

Pioneers

by Marcia Wilson

I am fascinated by pioneers, those who set out to do something that has not been done before. What makes them do it? Why this person and not that person? What does it take, not just to imagine something that has not been before, but to make it happen? And perhaps most interesting, what does the idea and its accomplishment do to the pioneer?

Several years ago, I set out to answer this question in a small local context, by uncovering what is knowable about the lives of early women lawyers in New Mexico. One of the first things I realized was that original historical research is a difficult, time consuming task. Nevertheless, through luck and assistance from various people,¹ I have been able to wrinkle out some information about some of these women. This article presents sketches of three New Mexico pioneer female lawyers. There is much still to discover, but I hope this article spreads the knowledge and interests others in pursuing additional research.

The portion of the article on Nellie C. Brewer Pierce is, to a large degree, a reprint of an article by Marcia Wilson entitled "Pioneer Women Lawyers: Nellie C. Brewer," which was published in Volume 1, No. 2 (Winter 1991-92) of The Equity Club, a publication of the New Mexico Women's Bar Association. The article has been reprinted with the permission of the New Mexico Women's Bar Association.

HENRIETTE HUME PETTIJOHN BUCK

Henriette Hume was the first woman admitted to practice law in New Mexico. Henriette was born in Columbia, Boone County, Missouri, to James Robert Hume and Sallie Booth Hume. Henriette was the oldest of five surviving children, Cora, Mary Francis, Carrie Lee, and Sallie.² The family was of Scottish descent, "tracing their American ancestry to Sir George Hume, the tenth baron of Wedderburn, who immigrated to Virginia in 1721."³ Henriette was said to be quite proud of her noble lineage and ultimately wrote a novel based on her genealogical research. Acquaintances remember her as always wearing a pair of heirloom diamond earrings said to have been removed by Mary Queen of Scots and handed to a courtier shortly before she was beheaded.⁴

The five Hume daughters received a liberal education at the State University of Missouri.⁵ Henriette's first and apparently most enduring occupation was as a writer of popular novels. The history of the Hume Family mentions three books in particular: "Cast up by the Waves;" "Etalle," characterized as a book of "considerable strength;" and "Dorothy," apparently an historical fiction about Scotland, in connection with which she traveled to Scotland.

Henriette first visited New Mexico with her father, who was the guest of President U.S. Grant.⁶ For reasons unknown, by the 1890s, several of the Hume women were married and living in Las Vegas. Henriette apparently was the first to go west, and on August 30, 1883, married Dr. Julius B. Pettijohn of Las



Vegas, New Mexico.⁷ At some point thereafter, her sisters Mary Francis and Sallie moved to Las Vegas.⁸ Ultimately they were joined by Cora's daughter, Paulina Talley,⁹ and by their mother after their father died.¹⁰

It appears that out of necessity Henriette became the first woman in New Mexico to be admitted to the practice of law. The marriage to Dr. Pettijohn was not a happy one. Although Julius was doing a "fine business," he was lax in paying bills.¹¹ Eventually, Julius went to Kansas City to go into practice with Dr. M. L. Michaels. Henriette hoped that "a change would do him good and get away from some of his old associates and get into better habits." Henriette followed him to Kansas City, where they rented rooms. Once again Julius was not parting with money for the household expenses, so Henriette took in one of her sisters and her husband as boarders. Eventually even this wore thin, and Henriette had to ask for assistance from her uncle in order to take herself and her daughter Cora back to Las Vegas. Julius decided to accompany them, thinking that if he could "get away from the bad company and drinking in Kansas City, he could do well

again . . .” After a few months in Las Vegas, clean living seems to have palled for Julius again, and he returned to drinking and gambling at Mr. Quinlys’ saloon. In October of 1891, Julius went back to Kansas City, leaving Henriette and Cora to their own resources in Las Vegas.

Henriette and Cora had been living with Henriette’s mother, but by this time, her mother could no longer keep them, so Henriette began to look for paid employment in Las Vegas. Ultimately Edward W. Pierce hired her to make up the tax rolls for \$200. However, when the rolls were completed, no other employment seemed to be available.¹² In December 1891, the First National Bank in Las Vegas sued Henriette to collect on a debt of \$91.¹³ The suit initially was filed in the Justice of the Peace Court and the judgment appealed by Henriette to district court. The appeal bond filed in the justice court names Henriette’s mother and Jesus River as sureties and Edward W. Pierce as garnishee, strongly suggesting that Pierce was Henriette’s employer at the time. It appears to have been still pending at the time Henriette was admitted to practice.

Henriette was admitted to practice April 16, 1892.¹⁴ A committee of three lawyers was appointed to conduct an examination of her knowledge of the law; the members were Elisha V. Long, William B. Bunker, and William G. Haydon. The favorable report filed by these gentlemen reads as follows:

We the undersigned committee appointed by the Court to examine into the qualifications of Henriette Pettijohn for admission as a member of the bar of the Court, respectfully report that we have made such examination, continuing the inquiries as to her qualification and the examination for about two hours

including in the examination inquiry as to the various subjects required by the rules of this court. We report to the Court that the applicant passed a very creditable examination showing herself to be reasonably familiar with the various subjects embraced in the rules and as well qualified for admission familiar with legal principles, as the average of persons admitted to practice upon first examination.

Shortly after admission, Henriette applied to be a notary public. In a letter sent to Governor Bradford Prince, dated April 25th, 1892, she asks Governor Prince to sign her notary application, and refers to sending it to her husband for his signature.¹⁵

In most states and territories, the admission of women to the practice of law stirred great controversy and often was won only after many years of struggle.¹⁶ If there was any such controversy surrounding Henriette’s admission, it was kept very quiet. The minutes of the territorial bar association, then a voluntary organization, make no reference to it. *The Las Vegas Optic* mentioned it in what appears to be its “local doings” column, sandwiched in between an announcement concerning the changed location of the offices of the gas and electric light company and an equally scant mention of a Glorious Saturday (El Sabado Gloria) service.

It is not clear whether Henriette actually practiced law in Las Vegas. She is not shown as representing anyone in court for more than a year after her admission, and none of the business directories at the time show her listed as a lawyer. Her family believes that she was an officer in the territorial or state bar association, but the minutes of the association do not confirm this.

Similarly, while Governor Bradford wrote a glowing letter of recommendation to the incoming administration, it cannot be determined whether she actually secured a job with state government.

In 1893, Henriette divorced Julius and received custody of Cora.¹⁷ Henriette continued to live in Las Vegas and eventually married Arthur Buck, a rancher near Las Vegas. On July 5, 1900, Henriette gave birth to a second daughter, Carrick. In 1913, Henriette, Cora, and Carrick moved to Los Angeles while Buck stayed in Las Vegas. Unfortunately, the marriage to Buck also ended in divorce.¹⁸ One of her relatives insists that Buck became interested in and married a younger woman and Henriette “died of a broken heart.”

Henriette may never have practiced law. However, her daughter Carrick was admitted to the bar in California in 1921. In 1923, Carrick and her sister Cora moved to Hawaii, where Carrick was sworn into practice in 1924. Carrick went on to have a distinguished career in Hawaii, becoming assistant U.S. Attorney for the territory, a judge of the circuit court, and on occasion sitting on the Supreme Court of Hawaii.¹⁹

NELLIE C. BREWER PIERCE

Nellie C. Brewer appears to be the first woman to actually practice law in New Mexico. She also appears to be the first woman to establish a firm with her husband, the first woman to join the New Mexico Bar Association, and the first woman elected as an officer of the Association.

Nellie came to New Mexico during the late 1890s, graduated

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from the University of New Mexico and became a stenographer. At some point she began working for Edward W. Dobson, a prominent Albuquerque lawyer. Nellie apparently decided she would rather be a lawyer than work for one. Her 1907 application to take the bar examination said she had studied in Dobson's office for the previous two years and there is some evidence she appeared in court for him before she passed the exam.²⁰ The minutes of the annual meeting of the New Mexico Bar Association held in August 1908 record without comment the admission of "Miss Nellie C. Brewer" along with the admission of a number of men at that meeting. The Association apparently welcomed Nellie, and in February 1910 she was elected secretary-treasurer. She was re-elected annually, without opposition, until she left New Mexico for California in August 1916.

After Nellie passed the bar examination, she shared Dobson's office at 4-6 Cromwell Court Block in Albuquerque. In addition to *Oliver Typewriter*, Nellie handled at least two other cases in those early years. One was a collection action in which she represented Dobson. This case involved little more than obtaining the defendant's default. In the second, Nellie represented the guardian of a "lunatic" during commitment proceedings.

By 1911, in addition to her practice, Nellie opened an insurance business at 7 Cromwell Block. By 1912 she had expanded her business to include the Audit & Credit Company, as well as law and insurance. A second lawyer named Harold Pierce was involved in the

Audit & Credit Company. Nellie and Harold apparently got along very well because by 1913, they were married. Nellie changed her name to Nellie C. Pierce and together they started the first wife-husband law firm in New Mexico, Pierce & Pierce. Nellie must have established a fair reputation on her own, however, because the insurance agency became the Brewer-Pierce Insurance Agency, located at 1 Law Library Building.

By 1914, the Brewer-Pierce Insurance Agency was handling real estate and loans, as well as insurance; the Audit & Credit Company was back in business; the law firm was still in operation, and everything was being run from 1 Law Library Building. At some point between 1914 and 1916, Nellie and Harold apparently decided that it was all a bit much. In 1916, the only business they were running together was the law firm. In addition, Nellie was manager of the Office Service Co. & Business Efficiency Night School.

Nellie's work for the New Mexico Bar Association as secretary-treasurer was by no means limited to taking notes. In her first official report, filed in 1911, she informed the members that the procedures for paying bills were too cumbersome, and that the time-honored practice of allowing members to bring their back dues current by a one-time payment of \$10 was not authorized by the bylaws. A committee was duly convened to investigate the situation and reported back during the meeting that Miss Brewer was correct. The constitution and bylaws were amended to correct the problems. In addition, the members approved a provision, not recommended by Nellie but added by the committee, that made the secretary an ex-officio member of the executive committee. The organizational

structure of the Association continued to be one of her concerns throughout her tenure. In 1914 she chaired another committee convened to amend the constitution and bylaws of the association.

The duties of the secretary-treasurer increased considerably during the six years of Nellie's service. As part of its efforts to increase its membership and payment of dues, the Association had established a practice of printing and distributing the minutes of its meetings, complete with lengthy speeches on various topics, to all lawyers in the state and to other state bar associations. In 1912, the association voted its thanks to Nellie for her efforts on their behalf. By 1913, the minutes were distributed to over 350 members in the state, as well as a number of organizations outside the state. That year the vote of thanks included a payment of \$100 for expenses and services for the past four years. The minutes record that the secretary expressed her sincere appreciation for the gesture.

Having expressed their appreciation, the members also voted to undertake efforts to increase the membership of the Association. Among other things, the members voted to have the secretary visit each county seat, where she would spend a few days with the local membership committees and, incidentally, attempt to collect back dues from local members. The minutes for the 1914 meeting indicate this did not actually happen; instead, the Association decided that in view of the state of its finances, it was more important to continue the practice of distributing the minutes to all lawyers in the state.

In 1916, Nellie abruptly resigned her post with the bar association. Later minutes record she left Albu-

querque to become a public defender in the juvenile courts in Los Angeles. Harold apparently joined her in California. She returned to New Mexico at least once, for the 1931 Association minutes record she was present at the annual meeting for that year, and "expressed her appreciation and delight of once more being among her fellow members of the bar and citizens of New Mexico and warmly praised the New Mexico Bar."

ELEANOR THOMPSON RUSSELL²¹

Eleanor Thompson was born in Clayton, New Mexico on December 10, 1899. She was the oldest child in her family and had three sisters and one brother. Eleanor went to high school in Trinidad and graduated about 1919. Eleanor's son John says she raised her siblings. The family apparently returned to Clayton in 1919 and Eleanor went to work for her uncle, Oliver P. Easterwood, in his law office.

Easterwood was a very successful lawyer whose practice ultimately included representing the Colorado & Southern Railway, most of the banks in Union County, and the Joyce Cattle Co. He also was city attorney for many years and active in republican politics. Easterwood was so impressed with Eleanor that he sent her to law school at the University of Denver. When she graduated in June 1924, he wrote her the following letter,

It seems proper, at a time when the various platitudes are being dispensed towards graduates over the county, that I should make some few observations in your direction, in advance of your entry into the practical meshes of your chosen profession.

About 21 years ago I embarked upon a similar career, then two or three years your junior, knowing not what would be the future outcome,

without money, experience or friends. You are possessed with some of the necessary attributes that I entirely lacked. You are of more mature years and are in the very flower of womanhood, with a chance and opportunity to reach beyond success at the inception of your career. It must be assuring to you, and is indeed gratifying to your relatives and friends to know and appreciate that it all lies with you.

I began the practice without any equipment whatever in the way of office necessities, without friends or acquaintances, without any experience whatever and did not even know how to use a typewriter. I arrived at Clayton with \$80.00 in money and invested it the next day, fifty-fifty, in a desk and chair and suit of clothes. I have had some success in the profession and it has come through hard work and the expenditure of energy.

If you start in down here, you will have every advantage and there is no reason why you should not go to the top. It all depends upon your own determination, followed by the necessary work to carry it through.

What I desire to project to you is the importance of starting off right. You are to disabuse all ideas that you are a mere school girl. Your personal appearance, therefore, becomes an important factor. Hence, you should lay aside all items of dress that tend to make you appear the mere kid that you are. Get you some of the highest heeled shoes you can find, leave all but silk stockings at home, secure some of the plainest yet most expensive wearing apparel and get yourself fixed up (and keep yourself that way) to the extent that every stranger you pass will turn around twice and look at you after you have gone, so that every acquaintance of years standing will remark about the neatness and elegance of your bearing.

Not knowing just what is the condition of your financial status, but assuming that you, like most others who finish a commencement exercise, are long on theory and short on money, I am today directing the First National Bank of Trinidad, Colorado to honor your drafts on my account and I want to urge upon you the importance of getting the proper materials into circulation down here. My suggestion is that you buy yourself about \$300.00 to \$400.00 worth of wearing apparel, to have in addition to what you already possess, and you will then be properly prepared to start into the practice.

It goes without saying that this money that you may withdraw from my account is to be repaid by you, at your convenience, with reasonable interest thereon. If you can't repay a few hundred dollars in a reasonable time, you will be a failure at the bar. So do not hesitate to plunge into my account so far as you please — I'm willing to take the chance and I have ample funds on deposit to fully protect all of your demands and leave me all I need for all purposes. You need assistance now more than you will probably ever need it in the future and it will please me more than it will you for me to be able to render it. So go ahead with the knowledge that there isn't anything too nice or too good or too expensive for you to display as you march into the practice.

Eleanor returned to Clayton after graduation and became a partner in the firm, which was then known as Easterwood and Thompson. Eleanor appears to have been very active in practice and argued at least one case in the New Mexico Supreme Court. She also was admitted to the United States Supreme Court

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and appeared of counsel on a petition for rehearing in a case, *Baker v. New Mexico*. Eleanor's son, John, sent me a copy of a letter she wrote to her family concerning her trip to Santa Fe to argue before the New Mexico Supreme Court:

I left Tuesday evening on the 5:30 with my bag and brief case. Arrived in Trinidad, recalling on the way I had neglected two important things in the rush of getting off. I wrote Mr. E. a letter and sent it out before retiring, and then I went to bed for a good snooze, but it was not so good as I anticipated. I couldn't seem to really sleep. Just about half asleep most of the time. Got up, had breakfast and boarded the train for Santa Fe. I got out my papers and the record in the case and went over the whole thing until about noon. At that time, three ladies on the train asked me to play bridge with them, and feeling that I was rather brain fagged, I decided I would do so. We played bridge the rest of the afternoon. I got off at Lamy Junction and was in Santa Fe by a little after six. Cleaned up for supper, called Edna and Florence and asked them to get to the show with me. I was sure it would be the only opportunity I would have to see them, as the next day would be a busy one for me. Also, I felt that I must get my mind relieved of the strain.

I went down to supper — and boy, I had a good one. Young roast turkey, the trimmings, etc. It certainly was good. The first thing I did, upon arriving in the dining room, was to look about me for my opponent. I thought possibly he would be on the train when I went over, but he was

not. I first spied Mr. Sadler and then Mr. Ward. I had not yet seen Mr. Dardin. Soon, I looked again, and sure enough there he was. Mr. Sadler spoke to me, and I gave Mr. Dardin the sign - greeting - and he came over and spoke to me. After they - the four men - had eaten, they came over shook hands with me and spoke some pleasantries. Dardin and I had a little conflagration after dinner, and he gave me some of the idea about what would come off the....²²

Eleanor went to Boise City, Oklahoma to open an office for the firm there. Her sister accompanied her, as did a Winchester rifle given to her by a friend in Clayton. The rifle came in quite handy one night when there was someone sneaking around outside the cabin where she and her sister lived. Eleanor had no hesitation in shooting.

Eleanor met the man she eventually married, John Steven Russell, in Clayton. Steve was sitting in a barber chair in Clayton when Eleanor walked by. He liked the way she walked — striding along. They were married in 1930 in Denver and Steve apparently finished law school there as well. Eventually they moved to Denver, where he went into the printing/newspaper business. Eleanor was admitted to the Colorado bar in February 1932 as Eleanor T. Russell. It appears that she never practiced in Colorado, but worked with her husband at various printing ventures. ■

Marcia Wilson was admitted to the bar in New Mexico in 1973. She thinks she is one of the first one hundred women admitted to the bar in New Mexico. She works as a staff attorney for the New Mexico Court of Appeals. She would love to hear from anyone who can add to the store of knowledge about these or any of the early women lawyers.

FOOTNOTES

1. My most constant companion on this quest has been the Honorable Pamela B. Minzner, who has helped uncover quite a bit of this information and has been consistently interested and encouraging. Like so many female lawyers in New Mexico, I owe Chief Justice Minzner more than I can say for her support.
2. *A History of the Hume Family*, 96-97.
3. Margaret Silverman Ehlike, "Carrick Buck," *Called From Within: Early Women Lawyers of Hawaii* at 53 (University of Hawaii Press 1992).
4. *Ibid.*
5. *A History of the Hume Family* at 96-97.
6. *Called from Within: Early Women Lawyers of Hawaii* at 52. President Grant served two terms as President 1868-72 and 1872-76. Henriette's visit must have been sometime during that period.
7. *A History of the Hume Family* at 96-97. The date of the marriage is taken from the divorce papers, Docket No. 4369, District Court of San Miguel County, *Henriette H. Pettijohn v. J. B. Pettijohn*, Bill of Complaint filed July 5, 1893.
8. *A History of the Hume Family* at 97.
9. *A History of the Hume Family* at 96.
10. *Called from Within: Early Women Lawyers of Hawaii* at 53.
11. The following information is taken from Henriette's affidavit filed in the divorce action in 1883.
12. *First National Bank of Las Vegas New Mexico v. Mrs. J. B. Pettijohn*, Docket Number 4118, District Court of San Miguel County.
13. *Ibid.*
14. *In re application of Henrietta Pettijohn to the Bar*, District Court, County of San Miguel, No. 4137, Report of the Committee.
15. TANM, Reel 11, Frame 1007, Archives.
16. Karen Berger Morello, *The Invisible Bar*.
17. *Henriette Hume Pettijohn v. Julius B. Pettijohn*, District Court of San Miguel County, No. 4369.
18. Letter dated October 3, 1990, to Judge Pamela B. Minzner, Judge, New Mexico Court of Appeals.
19. Carrick's story is a full chapter in *Called From Within: Early Women Lawyers of Hawaii*.
20. See *Oliver Typewriter Co. v. Burtner & Ramsey*, 16 N.M. 271 (1911).
21. Much of the information on Eleanor Thompson Russell was obtained from *Pioneer Living with Mema: The Autobiography of Goldianne (Guyer) Thompson* (Publishers Press, Inc./Monitor Publications, Denver, Colorado 1971).
22. The rest of the letter appears to have been lost.