H. Brown, Dr. E. E. Miller and Mr. James E. Harper. Since the forwarding of these scholarship recommendations a considerable time, I think it would be very appropriate if you should express the University's appreciation to Mr. Boardman. His letter to the Board is also being sent. You also might wish to report the matter to the Board at its next meeting.

Very truly yours,

William D. Hall

William D. Hall

Dr. James D. Boardman
The University of Chicago

W.D.H.
Enc.

March 18, 1922.

My dear Mr. Arnett:-

Your telegram on the matter of the by-laws and statutes was duly received. As I telegraphed you, the statutes were adopted a month ago, but the action on the by-laws is still pending. In recognition of your request I moved at the Board meeting last Tuesday that the action on the statutes be reconsidered and the matter be re-referred to a suitable committee. This action was taken. I said to the Board at the time that I offered the motion in deference to a request of a Trustee, but that I sincerely hoped that any subsequent action would not materially alter the action taken.

My attention was called to the statutes of the Correspondence Work last Winter and Spring on account of some questions that arose in regard to the Noyes scholarships. The contract with Mr. Noyes provided that these scholarships should be given to those who had served in the Army or Navy, or their descendants, and that if at any time the qualified candidates are not sufficient to use the fund accruing in any one year that the remainder might be used at the discretion of the Board of Trustees for scholarships for other persons.

March 18, 1922.

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My attention was called to the statutes of the Correspondence Work last Winter and Spring on account of some questions that arose in regard to the Hoyer scholarships. The contract with Mr. Hoyer provided that these scholarships should be given to those who had served in the Army or Navy, or their descendants, and that if at any time the qualified candidates are not sufficient to use the fund accruing in any one year that the remainder might be used at the discretion of the Board of Trustees for scholarships for other persons.

The question arose as to whether these scholarships were available for correspondence work. It is perfectly obvious that if that should be the case there never would be any balance which might be used for other persons. The agreement with Mr. Noyes was based on conferences which I had with him, and it never entered my head for a moment in those conferences that the scholarships should be intended for other than resident students. All our scholarships are for resident students and gifts have been so considered as a matter of course unless there should be a specific designation for correspondence work. The Board held, and I think wisely, and under the advice of council^{AL}, that the Noyes scholarships are intended only for resident students.

In the course of this inquiry I discovered that we have been drifting in our correspondence work far from its original and immediate statutory intent. The Statute provides (Statute 3) "It is a function of the Division to direct work done by students who are unable to attend exercises held at the University". In the first Register of the University (1892-93) we find the same statute under the same number. Furthermore, on page 192 of that Register there is a more detailed statement showing definitely the purpose of the correspondence teaching to be applied to non-resident students. (Section 2)

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In the course of this inquiry I discovered that we have been drifting in our correspondence work far from its original and immediate statutory intent. The Statute provides (Statute 5) "It is a function of the Division to direct work done by students who are unable to attend exercises held at the University". In the first Register of the University (1892-93) we find the same statute under the same number. Furthermore, on page 192 of that Register there is a more detailed statement showing definitely the purpose of the correspondence teaching to be applied to non-resident students. (Section 2)

There is also the further statement in Section 1, "While in no case should it be regarded as a substitute for class room work it may well be used to supplement it at least by those who for one reason or another are prevented for a time from enjoying the privilege of class-room instruction". Now as a matter of fact, we have been drifting away from the non-resident feature of the correspondence work. I believe it will be wholly undesirable if we should continue to do so.

The University was organized first, for residence work in the Quadrangles, second, for class-room work at afternoon and evening hours for those who were unable to attend the exercises in the Quadrangles; and third, for students who were unable to avail themselves of either form of resident work. The second provision "class-room work" was intended to provide for residents of Chicago and vicinity who are able to attend classes taught at these convenient hours by University Instructors. While classes have been held in different parts of the city that work ultimately has centered in University College. The exercises of University College are held afternoon and evening hours, and on Saturday, and at a point in the city convenient of access from all parts of the city. The offering of correspondence courses to resident students either in the Quadrangles or in University College of course is a direct competition between resident

There is also the further statement in Section I, "While in no case should it be regarded as a substitute for class room work it may well be used to supplement it at least by those who for one reason or another are prevented for a time from enjoying the privilege of class-room instruction". Now as a matter of fact, we have been drifting away from the non-resident feature of the correspondence work. I believe it will be wholly undesirable if we should continue to do so. The University was organized first, for residence work in the quadrangles, second, for class-room work at afternoon and evening hours for those who were unable to attend the exercises in the quadrangles; and third, for students who were unable to avail themselves of either form of resident work. The second provision "class-room work" was intended to provide for residents of Chicago and vicinity who are able to attend classes taught at these convenient hours by University instructors. While classes have been held in different parts of the city that work ultimately has centered in University College. The exercises of University College are held afternoon and evening hours, and on Saturday, and at a point in the city convenient of access from all parts of the city. The offering of correspondence courses to resident students either in the quadrangles or in University College of course is a direct competition between resident

and non-resident work, and I believe it is a serious confusion of function.

In the year 1920-21 the total number of different students reported as taking correspondence work was 6,352. Of these, 1,043 are reported from Chicago. Of these 1,043, 219 were students who were in residence. ^{nearly} Upwards ^{others} of 800 therefore are doing correspondence work. This is simply a direct competition between the correspondence work and the class-room work of University College. As a matter of fact, all of these 800 ought to be doing the work of University College. It seems to me plainly the function of the Correspondence Study Department to expect its clientele from students who are outside of the reach of the resident work of the University, that is, outside of Chicago. Certainly we do not wish to enter into competition with certain other correspondence institutions which I need not mention.

I believe, therefore, that the statutes in question are a distinct ^{delineation} ~~delimitation~~ of function as between the different agencies of the University; that they will prevent confusion and an unfortunate status which should not exist, and I certainly trust that the Board at its next meeting may see fit to confirm the action taken in this direction last month.

Cordially yours,

Mr. Trevor Arnett,
61 Broadway, New York City.

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dition of function.

In the year 1920-21 the total number of different

students reported as taking correspondence work was 6,382.

Of these, 1,043 are reported from Chicago. Of these 1,043,

119 were students who were in residence. ^{Handwritten: 1,043} ^{Handwritten: 1,043} ^{Handwritten: 1,043}

therefore are doing correspondence work. This is simply a

direct competition between the correspondence work and the

class-room work of University College. As a matter of fact,

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and I certainly trust that the Board at its next meeting may

see fit to confirm the action taken in this direction last month.

Cordially yours,

Mr. Trevor Arnett
61 Broadway, New York City.

The University of Chicago
The Ogden Graduate School of Science

October 28, 1921.

President Judson,
Faculty Exchange.

My dear President Judson:

In view of the fact that funds from the Noyes Foundation are now more than sufficient to provide for all really meritorious applicants in residence at the University, I recommend that surplus funds be made available for students doing correspondence work, in cases where they have long service records and good scholastic credentials.

Most of those who apply for help for correspondence work are men who have been here and who have been forced to drop out for financial reasons. Some of them are men of high standing. In the past the committee has regularly favored residence students as against correspondence students, and, as a rule, I think not so many as half a dozen correspondence students have been on the list. Originally I was opposed to the plan I am now recommending. My change of attitude is due to the reasons stated in the first sentence of this letter. I can assure you that the committee as at present constituted will be scrupulously careful that the recommendation, if sanctioned, will not be abused.

Yours very truly,

R. D. Salisbury

RDS Y

CHICAGO, ILL.

CHICAGO, ILL.

CHICAGO, ILL.

CHICAGO, ILL.

CHICAGO, ILL.

CHICAGO, ILL.

Pa. 2

During the year 1920-21, 525 men received help from the Noyes Scholarship Fund. A considerable portion of these (those who were in service a long time) received full tuition, and those who were in service a shorter time received some substantial part of their tuition.

Recipients of money from this fund during the year came from 39 states. The largest number, 207, were from Illinois. Indiana, Iowa, Kansas, and Ohio, had more than 20 representatives each, and Michigan, Minnesota, Missouri, and Wisconsin, each had 10 or more. The states not represented among the holders of Noyes Scholarships are: Georgia, Louisiana, Maine, Maryland, Nevada, Washington, and West Virginia.

Among the recipients were 209 graduate students, and 316 undergraduates. Three hundred sixty-four of those receiving help were in Arts, Literature, and Science, graduate and undergraduate; 45 in Medicine, 108 in Law, 14 in Education.

During the Autumn of 1921, 299 assignments have been made, and during this quarter for the first time, a number of women have received assignments on the basis of the military service of their fathers.

R. D. Salisbury

Asst. Ch. Roy

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Recipients of money from this fund during the year came from 39 states. The largest number, 207, were from Illinois, Indiana, Iowa, Kansas, and Ohio, had more than 50 representatives each, and Michigan, Minnesota, Missouri, and Wisconsin, each had 50 or more. The states not represented among the holders of Noyes Scholarships were Georgia, Louisiana, Maine, Maryland, Nevada, Washington, and West Virginia.

Among the recipients were 209 graduate students, and 318 undergraduates. Three hundred sixty-four of those receiving help were in Arts, Literature, and Science, Graduate and Undergraduate; 66 in Medicine, 108 in Law, 14 in Education.

During the Autumn of 1921, 299 assignments have been made, and during this quarter for the first time, a number of women have received assignments on the basis of the military service of their fathers.

W. H. Noyes

Oct. 10, 1921