

# FATHER OF NEW MEXICO STATEHOOD

CHAVES, José Francisco, (1833-1904)



*Image courtesy of the Library of Congress*

*J. Francisco Chaves*

J. Francisco Chaves, one of the most eminent New Mexicans of his time, became a powerful political personality in his county and an acknowledged leader of the Republican Party. Chaves was born June 27, 1833 in Los Padillas, Mexico, in what is now Bernalillo County, near Albuquerque, New Mexico. His parents, Mariano Chaves and Dolores Peres, both came from prominent New Mexican families. His grandfather, Francisco Xavier Chavez, was the Governor of New Mexico in 1822, shortly after Mexico achieved independence from Spain in 1821.

When José Francisco was five years old, his father sent him to Chihuahua to begin his schooling. He continued his education in New Mexico until he left for St. Louis, Missouri with the following advice from his father: "The heretics are going to overrun all this country. Go and learn their language and come back prepared to defend your people" (Twitchell, 1912 p.400).

In 1841 Chaves entered St. Louis University in Missouri, which he attended until 1846, when he was forced to return to New Mexico because of the Mexican-American War. He continued his education in a private academy in New York City, and at the College of Physicians and Surgeons, where he spent two years studying medicine. At age twenty he took over the operation of the family ranch, which included driving large flocks of sheep to markets in California. and was president of the New Mexico Territorial Council for eight sessions.

In 1859 while Chaves was serving as a soldier in a military expedition against the Navajos, he was elected to the territorial legislative assembly, but was able to serve for only part of the term. At the outbreak of the Civil War, Chaves received a presidential commission with the rank of major when he entered the Union Army as major of the 1st New Mexico Infantry Regiment. He was later promoted to lieutenant colonel for "gallant and meritorious service." and took part in the Battle of Valverde in 1862.

Chaves was elected a Republican to the United States House of Representatives in 1864, serving from 1865 to 1867. He was elected back to the House of Representatives in 1868 and successfully contested the election of Charles P. Clever in 1869, serving again until 1871 The House Committee on Elections found the election had been fraudulent and seated Chaves.

After Chaves was honorably discharged from military service in 1865, he took up the study of law and was admitted to the bar. That same year he also was elected Territorial Delegate to Congress, defeating his first cousin, Francisco Perea.

On March 3, 1871 Chaves delivered a passionate speech on the New Mexico Enabling Act, which would grant statehood to New Mexico. He argued that a territorial government was incompatible with the principles of a republican system. Despite his impassioned plea, however, the bill did not pass the House.

Chaves used the floor of the House to argue in favor of the Indian appropriation bill, which would compensate New Mexicans for damages caused by Indians. He argued that according to the Treaty of Guadalupe Hidalgo, the people of New Mexico possessed certain rights equal to, if not superior to, those of Indians, and when Indians committed depredations upon the non-Indian citizens of New Mexico, reimbursement for those depredations should be made by the Federal Government.

He was defeated in his effort to be reelected to a fourth term in Congress, but he continued his involvement in New Mexico's politics. He served as district attorney for the Second Judicial District from 1875 to 1877. In 1875 he was elected to the New Mexico Territorial Legislative Council and was reelected to every succeeding legislature until his death. He was a member and president of the New Mexico constitutional convention in 1889. He was appointed superintendent of Public Instruction in 1901, and also was named New Mexico State Historian in 1903. On November 26, 1904 Chaves was assassinated at Pinos Wells, (Cedar Vale, Torrance County), N.Mex.; his assassin was never found. (near Cedar Vale, Torrance County), N.Mex., His interment is in the United States National Cemetery at Santa Fe, N.Mex. a bronze bust of Colonel Chaves was unveiled in the capitol building at Santa Fe in March, 1925. Chaves County is also named for him.



## **J. Francisco Chaves Father of New Mexico Statehood**

was president of the New Mexico constitutional convention in 1889

### **Highlights of the New Mexico Constitution adopted January 21, 1911**

<http://www.sos.state.nm.us/pdf/2007nmconst.pdf>

**Article II –Section 2.** *[Popular sovereignty.] All political power is vested in and derived from the people: all government of right originates with the people, is founded upon their will and is instituted solely for their good.*

**Section. 4.** *All persons are born equally free, and have certain natural, inherent and inalienable rights, among which are the rights of enjoying and defending life and liberty, of acquiring, possessing and protecting property, and of seeking and obtaining safety and happiness.*

**Section. 5.** *[Rights under Treaty of Guadalupe Hidalgo preserved.] The rights, privileges and immunities, civil, political and religious guaranteed to the people of New Mexico by the Treaty of Guadalupe Hidalgo shall be preserved inviolate.*

**Article VII – Section 3** *Elective Franchise, (Religious and racial equality protected: restrictions on amendments): “The right of any citizen of the state to vote, hold office or sit upon juries, shall never be restricted, abridged or impaired on account of religion, race, language or color, or inability to speak read or write the English or Spanish languages except as may be otherwise provided in this constitution.”*

**Article XII – Section 8** *Education, (Teachers to learn English and Spanish): “The legislature shall provide for the training of teachers in the normal schools (schools that prepare teachers) or otherwise so that they may become proficient in both the English and Spanish languages, to qualify them to teach Spanish-speaking pupils and students in the public schools and educational institutions of the state, and shall provide proper means and methods to facilitate the teaching of the English language and other branches of learning to such pupils and students.”*

**Section 10** *(Educational rights of children of Spanish descent): “Children of Spanish descent in the state of New Mexico shall never be denied the right and privilege of admission and attendance in the public schools or other public educational institutions of the state, and they shall never be classed in separate schools and educational institutions of the state, and the legislature shall provide penalties for the violations of this section.”*