

# COURT OF APPEALS TO DECIDE EXTENT OF NORMAL SCHOOL BODY'S AUTHORITY

## Hitch In Law May Cause Delay In Establishing of Institution

The Kentucky Court of Appeals may be called on to determine how far the authority and jurisdiction of the state normal school commission extend, it was learned today by The Independent, following an interview with W. S. Wallen of Prestonsburg, secretary of the commission that recently visited Ashland and other Eastern Kentucky cities.

Mr. Wallen, who is on his way back from the meeting of the commission at Lexington on Friday to his home in Floyd, left on the afternoon train for Big Sandy. He spent last night in Ashland.

"There has been a great deal of speculation," said Mr. Wallen, "as to what the act creating this commission meant when it authorized us to 'establish' the schools, one in Eastern and one in Western Kentucky. Does it mean merely the selection of the site or does it mean that this commission shall go further than that and erect the necessary buildings, name a dean and a regent, employ the faculty members, advertise the school as ready and put it into actual operation?"

### The New Dilemma

"No provision is made in the law for any further organization such as would be necessary if this commission is merely to select a site. The legislature left uncovered any more details. Unless this commission was intended to perform this service, what agency shall perform it? Unless this point is cleared up and the commission is either empowered by the court of appeals to act further than the mere selecting of the sites, nothing further may be done toward the establishment of the schools until after the 1924 session of the legislature, whose members will then be asked to provide the machinery for putting the schools into running."

Mr. Wallen expressed the opinion that Judge E. C. O'Rear, chairman of the commission, would not call another balloting session of the commission until after the court of appeals had ruled on the matter. The court does not sit again until September 18.

Mr. Wallen declared that no applicant city had yet been eliminated in the voting. He said that no town receives more than four votes. Five are necessary to a selection. The voting was oral and open among the commissioners, but it was decided that no public statement would be made as to how the towns stood in the course of the voting.

### Lexington Meeting

"I merely called the roll of the commissioners in alphabetical order," said Mr. Wallen. "They answered by naming their choice. Before each ballot there was a discussion, each member setting forth his reasons why he was voting for such and such a town."

Mr. Wallen said the Lexington meeting was called rather suddenly by Judge O'Rear after the site at Morehead had been inspected. Several members, he said, insisted on an immediate selection and it was decided to hold the executive session in Lexington.

The commission's Eastern Kentucky tour ended at Morehead last Thursday. The members inspected sites at Paintsville, Louisa, Ashland-Catlettsburg, West Liberty and Morehead.

West Liberty is the old home of Judge O'Rear.