

YOUNGSTOWN STATE UNIVERSITY

ORAL HISTORY PROGRAM

Youngstown YMCA Project

Transfer of Property to YSU

O. H. 442

HUGH MANCHESTER

Interviewed

by

Jeffery Collier

on

November 3, 1975

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INTERVIEWEE: HUGH MANCHESTER  
INTERVIEWER: Jeffery Collier  
SUBJECT: 1920's through the transfer of the property in  
1966-1967  
DATE: November 3, 1975

C: This is an interview with Attorney Hugh Manchester. The date is November 3, 1975. We are in his office in the Union Bank Building in Youngstown, Ohio. The time is approximately 1:30 p.m.

Mr. Manchester was very active and involved in the transition of the YMCA properties to the Youngstown State University. He is going to comment on a few of those things, and I would like to ask him a couple of other questions in conjunction with the university. If you would, Mr. Manchester.

M: My first connection with the educational institution was through becoming a trustee of the YMCA. My uncle, Leroy A. Manchester, who had died in June of 1930, had been president of the YMCA for approximately eight years prior to his death. At that time, Leonard Skeggs was executive secretary of the YMCA. Following my uncle's death, I was put on the board of the YMCA, it was in my second year of practice as a lawyer. Some years prior to that time, the YMCA had been conducting what was known in its constitution and code of regulations as an educational division. That had gone on for some years and had varied from time to time in nature and extent. Sometime in the 1920's, someone had started using the name of Youngstown College for that YMCA educational work. Whether or not it was technically Youngstown College, I doubt. About 1930 or 1931, a man by the name of Homer Nearpass who had been heading up the educational work for the YMCA, left that work. Howard Jones was chosen to take it on and there was talk at that time as to the name under which that work would be carried on. Some people had referred to it as the Youngstown Institute of Technology; some called it the Youngstown College. Prior to that time, in 1929, the

YMCA had started a campaign to raise one million dollars in Youngstown for six or seven local YMCA purposes. One of these purposes was to build a branch for the colored members of the YMCA. Another was to remodel the Central Branch of the YMCA on Champion Street, and another of which was to build a building in which to house the educational work of the YMCA. Sometime in 1929, at the dinner which was to start the public campaign for subscriptions to that fund, they were able to announce that the fund had already been oversubscribed, and that there would be no work for the solicitors to do. The pledges to that fund had been made payable over a three year period. Before that three years was up, the stock market crashed and the big Depression had begun. It became almost impossible for a lot of individuals to pay their pledges. Most of the million dollars had been pledged by corporations and wealthy donors. While there were some difficulties in meeting the pledges, for the most part they were paid.

It turned out that Leonard Skeggs died, and for some period following his death, there was no president or executive secretary of the YMCA. Paul Davies, an assistant to Mr. Skeggs, carried on; he was an assistant secretary at that time and was later made executive secretary. Judge James E. Bennett, who was appointed as a trustee of the YMCA in 1932 and was elected as its president, was a member of our law firm here. Franklin B. Powers, another member of our law firm, was also a trustee of the YMCA. William E. Bliss was a vice-president of the YMCA.

The building costs were low during the Depression. They thought it advisable to go ahead with construction in order to take advantage of the low building costs so far as they could. They had already acquired title to the John D. Wick property at the corner of Lincoln and Wick Avenues. That was where the YMCA constructed, what is now known as Jones Hall. It was constructed using payments made on account of pledges made in the 1929 campaign. In the meantime, Howard Jones had been employed by the YMCA to head its educational work. It was then a small school of about 500 students, but it grew rapidly under Jones' leadership.

C: Mostly in the technical trades, I might add.

M: Probably in the technical trade. There was talk from time to time about incorporating. Finally, by 1937, the YMCA caused Youngstown College to be incorporated as a nonprofit Ohio corporation. In the setup at that time, there was a board of governors established to determine policy for the Y's educational work. The board of governors had been established in 1932. That was done to enable some non-Christian persons to participate in the management of the

educational enterprise. They succeeded in getting a Catholic layman, a Catholic priest, and some Jewish laymen on that board of governors. They became very active in promoting the educational work of the Y. The treasurer of the YMCA collected the tuitions that were charged, and the teachers and professors were paid from the YMCA funds. That continued, as I recall, until 1944. In 1937, the educational activities were incorporated as a separate corporation, but the members of the non-profit organization and the trustees were the same individuals who, under the code of regulations, were chosen by the trustees of the YMCA. So the YMCA retained actual control. In the meantime, under Howard Jones' leadership, leadership was growing, and the college was getting bigger. The time came later on when it was said that the seats never got cool because there were students in them from early morning until late evening. Everyplace in the school was occupied, and it paid its own way. Meantime, the institution was trying to improve its reputation as an educational institution, but the accrediting agencies frowned upon YMCA control. Finally, I think it was in 1944, we had to amend the constitution and code of regulations of both the university and the YMCA. We commenced a court action to secure approval by the court, and with the cooperation of the Attorney General of Ohio, secured court permission for the YMCA to convey title to the real estate involved to the corporation called Youngstown College. The code of regulations of Youngstown College still continues to provide that the majority of its trustees must be either trustees of the local YMCA or YMCA connected. There were some changes in size of the board of trustees, which caused difficulties from time to time. Judge Bennett, Franklin Powers and I were members of the same law firm and much of the legal work fell on me. It was not until about 1958 that the code of regulations was amended to eliminate the requirement that the majority of college trustees must be YMCA connected.

C: Has it remained that the majority of the people on the board were YMCA affiliated people?

M: I think, yes. That's because they were interested as good citizens. There were also others on the board. In about 1950, the size of the board was cut down. I think it was then that I ceased to be a trustee of the college, although after 1943, I had been secretary of the college board and had maintained its minutes. Nathan Fulsom had been secretary of the college in 1937 up until I was elected, I think, in about 1930. In 1956, as I recall, the corporate name was changed from "Youngstown College" to "Youngstown University."

In January 1966, Howard Jones announced his intention to resign as president, when a new president could be found. In the meantime, James Rhodes had been elected Governor of Ohio. He was interested in higher education and caused some legislation to be enacted which would permit use of state funds to assist private institutions of higher education. The state was ready to invest about \$500,000 into the construction of a building on the campus of Youngstown College. It was the first engineering building there on Lincoln Avenue. I recall working out the agreement, the deed to the state and the lease back to the old university, because it was actually the state of Ohio that constructed and paid for the building. It was during the ground breaking ceremonies for that building, in May 1966, when Governor Rhodes was present and made the public invitation to have the Youngstown University join the state system of state colleges. The board then soon employed Howard Burns of the Baker-Hostetler firm for guidance because that firm had taken part in the transition of a Cleveland YMCA College into Cleveland State University. During 1966 and 1967, I worked quite closely with Howard Burns and Alan Rorick of the Cleveland firm developing facts and drafting contracts, and all of the things that were involved in the transition. It wasn't until August 15, 1967, that legislation which created Youngstown State University became effective as law. By that time, we had proceedings for the transition pretty well planned and underway. In December of 1967, such proceedings were completed.

C: At that point, was it ratified and Youngstown became a state university?

M: August 15, 1967.

C: You mentioned that in 1957 Youngstown State University had changed its name from Youngstown College to Youngstown University. Do you feel, at that time, there was starting to be a lessening more and more each year of the YMCA involvement or had it occurred much before that?

M: That started back in the 1930's.

C: One of the things that Dr. Jones told me a couple of weeks ago, when I sat and talked to him, was that he felt that Youngstown College had grown to such a degree that it could not . . . in essence the YMCA was sort of stifling it because . . .

M: I think that is probably true. They needed much more money in the course of a year, and it was a much bigger operation than our YMCA. YMCA had started it and launched it.

- C: Are ties still close between the university and the YMCA?
- M: Yes. They are not as close as they were when the YMCA was calling all of the shots, but then the YMCA board had the responsibility. It no longer has that responsibility because it is now a state institution.
- C: I might add that, even to this day, there are numerous people who serve on the YMCA board that are members of the Youngstown State University Board.
- M: I think that is probably true. I would have to study the minutes of both the Foundation and YSU and compare them.
- C: A couple of questions on the history. The land and properties that were, I would assume, owned by the YMCA for use by the university, in 1967, were they just transferred over to the university?
- M: Titles to real estate transferred to the State of Ohio.
- C: All of the buildings and all properties?
- M: All real estate was transferred to the State of Ohio. As part of the legislation which had created Youngstown State University it was provided that the employment and control of the president and all teachers was to be by a board of nine trustees appointed by the Governor of Ohio. The second section, House Bill 134, authorized the Ohio Board of Regents to make a contract with Youngstown University (the old private corporation) for the transition of the old college into the new state university. By that time, Dr. Pugsly was here and Howard Jones had resigned. The meetings were held between the head of the Ohio Board of Regents and various representatives of the local college to work out the details in a lengthy agreement which was called the "Agreement and Plan of Transition." This agreement was signed in triplicate as of August 15, 1967, between the Ohio Board of Regents and Youngstown University. It was approved by William Saxby who was the Attorney General of Ohio, and also by the city of Youngstown, by its board of control. That agreement provided that it would not become effective until it had been approved by a final decree of the Common Pleas Court of Mahoning County.
- C: When did that take place?
- M: The hearing was held in November of 1967. It wasn't final until sometime in December of 1967. As soon as that became final, the transition took place, but it took place as of August 15th; there were a lot of supplemental documents but that was the key to it; it was a very complicated thing from a legal point of view. I will hit the high spots of that agreement.

Youngstown (that's the old private university) will transfer on the effective date to the State of Ohio the premises described in exhibit A. The premises now include the total area of approximately 43.8 acres of land, presently owned by Youngstown or under lease by them, located near the city of Youngstown comprising its principal campus . . . Also 118 40/100th acres of land in Hartford Township in Trumbull County and a 17.6 acre track in Liberty Township, used as a football practice field, and a residence property subject to two outstanding life estates located at 1624 5th Avenue, Youngstown. It is further agreed that under urban renewal plans heretofore approved and presently being developed by the city of Youngstown the principal campus will, in the future, include an additional area of about sixteen acres known as phase two of the Youngstown Urban Renewal Project, as to which the trustees of Youngstown have already authorized contracts of purchase and development by Youngstown. Also, an additional area of approximately eighteen acres known as phase three of the Youngstown Urban Renewal Project is contemplated and agreed that the lands included in phases two and three will be paid for by Youngstown or by funds procured by Youngstown. The title thereto, as soon as available, will be transferred to the State of Ohio, either by deed of Youngstown or directly by deed of the city of Youngstown; but subject however to the obligations to develop and use the lands for educational purposes as provided by the terms and provisions of the urban renewal project.

The Second B part . . .

They were to transfer to the trustees of YSU, all furniture, fixtures, equipment owned by Youngstown which is situated in the buildings referred to in that previous part in an "as is" condition. Transfer to the trustees of YSU all official school and departmental records and files maintained by the departments and to the trustees of YSU Youngstown's assignable leases: One dated 1969, October 9, to the trustees of Rayen School, which covers the Rayen Building; the other is dated January 16, 1966, was the Ohio Board of Regents which covered the engineering building.

Youngstown College was to transfer to YSU all of Youngstown's assignable rights under various lease of equipment: computers, typewriters, and other equipment. There were various agreements for utility,

maintenance, and other services furnished by third parties. And to the trustees of YSU, all scholarship funds, loan funds, grants, auxiliary enterprise accounts and funds not otherwise committed which may legally be transferred to the trustees of YSU and special funds then owned and set apart on Youngstown's records for special council, athletic funds, Jambar funds, and some others. Youngstown is to satisfy its own liabilities in real estate and personal properties were quality assests to be transferred.

The second part of it provides that Youngstown would execute and deliver a form of quit-claim deeds, deeds needed to convey title to the State of Ohio that all personal property was to remain on the premises and would be delivered to appropriate instruments as evidence transfer of title to the trustees. The regents agreed that after the effective date and all personnel employed by Youngstown shall become employees of YSU, with continuation rights and tenure equivalent to those engaged at Youngstown.

To spell out some of the details:

Until the effective date, the trustees of Youngstown and representatives of Youngstown are to consult with the trustees of YSU and their representatives with the respect to the operation of carrying out of the agreement. Soon after the execution of the agreement, the trustees of Youngstown will cause an appropriate legal proceeding to be tried in the court of Common Pleas in Mahoning County to obtain the approval of the court or such appellate court or courts as may be necessary to effect the final judgment, as to the validity and legality of this agreement with respects to the lands that Youngstown acquired from the YMCA by a deed dated February 8, - 1944. The transfer to the state pursuant this agreemnt and the use of such lands the operation of Youngstown will not be a breach of any conditions made or implied in the provisions contained in that deed, and will not cause titles in such lands to revert to the YMCA.

That was one hurdle that we had because there was a provision in that old deed that any transfer of ownership would cause title to revert to the YMCA.

C: So the YMCA had to become involved at that point?

M: Yes.



- C: Would it be possible for either myself or someone else to come down and go through some of this, the relations between the YMCA and Youngstown University? I would appreciate being able to do that at some time because there are probably some things in there that I could pick up.
- M: This was really prepared in connection with preparation with this litigation for approval so that we would have everything available. The court might be interested because there were legal problems connected with that. The YMCA had received many gifts through community chest and other gifts for this and that purpose, and here it was giving away substantial property. The trustees of the YMCA didn't want to be in the position of having anyone claim that they were committing a breach of their fiduciary duties as trustees of the YMCA. Those things can get difficult from a legal point of view.
- C: I can certainly understand that. Thank you.

END OF INTERVIEW