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*H. B. FERGUSSON, 1848-1915: NEW MEXICO
SPOKESMAN FOR POLITICAL REFORM*

CALVIN A. ROBERTS

DURING THE CLOSING YEARS of the nineteenth century, New Mexico underwent changes that threatened the established, conservative political order. By definition, the established, conservative political order was synonymous with the New Mexico Republican party. Led by a group of men known as the Santa Fe Ring and bolstered by the support of much of the Hispanic majority, Old Guard Republicans virtually controlled territorial politics. Facilitating their control was the fact that the Republican party also dominated the national political scene, directed Congress and won all but two presidential elections in the years from 1860 to 1912. New Mexico's Old Guard Republicans could and did seek the power, prestige, and profit resulting from their domination of territorial affairs and an endless stream of patronage from Washington, D. C.¹ They could and did point with satisfaction to the national party's call for tariff protection of wool and for irrigation development. After all, such issues and projects were compatible with the perceived interests and needs of the territory.²

Then in the 1890s forces for change began to challenge this existing order. The arrival of railroads and increased immigration from other parts of the United States broadened New Mexico's perspective and brought the territory more closely in touch with national issues and political trends. Farmers from the hotbeds of agrarian protest, the South and Midwest, were moving into southern and eastern New Mexico in ever increasing numbers. The New Mexico mining industry, too, became closely attuned to the fortunes of gold and silver in the national debate over currency. The protests and demands of the growing number of agrarians and silver en-

thusiasts shook the existing political order and even led to the formation of a Populist party in New Mexico.

Wherever protest was strong, the demands of the farmers and miners became issues of concern to the major political parties. In New Mexico the Democratic party picked up the standard by endorsing the cause of free silver in 1890.³ The clash between these forces for change and Old Guard New Mexico Republicanism became intertwined with two important issues—the question of statehood for New Mexico and the question of whether New Mexico would join the growing demands for change in the 1890s and during the Progressive Era in the first decade and a half of the twentieth century or whether it would remain under the domination of local, conservative political forces.

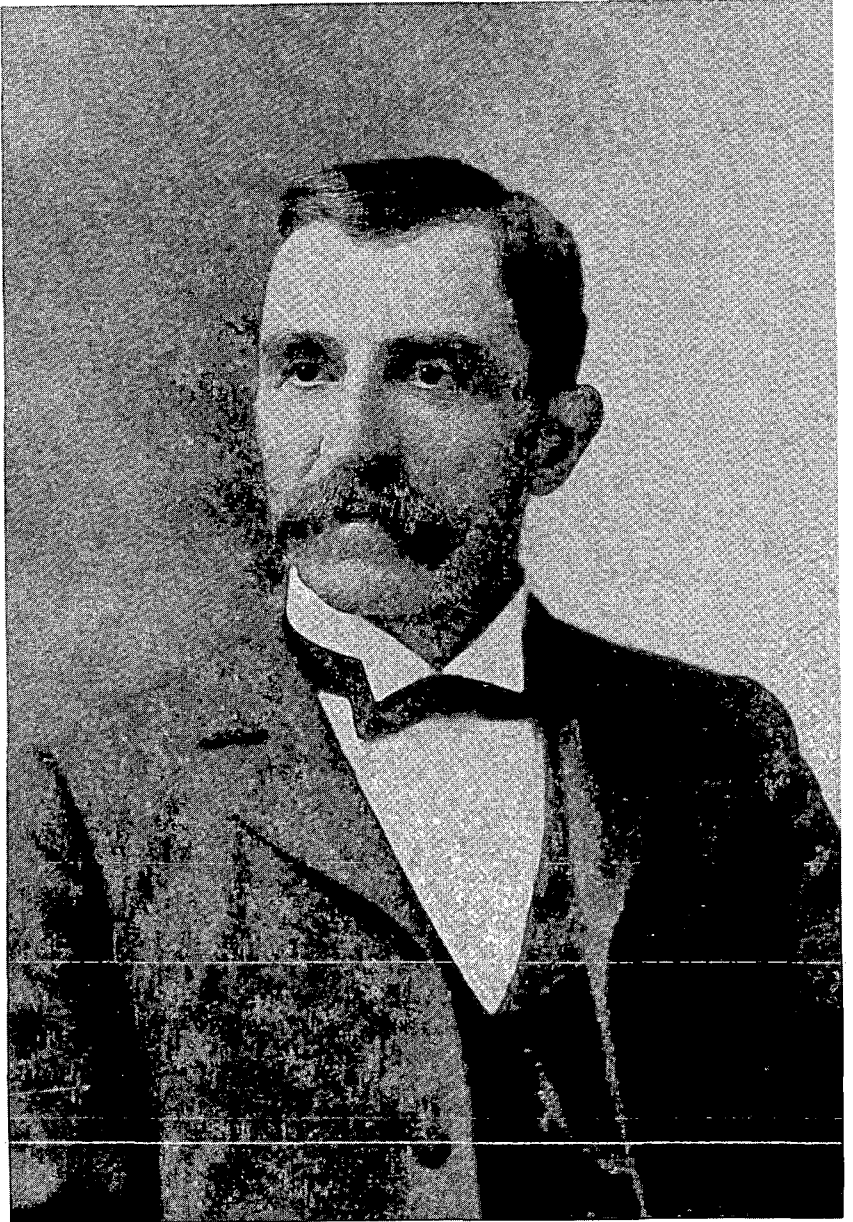
One New Mexican who rose to political prominence in this turn-of-the-century clash between the new and the old was Harvey Butler Fergusson, Sr. Often associated only with Erna Fergusson, his daughter and noted New Mexico writer, or confused with Harvey Fergusson, the author and his son, Harvey Butler Fergusson, Sr. (known to friends as H. B. Fergusson) had a considerable impact on politics in New Mexico. As a leader of New Mexico's Democratic party and as a crusading progressive politician, Fergusson challenged the power of Old Guard Republicans and represented in New Mexico the forces for change. Although his success within the Democratic party and as a New Mexico politician was varied, his dedication to progressive ideals was unwavering, for he was, as one historian has noted, "one of the purest, most ideologically committed progressives in the state's history."⁴

Born in Pickens County, Alabama, on 9 September 1848, H. B. Fergusson grew up in the cotton South and lived through the horrors of the Civil War and the tribulations of Reconstruction. He chose a career in law, a choice that preordained his future. In the South membership in the legal profession automatically thrust one into the public eye and toward politics. But it was the law rather than politics that brought Fergusson to New Mexico in 1882. As a member of the Wheeling, West Virginia, law firm of Jacob, Cracraft, and Fergusson, he traveled to New Mexico to represent the firm's clients in a dispute over ownership of the North Homestake Mining Company located near White Oaks, New Mexico.⁵

Arguing his case before the territorial bench, Fergusson lost at the district court level but won the case on an appeal to the territorial supreme court. In so winning, he scored a victory over Thomas B. Catron, William T. Thornton, and Frank W. Clancy, the most successful and formidable law firm in the territory.⁶ Catron, a Republican, was a powerful leader of the Santa Fe Ring and later served as one of New Mexico's first two United States senators. Thornton, a Democrat with close ties to the Santa Fe Ring, later received President Grover Cleveland's appointment as territorial governor. A Republican, Clancy subsequently served as the first attorney general of the state of New Mexico. Soon after his arrival in New Mexico, then, Fergusson had competed with three of New Mexico's leading politicians. This connection between law and politics remained typical of his life in New Mexico.

Fergusson's decision to stay in New Mexico rested on his conviction that the burgeoning territory offered opportunities to good lawyers. His decision must have rested as well on his perception of a future for himself in New Mexico politics. He remained in White Oaks for two years, practicing law with John Y. Hewitt, a successful older attorney and Democratic politician. While in White Oaks, Fergusson began a lasting interest in mining and assay, acquiring part ownership in the famous Old Abe Mine. Profits from this mine provided welcome income for years thereafter. Fergusson also shared a small cabin with two men who were to make their impact on New Mexico history. One was William C. McDonald, a Democrat and later the first governor after statehood. The other was Emerson Hough, lawyer and noted author of the Southwest. When Fergusson moved his practice to Albuquerque in 1884, he left behind staunch friends, a reputation for honesty, and important political connections.⁷

In Albuquerque, Fergusson made his first forays into territorial politics. As his son later wrote, he entered the arena as "a Democrat—an incorrigible, unreconstructed Southern Democrat." Given the power of New Mexico's Old Guard Republicans, Fergusson was from the start a minority political figure. One of his early political colleagues, L. S. Trimble, once told an amusing if exaggerated story about the influence and membership of the Democratic party in Albuquerque. According to Trimble, the tiny party had but three



H. B. Fergusson, courtesy of Francis Fergusson.

members—Trimble, Fergusson, and a man called Jones. They staged a party rally that a local newspaper reported as large, noisy, and enthusiastic. In commenting upon this story, Trimble noted that he was “large, Jones was noisy, and Fergusson was enthusiastic.” This anecdote illustrates to some extent the lack of a constituency that Fergusson could call his own, a lack resulting not only from his choice of party but also from his unwillingness to adopt the language and customs of the majority Spanish-speaking population of New Mexico.⁸

The election of Democrat Grover Cleveland as president of the United States in 1884 signalled a transfer of federal and territorial patronage to New Mexico Democrats. Cleveland appointed as governor Edmund G. Ross, a Democrat and a recent immigrant to the territory. The former Republican senator from Kansas had gained notoriety when he cast a decisive vote against removing President Andrew Johnson from office. Ross, in turn, appointed Fergusson district attorney for the second judicial district.⁹ Believing “in neither fear nor favor” and declining to “follow New Mexico’s rules as to who was sacrosanct,” Fergusson proved himself capable of handling the prosecutorial duties of a somewhat lawless and troubled district.¹⁰ He also used the post of district attorney to get his name before the public. He believed that he would have to build a reputation and a following if he were to get ahead as lawyer and politician in a territory dominated by ambitious men and cliques.

Vigilante activity in Socorro presented Fergusson with such an opportunity. The vigilantes used every means, including murder, to achieve their ends in a small but violent range war between sheepmen and cattlemen. The district attorney secured murder indictments against the vigilante leaders and prosecuted the case on their home ground in Socorro. Although rumors abounded that Fergusson would be assassinated if he pressed the case, the territorial prosecutor pursued the convictions with resolution. As might be expected, the local jury acquitted the defendants. Yet, this action did not prevent an attempt on Fergusson’s life. As he boarded the train to return to Albuquerque following the trial, a bullet fired by an unknown assailant shattered the window by his seat. Fergusson, however, was unhurt, and he had achieved one of his goals—a reputation for uncompromising honesty and courage.¹¹

In 1887 Fergusson stepped down as district attorney and returned to private practice, but he did not retire from active participation in Democratic party politics. He was joined in his partisan efforts by such rising young men as Albert B. Fall and George Curry, both of whom would later switch to the Republican party. Fergusson honed his talents as an eloquent stump speaker during electoral campaigns, and he joined his colleagues in supporting the nominations of deserving Democrats to territorial and national offices. As a loyal party member, he openly attacked the Republican-sponsored and ill-fated statehood constitution of 1889. By diligently paying his political dues, Fergusson earned the respect of party members.¹²

The forces of change that began affecting New Mexico in the 1890s aided the career of H. B. Fergusson. He endeavored to act as spokesman for small farmers settling in the dry farming regions of New Mexico. As Fergusson's son noted some years later, "My father watered it [eastside Democratic tendencies] with his eloquence, cultivated it with passion and care." Yet Fergusson's speeches touched most often upon the intricacies of national issues, not on local controversies. Because this was the case, his enemies were the political and economic enemies of the protesting farmer, whom he compared to the depressed classes of the French Revolution.¹³ As his constituency grew, Fergusson found himself more frequently mentioned as a potential candidate for elective or appointive office. At the territorial Democratic convention of 1892, his friends, Albert B. Fall of Las Cruces and Jack Fleming of Silver City, pushed the nomination of Fergusson for delegate to Congress. But Fergusson's supporters were unsuccessful when popular Delegate Antonio Joseph won renomination for his fifth consecutive term. Despite his defeat for the Democratic nomination, Fergusson willingly toured the territory in support of Joseph and local Democratic candidates.¹⁴

Electoral victory in 1892 paid double dividends for New Mexico Democrats. Joseph won his fifth term, and Grover Cleveland, after losing the White House in 1888, once again won the presidency. For the second time since the Civil War federal patronage eluded the dominant Republican party. In an effort to influence the chief executive's appointments for New Mexico, a large delegation of

Democrats, including Fergusson, traveled to Washington, D. C., for the inauguration of Cleveland in 1893. This group achieved some success. William T. Thornton became New Mexico's governor, and Fergusson's friend Fall received appointment as justice of the territorial supreme court. Fergusson, however, did not receive the appointment he desired as United States attorney for New Mexico. Cleveland gave this position to J. B. H. Hemingway of Folsom, New Mexico,¹⁵ a choice that evoked protest among New Mexico Democrats who claimed Hemingway won his appointment only because he was "a son-in-law of Senator George of Mississippi."¹⁶

In 1894 Fergusson achieved high party office when he was elected as New Mexico's representative to the National Democratic Central Committee, a position he held until 1908.¹⁷ But elective office still eluded him. He actively sought nomination as territorial delegate to Congress in 1894 at the party convention in Las Cruces with opposition from Delegate Joseph and former Delegate Francisco Manzanares. Fergusson's support came from the Albuquerque delegation and southern delegates such as Fall. The issue was in doubt only until the opening of the convention, when Manzanares, seeing his cause as hopeless, withdrew from consideration and threw his support to Joseph.

With this help Joseph's supporters outmaneuvered Fergusson's on several procedural votes at the beginning of the convention. When Fergusson realized this continuing trend against his fortunes, he sought party accord and unity through compromise. Agreeing to withdraw his candidacy, he made the nomination of Joseph unanimous. In exchange, the Joseph forces accepted H. L. Warren of Albuquerque, Fergusson's law partner, as permanent chairman of the convention.¹⁸ In the ensuing campaign Joseph faced strong opposition from Republican Thomas B. Catron, and, despite the active support of Fergusson and Governor Thornton, Joseph lost the election by more than 2700 votes. Meanwhile, the Populist candidate, T. B. Mills, received more than 1800 votes.¹⁹

Joseph's defeat in 1894 cleared the way for Fergusson's nomination for territorial delegate to Congress in 1896. Local and national issues of the day—free coinage of silver and the agrarian revolt—helped propel Fergusson toward his goal. As an early supporter of William Jennings Bryan, Fergusson became spokesman

for silverites and agrarians in the territory. In addition, he opposed Cleveland's stand repealing the Sherman Silver Purchase Act since this action hurt the mining industry in New Mexico. In so doing, Fergusson took public issue with Governor Thornton, a Cleveland patron and nominal head of the party in New Mexico. Despite opposing some of the policies of the president and governor, Fergusson believed his views would find enough support among farmers and miners to win his nomination as congressional delegate.

The first test of this strategy came on 1 May 1896 in Las Vegas at a party gathering to select delegates to the national convention in Chicago. On the agenda were proposals to endorse the national and territorial administrations, but these normally perfunctory actions provoked a floor fight. Fergusson and Fall fought the endorsements for Cleveland and Thornton because the president and governor favored repeal of the Sherman Silver Purchase Act. Although the forces backing Cleveland won by three votes, the pro-silver mood of the gathering was mounting.²⁰

Enthusiasm among New Mexico's monetary rebels naturally increased when Bryan was nominated as the Democratic standard-bearer. Many Bryanites in the territory also helped to select Fergusson as their candidate for delegate to Congress at the September convention of the Democratic party. Once the Democratic nomination was secured, Fergusson also tried to gain the delegate nomination from the pro-silver Populists. In seeking the Populist nomination, he opposed L. Bradford Prince, a pro-silver Republican, former territorial governor and supreme court justice, who had recently lost a contest to replace Catron as Republican delegate nominee. Although Prince won the Populist nomination for delegate in late September 1896, he proved to be such a lukewarm campaigner for the Populists that on 6 October 1896 the party withdrew his nomination and gave it to Fergusson. Democratic victory now seemed assured because the reformers were united behind one candidate.²¹

Both major candidates, Fergusson and Catron, favored statehood for New Mexico. Silver was the main controversy of the election, however, and Fergusson campaigned primarily on that issue.²² His stand on the issue was so popular that even the Republican *Las Vegas Daily Optic* on 16 October 1896 endorsed Fergusson's candidacy while charging that Catron and the Republicans had fallen

“into the mire and filth of Hannanism. . . .”²³ Catron and the Republicans struck back, accusing Fergusson of inflammatory rhetoric, demagoguery, and a lack of concern for law and order. These charges were of no avail, for Fergusson unseated Catron by a vote of 18,947 to 17,017. Fergusson forged his victory by winning large majorities in the counties of the south and east where miner and agrarian discontent were strongest.²⁴ Summarizing the reason for Fergusson’s victory, Catron wrote former political associate Stephen B. Elkins that “the Americans in the territory simply went wild on the free silver proposition, believing [William Jennings] Bryan would be elected.”²⁵

The Democratic victory of 1896 was significant to New Mexico politics for two reasons. First, forces for change were threatening the Republican party control of territorial politics; and second, Fergusson was now at the pinnacle of power among New Mexico Democrats. From this moment until his death, his name, more than any other, would be associated with the stands and fortunes of the New Mexico Democratic party. He would remain a supporter of Bryan, a staunch Democrat, a crusader for reform. The last nineteen years of his political career were a determined struggle for liberal principles.

When Fergusson arrived in the nation’s capital in 1897 to take his seat as delegate, he was part of a political minority. President William McKinley’s victory over Bryan nullified any impact Fergusson might have had on patronage in New Mexico. More immediately, he was among the minority in Congress. Despite these circumstances his term as delegate was remarkably successful. He proved to be a spokesman for his constituents and their needs as well as for reformist ideals. Answering the perennial desire by New Mexicans for a greater voice in their affairs, Fergusson introduced two statehood bills. Although both died, he secured passage of legislation designating Santa Fe as the permanent capital of the territory, thus throttling recurrent, time-wasting movements in the territorial legislature to relocate the seat of government.²⁶

His most famous accomplishment was an act that bore his name—the Fergusson Act. This legislation called for setting aside sections of public land for educational purposes. Ordinarily the federal government made grants of public land to a state upon its entry into

the union, but New Mexico faced the specter of having little valuable public land remaining if statehood were withheld for several years. Because Fergusson foresaw the day when only arid and otherwise worthless sections would remain,²⁷ he presented his plan to the House of Representatives on 26 February 1898. As finally amended, passed, and signed in June 1898, the law gave the territory title to nearly four and a quarter million acres for educational purposes and internal improvements.²⁸

The Fergusson Act elicited bipartisan support when New Mexico Republicans congratulated Fergusson for his efforts. Fergusson himself admitted that the key to the bill's success lay with the Speaker of the House, Thomas B. Reed. "Czar" Reed, swayed by Fergusson's arguments concerning the law's necessity, shepherded the bill through the lower chamber of Congress.²⁹ On only one issue was Fergusson disappointed. He had hoped that his friend Fall would be appointed as one of the commissioners to select the land granted to the territory, but all appointments went to New Mexico Republicans.³⁰

Fergusson's stay in Congress was short. In 1898 he retained his party's nomination for delegate, but the Republicans nominated the popular, wealthy, and well-educated Pedro Perea to oppose him. The campaign was a difficult one for Fergusson. Silver disappeared as a dominant issue, replaced by popular enthusiasm for the war with Spain, an issue benefiting the Republicans. Further, Fergusson fell victim to an ethnic issue.³¹ On 14 October 1898 he complained to a territorial Republican leader that

some in favor of Mr. Perea's election have already shown a disposition to appeal to race prejudice to defeat me. I consider this deplorable both as a matter of general policy and also unfortunate for me inasmuch, as the native vote largely outnumbers the American in New Mexico. It surely is not to my interest to have the citizens of New Mexico divide on race lines in this campaign.³²

In answering this charge, Republicans accused Fergusson of intentionally seeking the support of non-native voters. Whatever the truth of the opposing allegations, Fergusson lost by nearly 1100 votes. Although he had retained his support in the normally Democratic counties, Hispanic counties went overwhelmingly for Perea.³³

The election of 1898 reestablished the unquestioned political dominance of New Mexico's Old Guard Republicans. Reform politics and the undoing of Republican party control would have to await further changes in the political climate in the nation and the territory. As for Fergusson, he returned home in 1899 and resumed the practice of law. Even so, his law practice was never far removed from the political arena. This was especially true of his involvement in one of New Mexico's most famous trials, the trial of Jim Gilliland and Oliver Lee—Democratic cronies of Albert B. Fall—for the murder of Albert Jennings Fountain, prominent Doña Ana Republican, and his son Henry. Although the Fountains had disappeared in 1896 and the alleged victims' bodies had never been found, circumstantial evidence implicated Lee, Gilliland, and Billy McNew.

The eighteen-day trial began on 25 May 1899 and was fraught with political overtones. The prosecution team consisted of Republican District Attorney Richmond P. Barnes and Thomas B. Catron, who had been appointed special prosecutor for the territory. Assisting them was William B. Childers, who represented the Masonic Order of which Fountain had been a member. Fergusson joined Democrats Fall and Harry M. Daugherty for the defense. The political overtones of the trial complicated the nature of the indictments against Lee, Gilliland, and McNew. On one occasion Fall charged heatedly that some prominent New Mexicans were determined to convict his clients regardless of the facts of the case. The defense prevailed, however, when the bodies of Fountain and his son were never found, and there was no conclusive proof of their murder. Almost fifty years later, Erna Fergusson was to sum up H. B. Fergusson's conduct during the trial: "Father was associated with Albert Bacon Fall in the defense, and acquitted himself in such a way that nobody ever forgot it."³⁴

During the first decade of the twentieth century, the political fortunes of Fergusson and the Democratic party declined in New Mexico. Old friends such as Curry and Fall deserted to the Republican party, and the Republicans preempted the statehood issue. Still, Fergusson held on, and he made another bid for delegate to Congress. His opponent was Delegate Bernard Rodey, known as "Statehood" Rodey for his efforts supporting New Mexico's entry

into the union. Rodey defeated Fergusson by almost 9700 votes, the largest margin of defeat for a major party candidate in a New Mexico delegate election.³⁵ During the campaign Fergusson's charges of corruption within the Republican territorial administration could not override the enthusiasm for statehood, and the Republican press charged that Fergusson no longer supported the movement.³⁶

While Fergusson remained a leader of his party as national committeeman until 1908, other men began to seek positions within the party hierarchy. In 1908 A. A. Jones of Las Vegas, the chairman of the central committee of the territorial Democratic party, forced Fergusson to give up the national post. Jones solicited support from party members throughout the territory with a letter-writing campaign about a month before the party was to convene in Roswell to choose a new committeeman on 10 June 1908. He discovered a great number of delegates receptive to his challenge to Fergusson because they thought it was time for a change.³⁷ Faced with this challenge, Fergusson confided to one party member that if "there was a respectable minority in the convention that thought he should step out he would do so very cheerfully."³⁸ And, finding such to be the case, Fergusson withdrew from the contest and placed Jones's name in nomination, thus making unanimous his selection to the National Committee.³⁹

In 1910 the issue of statehood brought Fergusson back upon the public stage. In that year, New Mexico held its constitutional convention preparatory for statehood. Hoping to influence the nature of the document to be drafted, Fergusson sought election of as many Democratic delegates as possible, including himself.⁴⁰ He hoped that New Mexico would draft a thoroughly progressive constitution, including provisions for initiative, direct primaries, and the direct election of United States senators.⁴¹ Had New Mexico entered the union under a progressive constitution it would have been in step with the six other western territories achieving statehood in the period from 1889 to 1912. But the entrenched, dominant Republican Old Guard dominated the election for convention delegates and ultimately wrote New Mexico's constitution. Although victors in the 6 September 1910 election included Fergusson, twenty-seven other Democrats, and one Socialist, they were outnumbered by seventy-one Republicans.⁴²

Fergusson assumed leadership of the Democratic contingent and became the most forceful spokesman for progressive principles at the October convention in Santa Fe. His speeches were superb. In urging adoption of provisions for direct democracy on 26 October, Fergusson delivered an hour and fifteen minute speech before a packed gallery. For Delegate Thomas Mabry, later supreme court justice and governor of the state of New Mexico, the most moving moment in the speech came when Fergusson declared that

from the cankerous womb of governmental neglect are born, to contest for supremacy in this government founded for all free men, two great classes: The very poor and the very rich—the economic tramps and the millionaires. I dedicate my life, I cast my lot, with the common man.⁴³

Despite such impassioned pleas, Fergusson found that conservative Republicans, who had no use for him or progressivism, outvoted him at every turn. The Old Guard constitution was an extremely conservative one, disallowing direct election of United States senators, women's suffrage, initiatives, referenda, recall elections, and direct primaries. Among the constitutions prepared by the seven western states added to the union between 1889 and 1912, only that of New Mexico provided for the partisan rather than nonpartisan election of judges. While New Mexico's constitution was out of step with the constitutions of its neighbors, it was in step with the political temper of the territory.⁴⁴

Unbowed by Republican dominance, Fergusson spoke out against his political opponents and the statehood constitution. Earlier, he had warned that conservative Republicans would turn New Mexico into "the common plundering ground . . . of the trusts and monopolies. . . ." ⁴⁵ Now, he led seventeen Democratic "Irreconcilables" into voting against the new constitution on 21 November 1910. He even refused to sign it. ⁴⁶ Through this struggle, H. B. Fergusson reemerged on the political scene.

After the convention, Fergusson fought statehood with the fire that characterized his earlier partisan battles. His goal was to "defeat this abortion called the constitution which is intended to protect the ring which has mis-governed New Mexico for twenty years.

. . . ”⁴⁷ In addition he wished “to insert in the constitution in practical, workable form the leading principles of direct legislation and make the initiative [sic] applicable to the amendment of the constitution.”⁴⁸ The people of New Mexico and the national government, however, rejected these pleas and approved statehood under the nonprogressive constitution of 1910.⁴⁹

Fergusson did not view voter indifference to his appeals against the constitution as a rejection of his progressive principles. Instead, he must have realized that the desire of New Mexicans for statehood outweighed all other political considerations. Therefore, he carried his reform crusade into the election of state officials set for 7 November 1911. Fearing the financial and organizational powers of the Old Guard, he spent great effort raising money for Democratic coffers. He even made a direct appeal to William Jennings Bryan for national support against “our local gang.”⁵⁰ In return for his efforts, the Democrats rewarded him with one of its two nominations for the United States House of Representatives. The partisan struggle of 1911 was ferocious, but the Democrats were extremely successful. They won half the offices selected on a statewide basis, including the election of Fergusson to the House of Representatives.

Republican Curry, who also won a seat in the House, told an interesting anecdote concerning his early adventures with Fergusson in Washington, D. C. They arrived on 6 January 1912, just in time to witness President William Howard Taft issue the proclamation granting statehood to New Mexico. Afterwards the two representatives went directly to the House of Representatives and presented their credentials. Then Fergusson asked Curry to join him in a visit with Speaker Champ Clark, Fergusson’s personal friend. Upon seeing them, Clark was surprised and stated that he understood that New Mexico was apportioned only one representative, not two. Fergusson explained that New Mexico’s statehood bill had given her two representatives, but if only one could be seated, it would have to be Curry since he had received a larger number of votes in the general election. Clark decided to seat them both, stating, “Well, Harvey, that puts the shoe on the other foot. We need you here and if you must have a Republican colleague, I am glad it is Governor Curry. . . . ”⁵¹

Fergusson proved to be a very able representative. Winning reelection in 1912, he was a spokesman for New Mexico, the West, the Democratic party, and progressivism for more than three years. He sought public improvements for New Mexico and urged strict conservation of the West's natural resources. As a progressive, he had an enviable record. In the 63rd Congress he voted for such major legislation as the Underwood-Simmons Tariff Act, the Federal Reserve Act, the Clayton Antitrust Act, and the Rayburn Securities Act.⁵² He also went to great lengths to secure an adequate distribution of patronage for his party colleagues. For example, he spent more than a year helping E. V. Long, an old associate, seek the position of postmaster in Las Vegas. Through his influence A. A. Jones became assistant secretary of the interior when President Woodrow Wilson took office in 1913.⁵³

The partisan politics of the Progressive Era provided Fergusson with material for continued attacks on Republican opponents. Republican charges that Democrat Woodrow Wilson was an insincere advocate of progressivism provoked a stinging blast from the New Mexican. Timing his comments to coincide, ironically, with Taft's acceptance of renomination for the presidency in 1912, Fergusson rose on the floor of the House to answer Wilson's critics.

They [the Republicans] are in a perplexing dilemma—what to do to be saved. Follow the bull moose, crazed as he is with the rabies of reckless ambition, with menacing front and nostrils belching flames, headed no telling where, or follow the bull elephant who moves not at all except as he is pulled by the iron hood of the trainer?⁵⁴

Then switching to a defense of Wilson's progressivism, Fergusson raised the oft-used specter of the French Revolution, warning the "special-privilege holders, with your monkey dinners and your poodle-dog receptions . . ." that there was indeed "unrest among the masses of our countrymen. . . ." He warned his colleagues that the condition of the working man was "so deep and despairing as to suggest the awful sufferings in France that preceded the French Revolution. . . ." ⁵⁵

But partisan politics in 1914 helped oust Fergusson in favor of Republican Ben C. Hernandez. Despite an appeal by Wilson to

the voters of New Mexico that Fergusson be returned to his seat, age and ill health robbed the New Mexico Democrat of his zest and vigor for campaigning. At the close of his last term in March 1915, Fergusson went to work as personal secretary to his old friend, Secretary of State William Jennings Bryan. But the strain of his new duties proved too great, causing Fergusson to leave the post after a brief period. Returning to Albuquerque, he suffered a nervous breakdown, followed on 10 June 1915 by a fatal stroke.⁵⁶

Evaluating the career of H. B. Fergusson is not a simple matter, in part because his own children saw him as a man of principle who never achieved his goals. Erna Fergusson illustrates this point in dedicating her *Murder and Mystery in New Mexico* to "Harvey Butler Fergusson who believed in law and order,"⁵⁷ but on another occasion describing his life as "a series of brilliant failures."⁵⁸ His son echoed this latter evaluation when he wrote, "I cannot discover anything significant in his [Fergusson's] later years except that he was bitterly disappointed in them. . . . He suffered political reverses and failed of his darling ambition, which was to be a United States Senator."⁵⁹

But it is less difficult to summarize H. B. Fergusson's significance in New Mexico history. Here, the man emerges much more clearly. As a famous lawyer, he became involved in several hotly contested legal controversies of his era, involved in a way that invariably enhanced his personal reputation and advanced his political career. As an extreme partisan when the Democrats were a minority party, he helped shape his party's role in territorial and early state politics. His political activity introduced him to some of the best-known national and New Mexico figures of his time, notably William Jennings Bryan, Thomas B. Catron, and Albert B. Fall. Political activity also afforded him the opportunity to display his considerable oratorical eloquence. As a reformer, he proved to be the best-known, most enduring early spokesman for political change in New Mexico as the territory emerged from isolation and became more closely attuned to national problems, trends, and issues. As a public servant, perhaps his most important role, he secured the passage of the Fergusson Act, which helped prepare New Mexico for statehood by apportioning public lands for upgrading education. In these ways H. B. Fergusson left a lasting imprint upon his adopted home.

NOTES

1. On the dominance of the Republican party and the Santa Fe Ring in the late nineteenth century, see Warren A. Beck, *New Mexico: A History of Four Centuries* (Norman: University of Oklahoma Press, 1962), pp. 298–99; and Robert W. Larson, *New Mexico's Quest for Statehood, 1846–1912* (Albuquerque: University of New Mexico [UNM] Press, 1968), pp. 142–46.

2. Larson, *New Mexico Populism: A Study of Radical Protest in a Western Territory* (Boulder: Colorado Associated University Press, 1974), p. 3.

3. Larson, *Populism*, pp. 50–53.

4. Larson, "The Profile of a New Mexico Progressive," *New Mexico Historical Review* (NMHR) 45 (July 1970): 236.

5. The best source on the background of H. B. Fergusson is Harvey Fergusson, *Home in the West: An Inquiry into My Origins* (New York: Duell, Sloan and Pearce, 1944), pp. 48–79. See useful summaries in the Marion Dargan Papers, box 2, Fergusson file, University of New Mexico Library, Special Collections Department (UNM-SC), Albuquerque; and Ralph Emerson Twitchell, *The Leading Facts of New Mexican History*, 5 vols. (Cedar Rapids, Iowa: Torch Press, 1912), 2: 520–23, n. 438–39.

6. Marcus Brunswick et al., *Appellees v. John W. Winters' Heirs, Appellants*, *New Mexico Reports*, vol. 3 (1885), pp. 386–93.

7. H. Fergusson, *Home in the West*, pp. 65–66, 76; George Curry, *George Curry, 1861–1947: An Autobiography*, ed. H. B. Hening (Albuquerque: UNM Press, 1958), p. 60.

8. H. Fergusson, *Home in the West*, pp. 70–76.

9. Howard Roberts Lamar, *The Far Southwest, 1846–1912: A Territorial History* (New York: W. W. Norton & Company, 1970), pp. 177–78; Dargan Papers, box 2, Fergusson file, UNM-SC.

10. Erna Fergusson to Judge Joseph J. Willett, 21 August 1948, Erna Fergusson Papers, box 1, file 1, UNM-SC.

11. E. Fergusson to Willett, 21 August 1948, E. Fergusson Papers, UNM-SC; H. Fergusson, *Home in the West*, pp. 68–69. Erna Fergusson did not even mention her father in connection with this case when she wrote *Murder and Mystery in New Mexico* (Albuquerque: Merle Armitage Editions, 1948). She explained to Willett that she did so because prominent relatives of the defendants still lived in Socorro.

12. Curry, *Autobiography*, p. 73; Larson, *Quest for Statehood*, pp. 165–66.

13. H. Fergusson, *Home in the West*, pp. 71, 73–74.

14. Curry, *Autobiography*, pp. 72–73.

15. Curry, *Autobiography*, pp. 75–77.

16. William B. Childers to Andrieus A. Jones, 1 September 1893, Andrieus A. Jones Papers, State Records Center and Archives (SRCA), Santa Fe; Childers to Jones, 9 September 1893, Jones Papers, SRCA.

17. Dargan Papers, box 2, Fergusson file, UNM-SC.

18. Larson, *Populism*, pp. 97, 112; *Las Vegas Daily Optic*, 18 September 1894.
19. Territory of New Mexico, *Report of the Secretary of the Territory 1903–1904, and Legislative Manual 1905* (Santa Fe: New Mexican Publishing Co., 1905), unnumbered insert after p. 48.
20. Curry, *Autobiography*, pp. 93–94.
21. Larson, *Populism*, pp. 121–39.
22. Larson, *Populism*, p. 150.
23. Dargan Papers, box 2, Fergusson file, UNM-SC.
24. Larson, *Populism*, pp. 150–55.
25. Thomas B. Catron to Stephen B. Elkins, 21 November 1896, copy in Dargan Papers, box 2, 1896 Congress file, UNM-SC.
26. Lamar, *Far Southwest*, p. 199; Larson, *Quest for Statehood*, pp. 192–93.
27. U.S., Congress, *Congressional Record*, 55th Cong., 2nd sess., 1898, 31, pt. 2: 1369–73.
28. Twitchell, *Leading Facts*, 2: 521–22; Marion Dargan, “New Mexico’s Fight for Statehood, 1895–1912, I: The Political Leaders of the Latter Half of the 1890’s and Statehood,” *NMHR* 14 (January 1939): 30–31.
29. Twitchell, *Leading Facts*, 2: 521, n. 439.
30. H. B. Fergusson to Edward L. Bartlett, 10 June 1898, Edward L. Bartlett Papers, SRCA.
31. Larson, *Populism*, pp. 161–62; Dargan, “Fight for Statehood,” p. 31.
32. H. B. Fergusson to Bartlett, 14 October 1898, Bartlett Papers, SRCA.
33. Larson, *Populism*, pp. 161, 164–65.
34. E. Fergusson to Willett, 21 August 1948, E. Fergusson Papers, UNM-SC; A. M. Gibson, *The Life and Death of Colonel Albert Jennings Fountain* (Norman: University of Oklahoma Press, 1965), pp. 271–81; Curry, *Autobiography*, pp. 113–15.
35. Lamar, *Far Southwest*, p. 489; *Report of the Secretary of the Territory 1903–1904*, unnumbered insert after p. 48.
36. *Santa Fe New Mexican*, 23, 29 October 1902.
37. Summers Burkhart to Jones, 14 May 1908; Jacob H. Crist to Jones, 10 May 1908; Elisha V. Long to Jones, 28 April 1908; William McBee to Jones, 1 May 1908; Meliton Torres to Jones, 4 May 1908; William B. Walton to Jones, 15 May 1908, Jones Papers, SRCA.
38. Felix Martinez to Jones, 28 May 1908, Jones Papers, SRCA.
39. Martinez to Jones, 15 June 1908, Jones Papers, SRCA; *Santa Fe New Mexican*, 11 June 1908.
40. H. B. Fergusson to James D. Whelan, 27 June 1910, Harvey Butler Fergusson Letter Collection (1910–1911), UNM-SC.
41. H. B. Fergusson and Frank W. Clancy, “Addresses on the Making of a Constitution,” *Bulletin of the University of New Mexico*, no. 57 (Albuquerque: UNM Press, 1910), pp. 7–10.
42. Thomas J. Mabry, “New Mexico’s Constitution in the Making—Reminiscences of 1910,” *NMHR* 19 (April 1944): 170.

43. Mabry, "New Mexico's Constitution," p. 178; *Santa Fe New Mexican*, 27 October 1910.

44. For a general description of the convention, see Larson, *Quest for Statehood*, pp. 272—82.

45. H. B. Fergusson and Clancy, "Making of a Constitution," p. 10.

46. Larson, *Quest for Statehood*, p. 282.

47. H. B. Fergusson to W. A. Merrill, 29 November 1910, H. B. Fergusson Letter Collection, UNM-SC.

48. H. B. Fergusson, *The Constitution: Its Dangers and Defects* (n.p., n.d.), p. 3. A copy of this ratification campaign pamphlet is in the Holm O. Bursum Papers, box 6, file 1, UNM-SC.

49. Larson, *Quest for Statehood*, pp. 286, 295—96.

50. H. B. Fergusson to William Jennings Bryan, 15 September 1911, H. B. Fergusson Letter Collection, UNM-SC.

51. Curry, *Autobiography*, pp. 260—63.

52. U.S., Congress, *Congressional Record*, 63rd Cong., 2nd sess., 1914, 51, pt. 14: 13696, contains his views on western lands. For his votes on these major bills, see the *Congressional Record*, 63rd Cong., 1st sess., 1913, 50, pt. 2: 1386—87 and pt. 5: 5129; and 63rd Cong., 2nd sess., 1914, 51, pt. 10: 9911—12.

53. Curry, *Autobiography*, p. 275; numerous letters concerning the Long appointment and Fergusson's involvement from 1912 to 1914 appear in the Elisha V. Long Papers, SRCA.

54. U.S., Congress, *Congressional Record*, 62nd Cong., 2nd sess., 1912, 48, pt. 10: 10010.

55. *Congressional Record*, 62nd Cong., 2nd sess., 48, pt. 10: 10011—12.

56. *Albuquerque Morning Journal*, 28 October 1914, 11 June 1915; undated obituary from *El Fenix*, Long Papers, SRCA.

57. E. Fergusson, *Murder and Mystery*, p. [7].

58. This statement was attributed to "E. F." in the Dargan Papers, box 2, Fergusson file, UNM-SC.

59. H. Fergusson, *Home in the West*, p. 77.