Race War
in Los Angeles,
1850-1856

If the Yankees and the Californios of the cow counties found certain areas of respect for each other, one matter in particular—the problem of crime and punishment—divided them with razorlike sharpness. The trouble began about 1850 and built up to a crescendo by 1856, when Los Angeles County suffered nearly as badly from disrespect for law and order as did Amador and Alameda counties, and perhaps worse, since it had more to lose. By then the community had been so often cut along ethnic lines as to make the social alliance of the “better element” the most tenuous of relationships.

Nobody knows precisely what contribution Californios, as opposed to Mexicans, Indians, or Yankees, made to the general pool of criminals in California. Accounts that tend to glorify Californios preclude any possibility that the native-born dirtied their hands much with major crimes. Some of the more sensational published accounts of the gold rush, on the other hand, embroidered imaginary bandit escapades which unjustly blackened family names such as Carrillo, Armijo, and the like. Most native Californians preferred to think of crime as imported by cholas rather than brewed domestically by Californians, or derived from the lower class and the Indians instead of the upper class, or indigenous to plebeian Los Angeles and not to patrician Santa Barbara. (As early as 1782, the Franciscans complained of an infestation of thieves in the pueblo of Los Angeles.) In point of fact, highway
robbery occurred rarely in old California, even if only because brigands had few outlets for cattle or other booty, so that the old California was unquestionably safer for life and property than the new.\(^1\)

It is, nevertheless, true that in the early Yankee years some Californios took to the highway and earned bad reputations entirely on their own hook. Disaffected youths found many reasons and opportunities to turn to crime and had many Mexican and Yankee badmen to imitate, should they lack initiative. Veterans of the rebellions and wars of the 1840's went into hiding in the 1850's and remained there as "patrons of San Dimas," the patron saint of thieves. Bernardo García, who disappeared after killing two Bear Flag soldiers in 1847, remained an outlaw; he allegedly hired on as Joaquin's lieutenant and died with him in 1853. Ex-soldier Salomón Pico became chieftain of a gang of Californios, Mexicans, Yankees, and Indians who gave the ranchos of Santa Barbara and Monterey a good working-over. On April 18, 1851, vigilantes captured Don Salomón and two of his associates, including an American named Otis, and turned them over to the authorities. Just before Antonio de la Guerra deposited bail, Pico escaped and made his way south, perhaps to Baja California, and purportedly became head of a new gang of robbers; Otis had no friends to go to bat for him and sat behind bars. For years to come the shadows of Bernardo García and Salomón Pico hovered over all the unsolved crimes committed in southern California.\(^2\)

In American Los Angeles the criminal element had already run wild by February, 1850, when a despairing alcalde, Ygnacio del Valle, called for the help of United States dragoons, but never got it. The trend continued, and in the thirteen months from August, 1850, to October, 1851, the county experienced the astronomical number of forty-four homicides, which must have set some sort of record, considering that the entire population was below 2,300.\(^3\)

The most singular crime in the Los Angeles region, the murder of an Irishman and his Indian servant in the Cajon Pass in 1850, was laid to

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\(^1\) J. Tyrwitt Brooks, pseud. [Henry Visbitelli], author of Four Months among the Gold-Finders in California (New York, 1849), a fraudulent travel account, originated the myth that Andreas Armijo and Tomás María Carrillo were the first robbers.

\(^2\) San Francisco Daily Alta California, April 29, 1851.

\(^3\) Los Angeles Star, Oct. 11, 1851.
the members of one of the leading old families, the Lugos. On the day of the crime, Don José del Carmen Lugo, his three sons, and about fifty vaqueros had traversed the Cajon Pass, chasing Indian horse thieves; this made them suspect. A Sonoran vaquero belonging to the Lugo party confessed that he, another Mexican, and the three Lugo boys—Francisco, Chico, and Benito—had done the dirty work; that the Irishman had purposely misled the chase into a canyon where Indians lay in ambush and killed a member of the search party. Thus, the motive of the Lugos was revenge. The three scions of the wealthy southern family fiercely denied the charge and had twenty witnesses to back them. They went free without indictment, although many Yankees remained convinced of their guilt. In what may have been a personal vendetta, County Attorney Scott nevertheless prosecuted them in April, 1851. Once, while lodging at the Lugo home, Scott had had a falling-out with his wife, lost his temper, and struck her. The Lugo boys had restrained him physically, which he had taken as a deliberate humiliation. In any event, Scott indicted the boys, and Don José retained Joseph Lancaster Brent to defend them. The gringo lawyer was convinced of their innocence and sized up the case as a possible travesty of justice. For this service, Brent allegedly got a handsome $20,000 retainer.

Even more alarming than a prejudiced prosecutor and an inflamed public opinion was the arrival in town of twenty-five meddlesome ruffians led by John "Red" Irving, a once-illustrious Texas Ranger and a cavalry captain during the Mexican War. Irving claimed to be heading for Sonora to fight Apaches at Mexico's invitation (although skeptics thought him going "in search of ladies fair and pastures green"). The night before the Lugos were to post bail, Irving's lieutenant accosted Brent to demand $10,000 for spiriting the boys from jail and taking them safely to Sonora, if they were not to be lynched. Brent persuaded Don José to reject the blackmail and offered a counterplan to protect the boys at their release. Although fearful of igniting a general "race war," Brent that night enlisted seventy-five armed Californians and Sonorans and quietly stationed them behind a wall near the courthouse to await the boys' release. By a stroke of luck, some state militia on an Indian-hunting expedition rode out of the morning fog. Its commander at first refused to interfere in local affairs, but Brent persuaded him simply to deliver the bailies into the hands of friends. The trick worked. Irving complimented Brent on his resourcefulness, but broadly hinted that he would "give the Lugos hell" anyway.

Irving's men soon resumed their Mexican expedition, and the town breathed easier. While passing Chino on May 24, however, they stole horses, killed cattle, and reportedly threatened to ravish some women. Several Angelinos hastened to Chino to investigate, while others rode quickly to summon General Joshua H. Bean's dragoons stationed north of the city. Irving still craved the Lugos' blood or money and, hearing of Bean's approach, decided on a ruse. He sent a Sonoran into the San Bernardino Mountains to spread the lie among the Coahuilla Indians that two hundred white men were on the warpath to exterminate the foothill tribes. Irving hoped that the Coahuillas would divert or smash Bean's force while his own men doubled back to sack the Lugo ranchos. Fortunately, a friend of the Lugos overheard the conspirators in a saloon and forewarned the family, who fled their ranchos with all their valuables. The Irving gang tore into trunks and personal effects, only to find nothing of interest. While they were engaged in their search, they noticed the Coahuillas surrounding them in silence. As the bandits rode off to plunder yet another Lugo home, the Indians followed them steadily, but stayed beyond pistol range. Unknown to Irving's men, Justice of the Peace José María Lugo, the Coahuillas' old protector, had secretly dispatched them there for police action. By cunning or by luck the Indians lured the bandits into a blind mountain canyon and, armed with boulders and bows and arrows, slew them to a man.

When the Angelinos got wind of this event, they nervously dispatched posses to the scene. First to arrive was S. C. Foster's contingent of Californios and Yankees who had ridden from Chino, where they learned that Irving's gang had done little more than steal beef on the hoof. Emerging into the steep canyon, they cringed at seeing

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*Joseph Lancaster Brent, The Lugo Case: A Personal Experience (New Orleans, 1926). See also Horace Bell, Reminiscences of a Ranger . . . (Santa Barbara, Calif., 1927), p. 12 ff.; Benjamin D. Hayes, Pioneer Notes . . . 1849-1875, ed. by Marjorie Tisdale Wolcott (Los Angeles, 1929), pp. 75–81; Alta, June 4, 17, 1851; Benjamin D. Hayes, Scrapbooks, MS, Bancroft Library (Los Angeles, Calif.), I, 106–112; and José del Carmen Lugo, “Vida de un Ranchero . . .”, 1877, MS, Bancroft Library, pp. 71–75.
made between innocent and guilty, [just] so that he be an American." The citizenry concluded that the Lugas had engineered the shooting. The fresh trail of the unknown horsemen did, in fact, lead Sheriff Barton to the Lugo rancho, although not to the assailant, who eluded capture. Hayes later concluded that Salomón Pico and Benito Lugo were the culprits.7

More than a year later, lawyer Brent brought the Lugo boys out of hiding to clear their names. A court officially exonerated them, although in Los Angeles the suspicion never died that the mountain killings and the attempted assassination of a judicial officer were their handiwork. Angeleños long remembered the Lugo incident, because of its panoramic sweep and its elaborate involvement of Indians, Yankees, and Californios. It was also the first prosecution for murder—and unsuccessful at that.

By the middle fifties, the structure of law enforcement in Los Angeles County looked impressively ornate on paper. It consisted of a district and a city prosecutor; sixteen justices of the peace who held forth in the outlying townships, supported by thirty-two constables; a sheriff, a subsheriff, and a deputy sheriff for the county; a city marshal, his deputies, and the city police, not to mention the mayor and six councilmen who were empowered to make laws and encourage their enforcement; a jailer and a coroner to investigate deaths with the aid of juries; twenty-three judges of the plains, who had the powers of a rural police and could even hang a man for stealing stock; the County Board of Supervisors, responsible for the general well-being of the county; a district judge with power to hang without a jury; a court of sessions staffed by three justices and a county judge, with a jury for each case; and a grand jury which could be formed at will and had wide discretionary powers in criminal cases. Here ruled more men, one Spanish American wryly observed, than a company of dragoons, or about the same number as had accompanied Hernán Cortés in his conquest of Montezuma’s empire.

Yet this veritable army of public officials failed to secure even a modicum of public respect. Office seekers lunged after available titles,

* John Walton Caughhey, ed., The Indians of Southern California in 1852 (San Marino, Calif., 1952), pp. 10–11.
* Loc. cit.

but shirked their duties if a job entailed any danger. Only the mournfully efficient coroners' juries operated competently; they gave their findings to the law courts, the "graveyards" of all criminal matters. Participation in the law-enforcement process was so dangerous that for months at a time the office of sheriff had no takers, even at a yearly salary of $10,000.9

The resulting proliferation of crime netted for Los Angeles one of the worst reputations of any gold rush town; northern detractors thought of it as a place combining jaded opulence with rampant drinking, murder, and brutality—the kind of disorder associated with mixed breeds and the stagnant cow county culture. For the north to make invidious comparisons was surely an instance of the pot calling the kettle black, but Los Angeles could do little else but admit its failings. In truth, for five years and more it failed to cope with troublemakers—the transient army of Argonauts, neophyte Indians on a Saturday-night binge, runaway criminals from the north, wild Indian marauders lurking in the hills, teamsters and cattle buyers flaunting their money, gamblers, and restless native-born youths.

With few exceptions, confessed the Los Angeles Star, murderers went unidentified, and, if identified, went unprosecuted; if they were prosecuted, they got off somehow, even if only by escaping on bail. "With all our natural beauties and advantages there is no country where human life is of so little account. Men hack one another to pieces with pistols and other cutlery, as if God's image were of no more worth than the life of one of the two or three thousand ownerless dogs that prowl about our streets and make night hideous."9 Things came to such a pass that breakfast small talk commonly began with "Well, how many killed last night?" According to tradition, the town averaged one homicide a night, but even at the rate of one a week, Los Angeles was annihilating a sizable proportion of its scanty population.

Like the San Franciscans, Angelesños preoccupied with the failure of public morality resorted to popular tribunals. Vigilante justice had a distinctiveness in Los Angeles, however, in that every important lynching episode and most minor ones involved the Spanish-speaking. This

tended to split the Spanish-speaking themselves: the "better element" polarized around Andrés Pico, Tomás Sanchez, and other ricos who helped the vigilantes, while the "lower element" generally remained leaderless but indignant, so long as the Yankees tried to bring them to task without also punishing gringo wrongdoers. Even the most formless and short-tempered mob, moreover, recognized in its own perverse way the problem of ethnic balance. Once, for example, a mob snatched from the San Gabriel jail a Yankee slated to hang for theft and sentenced him instead to seventy-eight lashes on the bare back; simultaneously, for a Sonoran who had cut up a countryman in a brawl they prescribed fifty lashes. The Mexican "begged the privilege of being whipped first, saying that he was a man of honor . . . [and] had only used his knife when insulted." An Indian appointed by the mob flayed him with a willow switch with "an air of intense satisfaction." The Yankee also had his pride and refused to be flogged by a lowly Indian. An unsuspecting American volunteered for the job, but when he had finished the spectators rewarded him with a blanket-bouncing that knocked him cold. The Los Angeles Star felt repelled by the episode, particularly because the constable stood by and watched, unmoved.10

Still another special feature of the cow county lynchings lay in the character of the lynchers. At El Monte lived one key group, an enclave of Texans who had served in the Texas Rangers during the Mexican War, and who, in any event, considered themselves experts at "dealing with" Mexicans. Going by the name of rangers and not vigilantes, they generally tendered their services to the vigilante committees or to the sheriffs, but sometimes took separate action. Another group, the vigilante committeemen, generally included "respectables"—old-time ranchers, merchants, lawyers, and government officials. Since they owned land titles or had a smattering of legal knowledge, the town looked to them for leadership. At the height of a crisis they contributed an element of caution and always sought the support of the better classes of Californios—no mean contribution, considering the deep hatreds of the El Monte group and the potential danger of the mob. Yet, as to why they could not exert the same authority within, instead of outside, the law remains unclear. Harris Newmark attempts a feeble

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9 Bell, op. cit., p. 13.
9 Feb. 26, 1852, a remark prompted by the pistol duel at the Washington's Birthday Ball.
10 Bell, op. cit., p. 40; Star, Feb. 12, 1853.
answer when he says that "the safety of the better classes in these troubous times often demanded quick and determined action, and stern necessity knew no law. . . . milder courses than those of the vigilance committees of our young community could hardly have been followed with wisdom and safety." 11

Vigilante justice began with a bang in the summer of 1852.12 In mid-July of that year the legal authorities delivered to Los Angeles three Latin Americans wanted for murdering two Yankee cattle buyers. One of the trio was Doroteo Zavaleta, a soldier's son, born and reared locally. A clad rather than a depraved character, Zavaleta had stolen oxen, cattle, and horses from Bernardo Yorba's rancho and wood from Manuel Garfias' property, for which he was arrested. Zavaleta broke jail with two Sonorans, one of them Jesús Rivas, a cold-blooded character. Seeking aid from Zavaleta's brother, the trio fled to San Juan Capistrano "to go away from this part of the country." There, however, they chanced upon a pair of American cattle buyers, whom Rivas decided to rob and kill. Zavaleta later testified that he absolutely rejected the idea of murder, particularly when his brother agreed to give them horses for their trip to Mexico. After robbing the Americans of $500 Zavaleta wanted to flee, but Rivas saw the danger of this plan and committed the final deed. Later he claimed that Zavaleta had incited the murder and had killed one of the pair.

With decorum unsurpassed in San Francisco, Los Angeles convened its own vigilante committee. Abel Stearns, initiator of the proceedings, served as chairman; Señor Rojo and Mr. Sanford took the minutes; and Mr. Dryden translated them. Alex Bell, Francisco Mellus, and Manuel Garfias selected a jury of seven Yankees and five Latin Americans (José Antonio Yorba, Andrés Pico, Dolores Sepúlveda, Felipe Lugo, and Julian Chavez). A committee of public safety (Manuel Requeña, Matthew Keller, J. R. Scott, Lewis Granger, Rojo, and John C. Downey) took the prisoners' confessions in English and Spanish. The jury returned a verdict of first-degree murder for Zavaleta and Rivas, and the next morning the town witnessed its first "grand" lynching.

12 What follows is taken from the Star, July 24, 31, 1852. Actually, the first person hanged in the county was an Indian, for the murder of an Indian; see ibid., April 3, 1852.

Thus ended the first popular tribunal, which for its ethnic makeup and judiciousness won the approval even of the Californios. Ideally, Manuel Garfias, as an interested party, should not have helped select a jury, and a clever defense lawyer might have empaneled lower-class Latin Americans to offset the obvious class prejudice against the prisoners. It is very likely, though, that a regular jury would have rendered the same verdicts—all the more reason to wonder why the town refused to allow the law courts to function normally.

A second vigilance committee was formed after the murder of the estimable Joshua H. Bean, four months later, on November 7, 1852, near former San Gabriel Mission. This time the entire town, rather than the vigilantes alone, pressed the issue, for Bean was a courageous and popular figure, unlike his notorious brother, Judge Roy Bean, "the Law West of the Pecos." Actually, two bodies convened: a central committee consisting of two gringos and M. C. Rojo, and a committee at large composed of Rojo and six gringos. These were as respectable a group of vigilantes as could be found anywhere.13 Salomón Pico's name arose in connection with the crime, and rangers arrested and jailed several Sonorans and a young Californian thought to be allied with him—"Eleuterio," the cobbler Cipriano Sandoval of San Gabriel, Juan Rico, Reyes Feliz, and the Indian, Felipe Reid, adopted son of Hugo Reid. Young Reid maintained his innocence, but Sandoval claimed that he had stumbled into him in the darkness, that Reid at first had blurted out his guilt but then denied it and finally had tried to bribe him to seal his lips. Reyes Feliz also pleaded innocence, but so frantically that he confessed a previous crime. For ten days the committee grilled the dazed suspects, separately and together, analyzing and reanalyzing the testimony and seeking corroboration for new points. Although unsure of themselves, the vigilantes nonetheless felt that they had the culprits at hand and rested their case before the town.

The tribunal that meted out justice was utterly chaotic. After hearing the evidence about Reyes Feliz, a "fiercous looking gambler" mounted a chair and moved that Feliz be hanged; the crowd assented. The same verdict was meted out to Sandoval, about whom little was actually

known. Reid was turned over to regular officials for disposal, although many suspected him because of his known rivalry with Bean for the attentions of an Indian woman. On Sunday the town climbed toward a gray sky to gather before the gibbet on Fort Hill. The two prisoners were led up by a priest (and accompanied by yet a third Latin American caught attempting murder that very morning when the public’s dander was up). Before a silent crowd, Sandoval reasserted that he had no connection with this or any other murder and prayed for the Lord’s forgiveness for himself and his tormentors. He kissed the crucifix and then was hanged. Says Horace Bell: “A peal of thunder announced the end of the tragedy,” and heavy rain began to fall, whereupon the crowd retired quietly to the local saloons. The words of cobbler Sandoval and the thunder later were to nettle the town’s conscience; years afterward, the true killer made a deathbed confession, which belatedly made some Angeleños wary of vigilante proceedings.

The third vigilante action, in 1853, concerned Mexican bandits. At the first rumor that the bandito chieftain Joaquin might be attending a fandango at the Moreno adobe, the pugnacious Texans from El Monte got into fighting regalia and went to investigate. “Immediately taken into custody by an overwhelming array of black-eyed Senoritas,” the “Texas rangers” neglected their mission. Additional bandit activity two months later led to the formation of Captain Hope’s Rangers. Only five of Hope’s twenty-three gringo horsemen were among the town’s respectable. Although mainly Texans again, they politely tendered their services to Mexican Mayor Antonio Coronel and gladly accepted a gift of a hundred broken horses from Pio Pico and Ygnacio del Valle. Upon hearing that Joaquin was definitely within city limits, writes the ranger historian Bell, the company sallied forth at midnight to “search every suspicious house and place within the city limits.” Men scoured Nigger Alley, Sonoratown, the vineyards, and all nearby suburban huts, but without result, except that one party retrieved a stolen jackass.

Bandido depredations, even murders, continued. By late August the volunteer mounted police numbered a hundred men, including Agustin Olvera, Juan Sepúlveda, F. L. Guirado, and new gringo worthies. When a visiting cattle buyer was murdered by his Sonoran interpreter, Vergara, they pursued the felon for 90 miles, driving him into the clutches of the soldiers stationed at Yuma, who killed him. He was not yet quite dead when another Sonoran, named Senate, killed Marshal Whaling and escaped. With new resolve, the rangers chased from one canyon to another in every direction, seeking the trail of the will-o’-the-wisp, Joaquin.

One night twenty-one unidentified bandidos broke into the home of a Frenchman named Lelong and murdered him. They raided the “Spanish houses” in Sonoratown, abducted some girls to a nearby headquarters, and escaped. By October, “rumors of a Mexican invasion and an expulsion of the gringos” evolved into a state of siege and a business standstill. Finally, rangers trapped eight bandits in a cornfield—one of them a woman—but they had no connection with Lelong’s murderer. The district attorney told the town that “it was not our hang” and packed the captives off to their own stamping ground of San Luis Obispo for appropriate treatment.

The recent violent occurrences began to sink down into the endless annals of unsolved crimes, when guilt devolved on two missing Sonorans, Luis Burgos (lately allied with Vergara) and Senate, whose last known act was to stab a man and flee for his life. Judge Hayes feared that putting a reward on their heads would create a “bad state of society” among the Latin Americans, but Sheriff Barton nonetheless offered $500 for the culprits, dead or alive, for the crimes of murder theft, and rape. The reward was claimed by a Californio who brought in the bodies of Burgos and Senate neatly arranged in a careta. He offered no explanation, but the key to the whole mystery was discovered soon afterward, when a Sonoran sold a watch that formerly had belonged to Lelong. This was Atanacio Moreno who, under close questioning, confessed to having led the recent bandito troop, including Senate and Burgos, whom he had killed after a falling-out. On April 5 Judge Hayes sentenced Moreno to fifteen years. “He took the sentence

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14. Downey, S. C. Foster, Banning, Hayes, and Brent.
with perfect composure," noted the judge.21 This interrupted (but did not end) the checkered career of a "tall, straight, fine appearing white man, belonging to the best blood of Sonora . . . [who had once] stood well in society, and was highly respected." 22

Not until February, 1854, after a six-year judicial interregnum, did Los Angeles witness its first bona fide execution. The victim was a Mexican, Ygnacio Herrara, who had "killed one of his own race, about a woman!" Thousands attended the historic event, including many Latin Americans who admitted Herrara's guilt but cursed Hayes's death sentence and wondered if he would henceforth punish gringo killers with equal severity. Hayes himself took the event in stride and merely wrote of the Mexican's repentance and of the prayerful attitude of the entire Catholic population. "At their request, candles were burnt there [at the scaffold] last night and today he was buried with martial music and religious rites." 23

Plainly, by 1854 the Spanish-speaking of Los Angeles felt oppressed by a double standard of justice such as some of them had previously experienced in the gold mines. One sees here in embryo resentments about "Anglo justice" similar to those that have incited Mexican-Americans in more recent times.

The time had come when many Latin Americans had quietly resolved to equalize the situation at any cost, as they demonstrated during the double execution that occurred in January, 1855. Among the criminals who crossed Hayes's path was a mestizo named Félix Alvitre, who in November, 1854, confessed murdering a Yankee at El Monte. After a jury trial Hayes sentenced him to die on January 12, 1855, thus allowing a reasonable time for appeal to higher courts. In sentencing Alvitre, the judge spoke sharp words, not for Alvitre's ears alone, but "for the benefit of his young countrymen, who are betraying too many signs of hostility to Americanos." 24 With an eye to ethnic symmetry, Hayes sentenced the cowboy Dave Brown for killing a fellow American in a drunken stupor. The judge also ordered him hanged two months later, but an impatient crowd seized Brown for immediate execution. At that point, Mayor Stephen Foster rescued Brown but also promised the mob that, if a higher court reversed the decision, he would immediately resign as mayor and resume the interrupted lynching bee.

When January 12, 1855, rolled around, Brown's lawyer brought from the California Supreme Court a stay of execution, but there was no word of leniency for Alvitre. So far, none of the vagaries of justice had erupted into pitched battle among the races. The execution of Herrera and Sandoval, the killing of Domingo Jaime, the escape of Ned Hines, and the crimes of Moreno's bandits had torn, but not shredded, the fabric of society. But when the hangman executed the wretched Alvitre in the jailyard (and bungled the job by allowing the body to writhe to the ground), the picture changed. Spanish Americans would not cavil over his guilt, but neither would they any longer tolerate a gringo killer slipping free while a Mexican one was hanged, in this instance horribly so. Taking a trick from the gringo's hat, they went en masse to make Foster redeem his pledge. True to his word, the mayor resigned, called a public meeting, and announced himself ready to help lynch Brown. After hearing a round of speeches, a mob of Latin Americans and Yankees stormed the jail. Sheriff Barton called upon General Andrés Pico to help restore order, but Foster's crowd was too determined and simply took Brown out.

Juan Gonzales, a lowly Mexican who would soon go to prison for horse theft, was supposed to trip the cord and hang Brown, but when the prisoner objected to being dispatched by "a lot of greasers," Foster gave the job to a "genuine American." Through a piece of advance journalism, the weekly Southern Californian gave the crowd a handy program of the day's doings. To meet the departing steamer, it went to press in the morning with a full "description" of the forthcoming lynching, even Brown's confession. With its task done, the crowd unanimously reelected "Don Estevan" Foster as mayor.

One week later a returning vessel brought Alvitre's stay of execution, the fatal delay having resulted from the slowness of the mails and a red-tape mix-up in the capital. Folk history ridicules Foster and intimates that the episode made him break down "under a brooding re-
mourse”; nevertheless, the Spanish-speaking still thought him altogether “upright, honorable, [and] effective,” and supported his reelection. According to the Spanish-language weekly El Clamor Público, “our fellow citizens are in agreement with the summary justice” Foster administered. Without such men as he in the saddle, clever lawyers and corrupt juries let the most evil criminals go completely free. A deliberately sluggish court is “the most ridiculous farce and the most infamous disgrace which a nation can endure.” If the courts falter, then “¡Bien hecho (well done)!” to those who do its work.

The worst yet lay ahead for Los Angeles. So far as ethnic relations are concerned, unquestionably the ugliest week after the time of Captain Gillespie was that of July 19 to 26, 1856. Business lay dead, the town was split along racial lines, and every man went armed, expecting the outbreak of a “Mexican revolution.” Again Spanish Americans took legal matters into their own hands to solve the six-year problem of the nonprosecution of Yankee evildoers, or so they said.

The trouble began on a Saturday night, when Deputy Constable William W. Jenkins tried to repossess a guitar belonging to Señor Ruiz, who was in arrears on a small debt. In the instrument the woman of the house had left a personal letter which she begged the constable to return to her. Just then Ruiz entered and seized Jenkins from the rear to protect her. The panicky constable reached for his pistol, swung around, and fired. Ruiz collapsed, lingered for a day while painfully bidding each of his many companions good-bye, and died the next evening. What particularly “exasperated the spirit of all Mexicans” was that Ruiz was no criminal like Alvitre, but a hardworking family man and a man of parts. He had recently had the honor of delivering the Mexican Independence Day oration. They interpreted the death of the thirty-three-year-old Ruiz as needless, wanton, inexcusable.

On Monday the court convened momentarily to arraign Jenkins but then adjourned for “the largest [funeral] procession of its kind ever seen in Los Angeles.” Americans who read dangerous resentment on the faces of the mourners immediately strapped on their guns. At the inevitable graveside meeting, Ruiz’ more irate friends tried to arouse the crowd to seize Jenkins, who was behind bars but was due for bail. Temperate Californios and Yankees dissuaded them from violence and instead established a committee to protect the jail and see that justice was done. But when the peace committee departed, anger overcame the remaining mourners.

At sundown “the lowest and most abandoned Sonorians and Mexicans” (the words of the Star) gathered on the hill, and again the next night, still admiringly confused about how to right the wrongs of their existence. Various points of view were represented among the hundred persons in attendance, but firebrands, sneering that Mexicans had “too long blindly followed” the lead of Yankees in legal matters, gained the upper hand. “Archconspirator” M. Carriaga, a Frenchman who made a “wholesale and violent denunciation of Americans,” assumed the role of leader. He did not intend to Lynch Jenkins, as the Yankees feared, but only to seize and hold him for trial so as to prevent a Ned Hines disappearing act.

To do so, the rebels would need arms. By distracting the attention of the village priest, they searched his yard and made off with a few old guns stored there since the war. Once they had congregated in full strength on their hill the remonstrances of Juan Padilla, Pedro Romero, José Rubio, and Tomás Sanchez could not dissuade them from action. At midnight, aided by a bright moon, they came down for a parlay with Sheriff Getman, reiterating that they merely wanted to hold Jenkins for trial. Getman would not hear of it and, with five deputies and ample supporters, dug in for attack. Although the sheriff sustained a head wound, he counterattacked and chased the rebels out of town, dispersing them in two directions.

By Wednesday morning a dozen Latin Americans sat in jail, among them a good many who had nothing whatever to do with the attack. Meantime, suburban Yankees as usual had interpreted the violence as the threat of a broad-gauged Mexican rebellion, bundled up their children, and flocked to town for protection. Thirty-six El Monte men arrived for action and were received with loud cheers. A public meeting at ten in the morning established the town’s defenses.

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* El Clamor Público (Los Angeles), May 31, 1856.

** Ibid., July 26, Aug. 2, 9, 16, 23, 1856; Star, July 26, Aug. 2, 23, 1856.

*** Ibid., Aug. 2, 1856.
Just then the San Franciscans were in the throes of their most sophisticated vigilante activity, and their Los Angeles country cousins followed suit. The Angelinos produced a new committee of their own, with Judge Norton presiding and H. N. Alexander serving as recording secretary. Among the first business was a rousing welcome for Andrés Pico, who came to the rostrum to offer full cooperation in the restoration of order. The resolutions committee included nine gringos and four Latin Americans (A. F. Coronel, A. Pico, T. Sanchez, and Señor Padilla). Clearly echoing the San Franciscans, the Angelinos resolved that, whereas the town harbored "a great number of knaves, thieves and assassins," the committee would take testimony concerning suspicious characters, seize them or put them at liberty at will, and form military companies, yet refrain from shedding blood or taking life unless the proper authorities refused to act. All townsfolk would go unarmed unless on duty with one of the military companies—such companies to be directed by the sheriff and a mixed council of nineteen men. A majority vote of the committee would be required to expel a man from the community, and 500 English and 500 Spanish circulars would be printed to explain the emergency.

Four military companies were formed. In addition to the El Monte rangers, the town organized the city guards, the citizens' company, and a fourth band, comprising twenty Californios led by Andrés Pico. Seventy miles of hard riding to the south brought Pico's men face to face with Carriaga, whom they retrieved as a prize. Los Angeles slept uneasily that night as two Mexicans fired wild shots at Yankees for no apparent reason and then put spurs to flanks and escaped. The committee thereupon reconvened and ordered the rangers to sweep the countryside again for hidden rebels. The "Monte boys" located Vicente Guerrero's son and practically dragged him to a spot where he might locate hidden confederates, especially his father, another conspirator.

Hayes issued warrants for the arrest of several outlaws, including his own good friend, Guerrero, a family grocer and property owner as universally respected as his dead friend Ruiz. As Hayes himself admitted, "there never was any harm in ... Vincentillio." Terrified and lonely, the refugee Guerrero paused in Juan Bandini's home in San Diego, told

the tearful story of his compadre's death and his own role in the rebellion, and then fled home to Mexico.²⁸

Just before Hayes grilled Carriaga, news arrived of the execution of the miscreants Hetherington and Brace by the San Francisco vigilance committee, whose "contagious influence" therefore reached its height in Los Angeles. Judge Hayes took the opportunity to plead for due process of law. He cited two outstanding allegations against the Frenchman: fomenting revolution and attempting assault. On the first point he could find no evidence, and thus could see no purpose for the vigilantes. He reminded Americans that they had supplied three "memorable examples" of vigilante executions which Mexicans had tried to imitate, most recently in the Alvitre-Brown case. He informed the aggrieved Mexicans, moreover, that they should have availed themselves of the grand jury, since "violence . . . ends only in ruination." He accused both sides of condemning "a single individual for the offense of a multitude." Meanwhile he commended the sheriff for good sense and forbearance. As for the second charge against Carriaga, Hayes had him indicted for assault with intent to kill (the sheriff), set him free on $2,000 bail, and turned him over to the grand jury. In so doing Hayes urged Los Angeles to honor the grand jury and not the vigilantes, and therefore was one of the few Angelinos who ever seriously opposed vigilante law.

William Jenkins was in his early twenties, tall, lean, fair, with a command of Spanish. His popularity was at least great enough to encourage him to stand for marshal in the preceding election. When brought into court, he seemed confident of getting off lightly. Hayes indicted him for unpunished homicide, set him free on bail, and remanded him to the grand jury. To this release the Latin Americans took exception, especially since that very week the previous city marshal had been tried in absentia for killing a man and skipping bail.

Jenkins' case went to trial in the district court, Judge Hayes presiding, on an indictment for second-degree murder, for which the maximum penalty was twelve years. The sheriff brought in forty-eight prospective jurors, every last one of them unknown Yankees, probably most of them new. The trial hinged on the testimony of the only two witnesses, Ruiz' landlady, Maria Candelaria Pollorena, and Cesaría

²⁸ Including gringos Dryden, Mellus, B. D. Wilson, Forester, J. G. Downey, and Stearns and Latin Americans A. F. Coronel, T. Sanchez, Olvera, and Aguilar.

²⁹ Hayes, op. cit., pp. 135–136; El Clamor Público, Aug. 23, 1856.
Navarro, a woman who had seen the fracas begin before fleeing to safety with her children. Jenkins' attorney, the redoubtable Judge Scott, in a two-hour cross-examination impugned Señorita Pollorena's veracity. Testimony by men like B. D. Wilson tended to show that "her general character is very bad," so that Scott could allege that she had conspired with Ruiz to attack Jenkins and protect the stolen guitar.

Hayes acknowledged the unreliability of the leading witness but observed that Señora Navarro was of good character and had introduced corroborating testimony. He gave long and careful instructions to the jury, weighing the basic legal issues—the difference between premeditated and unpunished homicide, the responsibility of public officials like Jenkins to enforce civil rather than criminal law, the evaluation of the testimony of character witnesses, and the meaning of self-defense; he even reminded the jurors of the need for equal justice to rich and poor. The jury, by contrast, in five minutes returned a verdict of not guilty. Jenkins went free and returned to work as deputy constable. Fortunately, the grand jury then tactfully quashed the indictments against Carriaga and released the imprisoned Mexicans, by that token restoring the town's equilibrium.60

F. P. Ramirez, editor of El Clamor Público, by no means fully sympathized with Carriaga's tactics, but he justified them under the circumstances and railed against the Yankee vigilantes and their secret night work. Most of the gringo committeemen had intentions of "hypocritically damaging" the Spanish-speaking, he charged, and would have done so but for the restraint of a few decent men among them. Mexicans, not Yankees, were carrying on the high traditions of the San Francisco vigilantes; "the death of Ruiz was for Los Angeles what the killing of James King of William was for San Francisco." Thankfully, Mexicans who once "begged favors on bended knees, now . . . seek justice and liberty by their own efforts." Too bad, though, that they lacked numbers and gained nothing by their effort; "we remain at the same place as before." Los Angeles still desperately needed genuine security and unity among its diverse nationalities.

Meantime, Ramirez heard the Yankees using an inflammatory term, "war of the races," to describe the excitements of the day.61

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60 El Clamor Público (Los Angeles), Aug. 23, 1856.
61 Ibid., May 9, 1857.

Intro a town already steaming with resentment about lack of civil order and civil rights, in 1857 came one more explosive ingredient: bandits—not phantom bandits, but real and brazen ones. During the three years since the demise of Vergara, Senate, Burgos, and Moreno in 1853, the Angeleños had not been able to retire at night without worrying about organized robberies, knifings, shootings, or riots troubling their sleep, but never about bandidos. So convinced did Ben Hayes feel about the southland's freedom from highwaymen early in 1856 that he confidently assured a stranger to expect perfect safety "on the road." In October, though, the situation worsened, and for the next several years all such assurances were to have a hollow ring.

The trouble began when the twenty-one-year-old Mexican Juan Flores broke out of San Quentin, where he was serving a term for horse stealing in Los Angeles. Unreconstructed by his stay in jail, he resolved to return to the scene of his original exploits and commit even greater ones. These new crimes inaugurated southern California's most extensive vigilante action and brought "race" relations to a new low.

A young man of strong personal magnetism, Flores and his lieutenant, Pancho Daniel, assembled the largest bandit congregation ever seen in California; more than fifty Spanish Americans from the territory between San Luis Obispo and San Juan Capistrano joined the ring. Some came along for specific personal motives, such as Andrés Fontes who craved revenge against Sheriff Barton of Los Angeles, who supposedly had jailed Fontes for defending an Indian woman against the sheriff's own lust; Fontes would remain with the gang only until he concluded

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Cow County
Bandidos, 1856-1859
his personal vendetta. Others, including many decent and orderly men, enlisted for more generalized causes. The War of the Reform had just broken out in Mexico, which gave a glimmer of legitimacy to guerrilla action and convinced some men to join Flores for vaguely political motives.¹

Needing supplies and protection, Flores decided to operate out of San Juan Capistrano, where innocence still clung like a lace rebozo. Gringo rancher Juan Forster flatly turned down Flores’ entreaties for aid. When the German settler Charles Flaggart did so too, the bandits killed and robbed him and, as a neighbor said, sat down to eat the dead man’s dinner while the blood drained from his body. Firing pistols, shrieking antigringo curses, and galloping about wildly, they broke into three shops, whose proprietors Miguel Krasewski, Manuel García, and Henry Charles fled for their lives. Before escaping, Krasewski witnessed enigmatic handshakes and overheard grim references to 500 confederate Mexicans lurking in the hills for the start of a massive invasion of the southland.

When words of the dark doings at Capistrano reached Los Angeles, the attack assumed the proportions of a full-fledged political rebellion. Accompanied by six assistants, Sheriff Barton set out to investigate. While he paused at José Sepúlveda’s rancho, the don warned him against challenging the bleak hills to the south with so few men, but the sheriff pushed on anyway. The price he paid was heavy: with the vengeful Fontes in the lead, the bandidos jumped out of ambush and kept up a 12-mile galloping pistol duel in which Barton and two deputies, as well as three of the robbers, were killed.

When the survivors straggled home, the Angeleños assumed that the outlaws were on their way “to murder the white people.” They set up a committee of safety, a committee of vigilance, and a foot patrol; requested backing from soldiers at Fort Tejon and provisions from the San Diego cavalry post; organized parties of mounted rangers; and tucked away the women and children in Armory Hall, bolting the windows. A wagon detail retrieved the corpses in coffins for burial on Sunday.²

At the funeral most of the Spanish-speaking remained discreetly in the background, although the behavior of their countrymen pricked their conscience. By indiscriminately robbing and killing Americans, Californians, a Frenchman, and a Jew, declared El Clamor Público, the Flores gang showed that it was “without principles, without religion and without piety.” Now is the time to recognize that “our society is linked with indissoluble bonds to that of the Americans.” Let us “lay aside all animosity” toward them, forget their past injustices, and demonstrate that we are “loyal citizens and good patriots.” We must refrain from hiding the badmen and instead help the authorities punish them as a lesson to others.³ In a burst of good faith, a band of Californios, supplied with sixty horses by Tomás Sanchez and Andrés Pico and led by General Pico himself, rode away from the funeral to flush the Mexicans and Californians from their lair. The “El Monte boys” followed Pico’s rangers on Tuesday morning, as did a party of French and German settlers, another of gringos from Los Angeles, and still another from San Bernardino. Charged with coordinating the assault, the General enlisted the aid of Indian scouts, who quickly located the enemy camp below San Juan.

No less than 119 rangers and Indians converged on the outlaws. When this force sprang into action, part of their quarry escaped but the remainder stumbled over low-lying hills directly into the clutches of other waiting rangers. On a flanking movement to cut off escapees, the El Monte rangers captured Flores and his lieutenant, Pancho Daniel, but the pairwormed free that night. To avoid further escapes, the El Monte men encamped at Los Nietos, simply hanged their next nine captives—José Santos, Diego Navarro, Pedro Lopez, Juan Valenzuela, Jesús Espinosa, Encarnación Berreyesa, and three others whose names they failed to note. Pico, too, feared “to risk the safety of his prisoners” and hanged Juan Silvas (“El Catabo”) and an infamous Sonoran, Guerro Ardillero, whom he had seized the day before. To search for the rest of their prey, Pico, Tomás Sanchez, and Juan Sepúl-

²H. Newmark, op. cit., p. 205.
³Jan. 31, 1857.
veda split up and for the next eleven days ransacked the entire countryside northward along Los Angeles River. To their dismay they encountered Californios who, "either from sympathy or fear, aided the murdering robbers and so made their pursuit doubly difficult." Meanwhile, the gang split up and dodged northward instead of toward the border. A house-by-house, canyon-by-canyon search at Simi, Cahuenga Pass, and in the San Gabriel Valley finally led to the gang's capture—that is, all but Daniel.

As the exhausted vigilantes handed the prisoners to the committee of safety, incendiary news came from San Gabriel. Witnesses reported that the El Monte rangers, behaving like "voracious lions rushing in upon unfortunate victims with a frenzied appetite," had unjustly hanged three hijos del país—Juan Valenzuela, Pedro Lopez, and Diego Navarro, good family men only incidentally allied with the bandits. Navarro’s father reported that the “drunken and blood-thirsty mob” threw tar on his roof, threatened to burn his house, and finally rammed the door to haul away his son. They hanged the innocent boy next to three dangling corpses, and, when his torn noose dropped him to the ground alive, they shot him. His wife arrived at that very moment, and Navarro died in her arms.

At certain times, El Clamor wrote, when public authorities fail, the people “in all their majesty” are justified in enforcing the law, but never against innocent victims. “In all countries which go by the name ‘civilized’ there is one distinction between virtue and vice, namely that one man must not pay for the fault of others.” One week later reliable information absolved the lynched men from a major role in this or any other crime.  5

The weather grew unseasonably and unbearably hot. All regular business ceased, fifty-two suspects crammed the jail, and four armed companies lounged in the streets chatting about their recent labors, especially the dispatching of eleven “Spaniards.” Meanwhile, eyes gravitated toward the vigilantes, presided over by Judge Scott, the inveterate prosecutor of bandidos, as they worked on the shaded veranda of the Montgomery Hotel and stayed in public view to avoid all taint of secrecy. Citizens drifted into town from the suburbs for the public meeting that would act on the committee’s findings. Behind bars Flores was the model prisoner, calm in the face of certain death and courteous toward curiosity seekers. He carried their questions nicely: When asked what a thief’s life was like, he replied good-naturedly, “Become one and see!” Judge Scott finally presented the vigilantes’ decision, which was to hand over most of the accused to the regular courts for routine handling, “their crimes being only attempts at murder, burglaries, and horse stealing,” but to hang Flores at once. An overwhelming “Aye” vote backed these decisions. Some townspeople wanted to dispatch three more Mexicans, two for horse theft and one for attempted murder, but the French community in particular urged caution so that the assemblage turned the idea down by a vote of 257 to 395.

The newly appointed sheriff feigned taking custody of Flores, although when the jailer blocked his way, he left good-naturedly. On February 14 the committee marched on the jail, easily overcame the guard, and proceeded with Flores to Fort Hill and a new gallows. Four military companies led by Twist, Faraget, Pico, and Stanley escorted him through a quiet throng of 3,000 observers. Flanked by two priests, Flores strode up the hill with firm steps, still looking “as composed as any one in the crowd. . . . He was a young man . . . of pleasing countenance. There was nothing in his appearance to indicate the formidable criminal he had proved himself to be.” 7 Through an interpreter, Flores told the crowd that he had committed many crimes, bore no ill will toward anyone, and was ready to die; to a few countrymen he whispered instructions about his body. The noose, made from the riata of one of Barton's martyred deputies, hung too short to kill Flores at once and caused a protracted death. This technical “oversight” expressed a “pettiness of heart,” El Clamor thought, even though the hanging itself was justified as an example to evildoers.

Entirely without pomp or circumstance, vigilantes that same day hanged the Mexican “Blanco” for attempting to stab Sheriff Twist. Next day they found bandido José Jesús Espinosa lurking in a nearby canyon, brought him to town, and strung him up at once; on a third

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1 H. Newmark, op. cit., p. 209.
3 Los Angeles Star, Feb. 21, 1857. According to El Clamor Público (Los Angeles), Feb. 21, 1857, the Americans were led by J. S. Griffin, the Germans by J. Waskel, the French by C. Plasant, and the El Monte contingent by Mr. Thompson.
day they did the same to Lenardo Lopez, a laborer from San Luis Obispo. Lopez protested his innocence to the very end. The attending priest tried to contradict him, but since everyone had known Lopez as a law-abiding citizen before his fling with Flores, many felt that he was being made a sacrificial lamb; at worst, he had stolen a horse. One badman, "El Chino" Varela, went scot-free because he was "very respectably connected"—a brother-in-law of Ygnacio del Valle and a cousin of Judge Sepúlveda. Considering the committee's leniency toward Varela and others, the white-hot lynchings by the El Monte Texans looked worse than ever.

From up north came burning resentment about the hanging of the hapless Encarnación Berreyesa. His first brush with vigilantes had occurred on the ancestral Rancho San Vicente, near Santa Clara, in July, 1854, when gringos accused him of killing an American. A Santa Clara vigilance committee broke into his adobe, dragged him out, and, in the presence of his wife and children, jolted his nose torturously to wring out clues of the killing. Discovering his ignorance, they let him go, but then went and kidnapped his brother Nemesio. On July 22 Nemesio's body was found suspended off the ground. Contrary to public opinion, the San Jose coroner's inquest adjudged both Berreyesas innocent of the crime. This judgment did not stop the vigilantes, however, who forced the five Berreyesa boys and their families to seek safety elsewhere, one in Mexico and the others in the southern counties.

In Santa Barbara, Encarnación was afflicted with his family's congenital mental illness. Brother Nemesio's death, his own ordeal, and his family's assorted miseries deranged him from time to time, yet he was essentially pathetic rather than dangerous. His executioners, evidently residents of San Buenaventura or Santa Barbara who were fired up by the current excitement, never charged Encarnación with helping Flores, but solely with killing the Santa Clara man. As a kinsman noted, they could neither cite the murdered man's name, the place of the crime, nor the names of witnesses. A Yankee witness subsequently corroborated that lynchers had killed Encarnación under cover of darkness, without offering proof of guilt or time for defense, much less mercy. His executioners tried publishing an anonymous letter incrimi-

* Coronel, op. cit., pp. 204, 209.

nating him in the death of a Frenchman, but *El Clamor Público* refused to print it and challenged the Venturans to speak up manfully and publicly. Encarnación's neighbors collected $100 for his widow and children. The Berreyesas could reel off the names of eight kinsmen (fathers, sons, nephews, cousins) whom the Yankee had "hurled repentently to appear before the tribunal of their Creator"; José R., Nemesio, Juan, and Encarnación Berreyesa; Francisco and Ramón de Haro; José Sufioi; and José Calindo.

The last of the badmen, Pancho Daniel, managed to evade capture until March, 1858, when he stumbled into the hands of the law. His presence created a sensation. Judge Hayes exercised unusual caution by convening a pretrial hearing to see if Daniel could receive a fair trial in a town rife with threats and rumors of lynching. His Honor asked witnesses whether they thought the accused could go free without losing his life. Skeptical after hearing inconclusive replies, Hayes nevertheless inaugurated the trial. His doubts about the possibilities of justice were borne out by an anonymous committee, "probably acting on behalf of a larger body of citizens," which broke into the jail before dawn on November 30, shrouded Daniel's eyes with a black kerchief, and strung him from a roof beam. In the Mexican quarter feeling ran high against the vigilantes although, according to the Los Angeles Star, nothing indicated that "the respectable portion of the Californians was dissatisfied with the result."

Concerning the split between Californios and Americanos in Los Angeles during the Flores-Daniel rebellion, Antonio Coronel spoke reassuringly. If the affair initially opened a breach in the village, he explained, the exemplary behavior of Don Tomás Sanchez and General Andrés Pico in scourging the badmen healed it and produced a "complete reconciliation." Coronel here touches a partial truth: Sanchez and Pico, who gladly rode with Texans to track down "their own kind," thereby won the gringos' everlasting gratitude. Among the few Californios ever to reach positions of armed power in gringo government,

* *El Clamor Público* (Los Angeles), March 28 (citing the San Francisco Herald), and May 9, 1857.

10 *Los Angeles Star*, March 27, 1858.


12 Coronel, op. cit., pp. 204, 209.