

LIFE AND CAREER
OF
Tiburcio Vasquez,



The Bandit and Murderer.

BY EUGENE T. SAWYER.

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The Life and Career
OF
TIBURCIO VASQUEZ,
THE
California Bandit and Murderer:
CONTAINING A
FULL AND CORRECT ACCOUNT OF HIS
MANY OFFENSES AGAINST THE LAW,
FROM BOYHOOD UP,

His Confessions,

CAPTURE, TRIAL, AND EXECUTION.

TO WHICH IS APPENDED
JUDGE COLLINS' ADDRESS TO THE JURY
IN BEHALF OF THE PRISONER.

BY EUGENE T. SAWYER.

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INTRODUCTORY

I have this to say in reference to the record of Vasquez' life and career which follows: It has been gathered from reliable sources, a great portion being corroborated by the confidential statements of Vasquez himself, who for some weeks prior to his "untimely taking off" favored me with frequent interviews, at which times he gave ready answers to all questions pertaining to his past life. I have also traversed Monterey and San Benito Counties, and interviewed relatives, schoolmates, and old acquaintances of the bandit, from whom much important and interesting information was obtained. Since Vasquez suddenly became prominent as the most daring rascal since Joaquin Murieta's time, no full and correct account of his antecedents has been published. I was the *Chronicle's* special correspondent at Tres Pinos at the time of the tragedy, and also furnished the account of his life published in the *Call* after his capture.

E. T. S.

San Jose, May 4th, 1875.



Tiburcio Vasquez - San Juan, 1875



Tiburcio Vasquez

THE NAME OF TIBURCIO VASQUEZ has become a part of the history of California. Shakespeare was not wide of the truth when he wrote—

*The evil that men do lives after them;
The good is oft interred with their bones.*

And the violent and sanguinary career of this modern Dick Turpin will not be forgotten while civilization maintains a foothold upon this earth. At this particular juncture, now that the last act in the drama is finished, a sketch of the bandit's life and career from boyhood up may not prove uninteresting—to Californians in particular.

Tiburcio Vasquez was born in the town of Monterey, in the month of August, 1835. His parents died many years ago. Of the family, three brothers and a sister are now living, viz: Francisco, who resides near Elizabeth Lake, Los Angeles County; Claudio and Antonio Maria, Monterey County; Antonia, the wife of Manuel Larria, who lives in the Vallecitos Valley, Fresno County. His father and mother were quite respectable people, and Tiburcio was brought up like the generality of children. He received a fair common school education, but when it became time for him to turn his abilities to account, he evinced a disposition to let honest labor alone. His boon companions were generally older than himself, and of questionable habits and character. In 1851, when but sixteen years of age, he fell in with Ariastacio Garcia, a noted bandit, who for some time was the terror of

Monterey County. At that early period in the history of California, the champions of law and order were unable, in the majority of cases, to put their designs into execution, and Garcia, blackened with crimes for which no atonement had ever been made, came frequently into Monterey and left without being molested. One evening in 1852, Vasquez, accompanied by Garcia, attended a fandango. They had been in the house but a short time, when Garcia became involved in a quarrel with one Jose Guerra. Vasquez took a hand, and when the excitement was at its height, Hardimount, the constable, arrived, and endeavored to exercise his authority. The combatants immediately turned their attention to him, and the result was that in a short space of time he lay dead on the floor, shot through the heart. No arrests were made that night, but the next morning the Vigilantes hanged Guerra. Garcia escaped, but a short time afterwards he was arrested in Los Angeles County, and hanged for the same offense. Vasquez slept on the night of the murder at the house of Chona Garcia, Francisco's sister, but the next morning, learning that the Vigilantes were discussing his case, he left suddenly, and did not return until, through the influence of friends, the affair was allowed to blow over. With this bloody episode, Vasquez' downward career properly commences. Not long afterwards he associated himself with a band of lawless characters whose specialty was horse-stealing. The Vigilantes finally got the upper hand of the gang, and but one or two escaped the halter. Vasquez, shrewd, cunning and selfish, as he always before and afterwards showed himself to be, was one of the latter. He bade a temporary adieu to that section of the State, and found "fresh fields and pastures new" in Santa Clara, Merced, Fresno and Tulare Counties, and for a year or more,



in company with a number of choice spirits, he gave the stock-owners considerable trouble.

In 1857 he found himself in Los Angeles County, where he met with an old compadre. Both being financially depressed, it was resolved to enter into some good equine speculation. Accordingly a number of horses were taken without the permission of the owners thereof, and pawned. The officers arrested the pair before they could get off with their booty. Vasquez, though then but twenty-two years of age, was well versed in the hooks and crooks of his own profession, and also tolerably familiar with the complicated machinery of the courts. When in jail, an idea struck him which presented a way of crawling out of his dilemma and breathing the free air once more. He suggested to his comrade that the latter should make certain statements in court on the day of trial by which he (Vasquez) would get clear, and then, in return, he would perform a like service. The other promised, but a talk with the officers induced him to change his tactics somewhat. When the case was called for trial, the partner of Vasquez turned State's evidence, got out of the meshes himself, while the confiding Tiburcio was sent to San Quentin for a term of five years. The prison register shows that he entered the institution on the 26th of August, 1857. On the 25th of June, 1859, he, with several other prisoners, made a break and escaped. The carpenter, George Lee, and the gatekeeper, John Spell, were overpowered and the keys obtained. The guard rallied, and a volley was poured upon the fugitive. Vasquez was shot through the hand. With one comrade, Jesus Mendoza, he traveled on foot through Solano, Yolo and Sacramento Counties, until Jackson, Amador County, was reached. Here Vasquez stole two horses, one for himself and one for his friend. The "myrmidons" of the law got on their track, and overhauled

Vasquez on the San Joaquin. On the 17th of August, 1859, he again entered the walls of San Quentin, where he quietly remained until the 13th of August, 1863, when he was released, having served out his time.

His confinement did not produce any change in his morals. He had scarcely got accustomed to the rejuvenating influences of open air freedom, before he robbed a fish peddler on the San Joaquin. He was masked at the time, and his victim could give the officers no clue to his identity. For the next two or three years, with the exception of a raid in Tuolumne County, where several horses were run off, he behaved himself, so to speak, by going into the more honest and less dangerous profession of gambling. His headquarters were located at the New Almaden and Enriquita mines. It was at the latter place that Abdon Leiva first saw him, although he did not make his acquaintance.

In 1864 an Italian butcher was murdered at Enriquita. One morning he was found dead in his bed, having been shot and stabbed. A large amount of money was missing from the till. A coroner's jury was impaneled, and an inquest held. It became necessary to have a Spanish interpreter, and Vasquez, who was the only native Californian in that vicinity who possessed a fair command of the English language, was selected. Dr. A. J. Cory of San Jose, at present Coroner of Santa Clara County, had charge of the inquest. The witnesses were summoned by J. H. Adams, then and at present Sheriff of Santa Clara County. The testimony as elicited through Tiburcio failed to throw any light upon the assassination, and no arrests were made. Vasquez left immediately afterwards and forgot to return. Some little time subsequently, Sheriff Adams received information which convinced him that Vasquez and one



Faustino Lorenzo knew all about the murder and robbery, but no positive evidence was ever obtained.

Sonoma, Contra Costa and Mendocino Counties were next professionally visited by Vasquez, and his passion for fine horses cost him many a narrow escape.

A WOMAN IN THE CASE

WHILE traveling about the country, not many miles from the base of Mt. Diablo, he met with an accident; his horse stumbled and threw him violently to the ground, breaking his arm. This happened near the residence of a wealthy Mexican ranchero, who witnessing the accident at once went to Vasquez' assistance and considerately took him to his dwelling. Vasquez, who was unknown to the host, called himself Rafael Moreno, and stated that he had but recently arrived from his home in Mexico. He did not regain his usual health and strength for several weeks.

Perhaps the presence of the ranchero's young and lovely daughter, Anita, had something to do with his slow recovery. It is well known that Vasquez' one great weakness has been woman, and a greater libertine probably never existed. He was then rather good looking; he had a pair of black, piercing eyes, a pleasant and seductive smile, and a voice soft and musical. The girl was innocence personified; she had always lived at the ranch and knew scarcely anything of human nature, much less the caution of experience. It can scarcely be wondered at that the bandit succeeded in winning her affections and overcoming her most virtuous scruples. She "loved not wisely, but too well." One morning Anita and Vasquez were missing. The father, suspecting the truth, mounted his fleetest horse and started

in pursuit. He overtook the lovers in the Livermore Valley and succeeded in wounding Vasquez in the arm and recovering his daughter.

In the fall of 1866 Vasquez was operating in Sonoma County. While attempting to drive off some stolen cattle, he was arrested; for this offense he got four years in the State Prison, his sentence dating from Jan. 18th, 1867. He was discharged June 4th, 1871.

A few months afterwards, he was again in the saddle, with an eye to business. Monterey, Santa Clara and Fresno Counties were extensively depredated by him and a few chosen confederates. It has been reported that about this time he associated himself with Tomaso Rodundo, alias Procopio, alias Red-Handed Dick, who is now in State Prison, serving out a sentence for cattle-stealing, committed in Alameda County. Vasquez, on being questioned by the writer upon this point, denied that he ever accompanied Procopio on any pillaging expedition. He first met Dick of the Red Hand at the house of Abelardo Salazar, in San Juan, in the fall of 1870.

THE FAIR SEX AGAIN

VASQUEZ connection with the Salazar family furnishes another episode in his checkered career. He was accustomed to stop at Salazar's house when he visited San Juan, and it was not long before he became smitten with the charms of his host's young and buxom wife. He made up his mind to abduct her. "Barkis" was "willin'," but there was the husband. A little strategy must be used to insure the success of his project. He selected one of his gang, Francisco Bassinez, to assist him. One evening in January, 1871,



Bassinez went to the house, and upon some pretext, satisfactory to Salazar, induced the wife to go out with him to the stable. There Vasquez was encountered, and the bandit and his prize immediately left for Natividad. Soon afterwards, tiring of the woman, he turned her over to the tender mercies of his friend, Bassinez. Not long after the abduction, an enemy of Vasquez went to Salazar and informed him that Tiburcio was the man who had dishonored him. The husband became fearfully enraged (he had not suspected Vasquez, the man he had befriended so many times), and threatened to kill the abductor on sight. A few nights afterwards, suspecting nothing amiss, Vasquez came to San Juan. While walking down a back street, in company with two of his friends, Salazar was encountered. The latter said, "Vasquez, I want to speak to you." The bandit followed Salazar to one side. Salazar continued: "You stole my wife away." The outlaw laughed in his face. A few hot words passed, and then Vasquez drew his pistol and fired, but without effect. The next instant a bullet from his adversary's pistol struck Vasquez on the right side of the neck, coming out below the shoulder. He carried the scar until the day of his death. Several other shots were exchanged, when Salazar retreated in good order, and Vasquez was borne to a place of safety by his companions. He nearly "made a die of it" that time, but eventually got well, as Fate had ordained that he should be hanged. Salazar swore out a complaint against him for an assault to murder, and the Grand Jury of Monterey County found a true bill of indictment, but Vasquez kept out of the way and refused to be captured.

It was about this time that Juan Soto (a daring and fearless robber but no murderer) and Procopio were making things "red hot" for Sheriff Morse, in Alameda County.

Vasquez was not with them. Sheriff Morse, Sheriff Harris of Santa Clara County, and Capt. T. C. Winchell (at present Under Sheriff of Santa Clara County) went down into Monterey County in pursuit of Soto and Procopio. In the Panoche Valley, they came upon Juan Soto, and a desperate fight ensued. The bandit fought gallantly, but was finally shot through the head. Procopio escaped, and went to Mexico.

While this scene was being enacted, the subject of this sketch was recuperating in the Cantua Canon, a wild and almost inaccessible retreat in the Mt. Diablo range, a short distance from the New Idria Mines, which was formerly the favorite camp and shelter of Joaquin Murieta. A few months after the killing of Soto, Vasquez found himself once more able to take the initiative.

VISALIA STAGE ROBBERY

THE robbery of the Gilroy and Visalia stage was planned. He had only two confederates on this occasion, Francisco Bassinez and Narcisso Rodriguez. The stage was overhauled in the spring of 1871, at Soap Lake, near San Felipe. The passengers, six or seven in number, were robbed, and made to get out and submit to being tied hand and foot. The stage was driven out of the road and into a field around the bend of a small hill. The passengers and driver were placed on the ground beside it, with their faces upturned to the burning sun, where they remained for several hours. The robbers then took the road for Hollister and robbed three men before they separated. Vasquez took the trail for San Juan, and that same day on the San Juan Mountain he met Thomas McMahon (then a prominent merchant of San Juan, now



Treasurer of San Benito County), driving along in a buggy. "Stand and deliver!" was what he meant when he presented his pistol at McMahon's head. The latter was unarmed, and promptly though unwillingly acceded to the highwayman's demand. The plunder amounted to several hundred dollars. McMahon was slightly acquainted with Vasquez, and about the first thing he did on reaching San Juan was to inform the officers, and offer a reward for the bandit's apprehension. Word was brought to McMahon afterwards that Vasquez was highly incensed over his action, and would take the first favorable opportunity to revenge himself. McMahon did not relax his efforts, though he took better care of his person. The writer asked Vasquez about this. The reply was: "No, I never tried to get even on McMahon, though I had plenty of chances to do so if I had felt inclined. I know that he gave Abelardo Salazar \$300 to try and catch me. Salazar, instead of acting like a man, ran off to Mexico with the money." "How did you find this out?" "Oh, I have friends all over the southern country, and I have always been posted in regard to every move planned or directed against myself. Once I lay in a thicket near San Juan when McMahon passed with his sister; I could have shot him easily if I had wanted to."

The Soap Lake Robbery brought the Sheriffs of Santa Clara, Alameda, Monterey and Santa Cruz Counties into the field. Wasson, candidate for the Shrievalty of Monterey County, led a posse in pursuit of the bandit, and in a fight near Monterey came near effecting his capture. In the latter county, whither the three highwaymen went immediately afterwards, Rodriguez was captured. He was tried at San Jose, and sent to the State Prison for ten years. He died in 1873, from drinking an overdose of alcohol. A few miles above Santa Cruz, the Constable and posse came upon

Vasquez, Bassinez and Gracia Rodriguez.¹ They were asked to surrender. Instead of complying, the robbers drew their pistols, and the ball opened. Bassinez was killed outright; Rodriguez escaped; Vasquez was shot through the body, the ball striking the right breast below the nipple, and ranging diagonally, lodged under the left shoulder. The bandit, with a "gameness" certainly remarkable if not commendable, stood his ground and succeeded in shooting the Constable and leaving him for dead. He then put spurs to his horse, and succeeded in effecting his escape. He rode sixty miles before he halted. For several weeks he was unable to leave his bed in Cantua. As soon as he was about he left for Mexico, but did not remain there long. A month or two afterwards he stepped off the boat at San Francisco. Procopio was then in the city, and the two met after a long absence. While they were indulging in brilliant dreams of the future, Sheriff Morse made a descent upon Procopio, while the latter was in a saloon, and captured him. Vasquez becoming convinced that the atmosphere of San Francisco did not agree with him, suddenly left for the southern country, and in his hiding places in the Mt. Diablo range defied his enemies. In the hills he was comparatively safe. White settlers were scarce, and the native Californian population, almost to a man, aided and befriended him, principally through fear. He was known to have appeared openly at the New Idria mine on several occasions. The law abiding people in that section were prevented from doing anything towards bringing the bandit to justice through fear of the consequences. It is very probable that the Mexicans

1. Note. Gracia was Narciso's elder brother. He was killed about two years afterwards at Whisky Hill, near Watsonville, by Miguel Soto. Soto was tried and acquitted. Judge W. H. Collins of San Jose defended him.

there would have backed Vasquez against any attempt at an arrest. One Superintendent, from motives of policy, permitted Vasquez to come to the mine without molestation, as long as he committed no depredations there. And it is a fact that Vasquez never troubled the miners, or even cast a covetous eye on any of their horses. Several bold attempts to capture the bandit at the mine were made by Sheriff Adams of Santa Clara County, but on every occasion, in spite of disguise and the utmost secrecy, so Vasquez says, he was apprised of the officer's movements and designs before half of each journey was made.

WHAT THE OFFICERS LOST

ON one occasion a party of officers searched the mine, but found no Vasquez, nor any tidings concerning his whereabouts. They felt convinced that he was there nevertheless, from information given by a man who had known the bandit in San Quentin. On the return trip they halted at night near the Panoche Grande. In the morning they discovered to their consternation that their horses had been stolen. Vasquez, who related this, added with a chuckle: "Smart boys. I saw them all the time they were looking for me, and when they left I made up my mind to play a trick on them, and I am sure they knew where their horses went to."

At this time while the bandit was quietly resting on his laurels, one of his nieces, Concepcion Espinosa, was living on the San Benito, 25 miles below Hollister, with one Jose Castro. Castro kept a saloon, and Vasquez was in the habit of paying frequent visits to the place.

SAN BENITO STAGE ROBBERY

IN the fall of 1871, while stopping at Castro's, the robbery of the San Benito stage was planned. At first, Castro refused to take a hand. Vasquez taunted him with cowardice, when Castro drew a pistol, and the light of Tiburcio Vasquez would have been then and there extinguished, had not the cap of the pistol snapped without igniting the powder. A hand-to-hand struggle followed and Castro was vanquished. A reconciliation took place, and the saloon-keeper finally agreed to lend his assistance to the nefarious project. One other man, whose name Vasquez would not disclose, was also induced to join. The stage was stopped several miles from Castro's store, and a large sum of money obtained. Several horsemen were also stopped and robbed. When the news arrived in Hollister there was great excitement, and a company of vigilantes was immediately organized. Castro was captured and treated to a summary trial before judge Lynch. Vasquez escaped as usual.

A short time after this the bandit made a raid on Peach Tree Valley and run off with a number of cattle belonging to Henry Miller. For the next four or five months Vasquez adopted a campaign of "masterly inactivity." His fertile brain was not idle however, and more daring exploits were conceived.

A PENCHANT FOR THE FAIR SEX

CAUSED him to run into the very jaws of death more than once. At this time Gilroy and Hollister boasted of many fair but frail señoritas, who entertained a deep-rooted regard for the many manly attractions of our redoubtable knight of the road. Once he came into Hollister and remained at a dance-



house over night, and becoming flushed with wine, forgot his customary caution, and stayed until after the break of day. He was not molested, and growing emboldened by a feeling of security, he went into the bar-room and engaged in a game of casino with one of the women. But a law and order Mexican had seen and recognized him, and an officer was notified. A posse was organized and a break made for the saloon. Vasquez saw them coming, and retreating quickly out of the back door, mounted his horse and rode leisurely away. He was not followed.

THE SPRING CAMPAIGN

IN January, 1873, Vasquez met Abdon Leiva and his wife at the house of the latter on the Cantua Creek. An intimacy, more especially with Rosaria the wife followed. The bandit was preparing for an exciting Spring campaign, and Leiva, through his wife's advice, agreed to assist. A few days afterward August De Bert, better known as the hump-backed Frenchman, came to the place, and soon afterwards Theodoro Moreno joined them. Nothing was done until May, when Chavez and Gonzalez became members of the gang. In the latter part of May, Vasquez, Chavez and De Bert went over to the San Joaquin on a prospecting expedition. About two miles from Kingston they came upon two men in a wagon. A silver watch was taken from L. Bacon, one of the men. Many months after, Sheriff Adams, while in pursuit of Vasquez, captured a quantity of the bandit's plunder, at Green Valley, and among other articles, a silver watch. When Vasquez was on trial in San Jose, Bacon came into the Sheriff's office and identified the watch as his own property.

THE LIFE AND CAREER OF
FIREBAUGH'S FERRY

As a more noticeable result of the trip, Vasquez learned that Henry Miller would be at Firebaugh's Ferry a certain day with \$30,000 to pay off his employees, and the capture of this money was determined upon. At the appointed time, Vasquez, DeBert, Moreno, and Leiva, started out. On arriving at the Ferry, they were grievously disappointed to learn that Miller had changed his mind and would not be on hand. Vasquez resolved not to go away empty-handed, and so a raid was made on the store. Vasquez told the story as follows: "We laid hands on whatever article of value we saw. I took a watch away from a man they called the Captain. His wife saw me, and coming up, threw her arms around my neck and begged me to return the watch; that her husband had given it to her during their courtship, and she couldn't bear to part with it. I gave into her, and then she said, come with me." I followed her into another room, and from behind the chimney she took out another watch and gave into me. The Captain said, "You haven't got a bad heart after all." The bandits returned that night to Cantua. The next morning Vasquez and De Bert left for Elizabeth Lake, Los Angeles County. Moreno went to Lorenzo Vasquez' ranch, in Hernandez Valley, to shear sheep, while Leiva returned to his usual occupation. At Elizabeth Lake, Vasquez and DeBert separated, the latter starting for Mexico, where, it is believed, he has since remained. In June, Vasquez returned to Leiva's house.

A DARING RAID PROPOSED

VASQUEZ suggested to his comrades a proposition which completely staggered Leiva and Moreno, in spite of their



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schooling. It was nothing more nor less than the robbery of the Southern Pacific Railroad Company's pay-car. About the first of every month a special car left San Francisco loaded with specie to pay off the employees along the line of the road. Vasquez proposed to tear up the track a short distance south of the Twenty-one Mile House, between San Jose and Gilroy, on the day the car would pass down the road. When the engine and car should be thrown off, the bandits were to rush from their place of concealment and commence the work of plunder. The first of August was fixed upon as the time. Leiva positively refused to go in spite of his wife's entreaties. She seemed to regard Vasquez as a hero, and thought no ill could come to anyone who implicitly followed his directions. Leiva noticed that Rosaria and Vasquez seemed to get along unusually well together, but at the time he did not harbor a suspicion of the truth. Vasquez selected the following as his assistants: Clodoveo Chavez, Teodoro Moreno, and a young man named Bicuna, who had been picked up by Vasquez at the New Idria mine a few days before. At the time selected the gang started, but before they reached their destination, Vasquez learned that the railway officials had been apprised of the plot by a man who lived in San Juan. This was a sore disappointment, but the bandit determined to partially overcome the loss by attacking the Twenty-one Mile House. Before arriving at the place a man on foot was encountered, who, after being relieved of his valuables, was tied hand and foot and carried into an adjoining field. Arriving at the hotel, Chavez remained outside as guard. Moreno stood on the threshold, his face partially muffled with a scarf with a revolver pointed at the inmates of the bar-room, while Vasquez and Bicuna went inside and did the manipulating. About \$200, besides a number of rings, watches, etc., were corralled. After the

robbery, Chavez and Moreno stopped in the vicinity of Gilroy while the officers were working up the case. Vasquez and Bicuna returned to Cantua Creek.

TRAGEDY AT TRES PINOS

ON the 13th of August, 1873, the robbery of Snyder's store, on the Tres Pinos, was first suggested by Vasquez to his associates, at the house of Leiva. Several conversations on the subject were had, Mrs. Leiva being present on two occasions. It was also proposed to rob the New Idria stage and a store on the San Benito. Vasquez instructed his subordinates to shoot down every person who should refuse to obey orders. He hoped, however, that there would be no occasion for bloodshed. The raid on Snyder's was fixed for the 26th of August. Abdon Leiva arranged with one Joaquin Castro to take Rosaria and his two children to San Emedio, Kern County, 160 miles south, and there remain until he and Vasquez should rejoin them. The band left Cantua on the 24th, and was composed of the following persons: Vasquez, Leiva, Chavez, Moreno and Gonzalez. At night the gang reached the house of Manuel Larria, Vasquez' brother-in-law, in the Vallecitos Valley. After remaining a short time they went on and camped for the night at Hernandez' ranch, near the Panoche. In the morning Leiva and Chavez went ahead, and waited for the others at the Gomez ranch. That night the bandits struck the stage road to Hollister. A few miles on, a whisky saloon was discovered, where Vasquez and Chavez got a bottle of whisky.

At daybreak, on the morning of the 26th, the party came to the Tres Pinos Creek. Leaving the road, they took to the fields and went up a small canon, where they selected a good



camping place, and lay concealed from observation until late in the afternoon. The party broke camp at about 5:30 P. M. Vasquez sent Leiva and Gonzalez ahead to ascertain the lay of the land. They were instructed to go to Snyder's store and wait until the others should come up. Arriving at the store the two dismounted, and went inside and called for drinks. They were waited on by John Utzerath, the clerk. A few minutes afterwards the mail arrived, and while Utzerath was sorting it, Moreno came to the door. His face was muffled by a scarf, as at Twenty-one Mile House. Gonzalez at this time was partially inebriated, and would have become totally unfit for business had not Leiva checked him. The following persons were then in the store: L. C. Smith, blacksmith, Andrew Snyder, proprietor of the store, John Utzerath, his clerk,—Murray, and one or two others, names unknown. Before Moreno arrived, Snyder was called outside by one McKune, to whom he paid some money. The transaction was observed by Leiva. Moreno, when he arrived at the door, drew his pistol; Leiva and Gonzalez followed suit. The men in the store were ordered to lie down, and all complied. While the three bandits were engaged in tying their victims, Vasquez and Chavez rode up.

To go back a little. Vasquez, Chavez and Moreno remained behind to rob the New Idria stage. Soon after Leiva and Gonzalez had disappeared around the bend in the direction of Snyder's store, the stage came along with a load of passengers and a large amount of specie. As it came in full view, Vasquez recognized on the outside seat, Thomas Williams, the "boss" at the mine, who had, as he afterwards expressed it, "always treated him like a gentleman." The design of stopping the stage was then and there abandoned.

Vasquez entered the store just as the last man was being tied. He at once asked, "Are you all through?" Receiving an affirmative answer he continued, "then one of you come out here." Gonzalez went out. At this time Vasquez wore a broad-brimmed hat and a large, open-sleeved cloak. He was, moreover, the smallest man of the plundering party. At this juncture, a Portuguese sheep-herder, named Bernard Bihury, came up to the door. Not knowing the character of the new-comers, he attempted to enter the store, when he was ordered to halt and lie down by Gonzalez.

The Portuguese, who did not understand English, paid no attention to the order, but when he saw Gonzalez' pistol pointed in the direction of his head, he started to run to the rear of the store. Gonzalez followed. Bihury made a circuit and struck a bee line for the fence, in order to gain the Hollister road, on the north side of the store. Just as he was in the act of climbing, his pursuer fired, the bullet striking him in the cheek. He cleared the fence, but as soon as he reached the ground, Moreno, who stood by the door, sent a bullet crashing through his brain and the unfortunate man fell dead on the porch, within a few feet of his murderer. In the meantime Chavez had been occupied in disposing of a little son of L. C. Smith, in the stable yard. The boy had started to run away when he saw the Mexicans at the store, but Chavez caught up with him and by a blow from his gun, knocked the youngster down; then took him to the store and laid him down with the rest. While Chavez was on his way to Snyder's, a teamster named George Redford, in the employ of Ezra Beach, of Hollister, drove up in front of the hotel with a load of pickets. Dismounting from the wagon-box, he began to attend to the horses, when Vasquez approached with a Henry rifle and ordered him to lie down. Redford, who was troubled with deafness, evidently did not



comprehend the order, for he at once started to run in the direction of the stable. He had just reached the stable door when a bullet from Vasquez' rifle passed through his heart, killing him instantly. When found afterwards he lay face downwards, his hands clutching tightly a wisp of hay, and his face horribly distorted from the agonies of the death struggle.

When the bandits came up, Lewis Scherrer, a saddler, was standing in front of the hotel. After a few moments he went to the rear to perform his ablutions. While thus employed, E. S. Burton, brother-in-law of Leander Davidson, the hotel keeper, came in from the stable. The killing of Redford was observed, and then Scherrer made for his shop across the way to defend his own property. He had not proceeded half the distance before Vasquez saw him, and, with rifle in hand, the bandit started to head him off. The saddler saw that he was flanked and he therefore retreated in good order to the kitchen. Vasquez then rushed towards the front and Scherrer hurried through the house in the same direction. The door was open. Mrs. Davidson, Mr. Davidson and Burton were in the front room. Just at this moment Leiva darted from the store towards the hotel, and shouted to the inmates, "Shut the door, and you won't be hurt; go in, go in!" Davidson was then standing to the right and his wife to the left of the door; Scherrer and Burton were behind them. Leiva had hardly got the words out of his mouth before Vasquez came round the house from the rear, rushed up on the porch, and as Davidson was closing the door, fired a shot. The bullet passed through the door and pierced Davidson's heart. He fell back into the arms of his wife, and in a few minutes breathed his last. After the shooting, John Haley, a teamster, drove up with a load of grain from Grogan's ranch. Halting in front of the

store he looked up, and saw four revolvers and a Henry rifle pointed at his head. "Come down!" was the order given by Vasquez. Haley replied, "What do you want." The answer was a thrust in the ribs from the rifle. He came down and was struck on the head, and then robbed of four dollars and fifty cents.

Meanwhile the men in the store were lying on their backs, alternately guarded by Leiva and Chavez. After Haley had been disposed of, Vasquez went to the store and ordered two of his men to untie Snyder and bring him out, which was done. Vasquez then directed Leiva to take Snyder to his house and obtain what money he had there. Mrs. Snyder appeared at the door, and at her husband's request, and Leiva's promise that no one should be hurt, went inside and returned with a bureau-drawer containing several hundred dollars. The bandits then went into the store, and after relieving the men on the floor of all their valuables, proceeded to appropriate Snyder's provisions, clothing, etc. When they had taken as much as they could carry, eight horses and two saddles were stolen from the stable. The day before, Vasquez had stolen a mule, and this animal was loaded down with provisions, etc. The work of plunder and murder had occupied over three hours. It was now half-past eight o'clock and the word to depart was given, and in a few moments the bandits had passed out of sight of the scene of blood. The road up the San Benito towards the Picacho Mine was taken. After a few hours of hard riding several of the bandits' horses gave out, and were changed for the stolen ones. About daylight they reached the house of Lorenzo Vasquez (no relation, but a friend of Tiburcio) in Hernandez Valley, fifty miles from Tres Pinos. Before breakfast Vasquez gave small sums to the inmates of the house and a division of the stolen property was had, Vasquez taking the



lion's share. In explanation thereof the bandit said that he was a lost man anyhow, and if seen an effort to capture him would be made, whether it was known that he had plunder or not; while the others were unknown to the officers, and any jewelry found in their possession might compromise them. After breakfast the horses were saddled and the retreat continued by all except Moreno, who left his companions and went down to Judge Tully's ranch at Bitter Water and hired out to shear sheep. When the foot of the hill was reached Vasquez left his companions and said he would go to the Higuera ranch on the Posa de Chine where the others could meet him. His design evidently was to look out for himself in case of a hot pursuit by the officers. Leiva was appointed lieutenant. At Higuera's they joined Vasquez and continued the journey southward. Near Buena Vista Lake Gonzalez' horse gave out and he was left behind. At San Emedio, further on, Leiva found his wife and children with Joaquin Castro. He paid Castro for his trouble and with his family started for Elizabeth Lake, Los Angeles County. Before arriving at this point he met Chavez and Vasquez, who had gathered in a number of fresh horses. From Elizabeth Lake the party proceeded to Rock Creek Canyon and camped.

VASQUEZ & ROSARIA LEIVA

AND now we come to an important episode in the career of the bandit which nearly resulted in his capture by Sheriff Adams and party. Reference has heretofore been made to the friendly feelings entertained towards him by Abdón Leiva's wife. She was married to Leiva in Santa Clara on the 2d of November, 1865, by a Justice of the Peace, and afterwards remarried at the New Idria Mine by a Catholic

priest. When Vasquez first met her, a few months prior to the raid on Snyder's store at Tres Pinos, she was about twenty-five years of age, plump, healthy, and passably good-looking. Abdon, her husband, was a few years her senior, taller than Vasquez, and possessed of a finely proportioned and muscular figure. He was rather comely in feature and the expression of his countenance was frank and honest rather than otherwise. But he lacked the quick, nervous activity and push of Tiburcio, together with the latter's easy and fascinating manners and address. A criminal intimacy existed between Rosaria and Vasquez before the departure southward. Leiva first began to suspect something from remarks dropped by his leader when they left Higuera's ranch on the 28th of August, and hot words passed which nearly culminated in a fight. But it seems that Vasquez had no desire to go to extremes with the man he had dishonored, for he made the first overtures towards a reconciliation, and nothing more was said of the matter until Rock Creek was reached. After remaining at this point a day or two, Vasquez requested Leiva to go to Elizabeth Lake for a supply of provisions. The latter left in the morning with the understanding that he was to return late at night. Instead of going to the Lake, Leiva obtained the desired supply but a few miles from camp, and at once started out to return. The camp was located a few rods from the bed of the creek among the small trees and underbrush. The creek was nearly dry and there was a long broad bed of sand in front of the camp. Leiva, having a suspicion of the truth, came up noiselessly and beheld a sight that roused all his vengeful passions. His wife and Vasquez were together. Quick as thought he drew his pistol but the click of the hammer and the muttered "carajo" roused Chavez who was lying in the bushes a few feet distant and he at once jumped to his feet



and pointed a pistol at Leiva's head. Vasquez, awakened by the noise, hastily arose. He understood the cause immediately. Mrs. Leiva shrieked and ran past them towards the creek. Her husband looked at Vasquez and then at Chavez and dropped his pistol.

Leiva: "Senor Vasquez, you are my enemy henceforth. I will give you satisfaction here or anywhere."

Vasquez: "No, no. I will not fight you, for I have dishonored you. I can't raise my hand against you until you have first attacked me."

There was no danger of Leiva's taking the initiative just then for Chavez remarked that he would blow out his brains should he make a move to harm a hair of his leader's head. Leiva then announced his intention to dissolve partnership, and taking his wife and children (Vasquez neither protesting nor interfering), hitched up his team and drove to Jim Heffner's at Elizabeth Lake. There he left Rosaria, and on horseback started off to give himself up to the officers.

SHERIFF ADAMS' PURSUIT

WE must now return and note the movements of the officers. When the startling news of the triple tragedy at Tres Pinos was first flashed over the wires, Captain J. H. Adams, Sheriff of Santa Clara County, was in Gilroy attending to matters pertaining to the county election which was to take place on the 3rd of September. He was a candidate for re-election, but without bestowing a thought upon his private business, he at once started for Hollister, first telegraphing to Sheriff Wasson of Monterey County, to meet him there. On the forenoon of the 27th of August (the day succeeding the tragedy), he was in Hollister and busily

engaged in organizing a posse to pursue the bandits. But he found it up-hill work to enlist men for this enterprise. The raid had created such great consternation and terror that men were unwilling to risk their lives. Moreover it had been reported that Vasquez' gang consisted of fifteen or twenty men, armed to the teeth and thoroughly desperate and determined. Late in the afternoon Adams, assisted by Wasson, succeeded in securing six men, and well armed and mounted they started for the scene of the triple tragedy, reaching Tres Pinos just as the shades of night were falling. The route taken by the bandits was discovered and a swift pursuit given. It was found next to an impossibility to secure fresh horses on the route, and when the officers had crossed the mountains, Vasquez and his gang had obtained a long start of them. The bandits were traced to the Posa de Chine, and from there to the Zapatachino Creek. Here the horses' tracks scattered and on the plains were entirely lost sight of. Knowing the bandit chief's old haunts, Adams piloted the party to Carey Creek, near the Cholame Valley, south of the New Idria Mine. It was justly considered a waste of time to continue on with the party, mounted on jaded horses; therefore Adams and Wasson made arrangements with a man who pretended to be well acquainted with the country, to furnish them with fresh horses and pilot them through to the railroad by the nearest route. They started at 8 P. M., leaving Constable Chick, of San Benito, in charge of the force, and pushed rapidly on. The night was very dark and the guide lost his way, and finally came to a halt in the tules at the lower end of Tulare Lake where no headway could be made until daylight. The party were without provisions, and it was not until 10 o'clock next day that they took the first meal on the journey. Late in the afternoon—half a day later than anticipated—the railroad was reached.



On the morning of the 27th, Sheriff Wasson left Monterey for Salinas City. At the crossing of the Salinas River, he met five Mexicans on horseback with one pack mule. When he reached Salinas he received Sheriff Adams' dispatch in reference to the Tres Pinos tragedy. On arriving at Tres Pinos the officers were informed that Vasquez' gang consisted of nine men, and that among the animals there was one pack mule. Wasson immediately came to the conclusion that the men he had met at the Salinas River were a portion of the gang, and when farther on the journey they could get trace of only four men, he became morally certain that he was in the right. Therefore at the railroad, he determined with Adams' concurrence to return to Salinas City and organize a force to pursue the party mentioned. Sheriff Adams continued on southward by rail in pursuit of the remaining members of the gang. At Bakersfield, the terminus of the railroad, he obtained the assistance of Deputy Sheriff Short and a young man named White. Between Buena Vista and Tulare Lakes they met a Mexican with Vasquez' packing mule which he had picked up after the animal had been turned loose by the bandit.

ROMULO GONZALEZ

A short distance from this place Adams came upon a Mexican with a horse picketed out close by. The man had on a cheap, coarse, working suit of clothes, rather the worse for wear. When the officers left for Tres Pinos they were informed that every member of Vasquez' gang left the store dressed in a new suit of clothes and that all the old garments were left behind. The Mexican had a sack and in it was found a new suit of clothes. This looked suspicious, but hardly warranted an arrest. Adams had only two men with

him; he was on the track of Vasquez and had he arrested the man he would have been obliged to send him back with one of his men. Again, there was no jail in Bakersfield. After calmly deliberating over the matter Adams concluded to leave the Mexican and go on. When Leiva was met afterwards Adams learned that the man he met on the plains was Romulo Gonzalez.

The Sheriff came upon the tracks of the bandits' horses a few miles on and followed them to San Emedio, from there to Tejon Pass, and on to Jim Heffners', at Elizabeth Lake. At Tejon Adams telegraphed to Sheriff Rowland of Los Angeles County to meet him with a force of men. Leaving Short, Adams rode to Elizabeth Lake and there learned where Vasquez was hiding. No men could be obtained there, and he anxiously awaited Rowland's coming, for he felt assured that with a good force he could easily capture the outlaw.

Not meeting the Los Angeles Sheriff when expected, Adams went on to Los Angeles and without delay started out again with Rowland and party in the direction of Cajon Pass. In this vicinity he expected to encounter Vasquez and his gang. At the Pass information was received which caused the officers to make for Rock Creek Canon. They arrived at Big Rock Creek at nightfall by following an Indian trail. The next morning the tracks made by Leiva's wagon were discovered at Little Rock Creek and followed up the canon. They had not proceeded far when Chavez was caught sight of riding along the brow of a hill, just within rifle shot. The bandit did not see the officers, and his capture, dead or alive, would not have been a hard matter had not one of the men who accompanied Adams suddenly exclaimed upon seeing him, "There's a man!" Chavez heard the ejaculation, looked around and discovered his pursuers. Not complying



with the demand, the Santa Clara Sheriff drew bead with his Henry rifle and fired. The ball grazed Chavez' cheek but he did not lessen the speed of his horse and soon was lost sight of.

THE FIGHT AT ROCK CREEK

NOT many minutes afterwards, while ascending a hill, fire was opened on the officers by Vasquez and Chavez, who were concealed in the brush at the top of the eminence. The Sheriff's party halted. Adams advised a charge, believing that such a move would drive the bandits from their hold and ensure their capture. But the others counseled differently and some little time was lost in parleying. At length Adams announced his intention to "go it alone." Spurring his horse the gallant officer dashed up the hill in the direction of the firing, but when he came to the clump of brush no traces of the bandits could be discovered. Looking up the ravine he saw them just disappearing from sight. Then the others came up and a dash was made. A mile on, the horses stolen at Tres Pinos were recovered, the bandits having left them in their hurried flight. Vasquez and Chavez by this time had got into the thick chaparral and with their unsurpassed knowledge, of the country could laugh at their pursuers. Had Captain Adams' advice been followed the laugh would probably have been with the other side.

After vainly endeavoring to find their trail Adams and party returned down the canon. After following the bed of the creek for some distance they came upon the bandits' camp, where several articles of clothing, etc., were found. From there the officers proceeded to Green Valley and upon

private information, a suspicious house was searched, and a portion of Vasquez' plunder discovered. Leiva's trail, made when he went to Elizabeth Lake after his rupture with Vasquez, was next followed up but when the officers arrived at Jim Heffner's, Mrs. Leiva had disappeared. The children were found and cared for. Then the officers pushed on to Delano Station where they met Leiva who had arrived the day before and delivered himself up to Deputy Sheriff Johnson of Los Angeles County. Adams had a talk with Leiva and obtained much valuable information which induced him to take the stage next day for San Jose. He had been absent several weeks; had been in the saddle nearly all the time and had endured all sorts of hardships. He had averaged during the trip two and a half hours' sleep each night. The energy, determination, bravery, and detective abilities displayed in the pursuit, stamped him as one of the best sheriff California ever possessed. Wasson, when he left Adams, went to Salinas City and organized a posse of twenty-seven men and for three days scoured the mountains for fifty miles below when he learned that he was on the wrong scent. He had put forth his best efforts and deserves double the credit that has been awarded to him.

AN ELOPEMENT

AFTER the fight at Rock Creek Vasquez made a flank movement and taking a roundabout course, rode swiftly towards Elizabeth Lake. He knew the risk he took but pushed recklessly on, relying upon his shrewdness and activity to carry him safe on the venture which had for its object the abduction of Rosaria Leiva. He reached Jim Heffner's late at night and easily persuaded the woman to go with him. No time was lost. Hastily taking leave of her



children the guilty creature mounted a horse and joined her fortunes with those of the bandit chief. A short distance from Heffner's is a small hill with a trail on either side. While Vasquez and Mrs. Leiva were galloping swiftly on one side—their objective point being the San Bernardino hills—Sheriff Adams and party were directly opposite, on the other side, making for Heffner's. Vasquez had been gone but an hour or two when the officers knocked at the door.

Mrs. Leiva remained with Vasquez several months. They lived in the mountains altogether and were continually on the move to avoid the officers of the law. At last Vasquez, being afraid that he would be captured if he kept the woman with him, one day left her alone in the hills faraway from any settlement, and started northward. Mrs. Leiva was then enceinte, and her sufferings for several days, until she reached the house of a kind farmer, can better be imagined than described. She eventually made her way to San Jose. The children had previously been placed in trustworthy hands at Los Angeles, by the husband.

MORENO DISPOSED OF

AMONG other things Sheriff Adams learned from Leiva the whereabouts of Teodoro Moreno, and as soon as Salinas City was reached he informed the Sheriff of Monterey County; and Constable Chick of San Benito, and Deputy Sheriff Orson Lyon of Hollister—both brave and efficient officers were detailed to make the arrest. They at once went forth on their mission, and at Hon. E. C. Tully's ranch, in the Bitter Water Valley, fifty miles south of Hollister, they found their man and easily effected his capture. Moreno was taken to Salinas City, and at the November term of the

District Court, Judge Belden presiding, was tried for the murder of Bernard Bihury, the Portuguese sheep-herder.

P. B. Tully of Gilroy defended the prisoner, and through his efforts his client's neck was saved. Abdon Leiva was the principal witness for the State. The jury, after considerable deliberation, returned a verdict of "Guilty of murder in the second degree."

Judge Belden in pronouncing sentence, remarked that the prisoner had every reason to congratulate himself and after severely commenting upon the enormity of his offense, sentenced him to a life term in the State Prison. Moreno afterwards expressed himself as perfectly satisfied with the result.

Adams, after dispatching the officers after Moreno, started out with Wasson for the New Idria mines, to capture Gonzalez and Bicuna, who were said to be there. They traveled all night and at 2 A. M. were within half a mile from the men. While ascending a hill three men stepped out from one side of the road. One of them caught the horses' bridles and the order was given to "shell out." The night was dark and the robbers did not know the parties they had stopped. Wasson was driving and Adams raised his Henry rifle, got aim on the man at the horses' heads, and was about to shoot when that individual changed his position, and in an instant all three of the robbers came to the side of the buggy. There they beheld Adams with his rifle and Wasson with a seven-shooter ready for business. The road agents concluded to travel. Being afraid that any trouble with them would spoil their game at the mine, the Sheriffs allowed them to go in peace. When they arrived at their destination they found that Gonzalez and Bicuna had left for parts unknown.



THE FLIGHT NORTHWARD

IT was in the latter part of October when Vasquez, accompanied by his companion and ally, Chavez, left the mountains of Los Angeles and San Bernardino Counties and fled northward. They were led to this step by the vigilance of Sheriff Rowland and his deputies. It was their intention upon first leaving the South, to make their way into Mexico, and there remain until affairs had quieted somewhat; but finding every avenue of escape cut off, they wisely determined to retreat to their old haunts in the vicinity of the New Idria Mine where friends were numerous and hiding-places abundant. But the two outlaws had hardly reached the Cantua before Sheriff Adams was notified of the fact. He immediately started for Salinas City to confer with Sheriff Wasson. The person who gave the information was in Hollister and when the two Sheriffs arrived there they found him in the calaboose, drunk. Adams resolved to undertake the bandits' capture, but in order to succeed it would be necessary to exercise the utmost caution as to his movements, or Vasquez' friends would give the signal which would send the bandit out of reach. Accordingly, Adams announced that he would not make the trial, and returned to San Jose where he perfected his arrangements secretly, and then, completely disguised, with a few picked men (among them a *Chronicle* reporter), he set out, going through Hollister to Tres Pinos on the cars without stopping at the former place, in order to avoid suspicion. He was absent one week and the country for one hundred miles around Vasquez' old camps was thoroughly scoured. He got scent of Vasquez several times but on account of the friendly feelings entertained by the Mexican mountaineers for the bandit, no headway could be made. The pursuit was given

up only when Adams learned that Vasquez had left that part of the country and gone "where the woodbine twineth."

THE CAREY CREEK MURDER

BUT the wily Vasquez had not gone far. On the Zapatachino Creek, near the Cantua, he and Chavez rested undisturbed for a few weeks. One day Chavez went to Carey Creek in the Cholame Valley, a short distance off, where he fell in with a desperado named Anastacio Androtio. While there they met a sheep-herder who took them to his cabin and furnished them with provisions and other necessaries. Chavez ascertained that the herder had about \$200 in coin on his person and that he soon contemplated a visit to the East where his family resided. He informed Androtio, and they determined to waylay and murder him, which they did. The dastardly outrage was witnessed, unseen, by two men, but they were unarmed and could render no assistance. The helpless victim was shot three times and then his throat was cut from ear to ear, the head being nearly severed from the body. After the commission of this horrible crime, Chavez drew his knife, and cutting a cross on the forehead of the dead man, pulled the skin down over his mouth. The pockets of the dead man were then rifled and the body thrown into a gulch where it was covered up with brush to conceal it from view. After surveying his work Chavez divided the plunder, giving Androtio a \$20 gold note and \$7.50 in coin, keeping all the rest himself. They then endeavored to flee. The lieutenant of Vasquez jumped on his horse and made off, but Androtio's animal became frightened when he attempted to mount, and ran off, compelling him to travel on foot. The parties who saw the deed gave the alarm, and a party of determined men went after Androtio and captured him. He



made a full confession and was hanged. Chavez, being well mounted, made good his escape, and rejoined Vasquez. The murder took place on the 4th of November.

ANOTHER RAID

ON the 13th of November, Vasquez, Chavez, and a few choice spirits, started out in the direction of the Tulare plains. They did not halt until they came to Jones' store, two miles from Millerton in Fresno County. The store was entered, all the occupants tied, and booty amounting to six hundred dollars carried off. The raiders succeeded in making their escape and obtaining several days' start before the officers were notified.

THE KINGSTON ROBBERY

ON the night of the 26th of December, Vasquez with a gang of a dozen men entered the town of Kingston, Fresno County, and committed a most daring robbery. The two principal stores were plundered, the inmates tied hand and foot, in the same manner as at Snyder's store, Tres Pinos. The safes were broken into and about \$2000 in coin taken. Clothing, provisions, etc., were carried away. Vasquez did not take part in pillaging but remained on the outskirts of the town, ready to leave at a moment's notice should his band meet with any resistance. But the attack had been so sudden that the inhabitants were taken completely by surprise, and before they could rally, the bandits had crossed the bridge and were galloping towards the hills. The news of this raid again aroused the whole State, and the sheriffs of Fresno, Tulare, San Joaquin, Santa Clara and

Monterey Counties, were soon in the field. But Vasquez could not be found. He had betaken himself to one of his best hiding-places where for some time he remained in security. When this last outrage occurred the Legislature was in session at Sacramento. After the Tres Pinos tragedy Governor Booth went to the extent of his authority and offered \$1000 for the apprehension of Vasquez. Sheriff Adams had already expended four times that sum, and other sheriff were out of pocket proportionately. A bill was immediately introduced and passed, by the provisions of which the Governor was empowered to expend \$15, 000 towards the capture of Vasquez and his gang. Early in January Governor Booth issued a proclamation offering a reward of \$3000 for his arrest if alive, and \$2000 if killed. Afterwards the reward was increased to \$8000 if alive, and \$6000, dead.

After a few weeks' rest the bandit took the field again and committed a number of minor depredations on the Tulare plains. The settlers were so much harassed that bands of vigilantes were organized for protection. Vasquez then retreated further south.

ATTACK ON COYOTE HOLE

ON the afternoon of Thursday, February 26th, 1874, Vasquez and Chavez made a bold descent upon Coyote Hole station, on the Los Angeles and Owens River stage road. Before reaching the place, in the morning, they met a Mr. Raymond, and to prevent him from giving an alarm they tied him to a tree and then left him there. Vasquez then moved towards the station, demanded an unconditional surrender, and fired into the building so as to bring



everybody out. A Mexican teamster was pressed into his service and compelled to search every person and hand over the proceeds, Vasquez superintending the business with a Henry rifle, cocked, bearing on the searcher and the searched. After getting their money and valuables, the bandit marched them up a hill back of the house and told them not to move, or death would be the penalty of the rash action. Vasquez and Chavez then proceeded to the stable of the Telegraph Stage Line, and shooting into it, compelled everybody to come out. The business of going through the stable men went along smoothly until one man, known as "Old Texas" made some objections. To settle the matter Vasquez shot him in the leg, when he quietly succumbed. Being masters of the situation, the bandits calmly waited until the stage drove up. With their Henry rifles bearing down on the vehicle, the command was given:

"Halt! Hold up your hands!" Davis, the driver, not comprehending the precarious situation, was about to keep on, when Mr. Belshaw, one of the owners of the Cerro Gordo mine, spoke to him, and the stage stopped. After robbing the passengers, the bandits had the horses unharnessed; four more were taken from the stable. In the meantime, Wells, Fargo & Company's treasure box had been rifled of several hundred dollars.

With all the bullion, money, jewelry and horses, they started off in the direction of Los Angeles.

On the 27th, the following day, Vasquez and Chavez stopped the Los Angeles stage between Mill Station and Soledad, and robbed the passengers of \$300. Shortly afterwards the robbers entered Soledad and stole a wagon and six horses from Harper's stable. They also stopped a

team in the vicinity and robbed the driver of a small amount.

These daring raids aroused the entire southern country, new bands of Vigilantes were formed, and strenuous efforts made to capture the cunning chief of the banditti; but as usual, he kept out of harm's way.

Early in March it was reported Vasquez had sailed for Mexico on the steamer Constitution. The San Francisco Chronicle mentioned the name of an old do' dealer who averred that Vasquez came into his shop on the day preceding the sailing of the steamer, and purchased some female apparel. At this time all was "quiet on the Potomac," and many persons believed that the bandit had really given the officers the slip. A few weeks later a Mexican came up from Guaymas and reported that he had seen Vasquez there. Sheriff Adams of Santa Clara County and Sheriff Harry Morse of Alameda County were better posted. They had sent out spies and knew that the outlaw was still in California.

MORSE'S PURSUIT

IN the latter part of March Sheriff Morse, for the first time, took the field. The bill authorizing the Governor to expend \$15,000 towards bringing the bandit to justice had passed both Houses the Legislature. Morse left with a picked company of fifteen men, in a wagon, with provisions and funds for a two months' cruise, ostensibly to survey the supposed unexplored wilds of southern California. The Sheriff was well disguised and moved cautiously; but before he had been out a week Vasquez knew where he was and what he was after. The bandit was pressed very closely on



one occasion, in the hills near Soledad, and but for the treachery of some native Californians he might have had a small hole to crawl out of. Sheriff Rowland and his deputies lent Morse efficient aid. At length, after a campaign of over one month's duration, Morse and party returned northward, believing, from information received, that the bandit had left for his old stamping grounds south of the New Idria Mine. But he was deceived. Vasquez had merely retreated into the fastnesses of the hills, near San Fernando.

THE REPETTO ROBBERY

MORSE had not been gone many days before Vasquez and his gang made their appearance at the old Mission, near Los Angeles. Proceeding to the house of Alexander Repetto, they took him to a tree and then demanded \$800 as a ransom or they would kill him. Repetto sent a boy to Los Angeles with a check for the amount, but instead of cashing it the boy went to Sheriff Rowland and informed him of the outrage and in a very short time a posse of men was on the road to Repetto's. When they arrived in sight of the house Vasquez and his companions were in the act of mounting their horses. Rowland gave pursuit. While retreating towards the hills, Vasquez met Charles Miles, John Osborne, Pat Cone and J. Rhodes riding along in a buggy, and promptly relieved them all of their money and jewelry. When Rowland's party came up, the robbers had reached a place of security.

THE LIFE AND CAREER OF
THE CAPTURE

ON the evening of May 14th, 1874, a short time after the Repetto affair, information of Vasquez' exact whereabouts was brought to Sheriff Rowland by D. K. Smith. A posse was immediately organized and placed in charge of Under Sheriff Johnson. At ten o'clock the road was taken. Proceeding in the direction of the house of a man known as Greek George, they concealed themselves where they could have a good view of the country and could not be seen by outsiders. The next morning a wood wagon was stopped and the driver compelled to turn his horses' heads, allow all the party to lie down in the wagon bed, and proceed back to the house of Greek George. He was made to understand that if he played them false, his life would pay the forfeit. When the destination was reached, Johnson and his party leaped out, surrounded the house and drew their weapons. Two men were posted at the western side, the others at the southern side. The foremost of the party started for the door, when it was suddenly opened by a woman who gave a quick cry of alarm and attempted to close it. But Johnson's men burst in and saw Vasquez in the act of going through the door leading to the kitchen. One of the men rushed for him but the bandit made a leap and went through the window. His horse was already saddled and bridled a short distance from the house, but when he landed on the ground he found himself confronted by a band of armed men. Instead of surrendering he made a dash, when the men fired, wounding him in eight different places. G. A. Beers, special reporter for the San Francisco Chronicle, fired the shot that brought him to terms. Turning around, covered with blood, he threw up his hands and said: "Shoot, you cowards." A moment later and he was in custody. The capture was



cleverly planned and reflected great credit on Johnson and Major H. M. Mitchell. The latter was second in command and had accompanied Adams, Rowland and Morse in all the expeditions against the bandit in the vicinity of Los Angeles.

The news of the capture of the noted outlaw, who had so long bid defiance to the laws, was received with joy all over the State.

It was thought at first that Vasquez could not possibly survive his injuries, but having a strong constitution, he at length got the best of the Grim Destroyer.

Had it not been for the large reward offered it is extremely probable that he would now be at large and alive. He was betrayed; "given away" for coin.

At the time of the capture Sheriff Adams was preparing to take the field again having received information through his spies of the bandit's hiding place. Though he would have been pleased on account of the important part he had played to have been "in at the death," yet no person in the State rejoiced more than he when the glad tidings came.

Sheriff Cunningham of San Joaquin County whose name has not previously been mentioned deserves a white mark for his services in the case. After the Kingston robbery he took the field and used every means in his power to encompass the capture of the daring outlaw. He was also one of Morse's party in the campaign prior to the Repetto robbery.

SALINAS AND SAN JOSE

AS soon as Vasquez' wounds would permit arrangements were made to transfer him to the jail at Salinas City,

Monterey County. On the 25th of May he left Los Angeles under the charge of Sheriff Rowland and took passage on the steamer Senator, bound for San Francisco, where he arrived on the morning of the 27th. He was met there by Sheriff Smith of Monterey County and Sheriff Adams. That night he remained in a cell in the city prison where he was visited by hundreds of the curious, anxious to feast their eyes on the celebrated robber. The next forenoon he took the train for Salinas City. Sheriff Adams and a number of other officers went through to the place of destination, as a report had been circulated that Vasquez would be lynched by a mob as soon as he landed from the cars. When the train reached San Jose a large crowd had gathered at the depot. Vasquez stood up before the door of the mail car and did not exhibit a particle of shame or confusion at being made a show of; but, on the contrary, evidently gloried in it. He surveyed the sea of faces with an air of pride almost. His handcuffs rather interfered with his dignity, so he muffled them in his handkerchief as much as he could.

The bandit was kept closely guarded at the Salinas City jail until the opening of the District Court, on the 26th of July, when he was brought before Judge Belden, and on motion of the District Attorney the cause was transferred to San Benito County for trial, as the crime charged in the indictments had been committed in that county. The motion was granted and an order made that the prisoner be transferred to the jail at San Jose for safekeeping, it appearing that Hollister, the county seat of San Benito County, afforded no secure jail facilities. On the afternoon of the same day, Vasquez reached San Jose and was taken charge of by his old adversary, Sheriff Adams.

Abdon Leiva had previously been placed in charge of Sheriff Adams, and an hour after Vasquez' arrival, the writer (who was the first press representative to greet the outlaw) asked him how he felt towards his quondam lieutenant. The reply was: "I feel friendly. I could take him by the hand and willingly bury all our grudges." On being asked if he would like to see him, he answered in the affirmative, and in another moment Abdon Leiva stood in the presence of the man who had so cruelly wronged him. Vasquez changed color when his eyes met Leiva's, but the latter looked coldly and steadfastly at his enemy. There was an awkward pause and then Vasquez held Out his hand. Leiva took it mechanically, gave it one shake and turned away.

Sheriff Adams: "Do you want to talk with Leiva?"

Vasquez: "No, that's all I want. I only desired to see him."

Adams (to Leiva): "Do you want to say anything to Vasquez?"

Leiva: "No, I have nothing to say."

And while Vasquez lived Leiva never again spoke to him.

LEIVA & HIS WIFE

AFTER Leiva's arrival at the San Jose jail his wife came to see him. He would always come out when she asked for him; would converse with, and remain during her pleasure, but no reconciliation could be effected. He told her that he was not an enemy, but that henceforth they must live apart; that as soon as he was released (he had been promised his freedom), he should take the children and depart for Chile, his native country. He said that he never would have gone

with Vasquez but for his wife's importunities. When Vasquez was captured she began to work against her husband and in favor of his enemy. Leiva knew this, and believed that her main object in visiting him afterwards was to pump him. He was on his guard however, and would not bite. While the bandit chief was in San Jose thousands of people visited him. He usually sat his chair and with a smile that was "child-like and bland," gave a courteous reception to all and seemed to take great delight in his position. His vanity was inordinate, and whenever a young lady (half the visitors were of the weaker sex) would approach near to where he sat, he would appear as pleased as a monkey at the present of a tin trumpet. He evidently regarded himself as a hero, and from the false sympathy he received from a portion of the other sex, it is no wonder that his head got slightly turned.

Immediately after his capture Vasquez made an appeal through the press (American and Spanish) to his countrymen. He represented that he was guiltless of murder, was without funds to hire lawyers to defend him, and urged them to come forward and render the necessary assistance. The appeal had an effect, for a small purse was made up by some sympathizing friends, and Judge C. B. Darwin of San Francisco, and P. B. Tully, Esq., of Gilroy, became his attorneys.

When the District Court opened in September at San Jose, Vasquez was brought in for arraignment on three indictments for murder, committed at Tres Pinos. Judge Darwin, after filing the necessary affidavit, moved for a continuance on the ground that important and material witnesses were absent. The motion was granted and the cause continued until the fifth day of January, 1875.



THE TRIAL

ON Thursday, January 5th, 1875, at 10 A. M., in the District Court, Judge Belden presiding, the case of the People vs. Tiburcio Vasquez was called for trial. Attorney-General John Lord Love, assisted by N. C. Briggs and Hon. W. E. Lovett of Hollister, and District Attorney Bodley of Santa Clara County, appeared for the prosecution. The night before, Judge Darwin, to whom had been entrusted the principal management of the defense, withdrew from the case. Before the trial commenced, Judge W. H. Collins and Judge J. A. Moultrie of San Jose, were retained to assist Tully as attorneys for the prisoner. Everything being in readiness, Vasquez was placed on trial for the murder of Leander Davidson, the hotel-keeper at Tres Pinos, on the 26th day of August, 1873. When the Court adjourned in the afternoon, the following residents of Santa Clara County had been selected to serve as jurors in the case: G. W. Reynolds (Foreman), Tyler Brundage, Frank Hamilton, M. Dornberger, Noah Parr, M. Tobin, George C. Fitzgerald, J. M. Moorehead, S. T. Woodson, M. Lubliner, C. S. Towle, Hugh O'Rourke.

The examination of witnesses for the prosecution commenced Wednesday morning. Abdon Leiva was first sworn. He gave a detailed statement of the part played by the defendant at Tres Pinos, and in the main, his testimony was corroborated by the witnesses who followed. It was clearly proven that Vasquez killed Davidson and Redford. There was no material discrepancy in the evidence adduced, and when the State closed on the fifth day, Vasquez' attorneys knew that it would require an almost superhuman effort to save his neck from the halter. For the defense, Vasquez was placed on the stand. He denied the

commission of the murders laid to his door, but admitted that he was present and took part in the robberies. There was no evidence to corroborate a word he uttered and when he closed and took his seat, his chances seemed slim indeed. Collins and Tully threw all their energies and abilities into the case, and from the beginning to the end, labored as though their own lives were at stake.

On Saturday morning, January 9th, the arguments began. Briggs opened. He carefully reviewed the evidence and showed conclusively that the defendant was guilty and merited death. During his remarks he referred to Burr and Blennerhassett, and likened the former to Vasquez and the latter to Abdon Leiva. The bandit chief with his smooth tongue and insinuating address had sought out Leiva in his mountain home and effected his ruin. He closed with an eloquent and feeling exhortation.

P. B. Tully followed for the defense. He held that there existed a grave doubt as to Vasquez' guilt, and justice and mercy demanded that he be given the benefit of the doubt, and not condemned to suffer death. Mr. Tully closed with an earnest appeal for mercy.

It being known that Judge Collins would make the closing argument for the defendant in the afternoon, at that time the court room was thronged with people, the ladies filling the galleries. As his speech made a profound impression we produce it entire. During the delivery many eyes grew moist with tears. The learned counsel himself was visibly affected more than once.

JUDGE COLLINS' ADDRESS

MAY IT PLEASE YOUR HONOR, GENTLEMEN OF THE JURY: When first I entered upon the discharge of my duties as counsel and advocate in behalf of this unfortunate man, I thought then that the party whom I was to defend was Tiburcio Vasquez. But yet I learn to-day, for the first time, that the scene is moved back along the years that have gone, and instead of standing before you, I stand, as it were, in the old commonwealth at home, and my client is the oily, silvery-tongued Aaron Burr; and Leiva—the swarthy Mexican who stood there on the witness stand—is the mild, honest and outspoken Blennerhassett; and this affair, instead of happening at the place they call Tres Pinos, occurred in the beautiful little island that sets out on a lake, separated from us not alone by land but by the rolling waves of two oceans. And I was only recalled back to the reality by the broken English spoken by this Castilian; reminded that I stood here before a jury of my fellow men in the flower-carpeted valley of the Santa Clara.

Gentlemen of the Jury, it has frequently fallen to my lot, in the days that are gone, in the dead and buried past, to stand before a jury of my fellow men, and there plead the cause of my fellow man. Suffer me to say, that not in the dead and buried past, not in the scenes that have passed into history, never to be re-enacted, nor in the history of the future, all unknown and unwritten, does it seem possible for a man to have occupied, or to occupy, a position more responsible, more solemn, than the one I now fill.

The duties of an advocate, in a capital case, are at all times solemn; yea, solemn beyond the power of human tongue to describe; but yet, in this case, if it be possible, they are doubly solemn. Not by reason of the facts that have been adduced upon this trial, not by reason of those alone, but by reason of outside and exterior facts. We can meet as man meets man,

the issues of fact and law that have arisen here; but when called upon to confront, as it were, a great black cloud of prejudice that forces its way in at every opening, and at every crevice; when a great roaring river of passion is one of the things that we have to meet, and when through the black clouds of prejudice there are heard, just as the thunder is heard, roaming over the storm clouds, great damnable cries for revenge coming from a maddened populace; when here, at the very trial, we are met by the law officer of the State, who, not content with asking justice at your hands, holds before you a cup, and says:

"Fill it with blood, fill with blood! Here is the Golden Bowl, break it here; here is the Silver Pitcher, crush it here!" And yet, and yet, gentlemen, midst this black river of passion, midst this roaring, surging storm of prejudice, midst these howls for revenge, midst this cry "Let me wash my hands in the blood of that man," I see, I see—what? Just what you see and have seen in storms on the outside. I have seen the rainbow, the emblem of hope; I see just what the fleeing slave has seen shining through the darkness of night, the North Star to guide me on,. I see this—I see twelve men who with uplifted hands exclaim: "Tiburcio Vasquez, as between you on the one side and the commonwealth on the other; without fear, without passion, without prejudice, we will hear the evidence in this case, and as between you and the commonwealth, to you true deliverance make." You have said that to my associates and to myself. You have said it under the solemnity of an oath; an oath so solemn that I cannot describe it; and yet I am aware of another fact. I am aware that man is alike the world over; that the frailties you have, I have, and that we are very much, to use a common expression, similar, and hence it is that, notwithstanding you have raised your hands against the cloud and said, "stand back," notwithstanding you have said to the maddened howl for revenge and the howlers, "stand back," notwithstanding you have said to passion, "enter not



within the sacred portals of the jury box," I say that, notwithstanding all this, knowing the frailties and the weaknesses of the human mind, and how apt we are to err, may I not take you by the hand, and you, and you, and each of you, and may I not say, as it were, from my heart to yours, from my voice to yours, and may I not speak your sentiments as well as my own, when I say, in view of the facts surrounding this case; "Lift us up on the rock that is higher than I am."

Gentlemen of the Jury: Why are you here? Learned and honored magistrate, why is it that you sit there? Officers of the Court, ~ why is it that you are here? And why this vast crowd that greets me, here? As I look to yonder galleries and see the image of her who stayed so long at the Cross that she saw the last drooping of the Master's head, and stayed so long at the Tomb, that she heard the rustling of the angels' wings as they rolled the stone away, why I say, are you all here? Is it, in the language of the learned District Attorney, that blood may be spilled upon the portals of your courtroom? That the record of this case may be handed down to posterity written in bloody letters upon the wall? Is that the reason why you are here? If my learned friend had just turned and cast his eye over the place where the magistrate sits, he would have seen there in words something like these: "Justice is not justice without mercy." It was never consecrated with human blood, and, while God Almighty's laws are maintained, never will be.

Your attention, your minds, your thoughts have been carried back nearly a century to a beautiful island, where Blennerhassett and his lovely wife lived: where the oily and silvery-tongued Burr carried on his intrigues. Let me carry you my friends a little further back. I will not carry you back a century, but I will take you along back centuries, rather along the ages that have rolled away. I will take you to a green slope on the hill-side of old Judea; and what do you see there? Pale and ashen in the halls of death, no words escape from his lips;

the blood, gurgling as it were, from his mouth; there lies the dead body of Abel, and by his side, with drooping head, passion written upon his brow, stands the perpetrator of his first great fratricidal crime, and a little way off stands the Master, called upon to listen to the facts and pass sentence in the first murder trial upon his footstool. And what said the Master: He made a mark upon the brow of Cain and said, "Go thy way."

You (turning to the District Attorney) have said this morning to the jury, that if they did not dip their fingers into the blood of this man, that they themselves would be guilty of murder. Go back to the green slope I have mentioned and tell the God who made you, that for pardoning Cain, Fe was guilty of murder.

Am I quoting from fiction or fancy? Not from either. The story is in just four verses. Let me read it to you:

"And Cain talked with Abel, his brother, and it came to pass, when they were in the field, that Cain rose up against Abel, his brother, and slew him." "And the Lord said unto Cain, Where is Abel, thy brother; and he said, I know not; am I my brother's keeper."

"And he said, What hast thou done; the voice of thy brother's blood crieth unto me from the ground."

"And now art thou cursed from the earth which hath opened her mouth to receive thy brother's blood from thy hand."

Now listen, gentlemen of the jury; arrogate not to yourselves wisdom superior to the Creator, He who made you. The learned District Attorney may do that, but as for myself, I prefer to bend my knee in allegiance to a higher power.

"And Cain said unto the Lord, my punishment is greater than I can bear." "Behold, thou hast driven me out this day from the face of the earth and from thy face shall I be hid, and I shall be a fugitive and a vagabond on the earth."

"And the Lord set a mark upon Cain, lest any man finding him should kill him."



And yet the learned District Attorney would set up defiance to that example, and, in order that he may go back to his home, his hands soiled in the blood of Vasquez, he would even have you disregard the prerogative given you by the law-makers of the State.

Gentlemen of the Jury: That section of the criminal law of this State gives unto you the power that God himself failed to exercise in a case certainly as atrocious as this one. I say in a case certainly as extraordinary as this one. The law has placed in your hands the candle of a human life, the snuffers are near you; snuff it out ere it burns low in the socket, if you will.

The learned District Attorney has endeavored to instruct us as to what our action should be in this case. He has sought to make of himself what certain steamships are that travel on the ocean waves, a double-ender. He pleads his own case and then, unmasked, turns about and pleads ours, as if it were a sin for myself or my associates to ask at your hands, mercy; as if it were a sin for us to say to you that "justice without mercy is not justice;" as though it were a sin for us to say to you that a man when he sits as a juror should not cast his heart to one side, leave it at home, until he has finished the job he has entered upon, as though humanity was not periled. You heard what he said, "we ask mercy at your hands." Why, there never has been a criminal case tried since the courts were organized, in which the plea of mercy was not put forth. I have read somewhere, something like unto this: That away up in high Heaven, upon one occasion, a fallen angel was cast out, and that as the pearly gates were opened and she passed beyond, she said to the watchman there, "what can I do to regain my former position?" "Go," said the watchman, "and by some act or thing, meritorious in itself, win thy way back." She flew forth from the realms of bliss until she saw a field of battle. Flying down, she soothed the last moments of a dying soldier, and as a witness of the act there performed, flew back with a drop of his blood. Presenting that to the watchman on guard,

he said, "not yet enough," and again she flew back through the realms of space until she saw in the midst of a pestilence, a dying widow with a weeping child. She soothed the agonies of the dying and tenderly cared for the little one, and flew back to tell her story at the gate. "Well done, but not yet enough." Again through the realms of space, swiftly flew the weary one, until at last, tired and worn, she came back and kneeling at the gate sent up a prayer for mercy. Then it was that the pearly gates were heard to creak on their golden hinges, and through high Heaven was heard a voice, sweet as the lullaby of a mother when she hushes the wail of a newborn babe: "Let her pass under the rod," and the ransomed one sat at the feet of a merciful God.

Gentlemen of the Jury: Who is the defendant in this case? Who is this man who stands before you on trial for his life? Who is this man whose all, whose very existence is committed to your keeping? Who is this man, that by a simple yes or a simple no, you can send, as it were, at one flash, from time, unprepared, into the realms of eternity? His name is Tiburcio Vasquez. He stands before this jury to-day, until proven guilty by the evidence, just as free from blemish, just as free from stain as any man within the sound of my voice. An attempt was made here, and checked it was by the Court, to prejudice the case of this man, by bringing up before you the pretended acts of his in the past; charges we did not come here to meet. And, as though it was not enough, as though they thought they had not produced evidence enough to convict him, as though they could not go home carrying with them a bowl running over with human blood, they endeavor to influence your minds by going further and hunting out robberies and crimes that never have been proven, and which exist only in the imagination of the prosecutor.

Gentlemen of the jury, when you took your oaths as jurors, you said to us upon the one side, and to the people upon the other, "There are two white marble slabs; you, the people,



write such facts as you have upon the one, and you, the defendant, write yours upon the other; we will decide the issue."

Born in the lowly walks of life, as was well said by my associate, without the advantages of early education, a native of this land, this land his home, his birth-place, brought up here without the advantages of schools or churches, he sees—what? Years ago, he sees come here, perhaps, a superior people, before whose intellect, whose power and whose spirit of progress he, like the rest of his countrymen, has had to bend. "Passing away, passing away," is written upon the brow of every one of them. Not in indistinct characters as upon the walls of Nebuchadnezzar, but so plain that every man who runs may read, "Passing away." I know not what his past history may have been; so far as this case is concerned I care not. You are not, as jurors, to try him upon his past history. I would make this same remark were any one of you upon trial, and did I stand before a jury as your advocate, not his. Whatever acts he may have committed prior to or after this one, this alleged crime, you are not to try that, but the law says you take him free from stain, free from guilt, and examine him simply upon the facts of this transaction, and upon that you pass your verdict. It is not necessary then for me to say aught further in that regard. I have confidence, nay, the most implicit confidence, that the solemn obligation taken by you will be remembered in the case of Tiburcio Vasquez.

What next? He is the defendant, and who are here prosecuting him? If ever there was a man on God Almighty's footstool who was hunted down life a dog, whom the officers of the law followed from place to place, a reward set upon his head, dead or alive;—"bring me the head, bring me the blood of this man upon your hands and you shall have the money," like as the daughter of Herod when she said, "bring me the head of John the Baptist in a charger;" —then it is so here. But, I say, I care not what his past history may have been, I

am only, and you are only, to look at the facts involved in this transaction. Not content alone with prosecuting him through himself—the learned District Attorney of the county where the crime was committed (Briggs), who, certainly, was fully competent for the business—but the principal law officer of the State comes here, to add the weight of his great abilities to this prosecution. Not content with that, the District Attorney of this county must be employed; not content with that, another learned gentleman comes here to the end and in anticipation, as I said before, that they might carry back with them the blood of Tiburcio Vasquez. And who is the principal witness against this man? Abdon Leiva. What actuates him? You saw him there on the witness stand, and you saw Vasquez here by my side. Tell me from your hearts and your reason; tell me from the innermost recesses of your hearts, which is the better man of the two? Answer me that question, and if answered, I would be willing to submit, upon that answer, not alone the life of this man, but the life of any one committed to my keeping. He told you his story, and if ever there sat in the witness box, if ever there was told to a jury, one story that above another should cause a man's blood to curdle at the shame of his own fellow man, then that was one. What does he say of the compact entered into between the parties? When questioned by my learned associate, he says that they met there and they talked it over coolly and calmly—mind what he said—they “talked it over coolly and calmly.” That they would do—what?

That they would go forth and pillage and rob. But when asked the question: “Did you intend to do that thing yourself?” “Yes, sir.” “Under what circumstances did you go forth?” “To shoot down every man in the way.” “Did you intend to do that, and would you have done it?” “Yes, sir.” Here then you have a man sitting there in the witness chair, who, calmly and without a blush, without even a twinge, tells you that upon that night, if any man, any woman, any child, had stood



between him and the object of his enterprise, he would have slain him in cold blood. A murderer at heart, a murderer in fact, and a traitor besides, by his own story. Such was, and such is, Abdon Leiva. How far would you believe such a man? Tell me, you men whose white hairs denote that you stand in the setting sun of life's pathway. Tell me, you middle-aged men who stand in the clear noonday light. Tell me, you young men who are fresh and strong in the morning of life. How far would you trust such a man as that? To what extent would you believe the say-so of a man who deliberately swears that if there stood between you and him a shining little piece of coin, he would wet his hands in your blood in order to take it? I am not dealing with fiction or fancy, but what I say is sober truth. Such, I say, is Abdon Leiva. And that is not all. He told you there upon the witness stand that there was nothing he would hesitate at, if he could punish this man. Well he might exclaim,

“O, that the slave had forty thousand lives;
One is too poor, too weak for my revenge. “

Such are the principles that actuate him. He said there to you and to us, that there was not any thing that he would not do in order to wreak his revenge upon the head of Vasquez. But why? But why? He tells you the story that Vasquez was guilty, or that his wife rather was guilty of infidelity, and that Vasquez was a participator in that crime; and from that time this high-toned, red-handed, bloody-faced murderer thought he had something of honor in his composition. It may be that he had; but I will tell you what he did have. He thought, perhaps, that by telling his story, by prosecuting some one engaged in that enterprise, by making of himself a traitor, by holding up his hands and saying: “I will go back upon what I have agreed to do,” that he might become the tool in the hands of the people of wreaking his revenge on Vasquez. Not alone that, but of saving his neck from the halter. The woman Leiva was there; as for her, I have nothing to say; sinful she may

have been, and yet, let me say of her, and let me make a general application of the remark; and in doing it, and in order to do it, let me call your attention to a scene that happened many years ago, when upon the grassy slopes of Judea's hills there stood a weeping, wailing Magdalen, and around her were crowds of haughty men with stones in their hands, and the Savior said "Stop," and He, stooping, wrote upon the ground, "Let him that is without sin cast the first stone."

There is also in this case another class of witness; honorable and upright men and women; that fact I am willing to concede. We are not here for the purpose of passing any opinion upon, or outraging any one's feelings; but rather, we apprehend, our duty is to give to you, as jurors, a plain and unvarnished recital of the facts. They are the people who live at the place where this tragedy was enacted. They come before you and tell you their story, truthfully no doubt, as they thought. I repeat, truthfully no doubt, as they thought. But yet, viewed in the light of reason, viewed practically, you will see even in the recitals given by them to you, many things that cannot easily be reconciled with the true and practical history of what actually did occur there. The memory of men, of even the voice of men, is frail. Let me read to you, briefly, what those who have made this a study say, (reads from Ram on Facts):

"Great care is sometimes necessary, that imagination does not take the place of memory and recollection. It is a matter of frequent observation, that persons dwelling for a long time on facts which they believe must have occurred, and trying to remember whether they did so or not, come at last to persuade themselves that they do actually recollect the occurrence of circumstances which at first they only begin by believing must have happened. What was originally the result of imagination becomes, in time, the result of recollection; and the judging of which, and drawing just inferences from which, is rendered much more difficult by the circumstance, that, in many cases,

persons do really, by attentive, careful recollection, recall the memory of facts which had faded away and were not."

Can gentlemen form a correct judgment in these cases solely upon the recollection of certain parties at the time of the happening of that tragedy? You and I are journeying along the road, perhaps to our homes, perhaps to our places of business, and we meet upon the pathway; you walking one way and that person perhaps another; you meet that person, but the fact of meeting a person does not at all excite your attention; it passes from your memory; it is like the blowing of the wind or the rustling of a leaf; you heard it, and it passes away and it is gone forever. Now, in this case, witnesses testifying from memory have come before you and told you what? That on such an evening, at such a place, they recollect having met such and such persons, many months—more than a year ago; persons whom they never saw before, and whose clothing and personal appearance upon that occasion they undertake to, and do, to a certain extent, minutely describe. Take the question home to yourselves, reason it in your own minds, and ask yourselves whether it is probable. Now then, I contend this, that you remember a man better by what? You remember a man better by his countenance than by his clothes; and I am not alone in this assertion. Writers have made this subject a study, and I refer to a learned one, the same from whom I before quoted, Ram on Facts:

"A countenance is liable to temporary alteration; and it may be said that every face occasionally, and in transition, wears a different countenance; some passion—as joy, grief, anger, fear—will produce an instantaneous and often great alteration in its appearance.

"When Ulysses returned to Penelope, after an absence of twenty years, she did not recognize him; she remembered him only as he was when he left her. And when at length she was convinced he was her husband, it was only by conversation—by a fact that he told her of—one that took place before he

went away. It may happen that a person has not taken a correct impression of another's countenance. If it was seen for an instant only, although by day, or was seen at night, or in twilight, or afar off, or was seen as one in a mass or throng, or by a person of short or otherwise defective sight, or by one intoxicated or affrighted; either of these circumstances—the instant time, the darkness, the distance, the crowd, the defective sight, the intoxication, the terror—may cause the impression to be defective, and consequently disable the person having that incorrect impression from identifying, through it, the true countenance."

Now, there have been before you one or two witnesses, especially one, against whom I have nothing to say, any further than to say this: If he were to write a novel, it would not be contained within the lids of one volume, but the one story would be longer than all that Dickens has ever written, put together.

Says Ram: "The impression taken once or twice only, of a person's voice, gait, or carriage, may sometimes be but of little value for the purpose of identifying him. The voice may not have been in its proper and usual tone, but in one accidentally arising from some passion; as fear or anger; or from bodily ailment, as a cold; or in a tone in imitation of another's voice, or otherwise disguising its own proper and usual tone. So the gait or carriage may not have been the person's usual gait or carriage, but one caused by temporary lameness, or other bodily indisposition, or assumed for the very purpose of disguise."

You remember that in this case there was a witness who told you that he saw Vasquez but once; that at the time he was passing along the road, reading a newspaper; that he gave him merely a casual glance. Yet he sat there upon the witness stand, honestly, I do not doubt, and perhaps with a desire to tell the truth, (at least I give him credit for that,) and said that the moment he came into the room, the resemblance between



the man he met while reading the newspaper, and this defendant, almost startled him. I suppose he thought that this man, Vasquez, had his riata in his pocket and was going to throw it around his neck at that time. Do you believe that is true? Not but what he meant to tell you the truth; and he said that if he had met Vasquez, in this manner—that is, unexpectedly, as he met him here—at a prayer meeting or in a theater—it would have startled him too. He would have known him, and yet you see what writers have said on that head. Take these things home to your own practical observation, ask yourselves as men (and some of you live in the country, in fact, many of you live there,) and tell me whether, in going from here to San Francisco or to your several places of abode, you have not every day in which you made such journey, met some person; and answer me fairly, whether you could go into a court of justice eighteen months after you met that person, and swear that the person you then saw was the person that you then met. I know, gentlemen, that like Mrs. Snyder, honest woman as she is, you would have hesitated, and said, "you could hardly tell."

The likeness of one person to another may cause very great and most inconvenient and even fatal mistakes.

"There's not a man I meet but doth salute me,
As if I were their well acquainted friend;
And every one doth call me by my name.
Some tender money to me; some invite me;
Some others give me thanks for kindnesses;
Some offer me commodities to buy:
Even now a tailor called me in his shop,
And showed me silks that he had bought for me,
And therewithal took measure of my body. "

I want to call your attention to a case of remarkable resemblance; one that has passed into and become a part of law history:

"In 1794 a woman was indicted at the Old Bailey for robbing her ready furnished lodgings. The prosecutrix swore to the prisoner's having taken lodgings. The prisoner said she had a twin sister so like her that their parents could not distinguish them asunder. A man said that the sister was in custody for a similar offence; he had seen her, and they were so alike that it was impossible to perceive any difference. Under these circumstances the jury acquitted the prisoner. She was a second time indicted for a similar offence. The prosecutrix in this case was positive as to her identity; she had seen the sister, who, in order to deceive her, had changed clothes with her sister, but she still pointed her out. She also distinguished their voices and a degree of hastiness in the sister beyond the prisoner. On this second indictment she was found guilty."

And so on, gentlemen of the jury: the books are full of such cases. Now then, I want to call your attention to another thing. I stated to you that the recollection of a person's face was more reliable, and you will say that I am correct in the matter before I have concluded, than a mere appearance of any garments that he may have worn. Says this same writer:

"When one, at the same time, takes an impression of a person, and the dress he is then wearing, the recollection of the dress may be an auxiliary power to identify the person; yet it is obvious that this identification ought to rest on the remembrance of the person, independently of the dress; for the dress, of which the impression was taken, may have many likenesses; as, for instance, soldiers' uniforms, laborers' frocks; and the dress, supposed to be the one remembered, may be one of those likenesses; and in proportion to their number will be the danger of mistaken identity of the person. And besides, admitting the dress to be rightly identified, it does not follow that the person who wore it, when the impression of it was taken, is the man who now owns and wears it, and whose identity is in question; for it might have been lent by him, or stolen from him, and by one of these or by some other means,

have clothed another person when the impression of the dress was taken."

So much for that, gentlemen, which you see at once, plays an important part in this case. You remember that the witness, Leiva, went upon the stand and described to you, or at least undertook to describe, the different sorts and species of clothing worn by the members of his party at the time of the commission of this tragedy. I want to call your attention, very briefly, to his description of how Vasquez was dressed. The witness McPhail states that when he met Gonzalez, he had upon him a black cloak.

Mr. Briggs—Chavez had on the cloak.

Judge Collins—State it as you like, he states that the large man had on a black cloak, and you will hardly deny that the large man was Gonzalez. Mr. Briggs—No, it was Chavez.

Judge Collins—I don't blame you for being excited. I may be wrong, but I do not desire to misstate a single proposition in this case. If this defendant be guilty, it is for you, gentlemen of the jury, to say what degree of punishment shall be meted out to him. If he be innocent, notwithstanding the howls of passion and cries for revenge that are sought to be thrown around you and influence you, you must fearlessly acquit him. To go on: Gonzales had on a light summer hat, and another coat under that, which Vasquez got from Hernandez. Moreno was dressed in a gray suit; Gonzalez had on a pair of overalls; and Moreno had a comforter of different colors around his neck,—he had, also, a white hat with a broad brim and a black band.

Do you remember that one of the witnesses to this transaction stated to you that the person who was seen before the door at the time that the shot was fired into the door, had on a broad-brimmed hat? Do you remember that? I do, and so do you. "I was dressed in old pants with stripes, and an old

soldier's overcoat, a flannel shirt, and a hat much like Vasquez'."

Another one of these men had on a broad-brimmed hat. Do you remember that Burton, upon the stand, said that the person he saw before the door *had on a gray suit?* Are not the authorities and the quotations to which I have called your attention—quotations from men who have made the questions on identification the study of a life time—are not they in point? Can you see your way now, as jurors, through the murky fields of blood that my friend has pointed out to you? Can you see your way from that sea to the gallows, from which swings Tiburcio Vasquez? If you send that man to the gallows; if you say to him, "You shall die," if you say to him what God Almighty refused to say to Cain—that blood shall be spilled—you will say it in the broad light of day; and no darkness or false light or shadows shall encircle you as you make the assertion. I call your attention to it again, gentlemen of the jury. Again I call your attention to that little fact in this case; and while I say it, I tell you, the pathway to the banging of a human being must be traveled in the clear sunshine of day. A broad-brimmed hat on whom? A gray suit on whom? Tell me, as jurors, if you can, who fired the shot around there at the rear of the building? Tell me, as jurors, tell me from your hearts to mine, give me your hand and look me in the eye and say, whether you don't believe that this God-forsaken wretch who sits there in the witness chair would just as soon have killed the man as not, even if he didn't do it? Tell me whether, upon such a witness as that, you would like to have me, as a juror, write upon a slip of paper of your friends: "Guilty of murder in the first degree?" I think not, gentlemen of the jury. There is a doubt about this matter; a doubt upon one of the most difficult questions to establish in a criminal case. I say to you, as jurors, that it has fallen to my lot to be engaged in many criminal cases; I say that in this case there are many doubts, and the very gravest doubts, as to who it was that shot



Davidson. When asked here at the eleventh hour, by my learned associate, to assist him in the trial of this case, I turned to this man whose life is here at issue, and taking him by the hand, I said: "Is there any blood upon that hand?" And when he made answer "No," I told him then, and I say to him now, "I will stand by you; if, in order to stand by you, I walk with you to your seat upon the gallows."

What next? This witness, Leiva, does not tell a straight story as to what happened on the way, either. He tells you there that his wife—at one breath he tells you—that his wife prompted him to the commission of this act; the vile, dirty, God-forsaken creature that be is, to cast the sin and burden of his crime upon his wife; and in the next breath, she knew nothing of it. If he could, if he thought that would save his neck, if he could convict you of this crime, he would swear it, upon the same principle that has prompted him to swear what he did here, and at Salinas upon Moreno's trial, in order to accomplish his object. But yet, the woman says—what? She says this: "I simply heard them talking about it." This was the question, "Didn't you say that your wife persuaded you to go into that affair with Vasquez?" "Yes, sir; she did so persuade me; my wife told me to go in with these men and rob this store." You saw the woman upon the stand; did she tell you any such story as that? Did she corroborate the assertion of that vile traitor husband of hers? It may be that she was a bad woman because she went with Vasquez.

As between these two men, you and I will agree with one accord, that this defendant, accused here of crime, is much the better man. And yet, Leiva's story does not hang together, either; because, if this statement of the facts connected with that tragedy is true, the balance of the people who were there are very much mistaken. Because, if I remember correctly, when asked the question "When it was that Vasquez came up," be said to you, that be swore upon the trial of Moreno at Salinas, "Vasquez came up just as the first shot was fired; and

from that time knew nothing of what happened." Such was his evidence at Salinas. Do you remember the evidence? "I said, at Salinas, that just as Vasquez came up Moreno had shot his man down in cold blood;" and there was no pretence made there by Leiva that Vasquez had killed any one. He said, when Vasquez came up Moreno had just shot the man upon the porch; that Vasquez ordered him away, and from that time he knew nothing until he got back; and when he got back, the evidence shows that the shooting had been done. He says that at Salinas, he was simply convicting Moreno—this professional swearer. Here, however, he is wreaking his vengeance upon Vasquez. What next? Sheriff Adams tells you that this man, Leiva, gave to him many and many a time, a recital of what occurred there. How is it that this creature happened to be a witness here? Why is it that this professional swearer, this purchased witness, is here in Court? He is swearing for a reward, for a price, and the price he is paid with is his neck; and when a man is paid with his neck, he will do almost anything to save it. But he is not yet out of custody; their witness is in jail. I say it is a very new thing that such a man, when surrendering himself to the officers and bartering with them, making a trade with them to obtain his liberty, should not at the time tell all he knew and more too. You and I have seen just such cases, and when a criminal testifies, he overflows with information, just as a river overflows its banks in the time of a flood. But, notwithstanding that, and notwithstanding he had numerous conversations with Sheriff Adams, the Sheriff tells you that he heard right here, for the first time from the lips of Leiva, that he ever saw any person do any shooting at Tres Pinos. So much for Leiva. Now, gentlemen of the jury, for I don't desire to detain you, and yet if, by any act of mine the life of my client or his liberty is in any way jeopardized it would be a matter that would haunt me through the remaining days of my life. Pardon me, therefore, if I in any way weary your patience. Remember, that too much



time cannot be given to a case, the issue of which is the life of your fellow man.

“For when the life of man is in debate,
No time can be too long, no care too great;
Hear all, weigh all, with caution.”

Allow me to call your attention to another fact. Gentlemen, I want you to carefully look at this map or diagram with me. (Exhibits to the jury the diagram of Snyder's premises at Tres Pinos.) There is the door of this house opening in. The party who fired the shot must have stood somewhere here, because the evidence is to you that the ball did not come directly through in a straight line, but slanting-like. Now, then, when the shot was fired, there was standing in the door—who? Mr. Davidson, Mrs. Davidson, Mr. Burton and Louis Scherrer. And before going any further, let me devote one moment to Louis Scherrer—that plain, honest, outspoken man—and Louis Scherrer knows less of what occurred there upon that occasion than any other man, you and I will at once concede. He was excited, I say, (with no desire to underrate his evidence), he was excited, terrified, and ran from place to place; behind the store, one time over a fence, another time in the room, and at last, up stairs squinting out of a pane of glass. When the ball entered the door where it did, the door must have been nearly closed, and closed by whom? By Davidson, because it is not a large door. Mr. Burton, you remember, said he could not recognize the man from where he was, and Mr. Burton is a fair man—a man who told the truth of this transaction. He would not, for the purpose of hanging this man, misstate any fact in this case, I don't believe. He said that he repeatedly urged Davidson to close the door, and the door must have been nearly closed when the shot was fired. Tell me where Scherrer was? Tell me what sort of eye he had to have seen through Davidson's back, Mrs. Davidson's back, and Burton's back, out into the street? It is as I said before, gentlemen of the jury. You know that when a man tells

a lie once, he feels a little ashamed of it; if he tells it a hundred times he believes it, and will swear to it. I don't mean to say that Scherrer did that, but he is laboring under this mistake, he was excited; he was terrified. From the time of the happening of this transaction, up to the time of this trial, or at least, during a portion of that time, he has seen pictures of Vasquez, and he has become satisfied in his own mind, perhaps, having talked it over hundreds of times, that he saw him. Well, if the statements—believed, perhaps, by all the witnesses on the part of this prosecution—are true, the robbing was all done by Vasquez. Vasquez shot everybody that was shot; and I might go a little further, and, inasmuch as my friends on the other side have seen fit to travel into the paths and realms of history, I might say this; that from the time of the happening of that Tres Pinos tragedy, throughout this State—from where the snow-clad hills of the Sierras drop their waters into the rivers beneath them, to the orange groves of Los Angeles—all over the State, wherever a crime has been committed, it has been laid to Vasquez; he is charged with having committed it. I tell you what is a matter of fact. It is not very many days since an officer of this Court—Vasquez being in jail at the time—was approached by a woman, who said that Vasquez had robbed her hen-roost the night before. And I don't know, gentlemen, I wouldn't be at all surprised, if you could look through the archives of the criminal offices of the United States, if you would not find many persons who believe him to be the abductor of Charley Ross. Vasquez took the stand. The counsel for the prosecution blame us because we did not let him plead guilty. Plead guilty! Such an assertion was never made before in a court of justice. A wonderful amount of cheek it takes to make it, and no man except he lives in the iron regions of San Benito could have had the hardihood to utter it in a court of justice. Plead guilty! In view of the doubts that have been thrown round it? Plead guilty!—a man who knows he is innocent; who says that upon his hands no stain of blood rests? Go there and plead guilty, in order that



the District Attorney of San Benito might take home his measure of blood?

He took the stand, I say, and he told you his story. Now I tell you, if we had not put Vasquez on the stand, there would have been a howl that would have reverberated through this courtroom: "Why didn't you, if your man is innocent, put him on the stand and let him say so? Now that we put him on the stand, it is a piece of unpardonable audacity, only equaled by the audacity of the gentleman who blames us for so doing. He tells you what happened. He tells you the story of that transaction, briefly, too; and so far as refers to this case, it is true. He even gave you a recital as faithfully as the learned and able Sheriff gave. He, the Sheriff, told you the story of his travels from this Court House on to Los Angeles, through mountain, through dale, through chaparral, sagebrush and ravine—he told it all to you. It bad really nothing to do with the case, but it was a matter of history that perhaps ought to be put into a book. And yet, did he remember this, when he told you that story; did he think of it, that time after time, during that long journey, he was in the power of Vasquez—he who never had shed human blood—would not even take the life of his pursuer. Vasquez tells you that he went there at Leiva's instigation; that they there formed the plan to rob the store. I don't say that Vasquez may not be guilty of many wrongs; I don't say that he may not be a bad man; I don't say, gentlemen, that, in view of all the facts elicited here, that he is a good man. I simply present to you his case as it is, and I say to you that when a man simply robs, he does not commit murder; that they are two separate and distinct offenses. How many times have you heard the question asked here, "Were you concerned in the Tres Pinos robbery?" The goods, the saddle, all the clothes, have been brought here to show that we not only murdered somebody, but that, in addition, we robbed them. He says that they talked it over there, and formed the plan to rob the store, and no man was to be murdered, no one

was to be shot, and, I believe, just as much as I am standing here, that the story he told was true. It may be that he is guilty of a crime, but not of the crime of murder. Not that crime. The time is past when man wreaks his revenge on his fellow man in the way indicated by the District Attorney.

Gentlemen of the Jury, my task is nearly done. The labor that I have to perform for this man is nearly completed. I stand by his side and state to you, as he has stated to me, that I believe there is no blood upon his hands. He has done wrong; I don't deny it. He has, perhaps, committed many crimes. I am not here either to disprove or deny that. But I repeat again, whatever may have been his past history, he can hold, as I believe he can, his right hand up to God who made him, and call Him to witness that there is no stain of blood there. We ask you to deal with this man kindly; in just the spirit of the law that has been read to you here, which gives to you a discretion, never before given to a jury in any case, until this law was passed. I said to you before, "that justice without mercy is not justice," and to add to the strength of my utterances, I want to give you the words of one whose hair is as white as the marble that comes from his mountains, and whose thoughts are as pure as the snow that crowns the hills. I mean the old white-haired Whittier:

"Thank God that I have lived to see the time,
When the great truth begins at last to find
An utterance from the deep heart of mankind,
Earnest and clear, that all Revenge is Crime!
That man is holier than a creed; that all
Restraint upon him must consult his good;
Hope's sunshine linger on his prison wall,
And Love look in upon his solitude;
The beautiful lesson which our Saviour taught
Through long, dark centuries, its way bath wrought
Into the common mind and popular thought;
And words, to which by Galilee's lake-shore



The humble fishers listened with hushed oar,
Have found an echo in the general heart.
And of the public faith become a living part.
“Who shall arrest this tendency? Bring back
The cells of Venice and the bigot's rack?
Hardening the softening human heart again
To cold indifference to a brother's pain?
Ye most unhappy men! who, turned away
From the mild sunshine of the Gospel day,
Grope in the shadows of man's twilight time:
What mean ye, that with ghoul-like zest ye brood
O'er those foul altars, streaming with warm blood
Permitted in another age and clime?
Why cite that law with which the bigot Jew
Rebuked the Pagan's mercy, when he knew
No evil in the Just One? Wherefore turn
To the dark, cruel past? Can ye not learn
From the pure Teacher's life, how mildly free
Is the great Gospel of Humanity?
The Flamen's knife is bloodless, and no more
Mexitle's altars soak with human gore;
No more the ghastly sacrifices smoke
Through the green arches of the Druid's Oak;
And ye of milder faith, with your high claim
Of prophet utterance in the Holiest name—
Will ye become the Druids of our time?
Set up your scaffold altars in our land,
And consecrators of law's darkest crime,
Urge to its loathsome work the hangman's hand?
Beware! lest human nature, roused at last
From its peeled shoulders your encumbrance cast;
And, sick to loathing of your cry for blood,
Rank ye with those who led their victim round
The Celt's red altar and the Indian's mound,
Abhorred of Earth and Heaven—a pagan brotherhood!”

Not many miles from here—not many miles from where you and I now are—in the mansion of one possessing much of this world's goods, there are two pictures, works of art, beautiful to look upon, and yet, sad. Upon one side of the large room, you may see—what? You see a scene like unto this; You see a court, the magistrate and the officers; you see a jury; you see the prisoner in his box; you see his friends around him, looking anxious as friends only can upon such an occasion. You see, as it were, the jury pass out of the room. Upon the other side there is a different scene. The jury has returned. Joy sits upon the countenance of the prisoner; tears of gratitude, mingled with heartfelt smiles, are upon the countenances of his friends. The mother's face, radiant with joy, is turned toward Heaven. The verdict of "not guilty" has been pronounced. I know not, gentlemen, whether you think it your duty to render such a verdict in this case or not. Should you do so, you will gladden my heart. Need I say to you, that you will gladden the heart of this defendant. But I do know this, that if, perchance, as the result of your deliberations, you shall say this man is guilty of the crime imputed to him, that you will take into consideration the doubts that hang around and surround it; that you will seriously take into consideration the uncertainty of the testimony introduced upon the part of the people, the liability of man to err, the proneness of humanity to make mistakes, the danger that we all labor under, of being led astray by passion or influenced by prejudice. That you will, in the spirit of the men who made this humane law, to which I have called your attention, say to this defendant. "We, too, believe that 'justice without mercy, is not justice,' and the punishment we inflict, shall be simply one of imprisonment for life." I earnestly hope that your verdict may be one of acquittal. Such a verdict, it seems to me, under the circumstances, a just one. Gentlemen of the Jury, I commit to your keeping, the life and liberty of Tiburcio Vasquez.

CLOSE OF THE CASE

ATTORNEY-GENERAL LOVE closed the case. He argued and submitted it upon the proposition that the defendant was guilty of murder in the first degree, or guilty of nothing. He held that the death penalty should be affixed to the verdict; that society demanded it and the defendant's crime deserved it. His argument was able and convincing. Judge Belden delivered a clear and comprehensive charge to the jury, and at 4:45 P. M., that body retired to deliberate. At 5:15, the jury still being out, the Court took a recess until seven o'clock. Before that hour the auditorium and galleries were crowded to overflowing. Nine-tenths of the occupants of the galleries were ladies, who manifested the greatest interest in the case.

THE VERDICT

AT three minutes past eight o'clock, the jury came into Court, having agreed upon a verdict. Conversation instantly ceased and when they took their seats a solemn ~stillness rested over the scene. The order was given to bring in the prisoner, and a moment later Vasquez walked into the room. He had evidently guessed the result for his face wore a deadly pallor and he glanced from right to left as if expecting to see the gibbet with all its frightful surroundings. As he took his seat several of the officers spoke to him, but though looking directly at them, he failed to show that he either saw or heard them. The names of the jurors were called and each man responded.

The Court: "Gentlemen of the Jury, have you agreed upon a verdict?"

"We have," answered the foreman, and a folded slip of paper was handed to the Judge, who received it, looked at it earnestly for a moment, turned it over, then back, and scrutinized the writing once more. He then gave into the clerk and asked him to read it. The clerk (Edgar Pomeroy) stood up, and, amidst a breathless hush, read as follows:

"We, the jury, find the defendant guilty of Murder in the First Degree, and affix the death penalty.

GEO. W. REYNOLDS, Foreman."

There was no applause, for Judge Belden had previously informed the spectators that any person making any demonstration of approbation or disapprobation would immediately be placed under arrest. But the number of handkerchiefs brought into requisition in the galleries showed how many of the fair sex were affected by the result. Saturday, January 23d, at 10 A. M., was fixed upon as the time for passing sentence.

THE SENTENCE

WHEN the Court met on that date Judge Collins arose and moved for a new trial. The motion was denied. The Court then said: "Vasquez, stand up," and the defendant arose, and standing calm and immovable, listened to the sentence, the concluding portion of which was as follows:

"The judgment 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 in the morning and four in the afternoon, you be hanged by the neck until you are dead, And may God have mercy on your soul."



THE APPEAL

JUDGE COLLINS, of counsel for the defendant, took an appeal from the judgment to the Supreme Court. About two weeks before the day fixed for the execution, a decision was rendered, affirming the judgment of the District Court. Still Vasquez did not relinquish all hopes of life. He laughed, chatted, and read, as though his mind was entirely free from care. Governor Pacheco was petitioned for a reprieve but he declined to interfere in the matter. A few days before the fatal 19th. Vasquez told his attorneys that he knew he must die and that he should make his exit like a brave man. He seemed to have no concern regarding a future state.

BEFORE THE EXECUTION

IT was not until Governor Pacheco had refused to grant a reprieve that Vasquez agreed to accept a spiritual adviser. Father Serda was sent for, but the holy man's efforts to bring Vasquez to a consideration of the affairs of his soul for some time were barren of good results. The bandit had expressed a strong desire to make a speech on the scaffold, but through Father Serda's advice he gave up the idea, and concluded to write a statement, and let it go before the people in that shape. On Wednesday night he dictated the following:

TO MY FORMER ASSOCIATES:—I wish you, who will doubtless expect to hear some last word of farewell from me, whose fortunes and adventures you have shared, to ponder well the few words I now deem proper to say to you. You must well know that I could, had I been so disposed, have disclosed to the authorities, and to the world, the perpetrators of many atrocious crimes, and might thus have saved my own life; so

you can see, if the world cannot, that, to a certain extent, this expiation is, on my part, voluntary. I wish you especially to understand that, while I deny having committed the immediate crimes of which I have been convicted, and am about to suffer death, or having, at any time, shed human blood or taken the life of my fellow man, common sense compels me to understand and recognize the justness of the law which holds me responsible for the innocent lives lost in the prosecution of my unlawful calling of robbery. The threats of, revenge, which I hear have been made by some of my friends—threats to retaliate, by outrages on the community at large, and by the assassination of my captors, the jury who convicted me, or the officers who have prosecuted or held me as a prisoner—are foolish and wrong, for all these people have merely represented the law, and have acted in the interests of society. By the course threatened, you could do no earthly good, but only bring yourselves, in the end, to my own fate. Take warning, then, by my fate, and change your course of life while you may. I, Tiburcio Vasquez, now about to pay the penalty of a misdirected life, say this to you, my former companions, with the solemn earnestness of a dying man.

TIBURCIO VASQUEZ.

In jail at San Jose, Cal., March 18th, 1875.

TO THE FATHERS AND MOTHERS OF CHILDREN:—Standing upon the portals of the unknown and unknowable world, and looking backward upon the life of this, as I have seen it, I would urge upon you to make it your greatest aim here, to train, instruct and govern the young to whom you have given life, that they be kept aloof as far as is in the nature of things possible from the degrading companionship of the immoral and vicious. The general welfare of society depends upon the strict performance, on your part, of this duty. The state of society, in the next generation, depends upon the manner in which the children of the present are instructed and trained. I



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wish the young throughout the world, who may read the incidents of my life, to take warning in time by the example before them of rue, and to realize the force of the saying, "The way of the transgressor is hard;" the truth of which is now being yenned to me. The world must not be allowed to think, by anything I have above said, that I have reflected upon the instruction and training I received from my own parents; I affirm they did all they could to bring me up in the right way. Circumstances, which they could not control, threw me among the vicious, and I disobeyed their faithful teachings. Humbly asking pardon from each and every one that I have in any way injured; asking that pardon with all the earnestness that only a dying man can; asking also the prayers of all good Christian people, that forgiveness may be extended to me, not only by those that I have wronged, but by the Great Father whose laws I have so ruthlessly trampled upon. The forgiveness that I ask from those whom I have wronged, I freely and completely give to all who have injured me.

I thank my counsel, and each one of them, for their devotion to me In my hour of distress. I express my gratitude to Sheriff Adams, and Deputies Winchell, Sellman and Curtis, for their great kindness to me during the period I have been in their custody. I thank my brothers for their brotherly love extended to me during all the time of my troubles, and to my darling and devoted sisters I render inexpressible thanks. Oh! sisters of mine, this love to me buoys me up in my last moments.

I commit my soul, and the hereafter that is before me, to the keeping of the Maker, without whose help I can never expect complete pardon. Farewell brothers! Farewell sisters dear, the end has come! TIBURCIO VASQUEZ.

In jail at San Jose, Cal., Thursday, March 18th, 1875.

Being questioned as to his belief in a future state he replied: "The sages and the wise men say so, but for my part,

I don't know. "The questioner remarked that he believed in the doctrine.

Vasquez: "I hope your opinion is correct, for in that case, on Friday, I shall see all my old sweethearts together."

Sheriff Adams asked him if the report of his getting drunk after his robberies was true or false.

Vasquez: "That is not so. If it had been so I would have been caught. I used to keep guard while my men enjoyed themselves with liquor and women. When I moved on the road I would never sleep, even at night. I would let my men sleep and I would stand guard. On long expeditions when I couldn't go without sleep any longer I would take my party away from the road and tell them not to move nor look for me until I came back; then I would go off by myself and sleep. When I moved I always kept a guard a thousand yards in advance, and one a thousand yards in the rear, to prevent surprise."

On Thursday, after a long conversation with the priest, he asked to see his coffin, to determine whether it would fit him or not. The coffin, which was furnished by Trueman & Woodrow, county undertakers, was brought in. Vasquez thought it was hardly large enough and began measuring it with his hands; it was found to be of sufficient length. The scaffold, which was the same on which Estrada and Cotta were executed at Sacramento, was set up in the northwest corner of the yard on Thursday afternoon. Sheriff Adams allowed the public to examine the platform, which permission was taken advantage of by hundreds of curious people. It was an excellent piece of workmanship, constructed of clear pine lumber, skillfully put together, and cost \$370. It had a platform ten feet square, twelve feet from the ground, permitting a nine-foot drop.



The visitors to the doomed man were dismissed at an early hour in order that he might have the last night which he was to spend on earth to devote to meditation and perhaps sleep. About nine o'clock he complained of having sat up too late the previous night and retired to his bed and slept soundly until two o'clock, when he awoke, took a glass of wine, smoked a cigar, and then went to sleep again. Friday morning, Father Serda visited him early and remained up to the hour of the execution. Besides the priest, no visitors were allowed access during the forenoon, except relatives.

THE EXECUTION

THE sun had scarcely risen, on Friday, before a crowd began to gather in front of the Courthouse and in the area leading to the jail entrance. By order of the Sheriff the front doors of the Courthouse were closed, and entrance denied to all except reporters, relatives and intimate friends. The crowd grew denser as the hour of execution drew nigh, until at one o'clock, the passage to the sidewalk was blocked up. The excitement was most intense. Probably not one in ten cared to witness the execution; but they desired to make sure that the man who had so long been a terror to the country would be deprived of the power to terrify any longer. Just before twelve o'clock Sheriff Adams gave Vasquez a pair of black pants. After putting them on he came out of his cell, smiling, and said: "Too tight, Captain, but as I shan't wear them long, it don't make much difference."

At twenty minutes past one Captain Adams, accompanied by his Under Sheriff and Deputies, together with the reporters, entered the cell and read to Vasquez the warrant

for his execution. The prisoner listened attentively, exhibiting no emotion whatever, On being brought from his cell to the corridor of the jail he was followed by Father Serda who caused him to kneel and look at the cross during the reading of the warrant. This position became irksome before the ceremony was concluded, and he was seated in a chair during the latter part of the reading. After Under Sheriff Winchell had enunciated the last sentence of the warrant Vasquez handed him a slip of paper, saying: "Here is my answer." On the slip of paper was written: "I am resigned to die and hope that God may have mercy on my soul." He was then conducted to the gallows by the rear side door, Jailer Curtis leading the way, followed by Vasquez and Father Serda: then came Sheriff Adams, supported on either side by Under Sheriff Winchell and Deputy Sheriff Sellman, followed by Sheriffs La Rue, Orton, Thorn, and Morse; after these came Judges Collins, Moultrie, and Tully, counsel for defense, and these again were followed by the reporters. Vasquez walked with a firm tread up the steps of the scaffold and took up his position in the center of the trap. Father Serda then administered the last offices of the Church during which ceremony Winchell proceeded to pinion his arms, put on the white robe, adjust the fatal noose, and draw on the black cap. The man who had to die looked and acted more calmly than those who were preparing to hang him. He took off his coat, collar and necktie, and helped Under Sheriff Winchell to adjust the noose around his neck with a calmness and imperturbability that was most remarkable.

His responses to Father Serda's chant were given mechanically and never ceased from the time he commenced until his lips were closed forever. There was no delay, and almost as soon as the cap was drawn over his eyes, the trap



was sprung, and at 1:38 PM., Tiburcio Vasquez was shot into eternity. The drop was about eight feet; his neck was broken and he died without the quiver of a muscle. At the end of fourteen minutes he was pronounced dead by the physicians. The body was delivered to his friends.

Doctors W. S. Thorne, A. J. Cory and N. J. Brown, of San Jose, and David Todd, of San Francisco, examined the pulse every thirty seconds with the following result: At the expiration of one minute it stood at 68; a minute and a half, 70; two minutes, 58; two minutes and a half, 60; three minutes, 72; three minutes and a half 68; four minutes, 140; five minutes, 136; six minutes, 120; seven minutes and a half 69; eight minutes, pulse gone.

HIS APPEARANCE, ETC.

TIBURCIO VASQUEZ would have been forty years of age had he lived five months longer. His height was about five feet seven inches: average weight, 137 pounds. He possessed a well-knit, wiry figure, and extraordinary powers of endurance. His complexion was as light as a Castilian's; features clear-cut, with an expression of keen intelligence, shrewdness and cunning. He had a medium sized forehead, slightly receding. The higher moral qualities in his phrenological composition were developed to a surprisingly small extent. His eyes were larger than ordinary, slightly sunken, and of a greyish blue. His nose inclined to the Grecian style; mouth large and coarse, with a massive under-jaw. To the general observer he appeared quiet, inoffensive, and incapable of acting the part of a daring and desperate highwayman. But once touch him on a tender spot and the evil glitter in his wonderful eyes showed the grit

and determination he so largely possessed. In his manner he was frank and gentlemanly. His voice was light and melodious, and a smile continually hovered over his face. From the moment he entered the jail until he took the fatal plunge his pluck never deserted him. He broke down once, when his sister's name was mentioned, but not at the thought of what he must suffer. His demeanor, at the last, disappointed those who had put him down as a coward. His courage and recklessness were considerably tempered by a well developed bump of caution, and the latter quality always caused him, in all his desperate enterprises, to look out for Vasquez. But he is dead and gone, and we trust that the people of the State of California may never "look upon his like again."

CAPT. JOHN H. ADAMS

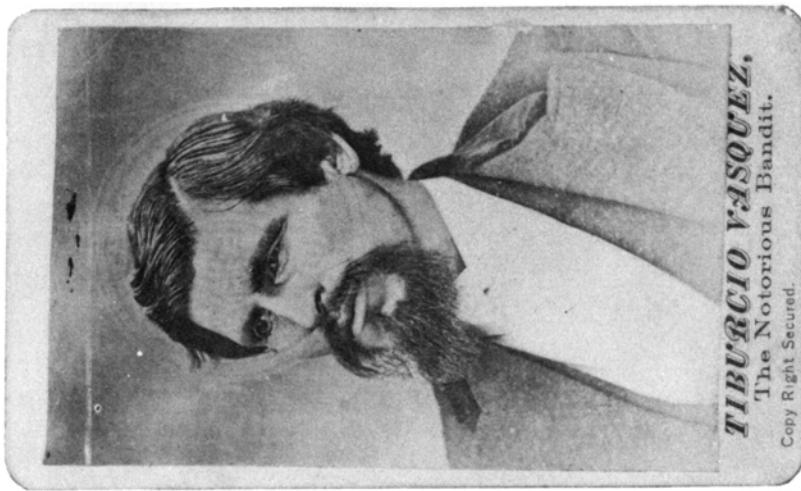
JOHN H. ADAMS, Sheriff of Santa Clara County, was born in Clinton County, Illinois, June 13th, 1820. His father was one of the pioneer settlers. When he was two years old the family moved to Edwardsville, Madison County, in the same State, where the subject of this sketch was raised. In 1847 he organized a company of volunteers in the Mexican war, and was eighteen months in the service, fighting Indians on the Rio Grande, principally. He was discharged in October, 1848. On the first of August, 1849, he left for California, the "plains across" with a mule team. For several years he mined near Georgetown, El Dorado County. In 1852 he returned East and came back with his family in the same year. In the fall of 1853 he settled near Gilroy, in Santa Clara County, and engaged in farming. In 1861 he was elected Supervisor for three years, and at the expiration of his term was chosen Sheriff. He held the latter office for



three successive terms, until 1870, when he declined to run again. In 1872, at the earnest solicitation of his many friends, he consented to again become a candidate, and was elected, and again reelected in 1874.



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TIBURCIO VASQUEZ.

This noted bandit was born in Monterey, California, in 1835, and is consequently 39 years of age. He started out in life as a young man by keeping a dance-house. Americans would come to his house, get drunk and maltreat his women. This led him into fights, and ultimately he had difficulties with officers of the law, which resulted in his flight with a band of cattle to another portion of the State. His first exploit was the robbing of some peddlers in Monterey County; the next the capture and robbery of a stage. He had confederates from the start, and was always recognized as a leader. He continued robbing until 1857, when he was sent to San Quentin from Los Angeles County for five years. He escaped from prison, but was soon returned, and served until 1863. Shortly after his discharge he fell in with Procopio and Soto, and marauded with those notorious highwaymen, the latter of whom was killed by Morse in his celebrated fight with the gang in Alameda County. From this time until the affair of the Tres Pinos nothing of note transpired. His next exploit was the robbery of the stage and teams at Coyote Holes station, on the Owens river road. Chavez and himself were alone engaged in this affair, and they captured sixteen men, got \$200 in money and pistols, watches, jewelry, etc. This is uniformly the boldest act ever participated in by Vasquez. The next affair was the seizure of Repetto, at the Mission of San Gavriel, and compelling him to get ransom from a bank in Los Angeles, six miles distant. His escape on this occasion is replete with thrilling interest, the officers at times passing within a few feet of where he was hid in the chaparral. This was the last exploit of Vasquez. He was captured at Green George's house, near Cahuenga Pass, ten miles from Los Angeles, on the 14th of May, 1874, by a party of eight men under Deputy Sheriff Johnston.

TIBURCIO VASQUEZ,

The Notorious Bandit.

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A la Señorita E. G.

*Con un sincero amor te idolatraba
Cuando hermosa a mi lado te tenía.
Con un sincero amor, prendo adorada.
Te idolatra te adora el alma mía.*

*Separado de ti, solo, perdido,
Triste y meditabundo pasa el tiempo.
Solo recuerdo al idolo querido
Al que en mi soledad solo contempló.*

*Te llamo y te suplico que me oyes,
Te recuerdo mis pesares y amargura,
y creo firmemente que me oyes
En aquellos momentos que locura!*

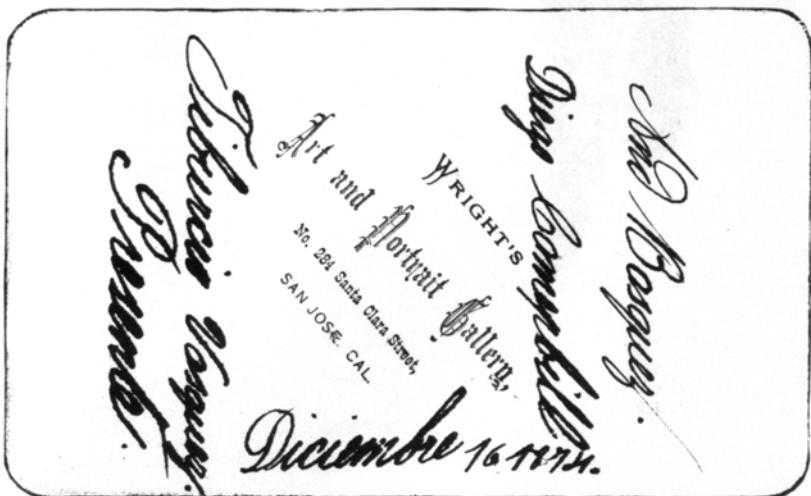
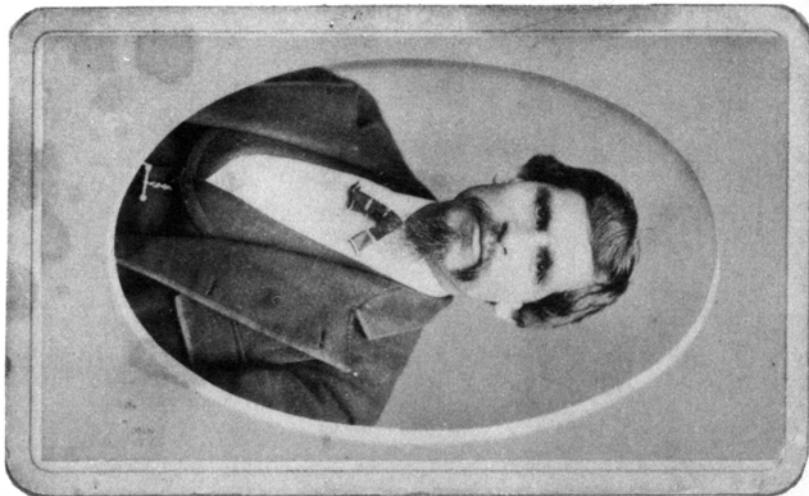
*Aunque lejos los dos nos encontramos
Siempre mi corazon por ti palpita,
y un apretón le mando aunque dé mono
Al angel de mi amor que es, fulonita;*

Firmino Vazquez

M. Vazquez,

With a sincere love, I worship you
When, beauty at my side, I had you
With a sincere love, I pledge my adoration
I worship, I adore you, with my soul
Separated from you, alone, lost
Sad and meditating, I pass the time
Alone, remembering an idolized love
In my solitude, alone contemplate
I call to you and ask that you help me
I remember my grief and bitterness
I know heaven hears me
In those moments; what madness!
Although the two of us find ourselves far apart
Always my heart beats for you
And I send you my outstretched hand
Angel of my heart that is, fulonita

Tiburcio Vasquez
y Basquez





EXECUTION OF A BANDIT.

TIBURCIO VASQUEZ HANGED AT SAN JOSE, CALIFORNIA—SKETCH OF HIS CAREER OF CRIME.

SAN FRANCISCO, March 19.—The bandit Vasquez was executed to-day at San José. No attempt was made at a rescue, though one was feared a day or two ago. Everything passed off quietly. Vasquez asserted to the last his innocence of the crime of murder at any time during his career, but acknowledged the justice of his fate, having been the leader of a murderous band. The coolness he displayed throughout his imprisonment did not desert him, but he maintained his fortitude to the last. The execution took place at 1:35 p.m. He died without a struggle. The body was given to his friends for interment.

Tiburcio Vasquez was the leader of a band of Mexican robbers who were the terror of Southern California, where they were accustomed to swoop down upon villages, which they pillaged and then fled to the mountains. Several thousand dollars' reward were offered for his capture, but he managed to baffle the armed forces sent in his pursuit, until the 14th of May last, when he was taken prisoner near Los Angeles. His capture was effected by a party of five men, who posted themselves around the farm-house to which they had tracked him. Upon one of the party bursting into the kitchen where Vasquez, wholly unarmed, was dining, the bandit springing like a panther through a window 18 inches square, and alighting on his feet tried to get to the place where his horse was hitched. In doing so he was fired on and fell, dangerously wounded, into the hands of his pursuers. He had brought with him to the house a splendid rifle and a dagger. There was found on him a memorandum book containing the likeness of a little girl and a lock of hair. At his trial many lawless acts were proved against him, and he was sentenced to death. His demeanor was cool and manly during his imprisonment.



Sheriff John Hicks Adams