

7-27-1923

# University of New Mexico Board of Regents Minutes for July 27, 1923

University of New Mexico Board of Regents

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MEETING OF THE EXECUTIVE COMMITTEE OF THE BOARD OF REGENTS OF THE  
STATE UNIVERSITY OF NEW MEXICO

Friday, July 27, 1923

HELD AT THE OFFICE OF PRESIDENT DAVID S. HILL AT THE UNIVERSITY

PRESENT

MESSRS. A.A.SEDILLO, CHAS. LEMBKE, J.A.REIDY, AND DAVID S. HILL.

1. Cash  
Balances

Memorandum from Miss Parsons was as follows:

|                          |                 |
|--------------------------|-----------------|
| All salary & labor paid. |                 |
| Ref.:                    | 93-35           |
| Date                     | July 25-1923-AM |
| Cash Balances            |                 |
| Gen. Mtc. Fd.            | 17,056.81       |
| Halls--D.H. & R.H.       | 2,267.75        |
| Emergency                | 817.47          |
|                          | <hr/>           |
|                          | 20,142.03       |
|                          |                 |
| P.S.B. Fd.               | 1,059.19        |
| S.S.R. Fd.               | 55.12           |
| Breece Fd.               | 630.38          |
| Bldg. Fd.                | 10,250.00       |
| Bonds                    | 750.00          |
| Trusts                   | 118.07          |

2. Bids for  
Coal

President Hill reported that Mr. Bowman had sent requests for coal bids to the following firms:

|                         |                          |
|-------------------------|--------------------------|
| Hahn Coal Co.           | Diamond Coal Co.         |
| Aztec Fuel Co           | Gibson-Faw Lumber Co.    |
| Coal Supply & Lmbr. Co. | Gallup American Coal Co. |
| Hagen Coal Mines Co.    | Liberty Coal Yard        |
| New State Coal Co.      |                          |

The following two bids only were received:

July 23, 1923.

University of New Mexico,  
Albuquerque, New Mexico.

Attention-  
Walter E. Bowman,  
Executive Assistant.

Dear Sir:

We have yours of July 14th asking for bids for supplying coal and coke for the State University for the

coming season.

We shall be glad to furnish you the following coals--which are the coals on which you have asked prices -- at prices as outlined, in sufficient quantities to keep the bins well filled as fuel is used during the season:

|                                        |       |         |
|----------------------------------------|-------|---------|
| CERRILLOS BITUMINOUS FANCY LUMP COAL   | 10.50 | per ton |
| CERRILLOS BITUMINOUS FANCY EGG COAL    | 10.00 | do      |
| CERRILLOS BITUMINOUS FANCY NUT COAL    | 8.50  | do      |
| CERRILLOS BITUMINOUS MINE RUN COAL     | 8.25  | do      |
| CERRILLOS ENGINE COAL                  | 7.25  | do      |
| CERRILLOS BITUMINOUS COARSE SLACK COAL | 6.50  | do      |
| GAS HOUSE COKE.....                    | 7.50  | do      |

These prices are for the coal and coke delivered in the bins at the University. These prices are also based on present freight rates. Any reduction in freight rates during the term of this contract to be reflected by reduction in like amount in the prices named herein.

We note bids are to be given consideration on basis of quality, price and service. Cerrillos coals, as previously furnished you, have successfully met your most exacting fuel requirements.

Your request does not specifically call for bids on slack coal. However, you will note that we have included a quotation on our Cerrillos Bituminous coarse slack.

CERRILLOS COAL IS OF THE VERY HIGHEST QUALITY of any coal sold in this market. The quality, service, and unfailing supply which has been enjoyed by the University in the past while we have been furnishing them the coal cannot be equalled from any other source.

Very truly yours,

HAHN COAL COMPANY  
BY H. F. BRUGGEMANN  
Asst. Mgr.

HFB:F

July 24, 1923.

Mr. Walter E. Bowman,  
Executive Assistant, State University,  
Albuquerque, N. M.

Dear Sir:

As per your request we are pleased to submit the following bid on coal requirements as estimated at 350 tons and coke at 150 tons:

| Gallup Coal              |  |        |
|--------------------------|--|--------|
| Mine run                 |  | \$8.54 |
| Engine 4" x 1"           |  | 9.04   |
| Nut 2" x 1"              |  | 8.88   |
| Crushed Nut (Slack Size) |  | 7.23   |

#### Canon City Coal

|               |       |
|---------------|-------|
| Chandler Nut  | 11.12 |
| Chandler Lump | 11.62 |

#### Dawson Coal & Coke

|                                                                |       |
|----------------------------------------------------------------|-------|
| Mine Run                                                       | 9.38  |
| Engine Lump                                                    | 9.88  |
| Fancy Nut Rescreened. Through 3" & over 2"                     | 10.63 |
| Domestic Nut " Over 4" Perforations                            | 10.88 |
| Baseburner Coke (Through 1 $\frac{1}{4}$ and over 5/16 screen) | 11.75 |
| Smelter Coke (Over 1 $\frac{1}{4}$ screen)                     | 14.75 |

These prices are f.o.b. your bins at the University and deliveries made on a basis of these prices are subject to any advance or decrease in freight rates, (exact amount of advance or decrease) to the failure of the railroad to supply equipment for loading, to strikes, to labor shortage and agitation or disturbances, to mine accidents, and to all other causes beyond our control.

Yours very truly,

COAL SUPPLY AND LUMBER CO., Inc.,  
BY-

J. CLYDE RICE.  
Secy. & Treas.

Upon motion of Dr. Reidy, seconded by Mr. Sedillo, it was decided that the lower bids, namely, from the Hahn Coal Co., should be accepted as follows:

|              |        |
|--------------|--------|
| ENGINE COAL  | \$7.25 |
| COARSE SLACK | 6.50   |
| COKE         | 7.50   |

### 3. Water Rates.

A letter from Mr. Calkins, City Manager, addressed to President Hill, was read and ordered filed. It is as follows:

July 12, 1923.

David S. Hill,  
Pres. University of N. M.  
City

Dear Sir:

In answer to yours of July 10th, regarding the rates to various institutions in and outside the city, I desire to give you the following; Methodist Sanatorium, minimum rate \$2.00 for the first 6,000 gallons, above that amount .30¢ per thousand gallons. Presbyterian Sanatorium, minimum rate \$1.70 for the first 6,000, above that amount .15¢ per thousand gallons. St. Joseph Sanatorium same as Presbyterian. We are furnishing water at wholesale rate to the Stamm Addition at  $.19\frac{1}{2}$ ¢ per thousand gallons and to the Thaxton Addition at .20¢ per thousand gallons, also University Heights Addition at .21¢ per thousand gallons, and these men in turn retail at approximately "outside the city" rates.

I wish here to correct a statement I made to you, regarding the University paying .21¢ per thousand feet, as the City Commission has never allowed this, and I was under the impression, that you would get the same rate as the University Heights Addition, but it seems that such has not been the case and some action must be taken in order to give you that rate. You are at present paying the same as any citizen outside the city, namely: minimum of \$2.00 for the first 6,000 and .30¢ a thousand for each additional amount.

I shall be pleased to take the matter of better rates to the University, up with the City Commission and would suggest, at your convenience, you call and discuss this matter with me.

Very truly yours,

B. H. CALKINS

City Manager.

BHC:ES

#### 4. Summary of Labor Costs.

A memorandum showing cost of labor for maintenance on Campus during consecutive years and from December to June 30, inclusive, was presented by President Hill and ordered filed. It was as follows:

|            |            |            |            |            |
|------------|------------|------------|------------|------------|
| 1923       | 1922       | 1921       | 1920       | 1919       |
| \$6,783.00 | \$6,723.00 | \$6,839.00 | \$6,407.00 | \$7,476.00 |

President Hill stated that he had caused Mr. Frank to lay off one laborer (Mr. Faust) since June 30, and that this would reduce the payroll some ninety to a hundred dollars per month.

5. Status of Heating Plant.

Mr. Williamson, supervising architect and engineer, was present by request and stated that the physical construction of the heating plant was progressing rapidly. However, the opinion was generally felt that we might yet have some difficulties in dealing with the Southwest Equipment Company.

6. Petition For New Fraternity and New Sorority.

(a) Omega Rho. A petition addressed to the President and the Board of Regents for the establishment of a local fraternity to be called Omega Rho, and endorsed by the Chairman of the Committee on Student Affairs, Dr. John D. Clark, was presented by President Hill with his recommendation for its acceptance. The petition was signed by the following students, two of whom are alumni:

Actives:

|                    |                  |
|--------------------|------------------|
| Menefee Long       | G. T. Cunningham |
| Howard Hext        | Harry L. Thomson |
| James A. Civerolo  | John Y. Gilmore  |
| Irvin S. Danielson | Robert W. Davis  |
| Marion Stinnett    | Frank Georges    |

Pledges:

|              |                  |
|--------------|------------------|
| Philip Osuna | C. O. Brown, Jr. |
|--------------|------------------|

The purpose of the proposed fraternity was, the petition stated, for the promotion of better scholarship, to promote greater social welfare, and to co-operate with the University officials in every way. It is specifically proposed to arouse more interest in producing good plays and to stimulate oratory and debating.

Upon motion of Mr. Sedillo, seconded by Mr. Lembke, the petition was unanimously approved.

(b) Lambda Mu. A similar petition, signed by Miss Thelma Montroue Farley, acting secretary, and by the

following students and alumnae was presented, bearing the endorsement of Dr. John D. Clark, Chairman of the Student Affairs Committee. The names of the petitioners were as follows:

|                        |      |                        |      |
|------------------------|------|------------------------|------|
| Feather, Shirley       | B.A. | Pollock, Ethel Jeanie, | B.A. |
| Sherwood, Leona        | B.S. | Wright, Mary Leonor    | B.J. |
| Goodart, Grace         | '24  | Masten, Julia          | '24  |
| Farley, Thelma Montrue | '25  | Frazer, Helen Stuart   | '26  |
| Holsheiser, Frances    | '26  | Sedillo, Mela C.       | '26  |
| Shahan, Katheryne      | '26  |                        |      |

The purposes of the proposed fraternity or sorority were stated briefly as follows:

- First. To promote a general and wholesome spirit of simplicity, democracy and friendship among the students of the University of New Mexico.
- Second. To preserve and encourage earnestness of purpose, integrity of scholarship, conduct and ideals, and loyalty in word, thought, and deed to our school, state and country.
- Third. To support by sincere loyalty and conscientious effort the regularly recognized organizations and activities of our Campus, such as the Literary Society, the Dramatic Club, and the Chorus as well as athletics and the strictly social organizations.
- Fourth. To uphold the honor and integrity of this institution by adhering to the established precedents and by obeying the rules and regulations of the University in the spirit as well as the letter of the law.
- Fifth. To prepare ourselves for the duties and responsibilities of citizenship by assuming in a worthy manner the duties and responsibilities of students.

Upon motion of Mr. Sedillo, seconded by Mr. Lembke, the petition for the new sorority was unanimously approved.

7. Seal  
Approved.

It was explained by President Hill that considerable confusion has occurred during past years in connection with the University Seal, two or three forms having been used. He explained that, after a conference with his colleagues the oldest, and possibly the most beautiful, of the designs had been selected and made into a die, the

imprint of which is stamped upon this page, and also had been ingraved as shown by the attached paper.

Upon motion of Mr. Sedillo, seconded by Mr. Lembke, the following resolution was unanimously adopted:

BE IT RESOLVED that the following be adopted as the Official Seal of the Board of Regents for the State University of New Mexico, to wit: as stamped herewith.

And be it further resolved that any and all seals that may have been adopted prior to this time as the Official Seal shall be

revoked.

2. President's  
Vacation

Some discussion was had concerning a needed vacation upon the part of the President, who has served continuously since 1919 except for two absences, one of four days and the other of one week. The Committee agreed, informally, that he should take a vacation.

Date July 27

Signed J. A. Reidy (copy)  
Secretary-Treasurer.

TF



MEETING OF THE EXECUTIVE COMMITTEE OF THE BOARD OF REGENTSOFFICE OF PRESIDENT HILLPRESENTMESSRS. SEDILLO, REIDY, LEMBKE, HILL, AND ATTORNEY GEORGE S. DOWNER

It was reported by President Hill that he had conferred over the telephone with Attorney-General Helmick concerning the attempted assignment of the contract by the Southwest Equipment Company and Barney Hughes.

The following letter from Barney Hughes was called to the attention of the Committee:

July 27th  
1923

Mr. David S. Hill, Supt.,  
University of New Mexico,  
Albuquerque, New Mexico.

Dear Sir:

This is to advise you that we have assigned our contract with you to the Border National Bank, El Paso Texas.

We understand that Mr. Williamson of Trost & Trost will approve an estimate for approximately \$2,662.77, to be paid by you on August 1st.

We respectfully request that when the check for this estimate is ready to be delivered, that you send the same to the Border National Bank, El Paso, Texas, to be deposited to our credit.

Thanking you, we are

Very truly yours,

SOUTHWEST EQUIPMENT COMPANY.

BY B. HUGHES  
Manager.

BH/AB

President Hill reported that upon receipt of this letter he had secured the presence of Mr. Armstrong, the Assistant Attorney General, and upon his advice had sent promptly, by registered mail, the following letter to the American Surety Company of New York, and also to the persons or firms concerned as indicated below:

July 28, 1923.

The American Surety Company of New York,  
New York City, New York.  
Attention of Resident Vice President,  
Mr. Frank W. Graham,  
Albuquerque, N. M.

Gentlemen:

I am enclosing herewith a copy of a letter from the Southwest Equipment Company, by B. Hughes, Manager, which states that the Southwest Equipment Company has assigned the contract with the University of New Mexico to the Border National Bank of El Paso, Texas.

We are writing this letter to advise you of the action of the Southwest Equipment Company and B. Hughes in this matter and also to call your attention to Paragraph J. of the contract of the Southwest Equipment Company and B. Hughes with the University of New Mexico under date of June 13, 1923, and for which the American Surety Company of New York has furnished indemnity bond protecting us.

The University has not given authorization for any assignment of the contract with the Southwest Equipment Company.

I am,

Very truly yours,

DAVID S. HILL

President.

DSH:TF

Copies to:

|                                                                                                                                                                                        |                                                                                                                                                                                                                                |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Mr. Frank Graham,<br>Resident Vice President,<br>American Surety Company of New York,<br>Mr. George C. Klock,<br>Resident Assistant Secretary,<br>American Surety Company of New York. | Mr. Barney Hughes,<br>Southwest Equipment Co.,<br>El Paso Texas.<br>The Border National Bank,<br>El Paso Texas.<br>Hill, Trost & Trost, Architects,<br>(Attention of Mr. Williamson)<br>Armijo Building,<br>Albuquerque, N. M. |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

Attention was called particularly to the fact that Paragraph J of the contract between the University and the Southwest Equipment Company

provides that there shall be no assignment of contract by the Southwest Equipment Company except by special and written permission from the University.

President Hill further reported that Mr. Albert Simms, President of the Citizens National Bank of Albuquerque had stated to him during the day that his bank might issue an attachment against materials laid by the Southwest Equipment Company at the State University unless the Citizens National Bank could secure at an early date a satisfactory settlement of some sixteen hundred dollars owed by Barney Hughes upon his note to the Citizens National Bank.

The following letter was received by President Hill from the Border National Bank on Monday, July 30, 1923:

July 29th, 1923

Dr. David S. Hill, President,  
UNIVERSITY OF NEW MEXICO,  
Albuquerque, New Mexico.

Dear Sir:--

The Southwest Equipment Company has assigned monies due them under a certain contract between the Board of Regents of the University of New Mexico and their concern. This particularly applies to an estimate which they should received about August first, which approximates \$2,662.77.

Kindly advise us that you will recognize this and that your office will forward the check to us when it is ready for delivery.

Yours very truly,

J. HARRY HENDERSON

Cashier.

JHH/VG

While the Committee was in session the following letter from the Citizens National Bank was received and also the following telegram from the Border National Bank:

July 30, 1923.

The University of New Mexico  
Albuquerque, N. M.

Att. Dr. Hill, President

Gentlemen:

In regard to the funds which may be due from the University to the Southwest Equipment Co. of El Paso, Texas, for installing boilers, we desire to lay before you for your information the following state of facts:

On June 19th, 1923, the Southwest Equipment Co. made arrangements with this bank to finance them in the matter of their boiler installation, and on June 21st, 1923, in accordance with the verbal agreement previously made, the Southwest Equipment Co. sent to you a letter requesting that all money paid to them on the contract be deposited in the Citizens National Bank, of Albuquerque, to their credit.

We are now surprised to know that the Southwest Equipment Co. has attempted to deprive us of the benefit of our security by diverting the funds to the Border National Bank, of El Paso, Texas.

In view of the fact that you have received the letter of June 21st signed by the Southwest Equipment Co. covering all money which might flow from this contract, and in further view of the fact that our interest in the matter is one that is a property right, we respectfully ask that you decline to recognize any subsequent assignment or order diverting this money to the Border National Bank, and that you notify the Southwest Equipment Company that you will not recognize the subsequent assignment, unless you are released by this bank from the former one. We hope you will do us the courtesy to insist that the Southwest Equipment Co. shall not ask you to take any part in repudiating the assignment already made for our benefit.

We would appreciate a prompt reply and if you are in doubt as to your legal rights or reliabilities and desire the opinion of the Attorney General's Office, we shall on notice from you, gladly submit a copy of this letter to the Attorney General, to the end that you may be entirely safe in your handling of the matter.

With kindest regards, we are

Yours faithfully

A. G. SIMMS

Citizens National Bank  
President.

7/30/23

David S. Hill,  
President University of New Mexico,  
Albuquerque, New Mexico.

Your letter twentyeighth. Stop. The Southwest Equipment Company have not assigned to us their contract with you. Stop. What they intended advising had been done was an assignment of the next estimate due amounting to twenty-six hundred odd. Stop. Advise us if you will forward us this check at proper time.

Border National Bank.

It was reported by President Hill that the Attorney General, over the telephone from Santa Fe, had suggested the employment of Mr. George S. Downer as special attorney for the Board of Regents until the arrival of himself, General Helmick, on or about Thursday, August 2, 1923.

After careful discussion of all phases of the matter and upon the advice of Mr. Downer, the following telegram was sent to the American Surety Company of New York:

July 30th, 1923.

American Surety Company of New York,  
New York City, N. Y.

As surety on bond of Southwest Equipment Company for erection of boilers for University of New Mexico you are notified that Company has attempted assignment of contract to foreign bank and local bank threatens attachment of work for debt of sixteen hundred dollars evidencing probable financial difficulty. Stop. Next estimate will be payable in a few days.

Signed: State University of New Mexico.

With regard to an answer to the telegram from the Border National Bank, President Hill was instructed to send a message to the Border National Bank in accordance with the following resolution, unanimously adopted upon motion of Mr. Sedillo, seconded by Dr. Reidy:

RESOLVED:

That the Board of Regents will not consent to the assignment of the contract of Barney Hughes and the Southwest Equipment Company as stated in his letter of July 27, 1923, and that the American Surety Company of New York will be notified and payment of estimates will be withheld a reasonable time pending advice of Surety Company.

In conclusion of the meeting it was unanimously agreed that these three matters should be recorded in the minutes as meeting the approval of the Executive Committee, namely:

1. The correspondence shown above.
2. That Mr. Downer had been employed with the consent and upon

the suggestion of the Attorney General.

3. That the action of President Hill concerning the Southwest Equipment Company be approved.

Date July 30, 1923

Signed J. A. Reidy (copy)  
Secretary-Treasurer

TF