



GUAJALOTES, ZOPILOTES, Y PAISANOS

Newsletter of the Hillsboro Historical Society

**May, 2012
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Editor: Harley Shaw**

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ACTIVITIES

With this newsletter, our format will change somewhat. Rather than present minutes of individual meetings, we will summarize the activities of the Hillsboro Historical Society (HHS) during the preceding quarter. This newsletter covers the March, April, and May 1912 meetings.

Membership

The biggest change in HHS during the past quarter has been our move to a membership organization. Jamie Lee assumed responsibility for developing a membership form and initiated membership sales at the Kingston Centennial Festival over the weekend of April 28-29. He sold 13 memberships and also received a gift donation of \$75, yielding a total income of \$400. Memberships are \$25 for an individual or a family; \$50 for sponsoring business. The business membership will give the business business-card sized ad in this newsletter. Members will be given the choice of receiving this newsletter online or by mail. They will also receive copies, emailed or mailed, of the monthly meeting minutes and notices of events. A membership form is provided on the back page of this newsletter.

Larry has continued to work on changes in bylaws to reflect our new membership status.

Fire Truck

Our second fire truck arrived by commercial hauler and is now stored with the original Hillsboro fire truck at Larry's shop. Larry, Bill Harrison, and Dave Manzara were able to start the recently-purchased truck. Between the two trucks, we will now be able to assemble a working replica of the original Hillsboro Fire Truck. This approach will be considerably cheaper than trying to rebuild the engine on the old

truck. Bill and Dave deserve our deepest gratitude for locating the second fire truck in Mesa, maintaining communication with the past owner until we could move it, and ultimately contacting a commercial hauler and engineering its transportation.

Events

Barbara Lovell is to be commended for her work on the Kingston Centennial Festival. The purpose of this event, in addition to celebrating New Mexico's Centennial, was to raise funds to restore the Kingston schoolhouse, which is the traditional meeting place of the Kingston Spit and Whittle Club. Barbara and her husband, Ray, have already cleaned and repainted the interior of the building. It still needs a new roof and to have its windows refurbished. Many, many kudos go to Barbara and Ray.

Looking to the future, our board is continuing to develop an event for the Labor Day weekend. Under consideration have been a local crafts and antique show, a re-enactment of the Fountain murder trial, and a banquet combined with a silent auction. Garland Bills has written a script for reenactment of the Fountain trial. The next step for this project is not clear. If any members of our community would be interested in helping make this reenactment happen, please contact any of the board members or Garland.

The other possible labor day events are still in the formative stage. In the past, the silent auction has been our best money-maker and will probably occur along with whatever other event is chosen for Labor Day. We are still open to suggestions from the community.

Jamie Lee is developing a guided tour to Ladder Ranch for July. This tour will be limited to 30 participants. Cost will be \$35 per person, which will cover the tour plus a packaged "dinner" at the Ladder Ranch headquarters. Plans are to assemble at the Ladder Ranch turnoff on State Highway 152 at 4PM. Participants will provide their own transportation, although carpooling will be encouraged. With luck, we will see wild turkey, mule deer, elk, javelina, peregrine falcons and a host of other birds and smaller wildlife. Ranch Manager Steve Dobrott will lead the tour and provide a program about Ladder Ranch history, archaeology, and wildlife management. All proceeds from the tour will go to the Hillsboro Historical Society. Anyone interested in going on this tour should contact Jamie at: jamiieleehawaii@gmail.com.

Black Range Museum

We have continued to discuss how HHS might be involved and help with the Black Range Museum. Everyone agrees that outright purchase would be the best option, but fundraising under the present economy and in a small community like Hillsboro is difficult. I'd say we are still looking for ideas.

Peltier Paintings

We have decided to place the two Leonard Peltier paintings, donated by Jane Fonda, on consignment with the Peltier Gallery in Woodland Park, Colorado. Barbara and Ray will take the paintings to the gallery when they return later in May to their summer digs.

Cemetery

We're happy to announce that the Kingston chapter of Masons has agreed to assume ownership and management of the Hillsboro Cemetery.

Historic Marker Signs

Craig Springer asked if HHS would sponsor roadside historical site signs. He says the state highway department will buy the signs and put them up if requested by a suitable group, such as HHS. The board agreed to go ahead with recommendations, with Harley working with Craig. More recently, Stephen Siegfried has suggested that we buy plaques providing information about historic residences and businesses in town.

Documentation of historic materials

Concurrent with developing an application form for membership, Jamie has collaborated with Larry and other board members to develop a form designed to record historic items or printed material owned by members of the community who might at some point want such materials to go into a museum or archive. A copy of this form is reproduced at the end of this newsletter. We would be interested in thoughts (positive or negative) that anyone in the community might have regarding this effort.

EDITOR'S REPORT: NEWS AND COMMENTS

This newsletter reflects some sizeable changes in Hillsboro Historical Society. Probably most important, we've begun to solicit paid memberships, and we're finding people interested and willing to join. Concurrently with this, we are

seeing greater participation and interest by individuals outside the board—to me a sign of growing vigor. People are bringing projects and suggestions to us.

I've received an increasing number of suggestions for articles in the Local History section of the newsletter, and may soon find myself having to hustle to use everything, rather than having to hustle something to use. May it be so.

Shifting to monthly meetings has made inclusion of all minutes in the newsletter inconvenient. I hope that the quarterly summary of activities as presented above, will be easier to understand. I'm thinking that all paid members should receive the monthly minutes—preferably by email. We can also post them downtown on the bulletin board. Unless specifically requested, I'd just as soon not send out hard copies.

LOCAL HISTORY

NEW MEXICO CONSTITUTIONAL CONVENTION: RECOLLECTIONS

Reprinted from the NEW MEXICO HISTORICAL REVIEW VOL. XXVII JULY, 1952 No. 3

By EDWARD D. TITTMANN, Lawyer and long-time resident of Hillsboro, New Mexico. Delegate to the convention from Sierra County.

NOT LONG after the Enabling Act had been passed by Congress and signed by President Taft sentiment was encouraged by various sources that the convention should not be organized along political party lines. Just why anyone should believe that a convention to achieve a political end could be organized on non-political lines is not clear. The Republican Party at that time was in an overwhelming majority in the Territory, and only the southwest portion consisting of Luna and Grant Counties was Democratic in addition to the counties which joined Texas, which were inhabited mainly by people from Texas and other southern states and who had very little in common with the rest of the territory. There were, however, several able men of Democratic faith living in Republican communities, such as H. B. Fergusson, Harry M. Daugherty, James G. Fitch, Felix Martinez, and J. H. Crist. On the other hand, the Republicans of ability who lived in Democratic counties included A. B. Fall, Reed Holloman, and W. E. Lindsey. Harry Daugherty had as one of his clients one of the top Republicans, Holm O. Bursum. The desire to get the best thought of the territory into the

convention may have had something to do with the desire for a non-partisan convention.

It was not long, however, before partisanship won out as was to have been expected. On the first day, October 3, 1910, the Democrats, 29 in number, tried to sit together. But on the next day the convention decided that delegates from one county should sit together. Among a total of 100 delegates the 29 Democrats became so widely distributed that a spontaneous effort to achieve something on the floor could not get anywhere unless it had been pre-arranged in caucus. Besides the Democratic delegates were not always of one mind. There were among them some radicals who sometimes suspected the conservative portion of being lukewarm on some issues.

My seat was two rows behind A. B. Fall, from Otero County, right in the middle of the house facing the President, which was an advantageous position from which to conduct or take part in the political struggles which soon developed.

One of the first of these was over the reading of the Journal. The official Journal, as published after the convention had adjourned, is by no means a reliable report of what happened on the floor. One reason why it is not correct is that for quite a few days the reading of the Journal was dispensed on motion without a roll call or other method of counting the vote on such motion. The reading of the Journal was provided for by Rule 53 :

As soon as the Convention is called to order, prayer may be offered and a quorum being present, the journal of the preceding day shall be read by the Secretary and, if necessary, corrected by the Convention.

Rule 50 provided that no rule shall be suspended except by a vote of at least two-thirds of the members present.

The reading being dispensed with every morning and no copies of the previous day's proceedings being delivered to the delegates no one except the officers would know what the Journal said had occurred. The point of order was made that it would require a two-thirds vote to dispense with the reading. This was embarrassing to the presiding officer who sustained the point of order. Thereafter the Journal was actually read until the rule was changed. After that the contents of the Journal became again a dark secret, as every morning Delegate E. A. Miera, Sandoval County, rose to make the formal motion.

One of the hotly contested subjects was the article on apportionment. Of course the Repub-

licans, putting aside for the moment the desirability of a non-partisan convention, had their eyes on the coming elections. These would determine whether or not there would be a legislature favorable to the selection of two Republicans for the place of United States senator from New Mexico. In those days senators were elected by the legislature and not by primary petitions. I personally filed a suggestion that judicial, legislative, and other districts should be along lines of communication with easy amendment or change by the legislature. In those days lines of communication were determined by the lines of railroad. To go from Dona Ana County to Otero County one had to take the Santa Fe to El Paso and the El Paso and Northwestern to Alamogordo. To go from Farmington to Santa Fe one had to take the Denver & Rio Grande narrow gage to Durango, Colo., thence to Alamosa, Colorado, and then south to Santa Fe.

Gallup in McKinley County could be reached by railroad from Santa Fe via Sandoval County, Bernalillo County and Valencia County. But on the north it joined San Juan County which joined Rio Arriba County which joined Santa Fe County. So instead of making a judicial district joining Bernalillo, Valencia and McKinley counties along the best roads of communication, the Republicans proposed to join McKinley County to San Juan County to Rio Arriba County to Santa Fe County for the First Judicial District. Dona Ana County then heavily Republican was joined to Otero County of doubtful political persuasion, Lincoln County often Democratic, and Torrance County mainly Republican. This seemed to assure the election of a Republican in that district. Similar allocations were worked out for the Senatorial Districts, where small counties were attached to large Republican Counties. So, for instance, Socorro County had its own senator but, combined with other counties in other senatorial "shoe-string" districts, controlled the political color of three other districts.

There was a general demand from many counties that there should be at least one representative from each county. The controlling interests in the convention used this demand to secure the approval by many delegates of the gerrymander of the State in other respects. When the matter came up for vote the delegates from the small counties were advised that they had better vote for the proposed apportionment. There was a roll call and each delegate was supposed to say something in its favor. We did, but not all of what was said was compli-

mentary.

Nevertheless, the apportionment stood for nearly forty years. When the Democrats finally secured control of the State they did not find it necessary to change the apportionment which their representatives in the convention had fought so hard. The influx of voters from Texas, Oklahoma, and other southern States made unnecessary a change in so political a subject.

Another ticklish question was whether or not the Constitution should contain a provision prohibiting the sale of alcoholic liquors. The Democratic delegates from the East side of the Territory were supported by numerous petitions from Republican as well as Democratic women which demanded that such a provision be included. The fact that many Republicans had a backpower of prohibitionists made the situation difficult for the men who were running the convention. There were several adjournments of the motions for and against the proposition, and then, one day, when the Democratic members were caucusing on some subject, the matter was brought up on the floor. Whenever we had a caucus some member was left behind to watch the proceedings, and on this afternoon I was that person. I rushed immediately to the caucus room on the floor below and yelled, "Prohibition!" Thereupon the Democrats who were almost all for the prohibition proposition, whether they liked it or not, streamed back to the convention floor, much to the disgust of the floor leaders, and the call for and against was made by a rising vote. Behind me sat the Reverend Mr. Seder (I have forgotten his first name). When I rose with the affirmative votes that the proposition should be rejected, he pulled my coat-tails and said, "You don't want to vote that way," and I turned to reply, "I certainly do." I shall never forget the look of surprise on his face. He could not understand that a man could be against a proposition and yet want his friends to have a chance to vote for it.

The proposition for prohibition was defeated.

But the most controversial and bitterly fought proposition was the article which would provide for the initiative and referendum. Oregon had pioneered the idea that the people themselves should have the right to propose legislation without asking the legislature and to repeal legislation enacted by the legislature.

These provisions had been actually the only ones about which there had been some campaigning before the election of the delegates. All the Democrats had been pledged to support it. And one Republican had pledged himself to

support it. He came from a Democratic county. He had signed a promise to support the initiative and referendum and so the Democratic Committee put him on the list of delegates favorable to the proposition. But on the day when it came up for a vote he walked to the desk of the convention's Secretary and made a violent attack on the idea of adopting an initiative or referendum.

The debate on these provisions raged off and on and, in order to stop it, the management finally caused to be passed a resolution which provided that after a proposition had been debated and defeated it could not be renewed. Nevertheless, new propositions were being introduced every other day, each of them a little bit different, the last one on the very last day of the convention. The effect was that finally the management offered a compromise eliminating the initiative and permitting a referendum. So after days of torture the referendum was finally adopted. It is still in the Constitution. It has been invoked several times, sometimes successfully, sometimes not. The last attempt to invoke it was regarding the law for pre-primary conventions. On that occasion several questions were raised and submitted to the Supreme Court. The Supreme Court, not desiring to decide a controversial question which was tainted with politics, passed it off by relying on a previous decision which, however, had not passed at all on the question presented to the Court which was the necessity of some law to determine and prevent fraud in obtaining signatures for a valid referendum.

My Draft of the Referendum as adopted by Committee on Revision :

The above power shall be known as the Referendum and shall be exercised as follows : Petitions for the Referendum against any law, passed at the last preceding session of the legislature, shall be filed with the Secretary of State not less than four months prior to the next general election. Such petitions shall be signed by not less than ten per cent of the qualified electors of each of % of the counties and in the aggregate of not less than ten per cent of the qualified electors of the States as shown by this total number of votes cast at the last preceding general election (for Governor). The question of the approval or rejection of any law, against which the Referendum is invoked, shall be submitted to the electorate at the next general election ; and if a majority of the legal votes cast thereon at such election, and not less than forty per cent of the total number of legal

votes cast at such general election, be cast for the rejection of such law, it shall be considered annulled ; otherwise it shall remain in force unless subsequently repealed by the legislature.

The provision for amending the Constitution made constitutional amendments almost impossible. This was the provision which was so obnoxious to the prevailing idea of easy amendment that Congress caused to be enacted a provision, on which the people were required to vote, which would make amendment easier. This was known as the "Blue Ballot amendment" because it was submitted to the voters on a separate ballot of blue color.

The Blue ballot amendment was intended to facilitate changes in the Constitution. George Curry, running for Congress on the Republican ticket, was one of the Republican candidates in the first state election of 1912 who publicly announced that he was in favor of that amendment. And he was elected on that promise.

One provision which caused much debate and considerable compromise was the one which gave women the right to vote in school elections. The Spanish speaking delegates, faithfully representing the then prevailing ideas of their people, were opposed to the theory that it was a good thing to let women vote. If you will read the first Section of Article VII on Elective Franchise, and use your imagination, you will see the kind of compromise that had to be made by the opposing parties in order to get the idea of votes for women in school elections into the Constitution.

The chief role of the Democrats was that of irritating majority of the legal votes cast thereon at such election, and not less than forty percent of the total number of legal votes cast at such general election, be cast for the rejection of such law, it shall be considered annulled; otherwise it shall remain in force unless subsequently repealed by the legislature insects. They were a pretty smart bunch, these Democrats, and they knew that they could not get any of their pet schemes adopted. But they also knew that the Republican leaders were vulnerable in many ways, especially in the knowledge that this Constitution had to be adopted by a popular vote. Of course, then, the Democratic gadflies used every chance to sting the Republican body. It became so annoying that the Republican caucus, they called it a conference, issued the ukase that nothing proposed by a Democrat on the floor should be passed or adopted unless it had been previously approved by the Republican executive committee. If you

read what remains of the Journal you will find very few instances where a Democratic motion was passed affirmatively.

I do not know, because I was never told, who were the ruling members of the Republican executive committee. However, from observation of what happened on the floor, I believe that Solomon Luna, of Valencia County, Holm Bursum of Socorro County, Charles Springer of Colfax County, and Charles A. Spiess, the "Black Eagle" of San Miguel, were the most potent members of that committee. Everyone of them was a personage. They were not small fry. They were men of great ability, of staunch belief in the righteousness of their cause, of wide and public view, and of generous appreciation of the ability and equal political honesty of their opponents.

Albert Bacon Fall it was thought did not carry the same power and influence as did the others, because of his emotional character. He and Bursum, a man of great dignity and hard to disturb, were no friends. Fall's wife and lovely daughter Jonett sat every other day near the door to the left of the President's chair, facing Fall, and keeping their eyes on him. And he knew it. Sarcastic and provocative remarks by Fall were permitted to go by because they were not out of bounds. One day he arose to address his remarks to the chair, then occupied by some one else than Charley Spiess. His unparliamentary language was directed against Delegate J. H. Crist from Rio Arriba County, a cultured and scholarly Democratic lawyer. I sat two rows behind Fall and waited for someone to stop him. No one did. I rose: "Mr. President/" I said, "I call the gentleman to order for using offensive and unparliamentary language against another delegate, the gentleman from Rio Arriba County, and I demand that the chair instruct the gentleman from Otero County to take his seat and if he fails to do so to have the Marshal conduct him from the hall." I think the Chairman was Isidore Armijo from Dona Ana County. The poor fellow did not know what to do. While he was hesitating, Fall turned to look at me. I was told it had never happened to him before. Spiess came to the chair and noticing the tense atmosphere spoke : "The gentleman from Otero County will take his seat." The gavel fell once, twice, a third time, and Mr. Fall sat down. This was the only disturbing event of the convention. Delegate Crist never again attended a session, and he did not vote on the adoption of the Constitution.

There were a good many natural born orators in the Convention, and not a few of them dis-

played their abilities from time to time. There was Crist, a scholar versed in the works of Shakespeare, and there was Eugenio Romero of San Miguel whose fiery orations taxed the ability of the interpreters on the floor to translate them effectively into English. As the debates could be carried on in either English or Spanish, the role of the interpreters was an important one. I do not find their names listed in the official publication of the proceedings of the convention, but there does appear on page 4 a list of "Convention Clerks," and I suspect that the names there listed were the names of the interpreters. One of those mentioned, Cesario Pedregon, became later interpreter for the District Court of Dona Ana County. He was able and efficient in the exercise of his duties. But, if my memory serves me rightly, the ablest one was a little man who wore a black cape, and whose name was Hilario Ortiz. I believe he was of Santa Fe. During one of the impassioned speeches of Crist, who was known never to make a speech without quoting the Bard of Avon, to whom he referred as William "the great Shakespeare," Hilario was interpreting. The words floored him a moment and then he came thru with: "El Grande Shakespeare." The Convention gave him an ovation of applause.

The most important Committee proved to be the Committee on Revisions and Arrangements. To it were referred all provisions finally adopted on the floor. The business of the Committee was to pass on the provisions as to clarity, grammar, punctuation, and spelling. After a provision had been scrutinized and, if necessary, rewritten, the result was handed to the Chairman, Charles Springer, who would take it to the floor, obtain recognition, and move the adoption whereupon it became a part of the proposed Constitution. Mr. Springer was an able, fair and honest man. Once, when some interested parties in high standing within the Republican Party wanted to "borrow" one of the resolutions in which they were deeply interested, Mr. Springer flatly refused them, because, he said, he would take no chances on that resolution being lost in the shuffle. The Committee consisted of some 15 members. The membership as shown in the official "Proceedings" is not correct. The composition of the Committee was changed. The working force consisted of Charles Springer, Stephen B. Davis, Jr., both Republicans, and Charles R. Brice, H. M. Dougherty and Edward D. Tittmann, Democrats. Mr. Springer discovered that I had been a newspaperman in the east as well as a lawyer, that I knew the English language, and

so he turned over to me the resolutions adopted by the Committee for final approval as to clarity of language, punctuation, spelling and grammar. Sometimes he would permit me to make other alterations or suggestions for approval by the Committee. One instance was the Article on Mines and Mining, being Article VII, consisting of two sections, the second section directing the legislature to pass laws to prevent the employment in mines of children under 14. I suggested that this language left it open to the legislature to enact or not to enact such laws and, being familiar with legislative barriers, that the Constitution should itself provide against such employment; the language was changed to read: "No children under the age of fourteen years shall be employed in mines." Mr. Springer immediately agreed to this change and the changed resolution was adopted on the floor and is now part of the Constitution. Very few changes in the language reported by the Committee were made on the floor. It is largely due to this that there have been so few disputes over the meaning of the provisions of the Constitution. And most of these arose out of Article XX, entitled "Miscellaneous," which contained many provisions which were afterthoughts and had been inserted too late by the Convention to enable the Committee on Revision and Arrangements to place them in their proper places and co-relate them with other provisions.

The time for the Convention to expire was November 21, 1910, and the official time for its final adjournment as entered in the Journal was 10 P. M. on that date. However, the Constitution at that hour had not yet been adopted and the reading of the document in its final form had not been finished. So the clock was turned back and the actual time of the final adjournment was 3 :10 A. M., November 22, 1910. I would like to have printed with these recollections a copy of the original Roll Call on final adoption which I made at the time. The word "explained" after some votes means that the delegate made some statement giving reasons for his vote either for or against adoption. I would also like to state that I quit the Democratic Party in 1919 when I resigned as Secretary of the State Central Committee after attending the meeting of the National Committee in Chicago where it appeared certain that the party would approve the League of Nations which I considered a movement contrary to the best interests of the United States. In 1926 I returned to the Republican Party, to which most of my family have belonged since its foundation.



Hillsboro Historical Society

Preserving the past with an eye to the future

**P.O. Box 461
Hillsboro, NM 88042**

Membership Subscription

The Hillsboro Historical Society is a non-profit organization whose mission is to collect, preserve and share the history and historical artifacts of the Hillsboro, Kingston and Lake Valley communities in New Mexico. Its membership comprises supporters and volunteers who may choose to participate in many aspects of the Society's mission including fundraising, collection and conservation, oral histories, museum establishment, special events and programs, administration, and other related opportunities. Member benefits include the Historical Society quarterly newsletter, priority registration for lectures, summer programs and field trips, and an invitation to our Annual Dinner and Silent Auction.

We welcome your support and membership. Dues are \$25 annually for individual or family and \$50 for business memberships. Please mail this completed Membership Subscription, along with your check made payable to Hillsboro Historical Society, to the above address.

Member Name _____ Today's Date _____

Address _____

City / State / Zip _____

Phone Number (_____) _____ Email _____

Volunteer interest _____

Enclosed is \$ _____ annual (from May to May) individual or family membership

Enclosed is \$ _____ annual (from May to May) business membership that includes ad in newsletter

Additional Donation \$ _____ Gift Membership \$ _____ for _____

HHS is actively seeking items of local history (late 19th/early 20th centuries) — photos, books, original newspaper articles, signs, letters, deeds and sales receipts, garments, furniture, household items, etc. — for our archives and for the museum we intend to establish in Hillsboro. If you have or know of an appropriate item that could be donated to the Society, kindly complete the designated form. A HHS member will contact you.

The Hillsboro Historical Society is a Section 501 (c)(3) Non-Profit Organization under the Internal Revenue Code. The amount of your donation is fully tax deductible when no goods or services are provided in return.



Sierra County Court House

Hillsboro Historical Society

Preserving the past with an eye to the future

P.O. Box 461
Hillsboro, NM 88042

Historical Item Donation Form

For our archives and future museum we are seeking late 19th/early 20th century items of historical significance to our local communities — photos, books, original newspaper articles, signs, letters, deeds and sales receipts, garments, furniture, household items, etc.

Name _____ Today's Date _____

Address _____

City / State / Zip _____

Phone _____ Email _____

Description of item _____

Local provenance (origin/background/family connection) associated with item, historical significance, etc.

What do you want to do with the item described?

Donate now _____ Loan to HHS _____ Donate upon your death _____

Current value of item \$ _____. How was value determined (purchase price, appraisal, etc.)?

Any comments you would like to add?

The Society is grateful for your generous offer to contribute to our collections and advises that a representative will contact you soon about this donation.

The Hillsboro Historical Society is a Section 501 (c)(3) Non-Profit Organization under the Internal Revenue Code. The actual value of your item donation is fully tax deductible. Please request a receipt upon acceptance of item by HHS.