

Tiburcio Vasquez

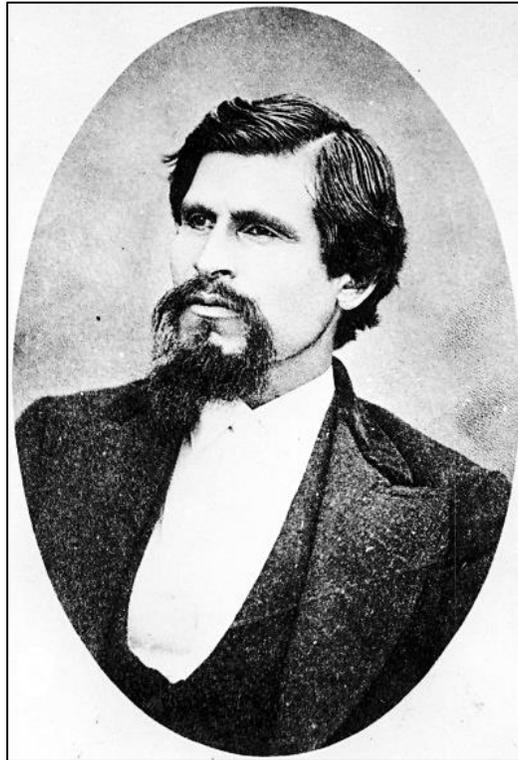


Photo taken in 1874, by V. WOLFENSTEIN, of Los Angeles.

Background

Alta California was the last frontier and outpost of colonization established by the Spanish crown on the North American continent, when in 1769, in order to protect the Manila galleons and seeking a means to strengthen defenses against the Russians and British, Spain finally took steps to colonize the coast of Upper California. In 1775, the Viceroy instructed Juan Bautista de Anza to lead an Expedition in order to establish missions in the vicinity of what would come to be called the Port of San Francisco and to provide "in that port [of San Francisco] a certain sign of defense to indicate that it belongs to his Majesty." Anza gathered supplies and settlers from Sinaloa and Sonora, and in May 1775, took his flock northward from Mexico.

The Vasquez Family

Included among the 240 men, women and children who made the 1,200-mile trek from Mexico with the Anza Expedition of 1775-1776, was Tiburcio's 40-year-old great grandfather, Juan Atanasio Vasquez and his family, which included his eldest son, 20-year-old, José Tiburcio Vasquez. The first man to sign Anza's roster was Juan Atanasio and he enlisted as a soldier, as did his son José Tiburcio. Along the way, José Tiburcio married 16-year-old, María Antonia Bojorques. On March 10, 1776, The Anza party reached Monterey. Two weeks later a small party was sent to explore the San Francisco Bay area for a site to establish a pueblo. When they

returned to Monterey, Anza ordered Lieutenant Moraga to lead 20 soldiers and settlers, including the Vasquez family, to the chosen site on San Francisco Bay. Arriving June 27, 1776, they built huts and an altar and on June 29th celebrated mass at the site that would become Mission Dolores. This marked the founding of San Francisco, 6 days before the signing of the Declaration of Independence, a continent away.

The Vasquez family did not remain long in San Francisco. The following year, 1777, Lieutenant Moraga was ordered to take a group of the newly arrive soldiers and settlers to found a mission and a pueblo below the south end of the bay. While Juan Atanasio remained at the San Francisco Presidio, nine families, one of which consisted of José Tiburcio Vasquez, his wife and baby daughter, were persuaded to go with Moraga. A site was chosen 8 miles below the south end of the Bay on the west side of the Guadalupe River. Named Mission Santa Clara de Thamien, here on January 23, 1777, Mass was celebrated for the first time and on September 29th, on the east side of the river, ground was broken for the pueblo of San José (the first pueblo in California). Sunday mass was obligatory and so acting as the parish church for the civilian settlers, Mission Santa Clara would become the religious, political, and social center for the inhabitants of the pueblo.

In 1784, María would give birth to her and José Tiburcio Vasquez' 5th son, José Hermenegildo Vasquez y Bojorques in the pueblo of San José. The only one who could read and write, José Tiburcio Vasquez became a prominent citizen in San José holding the office of alcalde (a combination of mayor and judge) in 1794, and from 1802 to 1807. When he died in 1827, he left three sons, one of whom was José Hermenegildo.

Like his grandfather, José Hermenegildo Vasquez had become a Spanish soldier. In 1808, he was stationed in Monterey where he would serve for many years. Here he met María Guadalupe Cantúa, whose grandfather had also been a soldier at Monterey. They were married in the Royal Presidio Chapel on February 26, 1831. As he was a former soldier, Hermenegildo Vasquez was entitled to seek a grant of land from the Mexican government and in 1835, six months after his son Tiburcio's birth, he did so and was awarded an approximately 40-acre parcel of land on the Pajaro River about 3 miles west of San Juan Bautista.

Tiburcio Vasquez

Born on April 7, 1835, in Monterey, the capital of Mexico's District of Alta California, Tiburcio Vasquez was a direct descendent of the first settlers to arrive in Alta California and whose family was directly involved in the founding of both the mission and presidio of San Francisco and Mission Santa Clara and the pueblo of San Jose. And as a native born, Californian, he would grow up to consider himself a Californio.

Those born in California, and mainly descended from the first settlers, the Spanish speaking population considered themselves Californios, which stressed their local loyalties and distinguished them from the government in Mexico. Some were grantees of large land holdings and several, among California's wealthiest landowners, were literate, cultured members of the social elite. They formed a close-knit community, and visitors would be struck by the general

atmosphere of good will and the absence of class consciousness. Tiburcio Vasquez would later acknowledge much of his criminal acts, but claim they were justified because of the injustices perpetuated against the Californios in conjunction with the American takeover of California.

Growing up in an upper middle-class family, Tiburcio Vasquez not only participated in Monterey's social life but also spent time on the family ranchos, where like most of the Californios he became an excellent horseman. Also, in 1842, Governor Alvarado had established a free public school in Monterey and as a result Tiburcio was well educated and became proficient in both Spanish and English. As a boy, he enjoyed reading Spanish novels and especially loved poetry and as he grew older, he continued to read books in Spanish and writing poems to his female admirers. Those who knew him when he was young, considered him be a gentle boy who didn't like strife, hated fighting, and liked "music, dancing, serenades and señoritas." It would be the latter, which would lead to his downfall.

Events that were happening during the time Tiburcio Vasquez was growing up, which would irrevocably alter California and the life of the Californio population, profoundly influenced his life. This resulted in his being called a "Desperado" and described as follows in an article that appeared in the May 15, 1874, issue of the San Francisco Chronicle headlined "Vasquez Captured At Last" ... "A History of His Crimes from Early Boyhood to the Time of His Capture." The Chronicle reporter went on to state:

"In his youth he attended the public school and showed indications of intelligence superior to that of most of his class. His parents were of the lowest class, and he was reared in idleness and became a lazy, good-for-nothing fellow, following no occupation, but spending most of his time around saloons and other loafing places. He spoke and wrote English and Spanish, and was looked upon rather as a spoiled, worthless fellow than as a desperado. However, he early developed a spirit of lawlessness. He divided his time between Los Angeles, Monterey, Petaluma and other places, and was engaged in several lawless transactions..."three cardinal vices," wine, cards and women, have made him what he is, after descending from a stock whose sole object in life appears to be to exist without work."

Alta California in Upheaval 1840-1850

Seen as unwanted invaders by much of the native Californio population, during the mid-nineteenth century, Americans had been flowing into Alta California in growing numbers, many of whom believed that the conquest of California was part of their manifest destiny.

As early as 1840, when Tiburcio Vasquez was 5-years-old, a plot to capture Governor Alvarado, overthrow Mexican Rule in Alta California and seize the country, occurred in Monterey when, one of the numerous trappers who had found their way across the country into California, an American backwoodsman, named Isaac Graham, formed a sort of military company of 45 men (American and some English) comprised of riflemen, trappers and deserters from ships that had visited the coast, and plotted a revolution. But before it came to fruition, the plot was uncovered and Graham and his men arrested and sent to Mexico for prosecution.

However, both the United States and Great Britain took the situation as a provocation and an excuse to make a demonstration of military might. Soon American and British warships were anchored in Monterey Bay, seeking news about the well-being of their countrymen. Pressure was placed on Mexico to return them and the following year Graham and his men were returned to Monterey. Once back, they took every opportunity to taunt or otherwise publicly embarrass Governor Alvarado in retaliation for their arrest.

Two years later, when Tiburcio was 7, Commodore Thomas Catesby ap Jones, Commander of the United States Pacific Squadron, mistakenly thinking war between the United States and Mexico had begun, sailed into the port of Monterey, raised the American flag over the perplexed Californio community of Monterey and rechristened the fortress at Monterey, Fort Catesby in honor of the occasion, The following day, having found out his error and that there was no war, he withdrew his forces and returned control to Mexico. Afterwards, the Mexicans were loud in their protests, but none was as loud as those of General Micheltorena, newly appointed military governor of Monterey and Commodore Jones action almost precipitated the inevitable war, which would occur four years later.

When Tiburcio Vasquez was 11 years old he was witness to the illegal invasion of his country by Americans. In his May 1846 address to the state assembly Pio Pico, the Governor of California, had said:

“We find ourselves threatened by hordes of Yankee immigrants who have already begun to flock into our country and whose progress we cannot arrest. Already have the wagons of that perfidious people scaled the most inaccessible summits of the Sierra Nevada, crossed the entire continent and penetrated the fruitful valley of the Sacramento. What that astonishing people will next undertake I cannot say ...”

Then on June 14, 1846, the Bear Flag Revolt took place in Sonoma, an event that occurred when a group of American immigrants, who had arrived without official permission and were supported by “General” John C. Fremont, seized General Vallejo, jailed him and raised a flag in Sonoma with the name California Republic on it. Less than two months later, the United States declared war on Mexico. On July 1st, 1846, Commodore John Sloat captured Monterey and on July 9th the United States flag was raised at Sonoma and Sutter’s Fort. The Bear Flag Revolt and the “California Republic” ended as the Bear Flaggers joined with the American Military and reorganized as General Fremont’s California Battalion.

Up until October 1846, the war begun in July had not amounted to much beyond rumors and a few skirmishes and many of the Californios had decided not to oppose the American takeover. However, by Fall, American immigrants had begun arriving overland in greater numbers and upon their arrival were informed, by Fremont at Sutter’s Fort and in the newspaper, *Californian* (first published on August 15, 1846, in Monterey), that they could shelter during the rainy season at a number of “mostly unoccupied” missions. Almost all the men in the immigrant parties were immediately enlisted in the newly formed California Battalion. As illustrated by

events at Santa Clara, conflict between the immigrants and Californio population was almost inevitable.

By 1846 a small Californio community, which included friends, relatives of Tiburcio's family had developed on what had been mission land in close proximity to the Mission Santa Clara quadrangle and church. In the fall of 1846, their lives would forever change, when 175 American settlers - men, women and children – arrived at Mission Santa Clara, having been sent there by Fremont. In letter home, one settler described what they were told, writing,

“We next found Fremont camped on the American River . . . He told us we had better push forward as fast as possible as the Spaniards were unfriendly toward the Americans. He advised us to go to Santa Clara and take possession of the mission buildings . . . We then pushed on towards San Jose . . . we met a courier from San Jose, advising us to make all possible haste, fearing the Mexicans would give us trouble.”

The immigrants were horrified by the living conditions which awaited them at the mission, and there were few other places available for shelter. To make matters worse, all the structures were constructed of adobe, and the Americans were appalled at “mud” houses. Distrustful of the society in which they were now placed, the immigrants reacted with dismay.

Father Real had followed the Franciscan tradition of welcoming visitors but was “baffled by the language barrier and perturbed by the invasion of aggressive Yankee Protestants.” For example, in December he sent neophyte Indians onto the steep roof of the granary, where many immigrants were staying, to try to stop the leaks. The immigrants misinterpreted the effort as an attempt to force them to leave and halted the helpful endeavor by brandishing their guns. Samuel Young, one of the immigrants, later stated that:

“the owner of the building ordered them out. . . everything was wet, and it was still raining, when the owner sent some Indians to take the tiles off the building, and by that means to force them out. He had commenced to take them off when Mr. Elam Brown came to see Mr. Young. Seeing his condition, and that of his sick children, he advised Mr. Young not to allow the roof to be taken off; so, calling for his old trusty gun, he sent word to the Indians that if they did not desist, he would kill the last one of them.”

With few of the immigrants understanding Spanish or the customs and manners of the Californios, many sincere offers of assistance were refused by them. In fact, offers of hospitality by the earlier American immigrants were oft-times looked upon with suspicion by the newly arrived immigrants. One of them would later credit the survival of her husband and others to Maria Bernal, George Bellomy's wife, who had daily brought fresh baked bread and wine to the mission, however, others questioned Bellomy's loyalty, since he had married a Californio woman.

Their negative view of the Californians resulted in actions that angered the Californio population. Feeling far from safe, the Americans began to believe that should the necessity for

defense arise, no time should be lost in preparing for an emergency and their negative view of the Californians resulted in actions that angered the Californio population, such as cutting down several of the willow trees (considered sacred) along the Alameda to use in barricading the mission compound while ignoring the pleas of the Californios. As described by the "Captain" Aram:

"After the menacing of the Spaniards became alarming . . . it soon became evident that some kind of barricade was necessary to prevent the enemy from charging immediately on the mission buildings. I set the men immediately to work . . . cutting and hauling logs about ten feet in length. They were placed in a ditch about three feet high forming a breastwork seven feet high."

And of his militia men wrote, "All hands were now busy in fortifying the old Mission . . . preparing to give our foe a gallant reception; but the Spaniards, though boasting that they would soon appropriate the pretty Señoras blancas to their own use, failed to come near enough to measure arms with our mountain rifles."

All of this culminated with the Battle of Santa Clara on January 2, 1847. This was the only campaign in the Northern District of California between Californios and United States forces during the Mexican- American war. After a 2-day battle a peaceful treaty was arranged. In his diary on February 5, 1847, Walter Colton, the first American Alcalde of Monterey, wrote:

". . . Nor should it be forgotten that the Californians evinced . . . a disposition well suited to bring about a amicable treaty. They took up arms, not to make war on the American Flag, but in vindication of their rights as citizens of California, and in defense of their property. . . They were well mounted, and might, had they so listed, have prolonged the struggle. But this was not their object, and they sent in a flag of truce. The conditions of the treaty were, that they should lay down their arms, release their prisoners, and that their property should be restored, or such vouchers given as would enable them ultimately to recover its value. This was a reasonable requirement on their part, and the American officers had the good sense to appreciate its force."

However, the American immigrants who viewed it from the tops of the mission buildings interpreted it as a tremendous defeat of the "enemy."

In 1848, when Tiburcio Vasquez was 13, the war ended with the signing of the Treaty of Guadalupe Hidalgo. Alta California became a territory of the United States and overnight thousands of Mexican citizens became citizens of a foreign government.

In January 1848 gold was discovered and the ensuing rush for gold would bring Americans by the hoard into California. Then in 1850, the Californio's world "turned upside down." When the mail steamer Oregon entered into San Francisco Bay on October 18, 1850, she brought the

news that on September 9th the Congress of the United States had admitted California into the Union as a free State. California's transition from being Spanish to Mexican to American was complete. While some people "danced and made merry, till daylight" that California was truly now the thirty-first State of the Union, there were others who mourned what had occurred and many members of California's Californio community echoed the feelings of General Vallejo when he said,

"The language now spoken in our country, the laws which govern us, the faces which we encounter daily, are those of the masters of the land, and of course antagonistic to our interests and rights, but what does that matter to the conqueror? He wishes his own well-being and not ours! – a thing that I consider only natural in individuals, but which I condemn in a government which has promised to respect and make respected our rights, and to treat us as its own sons. But what does it avail us to complain? The thing has happened and there is no remedy."

Tiburcio Vasquez was 15 years old when California officially became part of the United States of America.

Growing up, Tiburcio Vasquez had surely witnessed much and absorbed the words and feeling of his parents, relatives and other adults incensed over the actions of the Anglo-Americans.

Tiburcio Vasquez Bandido or Hero?

In the annals of California history, there has rarely been a legacy as complex as that of Tiburcio Vasquez.

Under American control, by 1856 many Californios had lost portions of their land through legal and illegal means and as Americans seized the state's political affairs, Californios also lost their political influence. Along with the loss of political and economic power, many Californios felt they were mistreated and discriminated against by the newly arrived Americans. Lynchings became so common during the late 1840s and early 1850s that newspapers rarely reported them, and those Californios that resisted the Americans became outlaws. It has been written that Tiburcio Vasquez would later claim that "his (eventual) crimes were retribution for discrimination by the settlers and white norteamericanos ('North Americans'), insisting that he was a defender of Mexican-American rights."

By the time he was 17, he had become preoccupied watching over his two sisters, guarding them against the aggressive and seeming crude ways of the American sailors that swarmed over Monterey. And, like many other Californio men, Tiburcio Vasquez was upset and offended by the way these foreigners showed disrespect for "their" country, "their" women and "their" honor. In an interview he gave twenty-two years later to the editor of the Los Angeles Star, Tiburcio said, "A spirit of hatred and revenge took possession of me. I had numerous fights in defense of what I believed to be my rights and those of my country men."

As a young man he loved horse racing and due to his small size and incredible skill in the saddle, he became a very popular rider in Monterey, San Juan and Santa Cruz. And as he grew up, he was in the habit of attending the balls and parties given by Californios and here, he had seen how the Americans in attendance would force themselves, shove the Californio men aside and monopolize the women. It was when he was 19 years old that attendance at a dance would forever change the life of Tiburcio Vasquez leading to his existence as a bandit for the next two decades.

In 1854, when he was at a dance with his friend Anastasio García, who was married to Tiburcio's cousin María Guadalupe Vasquez, a fight ensued when one young sailor placed his hat on the Californio woman dancing the fandango, which was considered to be a personal affront to the Californios. A Monterey Constable, William Hardmount, was called to stop the disturbance and when he appeared on the scene and began to question those in attendance, someone turned off the lamps. By the time they were re-lit, the constable was dead.

José Guerra, Anastasio García and Tiburcio Vasquez were implicated in the fight. Anastasio and Tiburcio fled but José Guerra was arrested and lynched the morning after the murder. Note: A few months later, Anastasio García was apprehended in Los Angeles and returned to Monterey for trial. But the trial never took place, as when the vigilantes found out they raided the jail and immediately lynched him.

Although he denied any involvement in the murder, after the fight and Constable Hardmount's death, Tiburcio went home to his mother and "told her that I intended to begin a different life; asked for and obtained her blessing and at once commenced the career of a robber."

Leaving Monterey, he began a life of stealing horses in Santa Clara, Merced and Fresno Counties. After leaving home, it's unknown if Tiburcio Vasquez had any contact with his father, José Hermenegildo Vasquez, but by 1856, his elderly father, was ailing and impoverished. He had lost his fight to prove ownership of his small rancho on the Pajaro River, near San Juan and been taken in by his niece, who had married Segundo Robles, the prominent owner of Rancho Santa Rita, (today the city of Palo Alto). Here, he died on January 18, 1856, and was buried two days later in the Santa Clara Mission cemetery.

A year later, in 1857, Tiburcio Vasquez and two young California Indian compadres were arrested for horse thieving in northern Los Angeles County. One of his companions turned State's evidence, was freed and the other received a one-year sentence. However, on August 26, 1857, Tiburcio was sentenced to San Quentin prison for five years, a sentence whose severity for a first-time offence was stunning, especially as at that time Tiburcio Vasquez was not a famous bandit but instead, an exceedingly obscure one.

Living in abysmal conditions, the Spanish speaking inmates tended to congregate together, connected by a common culture and language. However, being bilingual, Tiburcio was able to associate with both Hispanics and Anglos and became friendly with one in particular who would play an important role when, after overpowering the guard and obtaining the keys, on June 25,

1859, he escaped with several other prisoners and disappeared into the heavily wooded hills at the base of Mount Tamalpais.

Tiburcio Vasquez made his way to Jackson, Amador County, where he was arrested for stealing two horses, and on August 17th was once again in San Quentin, where an additional year was added to his sentence and he received the standard punishment for escaping, between 50 and hundred lashes. When he was well enough Tiburcio was returned to the brickyard to make bricks and when not worked was returned to a cell in the dungeon. Following another attempt to escape, he was flogged and put in heavy cross-chains. By now despondent and demoralized by his abortive attempts to get out of jail, Tiburcio turned to his mother for help and sent her an abject letter pleading for her help.

Determined to help him, in late November 1860, Guadalupe took a steamer to Los Angeles to meet with Juan Maria Sepulveda, a family friend and member of a prominent and highly respected Los Angeles family who also had previously been a Justice of the Peace and knew the Governor, John G. Downey. They then met with the former district attorney, who had prosecuted Tiburcio Vasquez and a petition was drawn up, which after pointing out the harshness of his sentence and testifying that up to the time he was convicted they, "knew him to be an industrious, sober and energetic young man," asked for a full pardon for Tiburcio Vasquez. Signed by 34 prominent Hispanics and 10 Anglos, including several of the grand jurors who had indicted him, the petition was sent to Governor Downey. Public notice was published in the December 1, 1860, Los Angeles Times of Sepulveda's notice to apply to the Governor, for the community to comment on it. But although no objection was made, Governor Downey failed to pardon Tiburcio.

After two more failed attempts to escape, Tiburcio settled down to serve out the rest of his sentence. Finally released on August 13, 1863, 28-year-old Tiburcio Vasquez was greatly changed from the boy he had been when he entered prison. He had learned safe-cracking, burglary and the harsh punishments he received had inflamed his hatred of "gringos." And now, although still soft-spoken with a love of books, poetry, music and dance, some of the "toughest and most dangerous ruffians in California looked up to him as a leader" and as had been recounted about him, had developed a fierce appetite for "life and freedom."

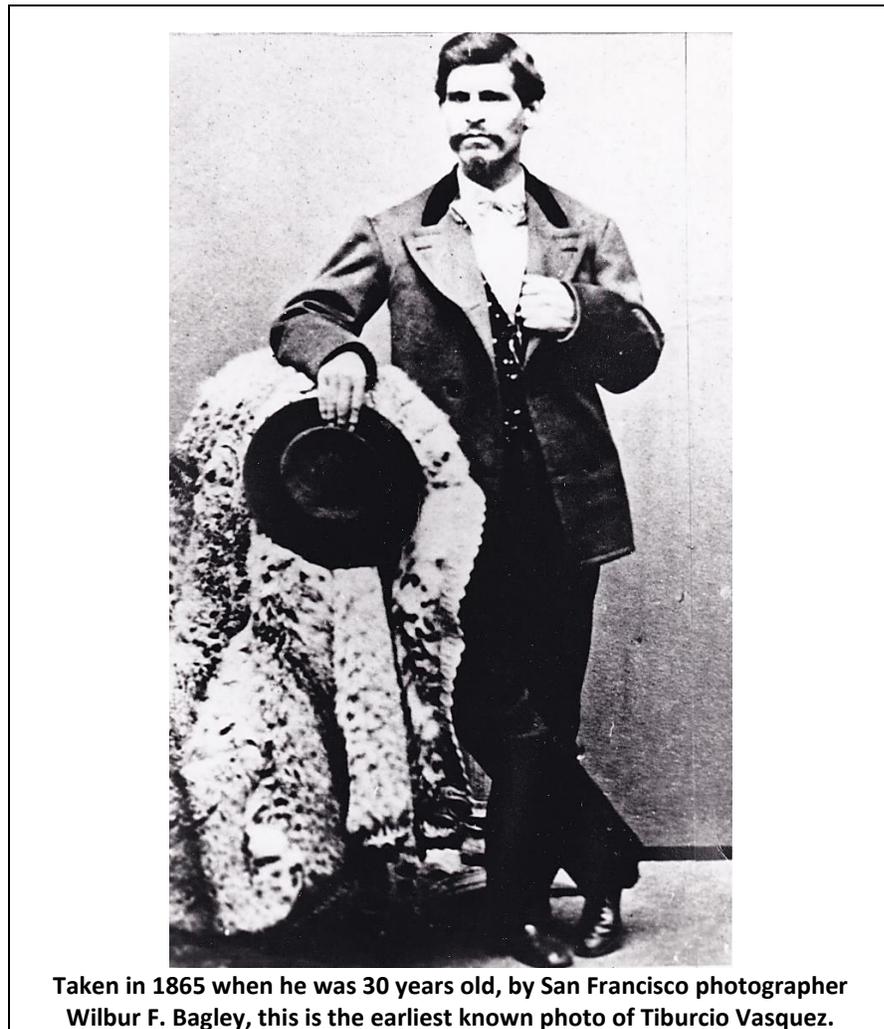
Tiburcio Vasquez the "Bandido"

After his release, Tiburcio Vasquez was mainly in the North Bay, engaged in stock rustling and small acts of burglary. His exploits over the next few years, both alone or with a couple of men, resulted in Tiburcio Vasquez gaining statewide notoriety. But despite intense and costly searches across California, Tiburcio always eluded capture. One comment from that time explained this by saying:

"All of these people [Mexican] are his attached friends, offer him the shelter of their houses when he is pursued and tell the officers the most prodigious lies without any compunction." Note: Among the numerous Californios who sheltered Tiburcio Vasquez, was

Pio Pico, the last Mexican Governor of California. “He has no band or gang, unless the entire Mexican population of the mountain regions of Fresno, Kern, Tulare, Monterey and Los Angeles counties can be called such.”

In all of these counties Tiburcio Vasquez could count on the moral and physical support of his Californio countrymen – and, according to many, his countrywomen. Except for his attraction to women which sometimes landed him in costly indiscretions, Tiburcio Vasquez was intelligent and resourceful. Many times, while on the road, he would have one companion ride far ahead of him and another far behind, to be able to warn of any dangers. And, when camping, he normally chose to sleep away from the main campsite.



On January 11, 1867, he was arrested for stealing a rifle, was found guilty and then sentenced to two years in prison on two charges of burglary, to run consecutively. Once again Tiburcio found himself in San Quentin. Here he was visited by his mother Guadalupe Vasquez, who it is said “was plunged into depression by seeing her son in chains.” Now sixty-three and frail, she returned to San Juan in a weakened state and then went to a friend’s home in Monterey, where

she passed away on May 19, 1969. When Tiburcio Vasquez was informed that his mother had died, it was the darkest day of his life. This time Tiburcio bided his time in prison exhibiting “good behavior” and was discharged on June 4, 1871.

Then a robbery in August 1873 would prove to be the catalyst for the end.

In January 1873, while Tiburcio Vasquez was the guest of Abdon Leiva and wife at their home at Cantua Creek, a new gang was organized consisting of Vasquez, Clodovea Chavez, Leiva, Moreno and Gonzalez. Staying mainly in Southern California, they were now constantly on the move, sheltering in hiding places well known to Tiburcio.

After committing several small holdups, on August 26, 1873, they planned and executed a raid on Snyder’s general merchandise store and saloon at Tres Pinos, San Benito County. When they left after looting the store, three people were dead.

Taking about eight horses, with provisions packed on the back of each, the gang departed, with Chavez, Vasquez and Leiva proceeding toward Los Angeles, joined by the latter’s wife.

By November 1873, the gang was in Fresno County, where on the 13th Vasquez and Chavez entered a store about two miles from Millerton, and after binding the occupants, obtained six hundred dollars and escaped.

On the night of December 26, 1873, these two bandits with several others, entered the town of Kingston, Fresno County, and dividing into gangs, after tying the inhabitants up, simultaneously robbed the two principal stores. On this occasion they obtained \$2000.00 and a supply of clothing and provisions.

Governor Booth had become aroused, and the State Legislature passed a bill empowering the governor to expend any part of \$15,000.00 in an effort to capture Vasquez. Subsequently, a reward of \$8000.00 was offered for Vasquez if captured alive and \$6000.00 for his dead body.

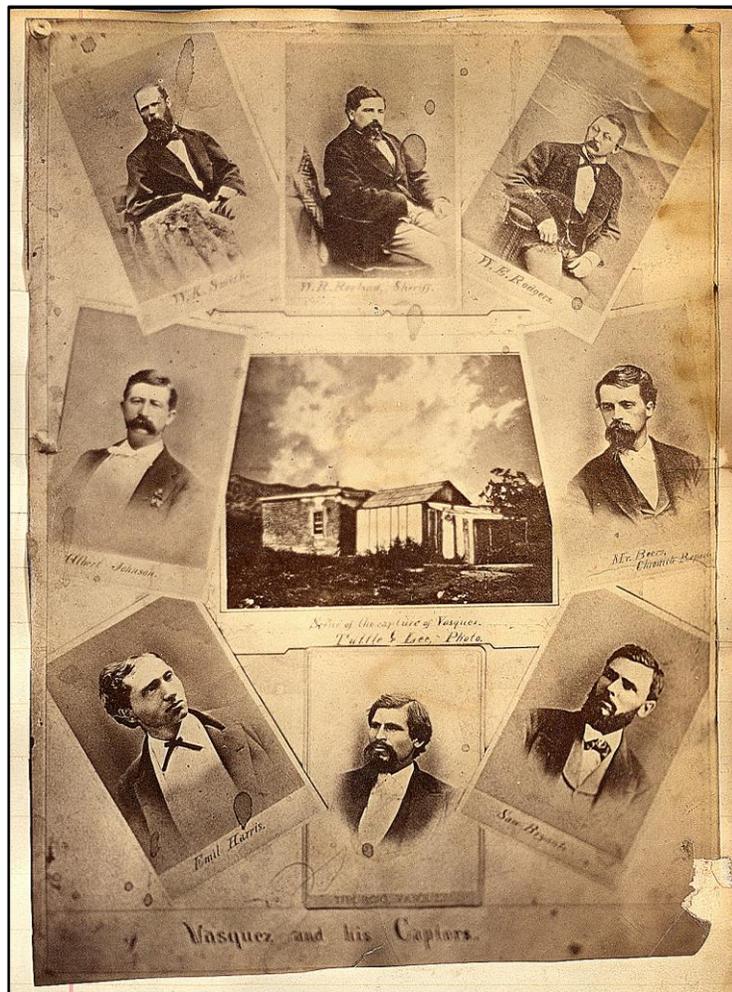
On the afternoon of February 26, 1874, Vasquez and Chavez proceeded to Coyote Hole station on the Los Angeles and Owens River stage road. They then approached the building, ordered everybody out and then waited for the stage. Several passengers were robbed, and several hundred dollars were taken from Wells Fargo’s box.

On the next day, they stopped the Los Angeles stage between Mill Station and Soledad and robbed the passengers of about \$300.00.

As Vasquez and Chavez knew that Sheriff Morse from Alameda County had a posse in that neighborhood disguised as surveyors, they remained in seclusion during the month of April, but when Morse left, they resumed their activities.

On May 6, 1874, Tiburcio Vasquez and his men proceeded to the house of Alexander Repetto, in Los Angeles, and after tying him to a tree demanded \$800.00 as a ransom. Repetto sent a boy to Los Angeles for the money, but the lad notified Sheriff Rowland instead. A posse was formed and arrived at the house in time to see the bandits make their escape.

Then on May 14, 1874, it was learned that Vasquez was at the home of a man named "Greek George," near Los Angeles. A posse from Los Angeles, consisting of Sheriff Rowland, Undersheriff Johnson, Major H. M. Mitchell and George A. Beers, special correspondent for the San Francisco Chronicle, procured a wood wagon and instructed the driver to proceed to George's house. The posse was concealed in the bed of the wagon and when they arrived at the house they jumped out and surrounded the building. A woman opened the door and then gave the alarm to Vasquez, who jumped through a window. Although confronted by several armed men, instead of surrendering he attempted to escape and was shot eight times. He then surrendered.



Tiburcio Vasquez, his captors and the house where he was captured.

The posse took Tiburcio Vasquez to Los Angeles, where he was booked into jail. The City Council was meeting but they adjourned "in a very undignified manner and came piling in to

peer through the windows at the famous bandido.” It was thought that Tiburcio would die from his wounds, but he recovered and was indicted for the murders committed at Tres Pinos in San Benito County the previous August 26, 1873.

His capture created a public sensation and people flocked to the jail to see the famous outlaw. San Francisco Chronicle reporter, George Beers, wrote that, “Among the callers were quite a number of first-class ladies, all of whom were evidently charmed with the prisoner’s excessive politeness.” Note: At his last trial nine out of every ten spectators would be women.

Bradley & Robinson of San Francisco, California’s leading photography firm, sent a telegram saying that if provided with a negative, they would have cabinet cards printed for the public and Tiburcio would receive 25% of the profit. Thus, on the afternoon of May 18th, L. A. photographer Valentin Wolfenstein went to the jail and set up his camera. Here seated in a chair, in a shady spot behind the jail, two photographs of Tiburcio Vasquez were taken and to this day, the best view is the best-known image of him.

By May 24th, he was well enough to travel and was sent to San Francisco by the coastal steamer, Senator. The plan was that from there, Tiburcio would be sent by train to Salinas, where he would stand trial for the murders at Los Pinos.

After a rough voyage, finally on the morning of May 27th, the Senator docked at San Francisco, where several hundred people had gathered on the wharf to see the notorious bandit. After he was booked into the City jail, more photos of Tiburcio Vasquez were taken by Bradley & Robinson of San Francisco. The following morning, he was taken by train to Salinas and lodged in the jail under heavy guard, where three thousand people, many of them Hispanic, thronged to see him. A San Francisco reporter described the scene, saying “Many sit down by the side of the jail and put up piteous appeals for the fiend, and it is safe to say that nine-tenths of the Californians sympathize with the noted cut-throat.”

While Tiburcio Vasquez was busy with his lawyers and preparations were underway for the trial, the District Attorney requested that the trial be transferred to the county where the crimes had occurred. After rejecting San Benito County, due to feeling the jails there were not secure enough, Judge Beldon of the District Court ordered that Tiburcio be moved to the Santa Clara County jail. Thus, on July 20th, in heavy irons Tiburcio Vasquez arrived by train in San Jose, the town his grandfather, José Tiburcio Vasquez, had helped found 97 years before.

Tiburcio was placed in a cell, in the recently built new jail behind the courthouse, which was considered to be the strongest county jail in California. Reporters visited him, attempting to get him to answer questions about what had happened at Tres Pinos, but he steadfastly refused, saying, “I am to be tried for that, and I shall say nothing until I speak in court.” When informed that he had told the editor of the Los Angeles Times that Leiva and Gonzáles were the murders and he and Chavez didn’t arrive until after the shooting, he adamantly denied it. After one such interview, a reporter described Tiburcio as “cunning, audacious, vain, and egotistical, and has none of Leiva’s frankness and apparent honesty.”

Once again, people flocked to the jail to see him. On July 21, he had 470 visitors (including 20 to 30 women), three days later there were 673 and within a week there were more than 1,700, forcing Sheriff Adams to set aside Tuesdays and Fridays as visiting days to meet the public demand.

Fearing that Tiburcio could not get a fair trial in Hollister (where it was set to be held) as the victims had lots of friends in San Benito County, and also fearing he might be lynched there, his lawyers moved for a change of venue to San Jose and on August 3rd, this was granted by Judge Belden. On September 7, 1874, Tiburcio Vasquez appeared before Judge Belden, and when asked, "Do you plead guilty or not guilty?" he replied in a firm voice, "I am not guilty. I never shed human blood in my life." When his attorneys then claimed there was a witness who could testify that Leiva had admitted killing two of the Tres Pinos victims but was away on a mining expedition, Judge Belden agreed to continue the trial until January 5, 1875.

During this time, while his lawyers were working on his case and attempting to round up the many witnesses they intended to call to testify, Tiburcio received an unexpected offer of help from a Los Angeles lawyer, who was a brother of Undersheriff Johnson, who offered to defend Tiburcio Vasquez "without charge." He wrote in his letter that, "knowing as well as I do the impositions placed upon native Californians whereby their property and almost all else sacred to them have been wrested from their hands and despoiled, I believe there exists a moral tho' not a legal justification of the acts to which Tiburcio Vasquez confesses guilt." And he astutely pointed out that "as the brother of his captor," his presence would incite sympathy among the jurors. He asked the reporter, Beers, to have the letter delivered to Tiburcio, but Beers gave it to Darwin, one of Tiburcio's attorneys, and it ended up being foolishly declined.

As his trial approached Tiburcio was reported to be in good spirits and firmly believed he would never be hanged. He gave several interviews to George Beers and talked a lot about how when he was a boy, his idea was that he could incite a revolution among the Spanish-speaking population and recover Southern California from the United States." Then on January 4th, the day before the trial was due to start, his attorney, Darwin stunned his co-counsel by telling him he was dropping out of the case. When he left taking important legal papers with him, it dealt a serious blow to Tiburcio's defense.

When court opened the following day, more than 200 people, many of them Californios, flooded the courtroom. Every seat in the auditorium and gallery was taken, and people filled the aisles and lined the walls. When the case was called, Tiburcio's lawyer asked for a 10-day continuation due to the sudden absence of Darwin, Tiburcio's lead counsel, which "prejudiced his ability" to properly defend Tiburcio. The prosecuting attorneys, which included the California Attorney General, protested and after hearing both sides, Judge Belden ruled that the case had already been continued once before, and he felt Tiburcio's lawyer was fully informed of the case and could do a good job and then instructed the clerk to call the names of the jurors.

The trial went on all day, with multiple testimonies, including that of Tiburcio, who as he had said before the trial and would after, claimed that he had killed no one. Leiva, who was still incensed at Tiburcio's affair with his wife, testified that Tiburcio had been the killer and because Darwin had left with the papers that included Leiva's prior testimony in a related trial there was no way to properly impeach him. Note: In exchange for his testimony no charges were brought against Leiva.

After all the testimony was finished, when Tiburcio's attorney addressed the jury, he made the only plea he could, he begged the jury to spare Tiburcio's life and give him life imprisonment. In his closing argument, Attorney General Love pointed out that witnesses had stated that Vasquez had been the killer and said, "if you believe he is wrongfully accused, let him go, but if you believe he is guilty, punish him so that others may be deterred from his example."

At five o'clock the jurors retired and deliberated for three hours. On the first ballot, they voted unanimously to convict him of first-degree murder. On the second ballot, where they voted for the penalty, ten voted for hanging, two for life in prison. When after more deliberation, they took a third ballot, they all voted for death.

On January 23, 1875, Tiburcio and his attorneys appeared before Judge Belden for sentencing. After a long and rambling oration, Belden finished with the required legal language: "The judgement is death. That you be taken hence and securely kept by the sheriff of Santa Clara County, until Friday, the 19th day of March, 1875. That upon that day, between the hours of nine o'clock that morning and four in the afternoon, you be by him hanged by the neck until you are dead. And may the Lord have mercy on your soul. "

While he was in jail in San Jose, Tiburcio's first cousin, Augustina Vasquez Bee, who lived in Santa Clara, frequently visited him. She was married to José Guadalupe Bee, the Californio son of Henry Bee, an Englishman who had arrived in California in 1830, become a Mexican citizen and in 1839 married Clara Tapia Moreno, a Californio woman. Augustine's first husband had been the brother of Anastacio García and she would be accompanied by their 23-year-old, son, Encarnacion García, who idolized Tiburcio, and by her two of her daughters.

In between her visits, Tiburcio would write poems to Augustina and her daughters, which illustrated not only his passion for lovely women but his loneliness and despair.

His attorneys had made an appeal to the California Supreme Court, but it rejected their arguments and upheld the conviction. A petition to the Governor to commute his sentence to life imprisonment was rejected, as well as a request for a reprieve from several prominent Angelenos. As a condemned man, Tiburcio could not receive a Catholic burial unless he confessed his sins and received absolution. For days, he had refused to see the priests who had been calling at the jail. Finally, his sister, Maria, was able to convince him to see Father Serda, a Spanish priest from St. Patrick's Church, and he made a full confession and was administered the last rites, thus clearing the way for him to be buried in the Mission Santa Clara cemetery.

Now, in a reflective mood, he told Sheriff Adams he wanted to make a speech from the gallows but was persuaded to instead make a written statement. In it he asked for pardon from “each and everyone who I have injured “as well as “from the Great Father whose laws I have so ruthlessly trampled upon.” After thanking his brothers and sisters for their love, he concluded with a message to members of his “gang” that said, “Take warning then by my fate, and change your course of life while you may.”

Tiburcio Vasquez’ last day dawned clear and bright. And the hanging was scheduled for 1:30 p.m. It was the most important and publicized execution in the history of the Pacific Coast; over 300 invitation cards had been issued. At a quarter past twelve, Tiburcio, after saying goodbye to those present ate his last meal, a piece of cake and sipped some wine. An hour later, Sheriff Adams read the death warrant and then led the way to the gallows. Showing no nervousness, Tiburcio Vasquez climbed the steps and stood on the trap. The noose was carefully adjusted around his neck and a white shroud draped across his shoulders. Just before the black hood was draped over his head, he gasped his last word “Pronto!”

At two o’clock his body was loaded on to a hearse and driven to José and Augustina Vasquez Bee’s home in Santa Clara, which was located on the southwest corner of Washington and Harrison Streets.



The Bee Home in Santa Clara in 1875

A wake was held that night, which was attended by throngs of people anxious to get a final view of the famous bandit, some talking in solemn groups or “wandering silently about dejectedly alone.” Included were Undersheriff Winchell and the San Francisco Chronicle

reporter, George Beers, the latter of whom later described what they found as, “the body of the dead criminal lying state, as though he’d been a martyr to some glorious cause.”

The next morning Tiburcio’s body was taken to Mission Santa Clara for a high mass and then returned to the Bee home, where once again a large crowd of visitors came to view him. Finally, that afternoon, his coffin was taken to the mission cemetery in Santa Clara. Here it was interred on the cemetery’s westside close to where his father had been buried seventeen years earlier and wooden cross, some 10 to 12 feet high, was erected to mark the site.

Note: Over time the wood cross decayed and until 1930 his gravesite would be marked only by a solitary palm tree. Then a granite marker was placed, simply inscribed, “Vasquez, Tiburcio 1835-1875. Rest in Peace.”

As seen to the right, Tiburcio Vasquez’s gravesite still attracts visitors and sympathizers to the cause of the dispossessed.

Tiburcio Vasquez - A Dual Legacy

A notable figure in American history, Tiburcio Vasquez recognized as both a Hispanic outlaw and folk hero. Despite his criminal reputation, he has been viewed by some as a symbol of resistance against the encroachment of Anglo Americans in California post 1840s. His trial and subsequent execution in 1875 garnered significant attention, and he became a controversial figure, celebrated by some as a hero and reviled by others as a villain.



Tiburcio Vasquez's fame grew after his death. Stories about him were featured in numerous books, magazine articles and newspapers. Mexican balladeers sang songs about his exploits, and he took his place among other outlaw folk heroes. In the twentieth century, Hollywood fictionalized Vasquez and captured his life on film many times. In movies, he became known as Zorro.

And the differences of opinion regarding his legacy persist. Was he an opportunist who manipulated the grievances of native Californios to further his own criminal gains or a Robin Hood-type defender of the oppressed? Was he a thief and murderer who got what he deserved when he was hanged, or a heroic symbol of resistance who refused to submit to the American conquest of California? Or a little bit of both. Even today, it depends on who you ask.

In 2013, a school district in California caused a great deal of controversy when they named an elementary school after Vasquez. Some thought: "why name an elementary school after a criminal who was hanged for murder." But as a retired teacher who was on the naming committee, Francisco Estrada, said: "The community does not see Tiburcio as a thief or a murderer ... we see him as a fighter for social justice of the Mexican-Californio whose rights have been deprived."

When, in an effort to find ways to reduce health disparities in migrant communities and address the growing poverty rate, Tri Valley Health Center was established in Union City and Hayward they named their first clinic, the Tiburcio Vasquez Medical Clinic. According to the founders they "wanted to choose a name that evoked a sense of pride and fortitude in their community, and what better choice than the heroic character who—legend has it—defied authority in order to aid the downtrodden Californios?"

Even today, 170 years later, the scars from the American takeover of California can be seen. And the legend of Tiburcio Vasquez has grown to represent, for some, the struggle against oppression for Californians of Mexican descent. To this day, places like Vasquez Rocks and Vasquez Canyon serve as reminders of his legacy, reflecting his complex role in the cultural history of California.

Currently, on September 22, 2025, in celebration of Latinx Heritage Month, a new exhibition, "Tiburcio Vasquez and His Times," opened in the King Library at San Jose State University. In announcing the exhibition, it was described in the following manner: "Presented by Centro Aztlan Chicomoztoc, this exhibit re-examines one of California's most misrepresented historical figures, Tiburcio Vásquez. A resister of California's colonial status following the annexation of Mexican territory in 1848, Vásquez's legacy reflects both the upheavals of 19th-century California and the enduring spirit of its multicultural communities. The exhibit demonstrates that Tiburcio Vásquez was not merely an outlaw, but a freedom fighter resisting colonial power and occupation." This exhibition was followed by a lecture on Thursday, November 6, 2025.

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