

MAJOR SENA RIDES TO THE POLITICAL RESCUE OF PADRE GALLEGOS THE CAVALRY ON A STALKING HORSE!

By Mark B. Thompson

The casual observer might justifiably assume that the 19th century New Mexico law business was almost the exclusive province of those who came to the territory after 1846. The first published list of persons admitted to the Bar of the Supreme Court of the Territory of New Mexico appears to include only two lawyers born before 1846 in that part of Mexico which became the U.S. Territory of New Mexico.¹ Those two men, José Francisco Cháves and José Doroteo Sena, were destined to play important roles in territorial law and politics.²

J. Francisco Cháves, for whom the county is named, had the larger political presence and met a violent end in 1904, possibly instigated by his political opponents.³ José D. Sena, had a significant military, political and legal career, but to modern lawyers he may not emerge from the shadow of his son, José, who served thirty years as clerk of the N.M. Supreme Court. The careers of Cháves and Sena intertwined as we shall see, but Sena died peacefully at his Santa Fe home on July 11, 1892.⁴

Sena was born about 1836 in Santa Fe and was recognized as an academic prodigy. His parents sent him to school in Albuquerque at age nine and, from 1853 to 1855, he continued his formal education while serving as a private secretary and interpreter for the New Mexico delegate to the U.S. Congress, José Manuel Gallegos, a/k/a Padre Gallegos. Ralph Twitchell, our first lawyer/historian, says that part of Sena's education included the study of law in Alexandria, Virginia.⁵

Sena moved back to New Mexico after the U.S. House of Representatives decided that M.A. Otero (the 1st) had prevailed over Gallegos in the 1855 election for Congressional Delegate. Sena became a merchant in Taos and married Isabel C. de Baca of Peña Blanca. On Aug. 1, 1861, he enlisted in the Union Army and was commissioned a captain in the 1st New Mexico Cavalry. Historian Marc Simmons finds him at Ft. Fauntleroy, later Ft. Wingate, in September of 1861, before moving south to defend Ft. Craig with Col. Canby's troops. Ralph Twitchell reports that Sena received the praise of Canby for his efforts at the Battle of Valverde in 1862, won by the Confederates under General Sibley. Sena's last cavalry job involved the reconstruction of Ft. Marcy in Santa Fe and he mustered out with the rank of major on May 13, 1864.⁶

Following his military service, Major Sena was elected sheriff of Santa Fe County in 1865. In 1871 he apparently decided he had acquired sufficient political standing to challenge the incumbent, J. Francisco Cháves, for the Republican Party nomination for delegate to Congress. At the Territorial Republican Convention on April 29, 1871, Major Sena received the support of 23 convention delegates but Cháves prevailed with 44 votes.⁷

After Sena declared as an independent candidate, Republicans branded him a renegade and complained that he had "openly pledged himself"⁸ to support Cháves over the Democrat, José Manuel Gallegos. Was the Major's independent candidacy based upon his desire to see Padre Gallegos return to Congress? Did he merely think that he, Sena, was the better man for the job? Whatever Sena's motivation, his candidacy arguably cost Cháves the delegate seat. If Cháves had received all of Sena's 2,534 votes, a matter of speculation, he would have defeated Gallegos by 149 votes and retained the delegate seat.⁹

In 1873, Major Sena was admitted to the Bar and practiced law in Santa Fe until his death in 1892. He served four more years

as Sheriff of Santa Fe County and also spent considerable time as a court interpreter. In 1886, he served as clerk of the territorial Council (Senate) under President, J. Francisco Cháves. In 1888, he held the same position in the House of Representatives, led by the Republican Speaker of the House, Albert J. Fountain of Doña Ana County. Perhaps the prior political sins had been forgiven. The next time you have lunch at Sena Plaza on East Palace Avenue in Santa Fe, you can toast the early residents, Major Sena and his family. Or perhaps, after a meal at the Padre Gallegos House on Washington Avenue, you should raise a glass to the political career of its former owner, rescued by the cavalry riding on a "stalking horse."¹⁰

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(Endnotes)

¹ New Mexico did not become a territory of the U.S. until 1851, but the legal system started with the military occupation of 1846. The first list of lawyers includes Supreme Court admissions from 1846 and was published in the preface to 1 N.M. (1881). I believe that there were territorial lawyers admitted to the practice of law by a district judge but who were never listed as admitted by the Supreme Court. I have found at least one lawyer, Stephen B. Elkins, listed as counsel of record in reported cases but who never appears in a printed list of persons admitted to the Bar.

² Antonio José Otero of Peralta, (DOB March 13, 1809), was appointed by General Kearny to the first N.M. Supreme Court in 1846, but I have found no evidence that he was a lawyer. Miguel Antonio Otero, *primero*, of Valencia County (DOB June 21, 1829), apparently studied law in New York and Missouri and was admitted to the Missouri Bar in 1851. His U.S. Congressional biography says that he was appointed New Mexico attorney general in 1854, an assertion not supported by the *New Mexico Blue Book*. I have not found any evidence of his practicing law in New Mexico. His son, the governor and for whom Otero County is named, was not a lawyer. His grandson, Miquel Antonio Otero, *tercero*, was the first M.A. Otero on any New Mexico Supreme Court list. He served as attorney general and as a district judge.

³ See e.g., "Who Killed J. Francisco Cháves?" *Bar Bulletin*, May 19, 2008.

⁴ "Death of Major Sena," *The Daily New Mexican* (Santa Fe: July 11, 1892), p. 3.

⁵ Ralph Emerson Twitchell, *The Leading Facts of New Mexican History* (Torch Press, Grand Rapids; 1912), Vol. 2, p. 389.

⁶ Marc Simmons, *The Little Lion of the Southwest: a life of Manuel Antonio Cháves* (Swallow Press, Chicago: 1973), p. 166. Twitchell, *id* at p. 388. Will Keleher also reports that a Col. José D. Sena of Santa Fe, and the N.M. Volunteers, maintained order at the execution of convicted murderer Paula Angel in Las Vegas on April 26, 1861. See William A. Keleher, *Turmoil in New Mexico: 1846-1868* (Rydal Press, Santa Fe: 1952), p. 398.

⁷ "The Territorial Convention," *The Daily New Mexican* (Santa Fe: May 1, 1871), p. 1.

⁸ "Vote," *The Daily New Mexican* (Santa Fe: Aug. 17, 1871), p. 1.

⁹ "Official Vote for Delegate," *The Daily New Mexican* (Santa Fe: Sept. 19, 1871), p. 1.

¹⁰ From the third definition in the *Webster's Encyclopedic Unabridged Dictionary of the English Language*: "Politics. a candidate used to conceal the candidacy of a more important candidate or to draw votes from a rival and hence cause his defeat."