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JOAQUIN MURIETA:  
FACT, FICTION AND FOLKLORE

by

Thomas J. Gordon

A thesis submitted in partial fulfillment of the  
requirements for the degree of

MASTER OF ARTS  
in  
American Studies

Approved:

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Dean of Graduate Studies

Utah State University  
Logan, Utah  
1983

For Pat

and Ken

and Wendy . . .

Without whose constant love, courage and support,  
this project would still be  
far down a road not taken

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TJ Gordon

1983

## TABLE OF CONTENTS

	Page
ACKNOWLEDGEMENTS . . . . .	iii
TABLE OF CONTENTS . . . . .	v
LIST OF FIGURES . . . . .	vi
ABSTRACT . . . . .	vii
INTRODUCTION . . . . .	1
Chapter	
I. THE EARLY YEARS . . . . .	6
II. THE MYRIAD LIVES OF JOAQUIN MURIETA . . . . .	31
III. JOAQUIN AMONG THE FOLK . . . . .	61
IV. A MATTER OF RIGHTS . . . . .	97
V. VIVA JOAQUIN! . . . . .	122
VI. JOAQUIN MURIETA: ONCE AND FUTURE HERO . . . . .	144
EPILOGUE . . . . .	157
END NOTES . . . . .	162
BIBLIOGRAPHY . . . . .	181
APPENDICES . . . . .	191
Appendix A. "The Spanish Races in California" . . . . .	192
Appendix B. "Letter From The South" . . . . .	195
Appendix C. <u>Assessment of Property for the</u> <u>Fiscal Year Ending March, 1863</u> . . . . .	198
Appendix D. <u>New York Tribune, 14 June 1853</u> . . . . .	201
Appendix E. " <u>Corrido de Juaquin [sic] Murieta</u> " . . . . .	203
Appendix F. Response to "Joaquin Murieta" Survey . . . . .	206

## LIST OF FIGURES

Figure	Page
1. Sketch of the head Harry Love brought back to Sacramento from Cantua Canyon, claiming it to be Joaquin "Muriatta's" . . . . .	5
2. Purported daguerreotype of Joaquin Murieta, said to have been given by Joaquin himself to Calaveras County Sheriff B. F. Marshall in 1850. . . . .	30
3. "Rancho Murieta," outside Sacramento, California. . . . .	96
4. Photograph of the preserved head on display in Walter E. Johnson's private museum in Santa Rosa, California . . . . .	161
5. Xerox facsimile of <u>Assessment of Property for the Fiscal Year ending March, 1863, to all owners of Property in Calaveras County, California, page 45</u> . . . . .	199
6. Page 1 of the only "Joaquin Mureita" questionnaire returned to the surveyor in a survey of ten Chicano students at Anoly High School in Sebastopol CA. . . . .	207
7. Page 2 of the only "Joaquin Mureita" questionnaire returned to the surveyor in a survey of ten Chicano students at Anoly High School in Sebastopol CA. . . . .	208

ABSTRACT

Joaquin Murieta:  
Fact, Fiction and Folklore,

by

Thomas J. Gordon, Master of Arts  
Utah State University, 1983

Major Professor: Dr. John A. Scherting  
Department: English (American Studies)

This work explores the legendary 19th-century California bandit Joaquin Murieta as he is manifest in the history, literature and folklore of the West. The first section of the work examines in some detail the historical milieu which gave rise to widespread banditry during the California gold rush, at which time Murieta is said to have been active. The second section traces the development of the literary



hero Joaquin Murieta from his creation by John Rollin Ridge through a number of American, Mexican, Chilean, Spanish and French incarnations. Section three similarly traces Murieta as a folk hero through a cycle of legends perpetuated by California's Anglo-American folk community.

Section four of the work returns to history, examining in some detail the evolving relationship between California's Mexican-American and Anglo-American populations in the century following the gold rush. The fifth section explores Murieta's development and perpetuation as a folk hero in the Mexican-American folk community. The work's final section examines some dynamic mechanisms at work in the evolution of Murieta folk lore, and suggests some directions for further study.

(216 pages)

## INTRODUCTION

In August, 1853, Captain Harry Love and his California Rangers rode into Sacramento carrying a man's head in a five gallon tin of alcohol. It had belonged, Love claimed, to the infamous Mexican bandit Joaquin Murieta--he had some affidavits to prove it--and it was accompanied by a mangled hand, purportedly that of Manuel "Three Fingered Jack" Garcia, Murieta's notorious sidekick. The grisly souvenirs earned Love and his men the \$1,000 reward offered by California Governor John Bigler, an additional \$5,000 later voted by a relieved California legislature, and--according to tradition--a \$1,000 gift from San Francisco's grateful Chinese population.<sup>1</sup>

Almost from the moment the weary Rangers dismounted, however, Love's claim to have killed Murieta was disputed. Many claimed the head was not Joaquin's at all, despite the affidavits. Joaquin had escaped to Mexico! Joaquin was hidden out at San Andreas! Joaquin was safe with his sister

in Los Angeles, or with his mistress in San Jose, or with his wife near Mt. Shasta! The controversy rumbled on throughout 1853 and the following years, and remains unsettled to this day. What is certain is this: first, Love and his men did bring back a head and a hand from Cantua Canyon; Figure 1 reproduces a drawing of the head purportedly made shortly after Love placed it on display. Both head and hand were exhibited around the State of California for many years, finally vanishing in the San Francisco Earthquake of 1906. Second, although the Rangers certainly had a profound effect on the head's late owner, their effect on the Mexican banditry that plagued California, and which they had been commissioned to end, was minor and temporary. And finally, whether or not Love ended Joaquin Murieta's career as an outlaw, it is certain that he launched Murieta on a career as a literary and folk hero in a tradition that, as Hector Lee points out, has come to stand with the saga of the Donner Party as one of California's two great legends.<sup>2</sup> The emergence and evolution of that legendry will be the subject of this work; I will show that despite his dubious historical authenticity, Joaquin Murieta has come to symbolize not one but two markedly different folk traditions--one Anglo-American, one Mexican-American--about California, its history, and its inhabitants.

The work will consist of six sections. Since an under-

standing of the milieu from which the Murieta legends emerged is crucial to understanding the dynamics of the legends themselves, the first section will focus on California's early history. I will recap some significant events in Mexican/American relations through the mid-19th century and show how it came about that Harry Love removed someone's head. In the next section, I will discuss the literary explosion of Murieta stories in the years following Love's arrival in Sacramento with the head--an explosion of international scope--and in section three I will address the folkloric manifestations of the same material. In section four I will return to California history and discuss the evolving relationship between Mexican-Americans and Anglo-Americans in the century between the gold rush and the Chicano and Farm workers' movements of the 1960's. To the extent possible, I will present the views of Chicano historians and contemporary Chicano commentators, since what is important in this context is the "psychological reality" of historical events as seen by the community most directly affected by them. In the fifth section, I will show how the Murieta legendry, subtly but unmistakably altered, was shaped by and in turn helped to shape this era of cultural redefinition. In the concluding section, I will postulate some dynamic mechanisms at work in the interplay between the California folk communities and the Murieta legends, and suggest some

directions for further study.

I must make a comment on the spelling used in this work. The name "Murieta" appears in many variations: Murieta, Murrieta, Murietta, Murrietta, Murriata, Muriatta, Muriati, Muiretta and possibly Muliata and Moretto. Whenever I quote a source, I spell the name as the source does. Otherwise, I use the spelling "Murieta." Not only is this the first to appear in print, but it is the spelling under which Joaquin gained his greatest notoriety. That seems sufficient justification.



Figure 1. Sketch of the head Harry Love brought back to Sacramento from Cantua Canyon, claiming it to be Joaquin "Muriatta's." The sketch is said to have been drawn directly from the exhibit; the artist is unknown. Courtesy California State Library.

CHAPTER I  
THE EARLY YEARS

"There was no more law in those  
times than that of force"<sup>1</sup>

Joaquin Murieta, as the legends depict him, was a product of California's 19th century cultural clash between Californios, Anglos and Mexicans.\* The gold rush of 1849 is a convenient and obvious focal point for this clash, but its roots extend deep into California's past; an understanding of these roots is important to understanding how the Murieta legends emerged, and why.

Spain had begun colonizing California in the mid-18th

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\* In this paper, "Californio" will denote an individual of Hispanic descent living in California prior to the signing of the Treaty of Guadalupe Hidalgo and thus an American Citizen thereafter by a provision of the treaty; "Anglo" will denote an American from the United States, usually of English or Northern European descent. Individuals of other nationalities will be referred to by their country of origin.

century, using the tried-and-true tripartite approach of mission, presidio and pueblo.<sup>2</sup> Spain was in decline, however, and California--the remote province of Mexico, itself a distant, increasingly restive Spanish colony--was largely autonomous. The church, primarily because of its self-imposed burden of saving souls, was always the most aggressive of Spain's colonizing forces, and by 1825 California was firmly in the grip of the 21 Franciscan padres whose missions stretched along El Camino Real from San Diego in the south to Sonoma in the north. The presidios had been reduced to mere mission police forces, used when necessary against unruly Indian neophytes; the pueblos, far from controlling commerce, were little more than extended mission villages. California's wealth--land and livestock--was controlled by the missions, which in the peak years between 1825 and 1830 owned some 8 million acres and over 750,000 head of cattle. But though the church was at the height of its power, profound changes were afoot.

In the early 1820's, Mexico--having in 1821 won her independence from Spain--decided to take a more direct hand in governing California. It was a move at first resented and then resisted by the Californios. The Enlightenment ideals of egalitarianism and self-government, slow to reach Mexico and slower still to reach California, had nonetheless arrived. In the provincial capital of Monterey, for instance,



Mariano Vallejo had formed a junta with his nephew Juan Alvarado and their cousin Jose Castro for the study of history and politics. By 1825, they had accomplices in most California towns: Carlos and Jose Carrillo in Santa Barbara, Pio and Andres Pico in Los Angeles, and others. Alarmed by the Mexican government's policy of emptying the jails of Sinaloa and Sonora to make up parties of colonists (cholos, scoundrels, the Californios called them), and angered by the soldiers Mexico sent along to enforce unpopular edicts, the Californio proponents of underground radicalismo erupted in revolution in 1831, against the Mexican governor Manuel Victoria. Revolution--Californio against Mexican, Californio against Californio--was to characterize the political scene for the next 15 years, until John C. Fremont's Corps of Topographical Engineers redrew the political map for good.

Although the political upheaval created in the Californios a proud sense of identity and a disdain for the "degrading" Mexican influence, the effects of secularization of the church holdings were further reaching. Authorized in 1824 by the Mexican constitution, secularization began in California in 1831--the same year Vallejo, Castro and Alvarado were unofficially "excommunicated" for refusing to do penance for reading Telemachus, banned by the church. Although secularization per se proceeded slowly until Alvarado's revolution against Governor Gutierrez in 1836, the Cal-

ifornios increasingly resisted the padres' temporal authority. The new generation, professing a liberalismo growing out of the Enlightenment, grew away from formal religion, and Sunday mass became an affair "for women, children and neophyte Indians";<sup>3</sup> men participated in religious fiestas, but more from a sense of community than of religion.

In 1836, under Alvarado's governorship, secularization began in earnest. The Franciscan padres, though they refused to swear allegiance to the Mexican constitution and preached against the emerging republicanism, bowed to the inevitable; the changeover, though it brought about profound social and economic changes, was bloodless. Alvarado, supported by the rancheros who stood to gain from disbursement of the missions' great wealth, rapidly sold off church property and turned the proceeds over to government creditors. A transfer tax was to help finance the government, and a provision of the secularization act provided land and livestock for some 15,000 Indian neophytes and subsistence for the Franciscans.

It was a grand scheme, and it failed in a grand manner. Few of the Indians or other mission laborers were provided for in fact; they drifted to the pueblos, creating a large class of unemployed malcontents. Moreover, the rancho, although he now possessed the missions' extensive land and cattle herds, found that to support a familia extending to

his "children, his in-laws, other relatives, orphans, a bevy of Indian servants, [and] also sometimes the residents of the nearest village"<sup>4</sup> it was necessary to expend that wealth. As the self-sufficient mission system declined, the rancho found it necessary to look abroad for commodities no longer produced locally, and the vast herds began going for the hide and tallow trade with the United States. California became more and more dependent on American finished goods, and the United States' interest in California as a market increased proportionately. By 1839, nearly half of the mission-owned livestock had been slaughtered. Governor Alvarado compounded the problem of declining reserves by issuing drafts, payable in mission livestock, to cover government debts, and when Fremont arrived in California in 1845, scarcely 50,000 head of cattle were left.

Fremont was not the first Anglo to visit California. Jedediah Smith and his party of trappers (pescadores--fishermen--the Mexican authorities decided they were<sup>5</sup>) had stumbled into San Gabriel in 1826. Smith returned the next year, and in 1828 came James Ohio Pattie. In 1833, Joseph Walker arrived, searching for beaver and perhaps empire. Alvarado granted John Augustus Sutter 50,000 acres from the mission holdings in 1839, and in 1840 settlers began arriving in earnest--settlers who brought their prejudices and took up the land and stayed. Zenas Leonard, a clerk for

Joseph Walker's fur brigade, wrote of the Californios in 1833 that "These people, generally, are very ignorant and much more indolent--have little or no ingenuity--and only seem to enjoy themselves when engaged in the chase."<sup>6</sup> Two years later, Richard Henry Dana spent sixteen months on the California coast loading hides aboard trading ships. He recorded his impressions of the Californios in Two Years before the Mast, which first appeared in 1840. "The Californians," he says, "are an idle and thriftless people . . ."<sup>7</sup>

The men are thriftless, proud, extravagant, and very much given to gaming [Dana continues]; and the women have but little education, . . . and their morality, of course, is none of the best; . . . If the women have but little virtue, the jealousy of their husbands is extreme, and their revenge deadly and most certain. A few inches of cold steel have been the punishment of many an unwary man . . .<sup>8</sup>

Dana seems to be the first to mention what will soon become stereotypical: the Californio and his knife.

Leonard and Dana were not stayers, but they set the tone for those who followed and did stay. Alfred Robinson, in his Life of California, characterizes the Californio men as "generally indolent, and addicted to many vices."<sup>9</sup> James Clyman, a beaver trapper and mountain-man who settled in Napa Valley north of San Francisco Bay, regarded the Californios "a proud, indolent people doing nothing but ride[ing]

after herds from place to place without any apparent object."<sup>10</sup> Although appearing a few years later, at the height of the tension between Californio and Anglo, the Sacramento Daily Union editorial of 27 November 1852 is an excellent encapsulation of the mid-19th century Anglo attitude toward the Californio (this editorial appears in its entirety in Appendix A):

Content with his herds of horses and cattle, his miserable adobe hovel, a few silver trappings of horse furniture and a gaily adorned serape, the Alta Californian has existed for generations, without making one step towards the improvement of his own condition, or the development of his country's exhaustless resources, . . . The mind which finds no employment where nature teems with objects of invitation, and whose desire for information is neither broader nor more aspiring than that of the dumb brute, is useless . . . and unmissed when blotted from the arcanum of nature. . . . For two centuries and more [the Spaniard] has moped away his time in . . . shameful indolence, or arousing himself to depraved action . . . Those who will not use the earth, will not be permitted to encumber it."<sup>11</sup>

In addition to the American frontiersman's conviction that "all dark-skinned peoples were born inferior . . ."<sup>12</sup> and the Puritan-Yankee-work-ethic-oriented American's disdain for what Don Eugenio Plummer described as the Californio's "old manana habit,"<sup>13</sup> a third force was impelling Anglos and Californios toward the inevitable clash: the gener-

al American expansionism, often seen as divinely ordained, toward "the lodestone of the West, [that] tugged deep in the blood."<sup>14</sup> California glowed in the sunset, and America was reaching for it. Although officially on "leave of absence" from the U. S. Army, Captain Benjamin Bonneville, who dispatched Walker's fur brigade from the fur trappers' Green River rendezvous in 1833, was acting on War Department orders to acquire "every information . . . useful to the Government."<sup>15</sup> It seems clear from Leonard's account that Walker's journey to the Pacific was a search for more than beaver. "The other division, under the command of a Mr. Walker," Leonard says, "was ordered to steer through an unknown country, towards the Pacific, . . . I was anxious to go to the coast of the Pacific and for that purpose hired with Mr. Walker . . ."<sup>16</sup> Two years later, Anglos under

Isaac Graham fought alongside Alvarado against Governor Gutierrez, only to abandon the Californios in disgust when Alvarado settled for autonomy but stopped short of independence. In 1842, Navy Commodore Thomas Jones "took" Monterey, under the anticipatory impression that the United States was at war with Mexico. United States Consul Thomas Larkin had been urging Californio Rebellion against Mexico since 1843.

Anglo conviction that America's destiny was indeed manifest in Western Empire added heat to the simmering racial, political and economic discord, and when Fremont burst upon

the scene in 1846, the pot boiled over into the Bear Flag Revolt. With the dashing if somewhat misguided Fremont to lead them, the Americans in California were determined to create another Texas. The Californios, long "torn between anger at Mexico's California policies and the attractiveness of Anglo-American economics and governmental theory, and a growing dislike of the racist, anti-Catholic Anglo-American settlers coupled with a deep-rooted patriotism, on the other hand,"<sup>17</sup> were finally forced to arms. Manana had come.

Impressed by such niceties as Fremont's gratuitous killing of Jose de los Reyes Berreyesa and his two nephews on the shores of Suisun Bay and Archibald Gillespie's cavalier treatment of the inhabitants of Los Angeles, the Californios opted for Mexico and the Bear Flag Revolt merged with the larger issue of the Mexican War. Although Fremont's 1847 "Treaty of Cahuenga" ended hostilities in California, and established an occupational government--more or less--it was not until the Treaty of Guadalupe Hidalgo was signed on 2 February 1848 that matters in California were officially settled. Despite sporadic fighting after that date, the subsequent Anglo invasion of California would probably have been a rather extended, leisurely affair, except for one thing. On 24 January 1848, at the sawmill he built for John Sutter on the south fork of the American River, James Marshall found "some kind of . . . mettle . . . in the tail

race . . . that looks like goald."<sup>18</sup>

It was.

From all over California in 1848 miners converged on the Sierra foothills with remarkable calm. To be sure, brawls broke out occasionally, but they were more symptomatic of old tensions between rancharo and gringo than of conflict over gold. The Californio found 1848 a bonanza year; not only was he a United States Citizen by virtue of the recent treaty, but he was on the average a remarkably successful miner, taking in one instance as much as 52 pounds of gold from a single claim in eight days. Pooling their labor and talents, the roughly 1,300 Californio miners took as much gold from the hills that year as did the 4,000 fiercely independent Yankees. In 1848 there seemed gold enough for everybody; if the mines and placers were not totally amicable, they were at least not deadly. There was no robbery, no bloodshed. But that would change; once again, for the Californio, manana would come.

1849 saw the influx of over 100,000 "hostile strangers" --80,000 Anglos, 13,000 "Spaniards" from Mexico and South America, and the rest miscellaneous Europeans; by 1850, Mexican cholos alone outnumbered the 15,000 Californios.<sup>19</sup> The outcome was inevitable. Rumors of "foreigners" siphoning off vast sums of "American" gold, sparked perhaps by the obvious Californio and Mexican mining skill, enflamed Yankee



prejudices. The legal equality of the Californio was forgotten; all "Spaniards" became "foreigners," to be driven from Anglo claims. The experience of Antonio Franco Coronel was no doubt typical. Coronel, born in Mexico, came to California in 1834 and was thus, by the provisions of the treaty of Guadalupe Hidalgo, an American citizen. In 1848, he and some companions left Los Angeles for the mother lode, and at Placer Seco "achieved brilliant results."<sup>20</sup> In 1849, their luck was to change. In January, waiting in Sonora for wet weather to clear, Coronel's companion Juan Padilla was set upon by an Anglo who charged him with being a party to Bernardo Garcia's mutilation of the Bear Flaggers Cowie and Fowler. When Padilla denied it, the Anglo beat him nearly to death. (Note the connection to Garcia: it will surface again.) Coronel, after it was clear that Padilla would survive, returned to his claim at Placer Seco, only to be confronted with notices that "foreigners" must abandon their claims forthwith. Although the threatened enforcement of this edict never materialized, Coronel soon got a taste of Anglo sentiments. Two of Coronel's acquaintances, "a Frenchman named Don Augusto and a Spaniard named Luis . . . who appeared to me to be honorable and of fairly good upbringing,"<sup>21</sup> were accused of stealing four pounds of gold from someone's cache. Although Coronel and his companions joined in making up the lost amount, plus a one-pound bonus,

the "foreigners" were summarily lynched. "The act horrified me," Coronel says, "and it had the same effect upon many others. . . . I raised camp and headed toward the northern placers";<sup>22</sup> thus "Hangtown"--today's Placerville--was named.

Again Coronel and his companeros settled in and made a claim productive; this time he was directly approached by the Anglos. "All of these men raised their pistols, their Bowie knives; some had rifles . . ."<sup>23</sup> Coronel was given to understand that the Anglos claimed his placer as their own; he had no choice but to leave hastily. "I was able to reflect," he says, "that the gold was not worth . . . my life. . . . [But] for me, the placers were finished."<sup>24</sup> Coronel spoke for most Californios; overrun by unsympathetic invaders, denied the citizenship rights that were theirs by law, the Californios largely retired from the mines. Coronel returned to Los Angeles, where he served as Mayor and was for many years on the Los Angeles City Council.

But there were many Spanish-speaking miners left in the motherlode, primarily Mexican and Chilean, and as Anglo pressure intensified, their resistance stiffened. Violence erupted with increasing frequency and severity and with less reason. As 1849 drew to a close, the number of "hangings, brandings, whippings, ear-croppings and banishments of Latins by White miners"<sup>25</sup> burgeoned. In 1850, the California

Legislature passed the the Foreign Mining Tax; by assessing a "foreigner" \$20 per month for the privilege of mining, the act virtually licensed the expulsion of Latins from the gold fields. A mass protest by Mexican miners in the town of Sonora touched off a riot; one Mexican was stabbed to death, and the rest were put to rout by some 400 armed Anglo miners who converged on the scene the following day.

Louise A. K. S. Clappe ("Dame Shirley") gives a graphic example of the evolution of argument into near warfare.<sup>26</sup> In Rich Bar, a Mexican stabbed and killed an Irish miner in a fight. This incident sparked a rumor "to the effect, that the Spaniards had on this day conspired to kill all the Americans on the river." While Domingo, the murderer, was being chased (to no avail),

the consternation was terrific. The Spaniards, who, with the exception of six or eight, knew no more of the affair than I did [Clappe learned the reason for the ruckus after the fact], thought that the Americans had risen against them; and our own countrymen, equally ignorant, fancied the same of the foreigners.

Clappe describes some twenty Mexicans barricading themselves inside a saloon, preparing to defend themselves as long as possible, while Rich Barians (i.e., Anglos) "armed with rifles, pistols, dirks, etc., were rushing down the hill by hundreds." Ultimately, after a great deal of thunderous,

vituperative rhetoric and the accidental shooting of two men, the mob dispersed. The next day, a vigilance committee was formed to "try" the Mexicans--presumably for the crime of defending themselves (the murderer had fled, remember)--and two were sentenced to be flogged. One, pleading unsuccessfully for death instead of the humiliation of being whipped, "swore a most solemn oath, that he would murder every American that he should chance to meet alone." It is not recorded whether or not this oath was fulfilled, but the oath will appear again.

Mexican resistance to Anglo aggression was not exclusively defensive. Beginning in 1850, Mexican bandidos began taking the offensive.

Mexico in the early 1820's, after the revolution and independence from Spain, resembled in many ways the situation in Missouri and Oklahoma in the latter third of the 19th century.<sup>27</sup> As misgovernment and the absence of government left in the midwest a vacuum in which emerged such outlaw figures as Jesse James and the Dalton brothers, so the analogous vacuum in Mexico permitted the rise of local leaders--caudillos--who commanded the allegiance of the surrounding countryside, often by virtue of their own private armies. Many of these caudillos were eventually exiled to California along with other cholos and, in a situation where local government was insensitive to the plight of the Mexi-

can population, the caudillo syndrome re-emerged in the person of the Mexican bandido.

Bandits infested the coastal areas in 1851, destroying cattle herds and stealing horses in Napa, Sonoma, Contra Costa and Monterey Counties; by 1852, bandido violence was statewide. At the San Gabriel Mission near Los Angeles, on the night of 6 November 1852, an unknown assailant shot General Joshua Bean, brother of "Judge" Roy Bean and a popular and respected figure.<sup>28</sup> Bean staggered to a house shared by several Mexican families, at least one of whom--Juan Rico-- he apparently knew. There Bean collapsed; he died 24 hours later without naming his killer.

The public demanded satisfaction. Vigilantes in Los Angeles arrested several Mexicans: Juan Rico, to whose house Bean had staggered, a San Gabriel cobbler named Cipriano Sandoval, a 15-year-old hoodlum named Reyes Feliz, one Jose Alviso, and a man known only as "Euleterio"; also arrested was the Indian Felipe Reid or Read. All these individuals were thought to be somehow connected with the noted bandit Salomon Pico. On the strength of "testimony" by one Ana Benites, Sandoval was "convicted" of the murder and hanged; he protested his innocence to the end, and was proved innocent in later years when Bean's true killer confessed on his deathbed.<sup>29</sup> Although uninvolved in Bean's murder, young Reyes Feliz was hanged, ostensibly for the

murder of a Mexican the previous year, to which he "confessed." A third Mexican, Benite Lopez, was hanged as well, also for crimes unconnected with Bean's death.

Of interest in this context are the "testimony" of Ana Benites and Feliz' "confession," for each contains the name Joaquin Murieta. Benites claimed to have been with him when Bean was shot, thus proving him innocent of that crime; Feliz claimed to have robbed some horses in his company. Both the testimony and the confession appear in Appendix B as they were reported in contemporary newspapers. There is no reason not to accept them as circumstantial evidence that there was a small-time horse thief named Joaquin Murieta--a rather unsuccessful one, most likely, since Feliz reports that the horses they stole were in turn stolen from them by Digger Indians. In any event, Benites' and Feliz' statements constitute the closest thing to historical documentation--and the only such documentation to date--that an individual named Joaquin Murieta ever existed. But Benites disappeared from the historical record and Feliz was hanged, and the name Joaquin Murieta vanished until Harry Love needed a license to go headhunting.

Meanwhile, Northern California was having troubles of its own. The Sacramento Daily Union for 29 November 1852 reported that a ranch near Colusa, owned by the partnership of Morrison and Stoddard, had more than 50 head of cattle

stolen in the course of a week by an "organized band of robbers and murderers" who have "taken up their abode in that direction [i.e., West] among the [Coast Range] mountains [and] who make frequent incursions into settled neighborhoods for the purpose of theft and murder."<sup>30</sup> Lured by the riches of the gold country, bandido activity was moving east, merging with the violence growing from mining taxes and claim usurpation. Here the object of banditry was not only livestock but gold as well, and the bandit's victim was rarely Mexican. Americans were waylaid and killed and Chinese slaughtered in their camps; here \$350 in gold was stolen, there \$1,000. It is worth noting that although contemporary sources attributed the bandits' concentrating on Anglos and Chinese to a particularly aggressive ethnicity, it might as logically be attributed to simple bandit economy: since the Mexicans had largely been excluded from the mines, the belligerent Anglos and industrious Chinese had all the gold.

By January 1853, the motherlode country was edging into panic--but at least the papers had found a name to attach to the banditry. The San Joaquin Republican for 29 January 1853 reports that "a band of Mexican marauders have infested Calaveras County, and weekly we receive the details of dreadful murders and outrages . . . the band is led by a robber, named Joaquin, a very desperate man . . ."<sup>31</sup> The

San Francisco Daily Alta California for 15 December 1852 had reprinted from the Los Angeles Star the statements of Reyes Feliz and Ana Benites. Perhaps the miners--or the reporter for the Republican--simply appropriated the name "Joaquin," since it was connected with a famous crime and all the other names connected with that crime belonged either to dead men, to men proved innocent, or to women. In telling and retelling stories of bandit activity, Anglos could easily have dropped--and rapidly forgotten--the unfamiliar surname "Murieta," since once "Joaquin" was connected to the banditry, the surname was scarcely necessary to identify which Joaquin they were talking about: they were talking about Joaquin, the Bandit! Equally likely, however, is that "Joaquin" was named by default: not only was Joaquin a common Mexican baptismal name,<sup>32</sup> but ideas about identity were less rigorous in the mid-19th century than they are now. The 1852 California State Census, for instance, carries group entries such as "22 Mexicans"<sup>33</sup> and "46 Mexicans";<sup>34</sup> in one case there are eight consecutive pages listing only "John Chinaman."<sup>35</sup> A popular guidebook of the 1870's devotes a chapter to the Chinese population--a chapter entitled, of course, "John."<sup>36</sup> As "John" was to "Chinese," so, probably, was "Joaquin" to "Mexican": a perjorative designator of race.

In any event, "Joaquin's" carnage was just beginning: on February 13, the Republican reports that "three Chinamen



were murdered this afternoon near Jackson, and robbed of considerable money; supposed to have been done by Joaquin and his party."<sup>37</sup> The Sacramento Daily Union reports that two days later, on 15 February, "one of the party of robbers who have so long eluded the vigilance of their pursuers, was taken to-day, a few miles below here [Jackson], tried before the citizens of the place, found guilty, and hung . . ."<sup>38</sup> It seems the hanging was ineffectual. On the sixteenth, "This desperado [Joaquin] . . . robbed a party of Chinamen of \$1,000 . . ."<sup>39</sup> The Daily Union for the 18th reports "the capture of the robber Joaquin, after a severe encounter . . . he was mortally wounded in the encounter."<sup>40</sup> Interestingly, the same paper reports that "Joaquin and several of his gang" are at that very moment running rampant in Tuolumne County.<sup>41</sup> At San Andreas on the 20th, "A Mexican was hung [who] confessed that he belonged to Joaquin's party . . ."<sup>42</sup> On 21 February, "two or three" Chinese were robbed of "several thousand dollars."<sup>43</sup> An interesting item appears in the Republican for 23 February: "The bandit, Joaquin, was formerly the principal vacquero [sic] for Dr. Marsh, who . . . says that he must be aided by white men in his nefarious proceedings; that he is 'a poor, miserable, cowardly Mexican.'"<sup>44</sup> Dr. Marsh was apparently a firm believer in the Somnolent Mexican theory.

Others were not: the Somnolent Mexican theory was for

the time being eclipsed by the Murderous Mexican theory. The miners in the motherlode sent Governor Bigler a petition demanding action. Unable to convince the legislature to offer a reward for "Joaquin"--at no time thus far had a last name been mentioned--Bigler proclaimed on his own authority a "reward of one thousand dollars for the apprehension and safe delivery of . . . Joaquin Carillo into the custody of the sheriff of Calaveras county, to be dealt with according to law."<sup>45</sup> Joaquin Carillo, note. The newspapers lost no time in picking it up. The 2 March edition of the Republican is worth quoting at length:

Neither in the pages of romance nor in the authentic annals of history have we found a robber whose career has been marked with atrocities half so dreadful as that of Joaquin Carrillo [sic], who now ranges the mountains within sixty miles of this city [Stockton]. It has been the fashion of the historian and the novelist to trace in the characters of their bandit heroes some redeeming traits, but in the conscience of this blood-thirsty villain there appear to be no qualms, no mercy or reproach. He rides through the settlements slaughtering the weak and unprotected, as if a mania for murder possessed his soul. So daring and reckless is he, that he marches in the day time through thickly peopled settlements and actually correls [sic] the Chinese by the score, and yet so fertile is he in expedients, and so accurate in his knowledge of that wild region, that he baffles his pursuers and defeats the plans of the many thousands who are lying in wait for him. So complete is the organization of the band under his control that . . . relays of

the fleetest horses in the country await him at almost every step. . .<sup>46</sup>

The Murderous Mexican epitomized; a character to remember.

By the end of April, panic was at fever-heat. From Quartzburg came another petition demanding that the government take action; instead of a reward, this petition implored the legislature to authorize Harry S. Love to put an end to the depredations of "a band of robbers under the command of the daring Bandit Joaquin or some other equally desperate outlaw. . . ."<sup>47</sup> Note that Joaquin still has no surname; his identification is vague at best. Nonetheless, this time the legislature responded. On 17 May 1853, they passed an act authorizing Love to raise a band of twenty Rangers for three months, "for the purpose of capturing the party or gang of robbers commanded by the five [!] Joaquins, whose names are Joaquin Muriati, Joaquin Ocomorenia, Joaquin Valenzuela, Joaquin Botellier, and Joaquin Carillo."<sup>48</sup> Finally, in the person of Harry Love, California hitched up its britches and got under way--after a desperado whose identity was tenuous at best.

After galloping up and down California for two fruitless months, Love and his Rangers came upon a group of Mexicans at Cantua Creek in the Coast Range. A gunbattle ensued in which the Rangers killed at least four Mexicans and took two prisoners, Ochovo and Lopez. The rangers removed the

head from one body and the head and hand from another, wrapped them in willows and put them in gunny sacks. Crossing Tulare Slough, en route to Fort Miller, the horse carrying the prisoner Lopez floundered and drowned. Lopez, his feet roped together beneath the horse's belly, drowned as well. By the time the expedition reached the fort, one of the heads--shot through twice--had deteriorated so badly in the 115° weather that they buried it. Obtaining from Dr. Edgar, the post physician, enough alcohol to preserve the remaining head and the hand, Love and his men galloped on to Sacramento to claim Bigler's reward.

In a way, perhaps, an ironic justice was served. Empowered to apprehend a virtually anonymous "Joaquin," Love returned with an anonymous head; he was paid the reward offered for the "apprehension and safe delivery of Joaquin Carillo," despite the fact that Love eventually identified the head as that of Joaquin "Muriatta,"<sup>49</sup> and that if "safe" entails being alive, the head scarcely qualified.

But even Love's identification of the head as "Muriatta's" was disputed from the beginning. His affidavits were dismissed with contempt;<sup>50</sup> a Mexican woman (whose name goes unrecorded) claiming to be Joaquin's sister insisted that the head was not his;<sup>51</sup> the San Francisco Alta California for 23 August identified the head as that of one Joaquin Valenzuela (not the Valenzuela, the one mentioned in Love's

authorization, but an innocent mustanger of the same name).<sup>52</sup> Los Angeles newspapers proclaimed that Joaquin was "positively known to be in the south on the very night of his alleged death."<sup>53</sup> In the years after the head was bottled, William Byrnes, the ranger who supposedly knew Joaquin on sight and identified him at Cantua Creek, reportedly admitted freely that they had not killed Joaquin at all, and he had no idea to whom the head had belonged.<sup>54</sup> Most recently the head has been identified as having belonged to one Chappo, an Indian hostler.<sup>55</sup>

The identity of the head Love obtained is just one aspect of the mystery surrounding Joaquin. Except for testimony in the Bean murder case, no documentation exists substantiating the existence of Joaquin Murieta. As demonstrated, the name "Murieta" didn't appear in connection with motherlode banditry until the legislature authorized Harry Love to capture Joaquin "Muriati." The name does not appear in the 1850 census of the state of California. California's legislature, unhappy with the United States census of 1850 commissioned its own census in 1852; "Murieta" appears not to be on this census either, although a great many Mexican names are: Valdez, Martinez, Ramirez, Mendoza, Garcia, etc.<sup>56</sup> Interestingly, the tax rolls for Calaveras County for 1863 contain the name as part of the partnership "Murieta-Yndart & Co.," butchers; Appendix C reproduces the page

containing this entry.<sup>57</sup> No information exists as to who this "Murieta" was; the name, after that one appearance, vanishes from the historical records.

Other tantalizing hints exist: Benjamin Franklin Marshall was Sheriff of Calaveras County in 1851 and 1852. His grandson, Frank B. Marshall, claims that not only did the elder Marshall know Joaquin Murieta, but that Murieta gave the sheriff a photograph of himself in gratitude for Marshall's intercession on his behalf in a brawl. Figure 2 reproduces this photograph; is that the Joaquin? Does the solemn face in the photograph resemble the artist's rendering in Figure 1? If, as Marshall claims, Joaquin was at the time a peaceful farmer, why isn't his name in the 1852 census? Marshall's certainly is.<sup>58</sup>

In terms of "real" history, one is left with a violent spasm of Mexican banditry growing out of ugly Anglo provocation, the name of an unlucky horse thief mentioned in connection with a notorious murder, and the anonymous head Love brought to Sacramento just before the reward deadline ran out. All the necessary elements of a pulp drama are there; only a storyteller was lacking.



Figure 2. Purported daguerreotype of Joaquin Murieta, said to have been given by Joaquin himself to Calaveras County Sheriff B. F. Marshall in 1850. Photo courtesy Old Timers Museum, Angels Camp, California.

CHAPTER II  
THE MYRIAD LIVES OF JOAQUIN MURIETA

"It was good, gory adventure . . .  
the formula is sure fire."<sup>1</sup>

In 1854, less than a year after Harry Love appeared in Sacramento carrying somebody's head, a San Francisco publisher brought out John Rollin Ridge's The Life and Adventures of Joaquin Murieta, the Celebrated California Bandit. Ridge, a Cherokee Indian, wrote the book under the nom-de-plume "Yellow Bird," a translation of his Cherokee name. According to the publisher's preface, Ridge's . . .

own experiences would seem to have well fitted him to portray in living colors the fearful scenes which are described in this book, connected as he was . . . with the tragical events . . . in his own country, . . . the fall of distinguished chiefs, family feuds, individual retaliation and revenge . . .<sup>2</sup>



This clearly suggests the possibility that Ridge approached the Murieta story from a position of less than reportorial disinterest. In fact, Ridge's ego involvement in the story and his identification with the character of his protagonist were important formative influences in his writing the book. Understanding the depth of Ridge's involvement in the Murieta story and the degree to which that involvement affected the direction the story took requires an explication of Ridge's own history.

In the mid 1830's, the Cherokee Nation stood divided over the issue of President Andrew Jackson's "Removal Policy." In an attempt to appease the states of Georgia and Alabama, whose settlers coveted Cherokee lands, as well as northern religious and humanitarian groups who vociferously championed Indian rights, Jackson had decided that the Indians must be relocated outside the boundaries of the United States. Not only would this release prime land for settlement, but it would also--at least in theory--put the Indians beyond the reach of covetous state legislatures. As might be expected, the Cherokee Nation was largely opposed to Removal. John Ross, the half-Scot leader of the National Party which represented some 16,000 of the 17,000 Cherokees, insisted that the Nation held its lands by right of treaty with the United States, and that the United States government was bound by law to protect the Cherokees from the

land-hungry Georgians. Standing opposed to Ross was The Ridge (called "Major" in recognition of his having fought alongside Jackson in the Creek Wars), his son John Ridge and his two nephews Elias Boudinot and Stand Watie, leaders of the Treaty Party. Certain that removal was inevitable, Major Ridge and his family urged the Cherokees to acquiesce to Jackson's demands and move to Indian Territory west of the Mississippi with as little strife and bloodshed as possible. Although they spoke for scarcely six percent of the Cherokee Nation, some 100 members of the Treaty Party, probably at Major Ridge's direction, signed the Removal Treaty on 29 December 1835.

Despite the fact that the great majority of the Cherokees contemned both Ridge's party and the "pretended treaty," the United States characteristically considered the treaty signatories as having acted in behalf of, and the treaty itself binding upon, the whole Cherokee Nation. When the two year relocation grace period expired in 1838 and only some 2,000 Cherokees had moved west, President Van Buren directed General Winfield Scott to enforce the treaty provisions and remove the Indians. Forced to abandon their lands and homes, to leave behind property, crops and livestock, the Cherokees embarked on the journey west without adequate food, clothing, bedding or shelter. Subjected to "acts of rape, bestiality and murder committed by the 'law-

less rabble'"<sup>3</sup> that hurried them along with bayonets, the Cherokees died by the hundreds. Of the 15,000 who began the Trail of Tears, scarcely 10,000 reached the trans-Mississippi West. Among those who did survive were The Ridge, his son John and his nephews Boudinot and Stand Watie--leaders of the Treaty Party.

The Cherokees' tragic suffering on the Trail of Tears deepened the already bitter feud between the Ross and Ridge parties. Angry accusations of culpability and heated denials and counter-accusations led to increasing violence, and on the evening of 22 June 1839, some thirty young men of the Ross contingent exacted retribution and assassinated The Ridge, his son John, and his nephew Elias Boudinot.

Watching from an upstairs window as the assassins dragged John Ridge from his cabin and brutally stabbed him to death in the yard was Ridge's twelve-year-old son Chee-squa-tah-lo-ne, "Yellow Bird," John Rollin Ridge.<sup>4</sup>

Young Ridge's mother, the former Sarah Northrup, had married his father when the latter was a student at Cornwall Indian School in Connecticut; he was the prize student taken ill, she the principal's daughter become nurse. She returned to New England after his murder, and John Rollin Ridge spent the next five years in Massachusetts schools. In 1845, aged 17, he returned to Oklahoma Territory and the still bitterly divided Cherokee Nation, perhaps to avenge

his father's death.<sup>5</sup> While still in New England, he had written his cousin Stand Watie to ask for a Bowie knife; "there is," he admitted in his letter, "a deep-seated principle of Revenge in me which will never be satisfied, until it reaches its object."<sup>6</sup> Whether or not revenge was his motive for returning to Indian Territory, he evidently killed a man of the opposing party in 1849, and found it prudent to flee Cherokee law.

Ridge arrived in California in 1849 or 1850. In 1853, unsuccessful as a miner, he found employment as Deputy Clerk, Auditor and Recorder for Yuba County. The pay was low, and he supplemented his meagre income by selling letters recounting his overland journey to the New Orleans True Delta. Ridge soon became a regular contributor to several San Francisco periodicals: The Golden Era, The Hesperian, and most notably The Pioneer, begun by Harvard graduate Ferdinand Ewer in January 1854. Ultimately, Ridge's articles and poems appeared in many of California's newspapers, among them the Marysville National Democrat, the Sacramento Bee (which he also edited), the California Express, the California American and others; when he died of "softening of the brain" in 1867, he was editor and publisher of the Grass Valley National.

Ridge was thus in California and possibly in or near Sacramento in August, 1853, when Harry Love rode in carrying

"Joaquin's" head. The head ignited Ridge's story sense. Drawing on his obvious familiarity with the wide-spread Mexican banditry, Ridge embellished both the newspaper accounts of that banditry and the elusive figure of the bandit "Joaquin" and wrote The Life and Adventures of Joaquin Murieta, the Celebrated California Bandit, creating, in the words of Joseph Henry Jackson, "both the man, Murieta, and the Murieta legend . . ." <sup>7</sup>

Ridge went beyond simply linking together instances of California banditry and attributing them to Joaquin Murieta, however; he fabricated Murieta's past and invented his rationale for violence. In Ridge's romance, Murieta was a Sonoran of kind disposition and proud heritage. He came to California with his sweetheart Rosita, intending to share in the golden bounty. Scarcely had they arrived, however, than they were subjected to Anglo brutality. Vicious American miners jumped their claim, beat Joaquin nearly to death and ravished Rosita. Fearful of the Anglos' further wrath, Rosita convinced Joaquin to let the iniquity pass unavenged, and the two Sonorans moved north. In the foothills of Calaveras County, they acquired a secluded and fertile farm, but once again they were evicted by unprincipled Anglos. This time they moved south to Murphy's Diggings, where Joaquin, unsuccessful as a miner, fell back on prior experience as a 3-card monte dealer. A short time later, as he was return-

ing home from a visit with his half-brother, Joaquin was accosted by Anglos who claimed he was riding a stolen horse. Ignoring his protests that the horse belonged to his half-brother, the Anglos dragged him from its back, tied him to a tree and flogged him. Then, for good measure, they retraced his trail and summarily hanged the half-brother.

Thus thrice outraged by the Americans, Joaquin turned to banditry and murder for revenge--but he retained his essential nobility, delegating the sanguinary knifings that became his trademark largely to a sadistic sidekick, Three Fingered Jack Garcia. Although an outlaw, Joaquin remained respectful to beautiful women and did not stoop to robbing the poor; when death was inevitable, he was noteworthy for the fortitude with which he accepted it. Ridge chose a traditional story form that was as old as literature; it has a satisfying completeness and sense of closure which "real" life seldom has.

Newspapers were a source of primary importance for Ridge. The Los Angeles Star accounts of Joshua Bean's murder undoubtedly gave Ridge both Joaquin Murieta and his companero Reyes Feliz; Ridge expands Feliz' account of his and Murieta's losing their stolen horses to the Indians into a major episode in the book, in which they lose not only their horses, but their clothes and nearly their lives as well. Significantly, Ridge departs from the newspaper article

where so doing enhances the story; thus he invents Rosita Feliz, Reyes' sister and Joaquin's mistress, creating a familial bond between the three. Ridge never mentions Ana Benites, Joaquin's companion named in the paper. He has Three Fingered Jack kill Bean with a knife, when Bean was in fact shot. Both knives and Three Fingered Jack have special significance in Ridge's work, as will become clear.

In developing his protagonist's career, Ridge went well beyond the Los Angeles Star's accounts of Bean's death and drew upon sanguinary reports of gold-country banditry appearing in newspapers throughout the state. He had sources outside the Joaquin scare and the contemporary news stories, however, which are worth notice. According to an announcement in the San Francisco Daily Alta California, the first issue of The Pacific Police Gazette was published in May, 1854; its lead article was entitled "Joaquin the Mountain Robber, or the Bandits of the Sierra Nevada." Unfortunately, the proprietor of this magazine was killed before the second issue was published--one hopes not by "Joaquin"--and no copy of the first issue exists. The Alta article is the sum of known information. Early in July, 1854, The California Police Gazette appeared. Volume 1 No. 2--the only issue known to exist, and that in only one copy--contains chapters III and IV of "Joaquin, the Mountain Robber: or The Guerilla of California," a "Murieta story . . . not . . . of much

consequence."<sup>8</sup> Since Ridge's Life and Adventures appeared "less than a year after Love's triumph [i.e., no later than July, 1854],"<sup>9</sup> and since the author of neither Gazette fragment is known, it is possible that Ridge used the first as a source--or even wrote them both.

But the Police Gazette connection is not the only possible literary link to Ridge's book. Louise Clappe's description of the whipping of a Mexican and his subsequent oath to "murder every American that he should chance to meet alone" has been mentioned. In Ridge's work, Joaquin is unjustly whipped as well, following which "he declared to a friend that he would live henceforth for revenge and that his path should be marked with blood."<sup>10</sup> In Ridge's "Third Edition" of 1871, the curse is more terrible yet: "He swore an oath of the most awful solemnity, that his soul should never know peace until his hands were dyed deep in the blood of his enemies!"<sup>11</sup> In 1854, while he was writing Life and Adventures, Ridge was also contributing to and frequently visiting Ferdinand Ewer's The Pioneer; it should come as no surprise that throughout 1854 and 1855, Ewer also published "Dame Shirley's" letters in The Pioneer, and that Ridge had ample opportunity to see the galleys.

Finally, there is an interesting and thoroughly enigmatic article that appeared in the 14 June 1853 edition of the New York Tribune--more than a month before Harry Love



appeared with the head--that contains many of the essential elements of what later became the Joaquin Murieta story. The pertinent section of the article is reproduced in full in Appendix D; it is sufficient here to note that although it ignores the State's authorizing Harry Love to go head-hunting, the article mentions the "'One Thousand Dollars reward,' offered for [Joaquin's] arrest by Act of the Legislature."<sup>12</sup> Recall that the legislature specifically refused to offer a reward, but that Governor Bigler did offer one on his own responsibility. Ridge's and all subsequent stories insist, however, that the reward was offered by the legislature. Another indication that this article might somehow have been a source for Ridge is in the ubiquitous oath. Joaquin, the article says, "has sworn eternal warfare against everything and person American. How faithfully he has kept his oath, his deeds of daring and crime have fearfully proven. . . ."<sup>13</sup> How similar this is to Ridge's reporting Joaquin's oath, and saying that "fearfully did he keep his promise, as the following pages will show."<sup>14</sup> Did "Geo. M. B.," the Tribune's San Francisco correspondent, have access to Ewer's copies of Dame Shirley's letters? Although Ewer did not publish the letter until 1854, it was dated 4 August 1852. Did Ridge perhaps have yet another nom-de-plume under which he wrote for the Tribune? Was "Geo. M. B." perhaps the author of one or both fragmentary

Police Gazette Joaquin stories? The answers will probably never be known; like Joaquin himself, the Tribune article will remain an enigma.

More important than any literary source for Ridge's book, however, was the emotional source within Ridge himself; several elements of Joaquin's character suggest that Ridge identified deeply with his fictionalized protagonist. Joaquin's oath echoes Ridge's comment to his cousin, mentioned earlier, that he had within him a "deep seated principle of Revenge." Nor had the years diminished Ridge's vengeful ardor. In another letter to Stand Watie, in 1853, Ridge complained of his lack of financial success, and stated that his goal was to acquire enough money to return to the Cherokee and avenge the death of his father.<sup>15</sup> Some years later, in 1861, his tongue loosened by a few drinks at Hay's Palace in San Francisco, Ridge repeated to a fellow editor the story of his father's murder, claiming to have learned the names and faces of all thirty-six men involved in the assassination. By 1861, all but four were dead. Ridge did not claim responsibility for their deaths, but "had not given up hopes for the remaining four."<sup>16</sup> Compare this with Ridge's account of Joaquin's behavior after he was whipped. In the 1854 edition of Life and Adventures, Ridge quotes an anonymous eyewitness: "'I am enclined to think he wiped out the most of those prominently engaged in whipping

him."<sup>17</sup> In the 1871 "Third Edition" of Life and Adventures, the same eyewitness--now named Burns--is quoted identically, but only after Ridge tells us that Joaquin "cast a look of unutterable scorn and scowling hate upon his torturers, and measured them from head to foot, as though he would imprint their likenesses upon his memory forever."<sup>18</sup>

Another suggestion of Ridge's deep ego involvement with his protagonist appears in the matter of knives. Ridge's father had been killed with knives, and Ridge, as mentioned above, once wrote to his cousin seeking a Bowie knife. When Ridge was in California "the knife . . . was by common gossip his favorite weapon of defense."<sup>19</sup> It is scarcely surprising that according to Ridge, Joaquin's weapon of choice was also a knife: "An American [who had earlier abused Joaquin] was found dead in the vicinity of Murphy's Diggings, having been cut to pieces with a knife," he writes in Life and Adventures.<sup>20</sup> "The young bandit [Joaquin] drew a knife and informed Clark that he had brought him there to kill him, at the same time stabbing him to the heart."<sup>21</sup> "[Joaquin], with a muttered oath, slashed him [one Ruddle, his victim] across the neck with his bowie knife . . ."<sup>22</sup>

In fairness it must be admitted that Ridge's associating Joaquin with a knife may have been drawn from a stereotype evidently as prevalent in the 19th century as in the 20th. Dana's depiction of this stereotype has been noted;

that the stereotype was alive and well in 1853 can be seen in an article appearing in the 8 August edition of the San Francisco Daily Herald. Reporting the Yuba County murder of a butcher named Miercer, the article concludes that since Miercer was stabbed and a knife was found nearby, "it is supposed that the murderer was a Spaniard."<sup>23</sup> This article, incidentally, with a dateline two weeks after Harry Love decapitated "Joaquin," suggests that Love's efforts to end banditry in California were largely ineffective.

Beyond the obvious parallels between Ridge's life and the life he created for Joaquin--under the melodrama and pomposity--Ridge's own voice now and again breaks through that of his narrator. Into the midst of the tale, for instance, Ridge introduces his 1852 poem, "Mount Shasta, Seen From A Distance." It is not a particularly good poem, and would be a complete distraction, save for the last nine lines. After an exhaustive, hyperbolic description of the mountain, Ridge concludes,

And well this Golden State shall thrive,  
     if, like  
 Its own Mount Shasta, sovereign law  
     shall lift  
 Itself in purer atmosphere--so high  
 That human feeling, human passion, at  
     its base  
 Shall lie subdued; e'en pity's tears  
     shall on  
 Its summit freeze; to warm it, e'en  
     the sunlight  
 Of deep sympathy shall fail--  
 Its pure administration shall be like

The snow, immaculate upon that mountain's  
brow!<sup>24</sup>

This is neither Joaquin nor the tale's narrator: this is John Rollin Ridge, urging the kind of justice he felt was denied his father and his people.

In other places, Ridge reveals his own bitterness and indignation through Joaquin: "I am a deep-dyed scoundrel [recall that Ridge had, in fact, murdered a man], but so help me God! I was driven to it by oppression and wrong. I hate my enemies . . ." <sup>25</sup> "I was once as noble a man as ever breathed, and if I am not so now, it is because men would not allow me to be as I wished." <sup>26</sup> In the persona of the narrator, Ridge makes the point unmistakable at the end of the book:

[Joaquin] also leaves behind the important lesson that there is nothing so dangerous in its consequences as injustice to individuals--whether it arise from prejudice of color or from any other source; that a wrong done to one man is a wrong done to society and to the world.<sup>27</sup>

It seems clear that for Ridge, still harboring a deep resentment towards those who persecuted his family, writing The Life and Adventures of Joaquin Murieta was in a sense a reification of his own fantasies. By adopting Joaquin as an alter-ego and causing him to murder, one by one, those who had injured him, Ridge was vicariously exacting similar ret-

tribution from those who had murdered his father.

In a broader sense, the book was Ridge's apologia for his people. He writes, he says, to do "justice to a people who have so far degenerated as to have been called by many, 'A Nation of Cowards.'"<sup>28</sup> In explicitly supporting the cause of one minority, the dispossessed Mexicans, Ridge implicitly supports the cause of another: the dispossessed Cherokee. "Yellow Bird" was more than a mere nom-de-plume for Ridge; it was his innermost identity.

But whatever catharsis Life and Adventures was for Ridge, it was not a commercial success. The story lay essentially dormant until 1859, when The California Police Gazette printed "The Life of Joaquin Murieta, the Brigand Chief of California." Published anonymously, this serial appeared in ten consecutive issues from 3 September through 5 November 1859. After the last segment was printed, the Gazette published the story in pamphlet form, still anonymously, entitled The Life of Joaquin Murieta, the Brigand Chief of California; Being a Complete History of his Life, from the Age of Sixteen to the Time of his Capture and Death at the Hands of Captain Harry Love, in the Year 1853.

The work was a frank piracy of Ridge's book of five years earlier. Similar action, similar vignettes--even identical dialogue--leave no doubt. Comparison of key paragraphs from the two works will amply illustrate this.

Ridge's Life and Adventures begins:

I SIT down to write somewhat concerning the life and character of Joaquin Murieta, a man as remarkable in the annals of crime as any of the renowned robbers of the Old or New World, who have preceded him; and I do this, not for the purpose of ministering to any depraved taste for the dark and horrible in human action, but rather to contribute my mite to those materials out of which the early history of California shall one day be composed. The character of this truly wonderful man was nothing more than a natural production of the social and moral condition of the country in which he lived, acting upon certain peculiar circumstances favorable to such a result, and, consequently, his individual history is a part of the most valuable history of the State.<sup>29</sup>

Compare the opening paragraph of the Gazette version:

IN Portraying the life and character of Joaquin Murieta, a man as remarkable in the calendar of crime, as any of the celebrated marauders of the old or new world, it is not for the purpose of ministering to a taste for the horrible, but rather to contribute to those materials out of which the criminal history of this State shall at some future day be composed. The character of this man was nothing more than a natural production of the moral and social condition of the country in which he lived, acting upon certain peculiar circumstances favorable to such a result, and consequently his individual history is a part of the most valuable history of California.<sup>30</sup>

Compare also the two portrayals of Joaquin's youth.

Ridge says:

Joaquin Murieta was a Mexican, born in the province of Sonora of respectable parents and educated in the schools of Mexico. While growing up, he was remarkable for a very mild and peaceful disposition, and gave no sign of that indomitable and daring spirit which afterwards characterized him. Those who knew him in his school-boy days speak affectionately of his generous and noble nature at that period of his life and can scarcely credit the fact that the renowned and bloody bandit of California was one and the same being.<sup>31</sup>

The Gazette version reports:

Joaquin was born of respectable parents in Sonora, Mexico, where he received a good education, and while growing up, was remarkable for a very mild and peaceable disposition, giving no sign of that daring and indomitable spirit which subsequently characterized him. Those who knew him in his school-boy days, speak affectionately of his noble and generous nature, at that period of his life, and can scarcely credit the fact, that the renowned and bloody bandit of California was one and the same being.<sup>32</sup>

The point need not be belabored. The Gazette's rewrite man did introduce one important variation from Ridge's text: in the Ridge version, Joaquin's mistress, Rosita Feliz, survives being raped by white miners, remains loyal to Joaquin until his death, and then goes to Mexico; the Gazette, however, has Joaquin's wife Carmela Feliz raped and murdered; Joaquin then attaches himself to a mistress, Clarina Val-



lero, who stays with him until he sends her back to Mexico just prior to his battle with Love. This variation, aside from being a fairly certain indicator that Ridge did not himself author the Gazette story, makes it possible to trace the Joaquin tale through a jungle of piracies and repiracies.<sup>33</sup>

Most of the subsequent editions are of the "Carmela-Clarina" version, and the first of these appear in Mexico and Spain. A Spanish edition was translated into French, and in 1906 one Roberto Hyenne published in Santiago, Chile, El Bandido Chileno. Joaquin Murieta en California. Not only did Hyenne move Joaquin's place of birth to Chile, but he renamed Joaquin's wife "Carmen" as well. Hyenne's version was a popular one, going through additional publications in Barcelona and Mexico. A "professor" Acigar, evidently working from Hyenne's Spanish edition brought out his own version, entitled El Caballero Chileno. Bandido en California. Unica y Verdadera Historia de Joaquin Murrieta. Published in Barcelona, this is the first instance of the variant spelling "Murrieta" that I am aware of; unfortunately, it is not dated.

Not all activity was in the old world. In 1908, one Ireneo Paz published in Mexico Vida y Aventuras del Mas Celebre Bandido Sonorense Joaquin Murrieta. Sus Grandes Proezas en California. Considering the variant spelling of Joa-

quin's name, she may have used Acigar's Spanish edition as a source. In any event, Paz moved Joaquin's place of birth back to Sonora, and her book went through several reprintings; the fifth edition, reduced to 128 pages from the original 281, was published in 1919. In 1925, in a manner perhaps analogous to King Arthur's literary return to England from Europe, Joaquin came back to America. In Chicago, Frances P. Belle published Life and Adventures of the Celebrated Bandit Joaquin Murrieta. His Exploits in the State of California, as a translation from Ireneo Paz' work. The Carmela-Clarina branch of this complex bibliographic tree was alive and well into the 1950's; an edition entitled Vida Y Hazanas de Joaquin Murieta, el Famoso Bandido Mexicano appeared in Mexico City in 1953.

The Ridge version--that is, the Rosita version--while not as widely published was probably more important in the development of the legends surrounding Joaquin, and in their being taken as history. As early as 1858, Charles E. B. Howe wrote and published a five-act play entitled "Joaquin Murieta de Castillo, the Celebrated Bandit," although no record exists of its having been performed. Howe adhered to the Rosita version quite closely with the exception of renaming Rosita "Belloro," which he translates [?] as "Golden Bell." A diarist named Albert Kimsey Owen, traveling in Mexico in 1872, mentions the performance of a play entitled

"Joaquin Murrieta," written by a playwright named Gabutti. Owen evidently didn't see the play, but was told about it by friends; he relates the main dramatic points, which suggest it was a direct descendant of Howe's work.<sup>34</sup> By 1865, the Rosita version had invaded the "library" market. In that year, the DeWitt 15¢ Library published Joaquin (The Claude Duval of California); or, The Marauder of the Mines. A Romance Founded on Truth. By the 80's, Joaquin had made Beadle's Dime Library: Joseph E. Badger, Jr., wrote Joaquin, the Saddle King. A Romance of Murieta's First Fight, which appeared in October of 1881; he followed it up two months later with Joaquin, the Terrible. The True History of the Three Bitter Blows that Changed an Honest Man to a Merciless Demon.

There was even poetry. In 1869, Cincinnatus Miller published at his own expense in Portland, Oregon, a modest volume entitled Joaquin, et. al., which included the long poem "Joaquin." Of interest is that Miller--who subsequently took the nom-de-plume "Joaquin"--did not allow Murieta to be killed in California, but had him return to Mexico--which was only fitting, since Joaquin was now a lineal descendant of Montezuma. Marcus Stewart continued this tradition in his 1882 "Rosita: a California Tale." Interestingly, Rosita was neither Murieta's mistress nor his wife in this effort, but the wife of a subordinate.

Ridge's 1854 publication of Life and Adventures had been too close to the Joaquin Scare to be readily accepted, and Ridge was none too happy about deriving none of the benefit from the later proliferation of Joaquin literature. In the late 1860's, he worked on the "Third Edition," ultimately published by Frederick MacCrellish in 1871 after Ridge's death. Ridge's irritation shows clearly in his preface to this edition:

The continued and steady demand for the "Life and Adventures of Joaquin Murieta" induces the author to issue a third edition, revised and enlarged, . . . This would seem to be the more necessary, as a matter of justice . . . inasmuch as a spurious edition has been foisted upon unsuspecting publishers and by them circulated, to the infringement of the author's copyright and the damage of his literary credit--the spurious work, with its crude interpolations, fictitious additions and imperfectly disguised distortions of the author's phraseology, being by many persons confounded with the original performance.<sup>35</sup>

The "spurious edition" is generally assumed to be the Gazette version; Ridge may have considered that to be a second edition and thus his own revision a third, or he may have published an earlier second edition himself of which no record is left. Interestingly, the "Third Edition" contains two title pages: the first reads Life and Adventures of Joaquin Murieta, the Brigand Chief of California--exactly the title of the Gazette edition. The second title page

reads The Life and Adventures of Joaquin Murieta, the Celebrated California Bandit, identical to the title of Ridge's own 1854 edition. Ridge was apparently staking his claim to sole rightful authorship of the Murieta story.

The most significant changes from the 1854 edition are those that underscore the injustice of Joaquin's persecution. In the 1854 edition, for instance, Joaquin's eviction from his claim is described thus:

A band of . . . lawless men, having the brute power to do as they pleased, visited Joaquin's house and peremptorily bade him leave his claim, as they would allow no Mexicans to work in that region. Upon his remonstrating against such outrageous conduct, they struck him violently over the face, and, being physically superior, compelled him to swallow his wrath. Not content with this, they tied him hand and foot and ravished his mistress before his eyes. They left him, but the soul of the young man was from that moment darkened.<sup>36</sup>

When preparing the 1871 edition, Ridge felt compelled to embellish the scene with some high melodrama:

One pleasant evening, as Joaquin was sitting in his doorway, after a hard day's work, gazing forth upon the sparkling waters of the Stanislaus River, and listening to the musical voice of Rosita, who was singing a dreamy ditty of her native land, a band of lawless men . . . approached the house and accosted its owner in a very insulting and supercilious manner, asking him by what means he, a d---d Mexican, presumed to be working a mining claim on American

ground. Joaquin, who spoke very good English, having often met with Americans in Sonora, replied that, under the treaty of Guadalupe Hidalgo, he had a right to become a citizen of the United States, and that as such he considered himself.

"Well, sir," said one of the party, "we allow no Mexicans to work in this region, and you have got to leave this claim."

As might have been expected, the young Mexican indignantly remonstrated against such an outrage. He had learned to believe that to be an American was to be the soul of honor and magnanimity, and he could hardly realize that such a piece of meanness and injustice could be perpetrated by any portion of a race whom he had been led so highly to respect. His remonstrances only produced additional insult and insolence, and finally a huge fellow stepped forward and struck him violently in the face. Joaquin, with an ejaculation of rage, sprang toward his bowie-knife, which lay on the bed near by where he had carelessly thrown it on his arrival from work, when his affrighted mistress, fearing that his rashness, in the presence of such an overpowering force might be fatal to him, frantically seized and held him. At this moment his assailant again advanced, and, rudely throwing the young woman aside, dealt him a succession of blows which soon felled him, bruised and bleeding, to the floor. Rosita, at this cruel outrage, suddenly seemed transformed into a being of a different nature, and herself seizing the knife, she made a vengeful thrust at the American. There was fury in her eye and vengeance in her spring, but what could a tender female accomplish against such ruffians? She was seized by her tender wrists, easily disarmed, and thrown fainting and helpless upon the bed. Meantime Joaquin had been bound hand and foot, by others of the party, and, lying in that condition he saw the

cherished companion of his bosom deliberately violated by these very superior specimens of the much vaunted Anglo-Saxon race!<sup>37</sup>

In the 1854 edition, the Anglos whipped Joaquin and afterwards hanged his half-brother. For the 1871 edition, Ridge reversed the sequence, and Joaquin's whipping became, in true romantic fashion, the final outrage to a noble soul.

Other significant textual changes emphasize Joaquin's nobility and purity of nature. In the 1871 edition, Joaquin rescues the beautiful daughter of Old Peter the Hunter as she is about to be ravished by two of the outlaw band.

"When you hear people abusing me, hereafter," Joaquin tells her when sending her on her way, "perhaps you'll think I'm not quite so big a scoundrel as they say I am, after all."<sup>38</sup> The episode is entirely absent from the 1854 edition.

Ridge evidently felt compelled, perhaps because of the variety of Murieta material in print by the late 1860's, to underscore the "historicity" of his tale. To this end he added some informants' names and references to contemporary newspapers. Historicity may also have been his motive in removing the poem "Mt. Shasta . . ." that appeared in the 1854 edition. The remaining changes in the Third Edition constitute the addition of details, dialogue, and even private reveries that Ridge hoped would increase both the dra-

matic effect of the work and its verisimilitude. Unfortunately he was not to live long enough to see the book published, nor to see his tale of Joaquin actually become formalized as History.

Hubert Howe Bancroft, the premier 19th century California historian, probably did more to enshrine Joaquin Murieta as a Historical Figure than any other writer. In an extended footnote in his History of California, Bancroft summarizes the Ridge version of Joaquin's story, evidently accepting Ridge's fanciful dialogue as legitimate: "He [Joaquin, not Ridge, of whom no mention is made] told a romantic story of wrong and oppression heaped upon him by the Americans . . ." <sup>39</sup> Elsewhere, Bancroft expands upon Joaquin's character, neatly paraphrasing Ridge. "He was a Mexican of good blood . . . born in the department of Sonora, and received an ordinary education in the schools of his native country. In his youth he is said to have been mild, affectionate and genial in disposition . . ." <sup>40</sup> Compare Ridge's description of Joaquin quoted earlier. The rest of Bancroft's "biography" follows Ridge closely; the same stories are told in the same sequence with little variation. The only novelty Bancroft introduces is Antonia la Molinera's betrayal of the bandit to Love, an element apparently firmly entrenched in the folklore by the time Bancroft wrote. <sup>41</sup> Otherwise Bancroft's narrative of Joaquin seems to come di-



rectly from Ridge; he has, in fact, intensified the impression of the Americans' injustice to Joaquin by emphasizing the latter's heroic nobility. Nowhere is this clearer than in the dialogue Bancroft invents:

"You don't know, I suppose, that greasers are not allowed to take gold from American ground," began the leader [of the belligerent Anglos] insolently.

"If you mean that I have no right to my claim, in obtaining which I have conformed to all the laws of the district, I certainly did not know it," answered Joaquin with quiet dignity.

"Well, you may know it now. And you have got to go; so vamouse, git, and that instanter, and take that trumpery with you," jerking his thumb toward Rosita. "The women if anything are worse than the men."

Joaquin stepped forward with clinched hand, while the hot blood mantled his face: "I will leave these parts if such be your wish, but speak one word against that woman, and though you were ten times an American, you shall rue it."<sup>42</sup>

Historian Henry Nash Smith has succinctly identified the function of dialect--or the lack of it--in written dialogue. "No 'straight' character," he writes, "could be allowed to speak dialect, and every character who used dialect was instantly recognizable as having low social rank."<sup>43</sup> Bancroft has used a 19th century fiction writer's technique to more firmly imbed Joaquin in the American mind as the outraged hero, and to present him as History.

Bancroft, of course, was not the only historian to use

less-than-historical sources to validate Murieta. In 1973, the University of California at Los Angeles published Furia Y Muerte: Los Bandidos Chicanos, a collection of works about Mexican-American bandits, which includes a thesis the editors describe as "the most scholarly attempt to deal with the adventures of Joaquin." The author of this thesis, out of sixty end notes, refers in no less than twenty-seven of them to Ridge's Life and Adventures or a direct descendant thereof.<sup>44</sup>

Even what historical records actually exist are subject to misinterpretation. William Secrest, writing a hundred years after Ridge reworked Life and Adventures wrote a "history" of Murieta called Joaquin: Bloody Bandit of the Mother Lode, which no less a scholar than Raymund F. Wood calls "the most telling evidence that Murrieta not only actually lived, but also that he did most of the things attributed to him . . ."<sup>45</sup> Secrest attempts to document the bandit's career through newspaper reports, but the influence of the Ridge tradition on his interpretation of the newspaper reports is clear. Secrest's book, for instance, contains the following paragraph:

By the middle of January, the citizens of San Andreas, Jackson and Mokelumne Hill were beginning to wonder just what was going on. The San Joaquin Republican of Stockton was quick to take up the alarm. "For some time back," it was reported, "a band of robbers have

been committing depredations in the southern section of our country, the Chinamen being the principle sufferers. During the week a party of three Mexicans entered a Chinese tent at Yankee [sic] Camp near San Andreas and ransacked everything, despite the opposition of the inmates, carrying off two bags of gold dust, one of [sic] \$110 and the other of [sic] \$50." The same issue of the paper noted that Joaquin's lair "should be inevitably [sic] visited by the authorities and this band of villains broken up ere they effectively [sic] organize for their summer depredations."<sup>46</sup>

Compare this paragraph with the newspaper articles themselves:

ROBBERY.--For some time back, a band of robbers have been committing depredations in the southern section of our county, the chinamen being the principal sufferers. During the week a party of three Mexicans entered a Chinese tent at Yackee camp, near San Andres [sic], and ransacked everything, despite the opposition of the inmates, carrying off two bags of gold dust, one containing \$110 and the other \$50.

\* \* \*

ROBBERS' DEN.--We are informed by a gentleman who lives near El Dorado that, at a place some six miles from his ranche, there is a rendezvous where concentrate some of the most notorious Mexican desperados of the country. He says that constable Ellas, of San Andres [sic], was waylaid there by some dozen of these ruffians, but managed to escape before they could do him any injury. The place is known as Yackee's Ranche, and should

be immediately visited by the authorities, and this band of villains broken up ere they effectually organize for their summer depredations.<sup>47</sup>

The newspaper does not mention Joaquin Murieta, or even the mysterious "Joaquin," and yet Secrest accepts and advances the articles--which he misquotes into the bargain--as proof of Murieta's existence, even adding Joaquin's name to his own account. It is significant that the only other connection between these two articles and Joaquin Murieta is the connection Ridge made in his Life and Adventures, when he used the articles as the basis for one of Joaquin's forays. Commenting on Secrest's book, Wood remarks that the "similarity between the newspaper accounts and the events narrated by Ridge in 1854 . . . is very striking."<sup>48</sup> Indeed it is, for reasons already elucidated. More striking yet is the length to which presumably competent historians have gone in shaping "evidence" to justify as history the literary tradition created by John Rollin Ridge.

In 1932, Walter Noble Burns published Robin Hood of El Dorado, in which he united the Rosita and Carmela variants of Ridge's story. "In the state of Sonora in the northwest corner of Mexico," Burns writes, "Joaquin Murrieta and Rosita Carmel Feliz [!] were born."<sup>49</sup> Discovered in an embrace, Joaquin and Rosita run away, get married, and go to California. Here, in the Ridge tradition, Rosita is raped;

in the Gazette tradition, she also dies. Joaquin utters another memorable curse--"by the blood of Christ, I will make them pay for this! I will kill them if I have to follow them to the hinges of hell! I will have their hearts' blood as sure as there is a God in heaven!"<sup>50</sup> Burns has the bereft Joaquin take on not a single mistress, as in the Gazette version, but a string of them: Clarita Vallero, Maria Ana Benites and Antonia Molinera, all of whom had evidently become associated with Joaquin in the folk tales between 1850 and 1932.

Burns' book sparked a new round of enthusiastic interest in Joaquin, peaking perhaps with Metro-Goldwyn-Mayer's filming of The Robin Hood of El Dorado, with Warner Baxter in the title role. When MGM announced plans for the film, they were "virtually flooded . . . with legends of Joaquin Murrieta, a picturesque bandit and patriot . . ." <sup>51</sup> By 1936, Joaquin had clearly moved well beyond the literary traditions established by Ridge and the Gazette's anonymous rewriter and into the stories and legends of California's folk communities. Indeed, it is as a folk hero rather than as a literary or popular hero that Joaquin has had his most enduring effect, and it is to the folk hero that this investigation now turns.

CHAPTER III  
JOAQUIN AMONG THE FOLK

[Joaquin's deeds] would show him to aftertimes  
not as a mere outlaw, . . . but as a hero.<sup>1</sup>

Folklore reflects the values held by those who perpetuate it. Alan Dundes suggests that in addition, folk ideas--as distinct from folk values--are an integral part of folklore; they are the non-valuative world-view elements that underlie and support folklore in general. Dundes cites as an example the "idea that any object can be measured in monetary terms" as a typical and traditional folk idea in American culture.<sup>2</sup> This implies that a folk hero endures in the lore not only because he reflects and exemplifies the values commonly held by the folk who regard him as a hero, but also because he embodies elements of the very framework of the folk culture--elements about which value judgements can be made, but which in themselves are non-valuative. Joaquin

Murieta, emerging as a hero in California folklore, clearly demonstrates the validity of these ideas. In the Anglo folk community, Joaquin has come to represent both a romantic past and a promising future, to support the propriety of an American way of life and to reinforce the American idea of the supremacy of the individual. An examination of Joaquin's emergence as a folk hero will reveal both how and why he has become important to the folk.

Folklorists recognize several types of folk heroes. Straight heroes, for instance, gain fame by performing heroic deeds, as did hardrock driller John Henry when he bested a steam-driven drilling machine, using only sledges and a star bit. Trickster heroes achieve notoriety by undercutting out-group standards of propriety, thereby reinforcing in-group values. Mormon Church Authority J. Golden Kimball has endeared himself to Mormons as a trickster hero by puncturing the inflated dignity of other church authorities in ways the laity would love to--but dare not.

Joaquin Murieta, however, is neither straight hero nor trickster hero; rather, like Jesse James and Billy the Kid, he is an outlaw hero. The outlaw hero, folklorist Richard Meyer says, "espouses a type of higher law by defying the established 'system' of his times."<sup>3</sup> Outlaw heroes are "social bandits," according to Eric Hobsbawm, who have "no other ideas than those of the peasantry (or the section of

the peasantry) of which they form a part . . . They right wrongs, they correct and avenge cases of injustice . . ."4

Both statements apply to the legendary Joaquin Murieta, but both define the fully developed outlaw hero and say little about the way in which a small-time horse-thief, assuming he even existed, comes to be an outlaw hero among the folk in the first place. Folklorist Michael Jones, however, has suggested a process whereby an ordinary individual may be converted to a hero.<sup>5</sup>

Jones asserts that the ordinary individual, either by means of his charismatic personality or his ostentatious acts, must first attract the attention of a credulous biographer, who then legitimatizes both the individual and his acts. Recognizing this legitimatized individual, the folk complete his conversion to hero status by recasting him to fit the social definition of a hero; this recasting takes the form of imputing to him those characteristics deemed heroic and expurgating from him those considered non-heroic or anti-heroic. This recasting process, often described as "communal re-creation," is the means by which the folk re-configure the hero so that, as Dundes suggests, he comes to reflect the values and ideas lying at the center of the folk community that perpetuates him as a hero. Because it incorporates both literary and folkloric processes, Jones' approach is particularly valuable in understanding the devel-



opment of the Murieta legendry, in which the literature and the folklore are not clearly distinct from one another: Joaquin the popular hero merges with Joaquin the folk hero in a great many ways.

John Rollin Ridge is the epitome of the credulous biographer. Attracted to and inspired by the depredations of "Joaquin" for reasons already discussed, Ridge created a popular hero many of whose characteristics and exploits transferred virtually unchanged into the folk tradition-- testimony to Ridge's grasp of what it took to tell a good story, and perhaps to his ability to incorporate existing folk material into a cohesive narrative. Although the folk have recast Joaquin to some degree, imputing some traits and expurgating others through the process of communal re-creation, the character that Ridge developed in The Life and Adventures of Joaquin Murieta very nearly fit the "social bandit" definition of an outlaw hero.

Folklorist Kent Steckmesser has identified six characteristics of the outlaw hero as he appears in folklore: he champions the socially oppressed, he befriends the poor, he is just and generous, he is not wantonly aggressive but kills only in self-defense or kills only those who "have it coming," he frequently outwits his enemies through subterfuge, disguise or sheer daring, and he meets his end through betrayal by a close, trusted associate.<sup>6</sup> Richard Meyer re-

iterates these and adds four others: the outlaw hero's criminal career begins as a response to extreme provocation, he is helped and admired by his people, the authorities are unable to capture him through conventional means, and despite his ultimate demise, he manages to "live on" in a variety of ways.<sup>7</sup>

Ridge's Murieta clearly meets Meyer's criterion that the outlaw hero's career results from extreme provocation. Joaquin is a law abiding miner until his mistress is raped, his half-brother hanged and he himself flogged; his original criminal acts avenge these crimes. By generalizing this avenging rationale, Joaquin also satisfies Steckmesser's criterion that the outlaw hero champion the cause of the oppressed, since his further outlawry avenges what the Mexicans in general have suffered at the hands of the Anglos. Joaquin's plans are no less than cataclysmic:

I intend [Joaquin says in Life and Adventures] to arm and equip fifteen hundred or two thousand men and make a clean sweep of the southern counties. I intend to kill the Americans by "wholesale," burn their ranchos, and run off their property at one single swoop. . . My brothers, we will then be revenged for our wrongs, and some little, too, for the wrongs of our poor, bleeding country.<sup>8</sup>

Championing the poor is not one of Joaquin's notable characteristics as Ridge portrays him. Clearly Murieta robs

only from those who make the rewards worth the risk, but there is in Life and Adventures no specific instance of his distributing the wealth to the needy; rather, he stockpiles it in Sonora, Mexico, to finance his revolution. This, of course, does not imply that Joaquin is without sympathy for the poor. Ridge, in order to "show that Murieta in his worst days had yet a remnant of the noble spirit which had been his original nature, and to correct those who have said that he was lost to every generous sentiment," relates an incident in which Joaquin and his band accost a ferryman, demanding both his purse and a free ride across the Tuolumne River. The ferryman presents his purse, which contains a mere one hundred dollars. "'I won't take it,' said the young chief with a flush of pride; 'you are a poor man and you never injured me. Put us over the river and I will pay you for your trouble.'"<sup>9</sup>

This incident also illustrates Steckmesser's diagnostic that the outlaw hero be generous and just, as does an episode in which Joaquin bestows a large sack of gold upon a messenger who warned him of an impending attack.<sup>10</sup> Perhaps the clearest picture Ridge draws of Joaquin's inherent sense of justice appears when he is outraged by a subordinate named Reis who abducts a comely Anglo-maid from her mother and fiance. "How is this?" Joaquin thunders at Reis.

"Did I ever instruct you to engage in a

business of this kind? Explain yourself, or by G--d, it will not be well for you. . . . If it was any other man but you, I would kill him on the spot. I would shoot him like a dog! But d--n you," [Joaquin] exclaimed with sudden vehemence, while his eyes blazed as none but his could, "have you done her any injury? Have you taken any advantage of that girl, sir?"<sup>11</sup>

Joaquin's sense of justice can clearly be less than comfortable; indeed, many of his acts of justice are in keeping with his avowedly vengeful nature. , Accosting one Joe Lake, who broke a promise not to reveal his whereabouts, Murieta shouts, "I am Joaquin! you have lied to me"--and forthwith shoots him.<sup>12</sup> On another occasion, a Mexican who led a robbery victim named Prescott to the tent where Murieta lay asleep is later "found hanging to a tree near the highway, his dead body bearing the marks of a recent terrible scourging."<sup>13</sup> Joaquin, of course, escaped.

Ridge says that with Joaquin "it was a rule . . . to injure no man who ever extended [him] a favor. . . ."<sup>14</sup> Building on this character trait, the folk have imputed to Joaquin a sense of justice and beneficent retribution that is among his most outstanding characteristics. George Holliday of Antioch, for instance, tells of the time Joaquin, fleeing from a posse, stopped at a ranch house in San Pablo in hopes of getting some breakfast. He found only the rancher's wife at home, and asked where her husband was.

She told him he was out with a posse to see if they could apprehend Murietta, as they sorely needed any money they could obtain through the reward, as their home was mortgaged and she had received notice that the man who held the mortgage was coming that very day to foreclose, would drive out from Martinez bringing a lawyer along and if the interest was not forthcoming, then foreclosure proceedings would take place. Joaquin listened very attentively and then said, "well, I don't think he has much chance of getting Murietta, but anyway you have been very kind to me and I like you and your children and thank you very much. And now, how much do I owe you?" "Oh, nothing," said the woman. "A weary traveler is always welcome in our house." So he said, "How much did you say your mortgage was?" "Two thousand dollars," she said, "and I guess \$200 interest and today he comes to foreclose as I have no money to pay him interest." . . . Joaquin brought in two bags of gold coin and counted out the amount due, [and] she asked who he was. "Oh," he said, "I am Joaquin Murietta, the man your husband is hunting."<sup>15</sup>

Earning Joaquin's gratitude and consideration by sharing food with him is an important theme in the Murieta legendry: Joaquin refrains from robbing a wagon when he recognizes the driver as a woman who once gave him breakfast;<sup>16</sup> he pays for a modest meal with a heavy sack of gold.<sup>17</sup> In an "encounter recollection," one of the more common forms of Joaquin folklore, Major Edwin Sherman recalls his encounter with Joaquin. Sherman and his party had just halted to cook breakfast, when . . .

about a half dozen Mexicans rode up. I recognized the leader as Joaquin Murieta, a dreaded bandit. I walked up to him, and, speaking in Spanish, invited him and his party to take breakfast as our guests. They alighted and most courteously partook of our hospitality, thanked us, mounted their horses and rode away. . . . When we had traveled about four miles, we came upon the bodies of three men, who had been shot and their throats cut. Continuing on about three miles further, there were two more bodies in like condition, who undoubtedly had been murdered by Joaquin Murieta and his band. Our fearlessness and hospitality no doubt saved our lives. . . .<sup>18</sup>

Joaquin's beneficent sense of justice extended beyond food, of course. A. J. LeGrand, for instance, recalls that a man named Hunt once prevented LeGrand's father from killing Joaquin over a gambling dispute. Several months later in the town of Vallecita, . . .

they [sic] was a bank there and they [sic] was a bunch proceeded to rob it, and when they got there they cornered the keeper, and Joaquin recognized him as Hunt, the fellow that knocked the gun out of my old dad's hands, and he stopped the boys, and he says, "Stop. He saved my life once."<sup>19</sup>

The outlaw hero, says Steckmesser, must enjoy the admiration and support of his people, and this has been an element of the Joaquin stories from the beginning. Speaking of Joaquin and his band, Ridge says,

So numerous [were] the friends and ac-

quaintances of the bandits . . . that these lawless men carried on their operations with almost absolute impunity. . . . There were many large ranchers who were secretly connected with the banditti, and stood ready to furnish them with the best animals that fed on their extensive pastures.<sup>20</sup>

The belief that Joaquin had a virtually unlimited supply of horses at his disposal is an old one, appearing in print well before Ridge published his book. The Sacramento Daily Union noted on 19 February 1853 that "The singular success of Joaquin in his daring and numberless robberies, and still more in his numerous hair-breadth escapes, is something unparralleled [sic] in history."<sup>21</sup> Four days later the same paper observes that "a want of fresh horses prevents his capture when he is pursued."<sup>22</sup> On 24 February, the Union announced that "The secret of Joaquin's successful escapes seems to be in his always being well mounted. As soon as his party ride down one set of horses, they immediately procure others."<sup>23</sup> The horses, of course, were provided by the "many large ranchers" Ridge later wrote of. As Murieta moved into the folk realm, however, his predatory range enlarged, and the direct involvement of "friendly" ranchers in Joaquin's doings diminished. As a result, Joaquin "borrowed" horses wherever he might find them--it would be anti-heroic to impute outright thievery to him. George Holliday, quoted earlier, says that on several occasions,

his own father found . . .

A strange and tired horse in his horse lot and one of his best saddle horses missing . . . it used to cause him some degree of worry. But in the course of a short time the strange horse would disappear and his own horse would be left in its place, until he came to the conclusion it was Joaquin who did it.<sup>24</sup>

Henry tum Suden, an Oakland storekeeper who, according to his granddaughter, was acquainted with Joaquin, . . .

owned several fine riding horses in his stables. The horses would suddenly disappear for several days, and then just as suddenly appear during the night, once more back in their stalls, hot, over-ridden, and badly in need of grooming. But [tum Suden] or one of the workers would always find a sack of gold dust under one of the saddle blankets.<sup>25</sup>

Joaquin's supply of horses enabled him to keep one step ahead of the posses, satisfying Meyer's criterion that the authorities cannot apprehend the outlaw hero by conventional means. In the folklore, however, providing horses was only one of many ways in which the Mexican community assisted Joaquin. Not only did they inform him of the movements of various posses, but they also frequently contrived his means of escape. One story, for instance, tells of Joaquin's popularity in the Mexican town of Hornitos. There was a bar or cantina in town run by friendly Mexicans, and . . .



When Murietta had robbed a bank and was running, the posse would chase him up to this brick building and he'd disappear, and they never could find him. Finally, they found that there was a hidden doorway and a tunnel that ran from the back of the building down to the creek and that was the way he escaped.<sup>26</sup>

In another folk tale, Joaquin's flight from a sheriff's posse took him through Pleasanton, where he stopped at the home of one Donna Piliaria, a local Mexican midwife. Hard on his heels came the sheriff, who demanded entrance. Donna Piliaria admitted him and followed him from room to room as he searched in cupboards, behind walls and under beds for Joaquin; finally, discouraged, the sheriff left--and Joaquin crawled out from beneath Donna Piliaria's hoop skirts, where she had hidden him.<sup>27</sup>

There are numerous other incidents in literature and folklore in which Joaquin outwits his enemies through trickery or sheer audacity. In Life and Adventures, he is able to approach Joe Lake close enough to murder him only by wearing a disguise including "a profusion of red hair";<sup>28</sup> in Stockton, disguised as a "Mexican Grandee . . . on a journey of pleasure," Joaquin rides up to a poster offering a five thousand dollar reward for his capture, dead or alive, and writes on it, "I will give \$10,000. Joaquin."<sup>29</sup> When Luis Vulvia, a subordinate, has been apprehended for a murder, Joaquin disguises himself as one Samuel Harrington, a mer-

chant from San Jose. Using his excellent command of English, he swiftly wins Vulvia's release.<sup>30</sup>

Not all Joaquin's audacity required disguise. In Mokelumne Hill, he overheard an Anglo boast that he . . .

"would just like once in his life to come across Joaquin, and that he would kill him as quick as he would a snake." The daring bandit, upon hearing this speech, jumped on the monte table in view of the whole house, and, drawing his sixshooter, shouted out, "I am Joaquin! if there is any shooting to do, I am in."<sup>31</sup>

In the awestruck silence that followed, Murieta made a leisurely escape. Another time, racing past a company of armed miners on a swift horse, Joaquin disdains returning their gunfire (all of which misses him, of course), but brandishes his Bowie knife and shouts "I am Joaquin! kill me if you can!"<sup>32</sup>

Many of these stories from Ridge exist essentially unchanged in modern folklore. Richard Buoy quotes a publication of the Stockton Chamber of Commerce which relates the Mokelumne Hill story:

Joaquin Murita [sic] frequently visited the saloons of Mokelumne Hill and in disguise played cards with the miners, discussing with them the best method of his own capture. During one episode, a young man . . . threw upon the table a well filled pouch, exclaiming, "I'll bet \$500 I could kill the scoundrel Murieta the first time I met him!" Bounding

lightly upon the table and thrusting a pistol into the man's face, the unrecognized Mureita snatched up the buckskin pouch shouting, "I'll take that bet! Murieta is before you now!"<sup>33</sup>

Mrs. Willoa Puthoff of Willows, California, says that her great-grandparents were actually present in Stockton, where they . . .

saw that the people were very excited and they were standing in front of the bulletin board, and milling around and talking, and they [her great-grandparents] wondered what was the matter. Finally, they came close enough to the sign to read it and found it was a Reward Notice posted for the head of Joaquin Murietta. All the time they were in the crowd standing there, they saw a young man on horseback at the edge of the crowd, sitting very quietly on his horse and watching the crowd. Finally, he yelled real loud and pulled his pistol and shot into the air and the horse reared up on its hind legs, and he turned and ran off, and as he did, he said, "I am Joaquin."<sup>34</sup>

Steckmesser insists that the outlaw hero is neither unreasonably aggressive nor a wanton killer; his murders are committed in self defense, or against those who deserved to die anyway. Ridge has Joaquin kill his early victims in righteous vengeance; he dispatches nearly all his subsequent victims in self defense, or because of some wrong they have done him. His murder of Lake fits this pattern--Lake revealed his whereabouts--as does his slaying of one Allan

Ruddle, a holdup victim. "'It is true, I am a robber,'" says Joaquin after stopping Ruddle's wagon.

"But as sure as I live, I merely wish to borrow this money, and I will as certainly pay it back to you as my name is Joaquin. . . ."

Ruddle, without replying made a sudden motion to draw his pistol, upon which Joaquin exclaimed:

"Come, don't be foolish--I have no wish to kill you, and let us have no fight."

Ruddle made another effort to get his pistol. . . . The bandit, with a muttered oath, slashed him across the neck with his bowie-knife and dashed him from the saddle. . . . Joaquin's conscience smote him for this deed, and he regretted the necessity of killing so honest and hard-working man as Ruddle seemed to be.<sup>35</sup>

When Joaquin's admiration is aroused, his nobility even outweighs his common sense, and he refuses to kill even though the refusal endangers himself and his band. Upon being discovered in his hideout by a party of hunters, Joaquin explains to them that he must kill them to prevent their betraying him. At this, one of the hunters steps forward and pledges his honor as a man that he will neither betray Joaquin nor allow any of his party to do so. Joaquin, moved by the young man's eloquence, responds that he will spare the hunters; although the Anglos have made Joaquin what he is, he says, "I scorn to take the advantage of so brave a man. I will risk a look and a voice like yours, if it should lead

to perdition."<sup>36</sup> Truly the response of an outlaw hero, rather than a run-of-the-mill murderer.

Clearly, though, Ridge had a problem in this area. While the image of Joaquin the outlaw hero is demonstrably above unprovoked murder, motherlode banditry was notable for its sanguinary nature--and, as the newspapers showed, responsibility for the bloodletting was laid precisely at "Joaquin's" feet. If Ridge was to succeed in making Joaquin an outlaw hero, he had a great deal of blood to sweep under the literary rug in order to expurgate the anti-heroic bloodlust from Joaquin's character. I suggest Ridge accomplished this by using the literary technique of doubling.

Doubling is essentially an exaggerated use of the literary device of the character foil. Henry Nash Smith, in writing about Cooper and the Western Hero, discusses the technique of doubling a main character to enable a type to carry attributes an individual character cannot carry. "Since the basic image of Leatherstocking was too old for the purposes of romance," Smith writes, "the novelist doubled the character to produce a young hunter sharing the old man's habits, tastes, skills, and . . . virtues."<sup>37</sup> Similarly, since the basic image of Joaquin, as Ridge saw him, was too heroic to accommodate a nature compatible with the copious motherlode bloodletting, Ridge doubled the character of Murieta to produce that veritable demon of sanguinary de-

light, Three Fingered Jack.

Most sources imply that Three Fingered Jack was a Californio named Manuel Garcia, "a known thief and murderer for whom the law had been searching for some years,"<sup>38</sup> and who was responsible for or at least implicated in the torture and death of two "Bear Flaggers" named Cowie and Fowler in 1846.<sup>39</sup> (Also implicated in this slaying was "A swarthy New Mexican named Padilla"<sup>40</sup> --recall Antonio Coronel's Sonoran companion named Padilla being beaten nearly to death for having the same name.) Others attribute Cowie's and Fowler's deaths to a Mexican named Bernardo (or Bernardino) Garcia-- if indeed the torture slayings ever actually occurred.<sup>41</sup> Frank Latta insists that the sobriquet "Three Fingered Jack" applied to an Anglo outlaw around Murphy's Diggings who was lynched in Aurora, Nevada, and that the hand Love brought back from Cantua Creek had belonged to one Manuel Duarte-- known to the Mexicans as "Tres Dedos," because he did in fact have only three fingers on one hand.<sup>42</sup> To the best of my knowledge, the name "Three-Fingered Jack" appears nowhere in print before Love claimed to have cut off his hand. To compound the problem even further, Bernardo Garcia was also known as "Four Fingered Jack," since he had lost a thumb in the Mexican War.<sup>43</sup>

Taking advantage of the confusion, Ridge imputed to this legendary misshapen man all the misshapen, non-heroic

traits he expurgated from Joaquin. Three Fingered Jack, says Ridge,

Was a man of unflinching bravery, but cruel and sanguinary. His form was large and rugged and his countenance so fierce that few liked to look upon it. He was different from his more youthful leader [i.e., Joaquin], in possessing nothing of his generous, frank, and cordial disposition, and in being utterly destitute of one merciful trait of humanity. His delight was in murder for its own diabolical sake, and he gloated over the agonies of his unoffending victims. . . . When it was necessary for the young chief to commit some peculiarly horrible and cold blooded murder. . . at which his soul revolted, he deputed this man to do it.<sup>44</sup>

Not content with such ordinary, work-a-day language, Burns pulls out all the stops in his hyperbolic description of Jack:

Three Fingered Jack . . . was of medium height, broad shouldered and as strong as an ox. Bandy legged, with thick, ouran-outang arms swinging almost to his knees, and hands like hickory-cured hams, he was an ungainly looking brute . . . His head was massive and his black hair, coarse as a horse's mane, fell about his bull neck in a tangled elf-locks; a heavy mustache as black as ink half-hid a thick-lipped, swinish mouth . . . He turned murder into a lark and committed the most diabolical crimes as if they were the merriest pranks in the world . . . he walked among the writhing bodies of dying victims with the complacency of a smiling housewife at her chores; he robbed and tortured and was happy.<sup>45</sup>

Jack, then, seems to have been more than a simple foil for Joaquin; he was as well the receptacle into which were dumped all the despicable, anti-social character traits a true outlaw hero cannot possess, thereby leaving Joaquin free of anything that might detract from his basic honorable and refined nature. The "Murderous Mexican" stereotype appearing in the 2 March 1853 edition of the San Joaquin Republican (quoted above on page 25) offers a dramatic example of Ridge's expurgation-through-doubling. The stereotype is of a "blood-thirsty villain" with "no qualms, no mercy or reproach" who gallops about "slaughtering the weak and unprotected, as if a mania for murder possessed his soul." However, he is also "daring and reckless," he "baffles his pursuers," and "relays of the fleetest horses . . . await him." The bandit described has the elements of the outlaw hero--but he retains the anti-heroic traits of the sadistic killer. Ridge has neatly divided this stereotype, maintaining only the heroic elements for Joaquin, and expurgating the anti-heroic traits by doubling Joaquin's character and creating Three Fingered Jack, who could smack his lips and say, "Ah, Murieta, . . . this has been a great day. Damn 'em! how my knife lapped up their blood."<sup>46</sup>

What Ridge began, the folk continued. Rarely is Joaquin depicted in the folklore as a killer; he is an honorable thief whose exploits are characterized by narrow es-



capas from the law, but rarely by murder. Joaquin "raided the Mount Bullion mines, and . . . the posse chased him into the hills . . ." but nobody was killed.<sup>47</sup> Tom Wauhab, who claimed his father worked with Joaquin on a ranch in Union City, quotes his father as saying that "Joaquin was as fine a fellow as ever he met."<sup>48</sup> Irma Carlson relates that her great-grandparents opened a "road house" near Knights Ferry, California, to provide meals for men traveling to and from the mines. "The noted highwaymen, Joaquin Murietta and Three Finger Jack were frequent visitors at this [road]house, to accept the hospitalities provided for them," Carlson says. "The latter of these was the most murderous of any on the road [emphasis mine]."<sup>49</sup> Occasionally the possibility that Joaquin was a killer is denied outright: Joaquin "never killed anyone--just robbed them. He never carried a gun when he robbed people."<sup>50</sup> More frequently than outright denial of any bloodlust in Joaquin's nature, however, is simple concentration on character aspects more befitting the figure of the Outlaw Hero.

In Life and Adventures, Joaquin does not satisfy Steckmesser's criterion that the Outlaw Hero meet his end through betrayal by a close associate. According to Ridge, Murieta is killed through the exertions of Harry Love and nothing else. To be sure, Murieta is identified by Ranger Bill Byrnes, an acquaintance and former 3-card monte partner, but

only after he has been killed. Joaquin had been betrayed in some situations, as previously indicated, but never fatally. The demand of the folk that the outlaw hero be betrayed was felt by other writers, however, and that element was soon incorporated into the legend. By the time Walter Noble Burns wrote The Robin Hood of El Dorado, Byrnes had evolved into a former school chum who, in true betrayer fashion, identified Joaquin before the shooting starts: "That's Joaquin! We've got him at last."<sup>51</sup> For good measure, Burns has Joaquin betrayed by two of his mistresses: Maria Ana Benites cuckolds him [was the original source for this the news account of the trial of Reyes Feliz and Cipriano Sandoval?], and Antonia Molinera betrays him to Love. As in the case of Joaquin's murders, however, his capture and death are not a significant part of the folklore; the folk perpetuate stories about Joaquin's heroic acts through the process of communal re-creation, and largely ignore his demise.

The final element of the outlaw hero paradigm is Meyer's criterion that the outlaw hero somehow live on after his death--and again, as in the betrayal criterion, Ridge's Joaquin does not meet the requirement. In the communal re-creation of the Murieta legends, however, the tradition of Joaquin's living on is second only to the tradition of his beneficent retribution. His continued existence usually takes one of four traditional forms, through which he exerts

his influence on the folk: first, he survives the battle at Cantua Canyon; second, his enormous treasure remains buried throughout California; third, his ghost haunts various areas of California, and fourth, his family keeps his memory alive.

The head Harry Love brought back from Cantua was greeted with skepticism, as pointed out in Chapter I, and the skepticism entered into both the literature and the folklore. Both Miller's poem "Joaquin" and Stewart's "Rosita: A California Tale" emphasize Murieta's surviving--or not participating in--the battle at Cantua Canyon and returning to Mexico. Burns cites a report from a brother Antonio Murieta who claims the same.<sup>52</sup> Frank Latta insists that Joaquin was not involved in the Cantua Canyon battle (although he was mortally wounded in a later battle near San Francisco that did not involve Harry Love).<sup>53</sup>

But it is among the folk that the legend of Joaquin's survival experiences the greatest circulation. George Holliday, for instance, says that Byrnes refused his share of the reward the Rangers collected because he knew that they had not killed Joaquin at all. Holliday also quotes one Mike Lodge, who claimed to know Murieta, as saying that he encountered Murieta in San Luis Obispo many years after he was supposed to have been killed.<sup>54</sup> Tom Wauhab, who told the story of Joaquin's having hidden beneath Donna Pilar-

ina's hoop skirts, says that it happened "around 1865," long after the battle at Cantua Canyon, and adds that there are "countless tales concerning [Joaquin] which claim him to have been alive after [Love supposedly killed him]." <sup>55</sup> Henry tum Suden, the Oakland storekeeper whose horses Joaquin used, had a friend "who had received a letter from Joaquin stating that he had escaped and was now living safely in Sonora, Mexico." <sup>56</sup>

While stories of Joaquin's survival imbue the legends with a sense of triumph over oppressive authority, his survival does not rate the attention that his treasure does. According to the folk, the greatest bulk of the gold Joaquin stole still lies where he buried it, ready to enrich whoever is smart enough or lucky enough to find it. Although the literature generated some treasure legends--Burns, for instance, cites maps drawn by both Murieta and Three Fingered Jack <sup>57</sup>--most of the treasure stories are pure folk tales. In one such story, "Mrs. Joaquin Murieta" encounters the ghost of an old priest who has a map, given him by Three Fingered Jack, that tells where Murieta's treasure of \$100,000 is buried. In another version, she encounters not the priest's ghost, but a relative of Joaquin's, to whom the priest had given the map before he died. <sup>58</sup> A story from Timbucktoo, Yuba County, relates that when Joaquin was fleeing a posse, he befriended a miner who didn't suspect his

identity. Later, after experiencing a "premonition that his time was about up," Joaquin gave the miner "a map of a fortune in diamonds and gold that he had had to hide when his horse gave out."<sup>59</sup> From Chico, California, comes a story of a \$42,000 treasure stolen from a Wells, Fargo & Co. stage and buried under the porch of a ranch house, where it remains.<sup>60</sup> In Santa Rosa, a gentleman named Kirkpatrick was fortunate enough to encounter "the last living representative of Joaquin's band." Grateful for Kirkpatrick's nursing him when he was ill, and feeling his own death approaching, the ancient Mexican "drew a map in pencil on common brown paper, outlining a canyon . . . where was buried a part of the spoils accumulated by the bandits."<sup>61</sup> The Los Angeles Daily News reported in 1949 that the site chosen for a county dump is nearly on top of the location of "Los Angeles' most persistent treasure hunt . . . Here, for as long as old residents can remember, the paisanos from nearby Belvedere and City Terrace have hopefully dug for [Murieta's] gold."<sup>62</sup> Other tales from Southern California had Joaquin's treasure buried in Little Tujunga Canyon, or at the mouth of Bird Egg Canyon, or in Simi Valley, under a rock shaped like the head of a horned lizard.<sup>63</sup>

Perhaps the most striking evidence of the enormous popularity of Murieta treasure tales is the degree to which treasure hunters' hobby magazines repeat those tales. In

1973, the Dallas-based National Treasure Hunters' League magazine ran a story about James "Sonora Jim" Whitman and his search for the \$60,000 in nuggets that Murieta buried along Lower Hornitos Creek.<sup>64</sup> Also in 1973, Treasure tells of the "\$150,000 in actual cash and much more in jewels, silverware and other loot" that Joaquin robbed, which remains hidden somewhere between Jackson and Sonora.<sup>65</sup> The July, 1977 issue of the same magazine relates a story in which one of Joaquin's subordinates, assigned to guard some two hundred pounds of gold and hoping instead to feather his own nest, sneaked away from his post and lit out for Mexico. Unfortunately, he ran smack into Joaquin, who hanged him in a fit of pique. Only then did Joaquin realize that the guard had buried the gold. With a posse closing in, Joaquin had to flee without the gold--and without knowing where it was buried. The guard had carved an "X" in the bark of an oak tree as a marker, but no signs of recent digging revealed where he had hidden the treasure. Joaquin retreated to the Cantua, and after his death the gang broke up and dispersed. Since that time, the article says, a number of people--including several descendants of gang members and the rancher on whose land the tree stands--have found the guard's carved "X" and dug for Joaquin's gold, but to no avail. "The treasure is still there," the writer says. "Someday it will turn up, and the finder will be a wealthy

man."<sup>66</sup>

The amount of Joaquin's buried treasure, as might be expected, grows with the telling. In 1979, Lost Treasure listed the eleven "best known" locations of buried Murieta gold, containing an aggregate \$1.44 million. This, however, is only a small portion of the total Murieta treasure, altogether worth a whopping \$15 million.<sup>67</sup> Little wonder that Treasure has reported that "no other man in the history of banditry has placed more chests of gold into underground repositories."<sup>68</sup>

Cutting across the treasure tales are the ghost stories; many of the gold caches are guarded by the spectre of Joaquin himself. Sometimes he is vengeful, frightening off would-be treasure hunters by throwing beer bottles at them, or even giving them fatal heart attacks.<sup>69</sup> Sometimes he merely stands vigil over his gold, warning away those who seek it.<sup>70</sup> At other times Joaquin cooperates with treasure hunters. One story tells of a group of Southern Californians whose late-night digging was interrupted by the sound of approaching horses and jangling spurs. Finally a horseman wearing a sombrero rode up and identified himself as Joaquin Murieta.

The treasure-hunters jumped into their car and fled. One of the men, terrified by the apparition, went home and told his wife if anyone called, to say he wasn't home. In a little while there

was a knock on the door and the wife responded. A man dressed like the Ceesco Kid stood there and asked for her husband. She said he wasn't there. The caller was disappointed. "I was going to give him this," he said, holding up a little bag of gold.<sup>71</sup>

The caller, of course, disappeared.

The spectral Murieta can be coquettish about his treasure as well. In a story appearing in 1924, Joaquin's ghost displayed his treasure of precious gems, "many mounted in heavy old fashioned settings, the gold alone worth a fortune" to one Cyril Babbington Browne. As a mark of his gratitude for a favor Browne had done him, Joaquin told him he could have as much of the fortune as he could carry. "I mean it, Senor," Joaquin said, "you shall have your choice of these tomorrow. When you come for them, you will find the door [to the treasure room] closed. Open it and the jewels are yours."<sup>72</sup> Browne stayed overnight but, because he inadvertently offended Joaquin, was sadly unable to open the door the following morning.

Not all the Joaquin ghost stories are connected with treasure. William Henderson, the California Ranger credited with killing and beheading Joaquin, claimed to be haunted by Joaquin demanding the return of his head;<sup>73</sup> the same story is told of Bill Byrnes, the Ranger who came to be Joaquin's betrayer.<sup>74</sup> In 1883, the Santa Barbara Independent reported the curative powers of Murieta's influence at his "old re-



treat in the mountains," where "it is said that many sufferers from malarial fever have been miraculously cured."<sup>75</sup>

As recently as 1980, Joaquin's ghost and that of Three Fingered Jack were being blamed for the 1906 San Francisco earthquake. When the earthquake occurred, Joaquin's head and Jack's hand were on display in Jordan's Museum in San Francisco; according to the story, the earthquake resulted from the ghosts' efforts to reunite the severed extremities with their bodies, interred at the Cantua. Furthermore, on 4 January 1979 a fire destroyed a building located where Jordan's museum had stood, and a concerned citizen--Sig Christopherson--thinking that "Murieta's head and Jack's hand may have . . . been playing with matches," asked Father McAllister of St. Emydius's Church to "take precautionary measures." The good Father accordingly blessed the new building erected on the same site.<sup>76</sup>

The final means whereby Joaquin lives on and affects the folk is through his family, which like his treasure has grown with the passage of time. Ridge mentions only an unnamed half-brother, hanged when Joaquin is flogged. The Gazette piracy makes this half-brother a full brother and names him Carlos. In Burns' Robin Hood of El Dorado, the brother's name--perhaps symbolically--becomes Jesus.

Joaquin's family extends well beyond this one brother, however. The fifth edition of Ireneo Paz' Vida y Aventuras

claims that Joaquin's three neices, daughters of another brother Antonio, were then (1919) living in Los Angeles; the publisher included a photograph entitled "Sobrinas [Nieces] de Joaquin," showing three middle-aged ladies.<sup>77</sup> In Robin Hood of El Dorado, Burns has Antonio living in Los Angeles as well, and also mentions an anonymous sister living in Marysville. According to Burns, incidentally, both denied that Joaquin died at the Cantua; the sister saw the head and denied that it was Joaquin's. This sister may or may not be linked with another anonymous sister, living in Big Bar, who also denied that the head was Joaquin's.<sup>78</sup>

Nor is Joaquin's family limited to the United States. Albert Owens, the diarist who heard about Gabutti's play "Joaquin Murrieta" in Mexico (see p. 49), mentions that Murrieta was from the "District of Hermosillo--and two brothers of his still live at Buenavista on the Rio Yaqui."<sup>79</sup> Raymond Wood accepts Owen's remarks as demonstrating "with absolute certitude the undeniable fact that there was such a person as Joaquin Murrieta, who became the notorious bandit of the same name, and that he was not merely a legendary character . . ."<sup>80</sup> While Wood's conclusion seems unwarranted, it illustrates the central importance of Joaquin's family to the folk: by establishing and developing Joaquin's family ties, the figure of Joaquin himself is increasingly legitimized. The process is cyclical: the folk are eager

to attach themselves to a hero--by family connections or by knowing one of the family or by knowing that there is a family. The legitimacy of the hero that grows from this attachment increasingly stimulates the folk to create further attachments. Owens' diary mentions the tumultuous reception Gabutti's "Joaquin Murrieta" received:

The tragedy . . . makes Murrieta a hero of the first water. . . . It is said to excite [the Mexicans] to such a frenzy that the Americans . . . are afraid of venturing in the building and for days after the performance "gringos" are likely to be insulted in the streets of Hermosillo.<sup>81</sup>

Clearly Joaquin was a hero among the folk of Hermosillo; given the coincidence of names--Murrieta, by all accounts, was and is a common surname in central Sonora--the emergence of a family connection seems inevitable. This argument is not meant to deny the possibility that the "two brothers living at Buenavista" might in fact have been brothers of a Joaquin Murrieta, and possibly of Joaquin Murieta the none-too-successful horse-thief, if indeed he existed. Rather, it is meant to emphasize that among the folk, such a relationship with a hero can emerge through folkloric means at least as readily as through biological means.

The circular process of establishing family ties to a folk hero which further legitimize him and encourage still more family ties may have played an important part in Frank

Latta's findings recently published under the title Joaquin Murrieta and His Horse Gangs. In the course of his research, Latta has uncovered a host of Joaquin's collateral relatives--nieces, nephews, cousins--and much of his book rests on their testimony. Despite the fact that "the number of substantiated facts--authenticated by written documents-- . . . remains surprisingly small,"<sup>82</sup> Latta's compendium of oral history about Murieta is a measure of the great legitimacy Joaquin enjoys among the folk.

Joaquin Murieta's durability in California legendry clearly validates the process of folk hero development which Jones suggested. The folk seized upon the incipient folk hero created by the credulous biographer Ridge, and by a process of imputation and expurgation, redefined him as a true outlaw folk hero. As an outlaw hero, Joaquin expresses the folk values and folk ideas of those who perpetuate him as a hero. Several examples of Joaquin's espousing positive social values emerged in the foregoing discussion: Joaquin is noble, honorable, just and generous; his retribution against wrongdoers is swift and his admiration for courage and beauty is profound. This clearly is a change from the rapacious bandit described in the newspapers in 1852 and 1853. The "historical" Joaquin killed Chinese in groups by the bloodiest means available, but the outlaw hero generally confines his crimes to robbery, often without a weapon but

by stealth. Furthermore, where the "historical" Joaquin robbed individual miners or small groups of miners of their personal wealth, the outlaw hero Joaquin much more frequently robs stage companies or banks or mines. This is a significant development in the legendry. After 1853, mining in California became the enterprise of the Eastern corporation; the placer miner was forced to go to work for wages in the mines, where he was often exploited. Stage companies had historically preyed upon the miner, exacting excessive freight charges. By redirecting Joaquin's crimes from the individual miners to the corporate entities, the folk create an ally in their own struggle against economic forces that at times seem insurmountable.

But beyond these specifics, Joaquin the outlaw hero has come to embody some fundamental principles of American society that were not evident at all in the "historical" Joaquin's depredations. Americans have always enshrined the individual, whether as rugged frontiersman or shrewd Yankee trader; Joaquin is clearly a master and an emblem of individual survival and triumph against long odds. Dundes alludes to the American folk idea that things are best measured in monetary terms. Both Joaquin's robberies and the extent of his buried treasure support this idea; he is admired not only because he robbed from oppressive corporate entities, but because he robbed so much--his value as a hum-

an being is, perhaps unconsciously, expressed in dollars and cents.

Another American folk idea Dundes mentions he calls the "principle of unlimited good,"<sup>83</sup> implying that the possibility exists for each man to acquire wealth or status or whatever it is he judges himself by: there is enough for everybody. Dundes suggests that treasure stories support this, in that the treasure is rarely recovered in such stories. It remains hidden, and everybody has a chance at it. Clearly the Joaquin treasure stories support this idea, as do the outlaw hero's robberies. Joaquin takes nothing from the folk, only from the corporations; pursuit of gain by one individual does not diminish the chance for gain by other individuals--there is enough for all. Another folk idea that seems to underlie much American thought is the Puritan idea that suffering leads to salvation. Dundes points out that this idea surfaces in such pronouncements that the only medicines that do any good are those that taste bad, or in the use of painful remedies such as mustard plasters to encourage recovery from illness. Joaquin's experience seems tailor-made to dramatize this idea; in the lore, he suffers terribly--but thereafter triumphs magnificently.

Preoccupation with the past is another American folk characteristic. We revere long-dead cowboys and flock to see "American Graffiti" and wear out our televisions on

"Happy Days." We seek solace from contemporary tensions in a past that seems simpler and more honest and less demanding than today. The fact that examining "real" history discloses no such idyllic past is inconsequential: the folk belief in a lost romanticism is grounded in the "psychological reality" of folk history. The Murieta lore contributes significantly to that folk history. Joaquin lived in an era when absolutes were absolute: when good was good and bad was bad and a man could feel righteous in obeying laws higher than those made by men. Joaquin was gallant and chivalrous because in those days a man could be galant and chivalrous and be admired for it. Joaquin was a hero because in those days, a man could be a hero.

If the Murieta lore supports the belief in a lost romanticism, it also points the way to a bright future through individual effort. Joaquin is as much Horatio Alger's Richard Hunter as he is Robin Hood: he made good, despite the odds. He asked no favors and expected no special treatment, and through the strength of his individualism, he overcame formidable handicaps and succeeded. Little wonder he has become so much a part of California folk lore; little wonder his lean figure, brandishing a rifle in exuberant defiance from astride a rearing horse, graces the entryway of an ultra-modern California housing development named "Rancho Murieta."

Not bad, for a rather unsuccessful horse-thief.

Beneath the romance of Joaquin, however, lurks another figure; unglamorous and unsmiling and vaguely sinister. This is Joaquin Murieta too, but he isn't dressed like the Cisco Kid and he cares little about gold, buried or otherwise. He is a different folk hero entirely, forged in the heat of Mexican-Anglo racial conflict and perpetuated not by the Anglos but by California's Mexican-American community. No explication of Joaquin Murieta can be complete without examining this "other Joaquin," and such an examination requires a second excursion into California history.





Figure 3. "Rancho Murieta," outside Sacramento, California. Photo: T. J. Gordon

CHAPTER IV  
A MATTER OF RIGHTS

"You are lower than animals and haven't  
the right to live in organized society . . ." <sup>1</sup>

The dynamics of folk hero evolution established in the last chapter permit two predictions to be made about Murieta's career as a hero in the Mexican-American folk community. First, Michael Jones' formula, which in the last chapter described Joaquin's transformation from a literary hero to a folk hero in the Anglo community, describes with equal accuracy his similar transformation in the Mexican-American community. John Rollin Ridge was the credulous biographer who legitimized Murieta for both folk communities. Each community, through a process of recognition, imputation and expurgation, refined the literary hero Murieta into an outlaw folk hero largely characterized by the criteria Meyers and Steckmesser identify.

The second prediction is that while the evolutionary dynamics in the two communities are parallel, the end products--the two outlaw heroes--will inevitably be different. Although both are defined by universal criteria (i.e., the outlaw hero begins his criminal career in response to an outrage, he is just and generous, he loses his life through betrayal, etc.), each comes to embody the values and ideas central to the folk group which perpetuates him as a hero. Thus the historical conflict between the Anglo and Mexican-American communities in California not only attests to the extent of the differences between the two cultures, but also indicates in a qualitative sense how those cultures' respective folk heroes may be expected to differ. To understand the sources of the Mexican-American outlaw hero Joaquin Murietta and the function he serves in the Chicano folk milieu, it is therefore necessary to examine in some detail the nature of the relationship between California's Anglo and Mexican-American communities in the years since Harry Love removed "Joaquin's" head.

The discussion that follows must be kept in perspective: I offer it neither as a definitive history of California nor as the "Mexican-American view" of California history. Rather, I intend to demonstrate how certain historical circumstances produced in the Mexican-American community a set of attitudes and values in the context of which Joa-

quin Murieta emerged as an outlaw hero significantly different from his counterpart in the Anglo folk group.

Mexican-Americans have seen their relationship with the Anglo majority in California largely as a struggle for--and denial of--civil rights. Nowhere is this more evident than in the history of California law enforcement, which clearly revealed to the Mexican-American the depth of the Anglos' prejudice and their willingness to act upon it. Although Harry Love's decapitating "Joaquin" neither ended nor seriously affected Mexican banditry in California, pressure by the continuing Anglo invasion of northern California soon forced most of the non-landowning Mexicans and Californios south; the "Mexican problem" was, for the last third of the 19th century, largely centered in Los Angeles and confined to the southern half of the state.

Los Angeles had long been regarded as a brutal town, despite a formidable law enforcement and criminal justice system that included sheriffs, marshals, constables, city police, city and county justices of the peace and a judge empowered to hang men without benefit of trial by jury. "There is no other country," the Los Angeles Star commented in 1852, "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 . . ." <sup>2</sup> The trouble with Los Angeles' criminal justice system was that it existed primarily on paper; the office of sheriff, for instance, went unfilled for months at a time, despite its high salary of \$10,000. Law enforcement was simply too dangerous.

Predictably, vigilance committees emerged to fill the void left by an ineffective legal establishment. Los Angeles' vigilante action was significant in the present context in that "every important lynch-law episode and most minor ones involved the Spanish Speaking." <sup>3</sup> In 1852, with remarkable decorum, Los Angeles' first popular tribunal convicted and hanged a Californio and a Mexican for the murder of two Anglo cattle buyers. Considerably less decorous was the second vigilante convulsion, sparked by the murder of General Joshua Bean, which resulted in the hanging of three Mexicans completely uninvolved in Bean's demise. In 1853, a protracted episode of vigilantism against the Mexicans grew from a rumor that "Joaquin" was in the area. The vigilantes, made up primarily of the "Monte Boys,"--transplanted Texas rangers living in El Monte who knew how to "take care" of Mexicans--roared through Nigger Alley and Sonoratown, abusing people and destroying property. Finally they surrounded and captured a mule, which they claimed was stolen.

There were, of course, Mexicans and Californios who committed criminal acts. A Sonoran named Vergara murdered

the out-of-town cattle buyer who employed him as an interpreter. Anastacio Moreno led a band of brigands who broke into the home of a Frenchman named Lelong and killed him. Senate, another Sonoran, stabbed to death Los Angeles Marshal Whaling and fled.

The increased Mexican outlawry was met with an increased--and equally illegal--vigilantism. The Monte Boys, their numbers augmented to nearly one hundred by enthusiastic Anglos, chased Vergara 90 miles to Fort Yuma, where the soldiers gunned him down. Over the objection of Los Angeles District Judge Hayes, Sheriff Barton offered a \$500 reward for the apprehension of Senate--dead or alive. Senate was produced, of course--neatly laid out on his back in a careta--and the reward was collected. When Moreno was captured, Judge Hayes spirited him away to prison under the noses of the vigilantes. Hayes was genuinely opposed to vigilante law, but for a number of years he stood virtually alone. Not until 1854 was a legal hanging conducted--the first since 1848. Not unexpectedly, the individual hanged, one Ygnacio Herrera, was a Mexican.

In 1855, Mexican bitterness over highly prejudicial "justice" erupted into overt action. The Los Angeles authorities had arrested the Mexican Felix Alivtre and an itinerant Anglo cowboy, Dave Brown, for nearly identical killings. Both were sentenced to hang. After Alvitre was dis-

patched (by an inept hangman who allowed him to writhe on the ground for an uncomfortably long time before he died), a stay of execution from the California Supreme Court arrived for Brown. Mindful of an earlier instance of "Anglo justice" in which one Ned Hines was allowed to skip bail after he murdered the Californio Domingo Jaime, the Mexicans took a page from the Anglos' book. Storming the jail where Brown was imprisoned, they hauled him out and lynched him.

The situation was nearly repeated the following year when Constable William Jenkins tried to repossess a guitar belonging to a Californio named Ruiz, who was in arrears on a debt. While Jenkins was struggling with Ruiz' wife over the guitar, Ruiz entered the house. Thinking Jenkins was attacking his wife, Ruiz grabbed him from behind. Jenkins spun around and shot the unarmed Ruiz, mortally wounding him. Ruiz was a popular member of the community, and the Mexicans and Californios were outraged. Although Jenkins was jailed, the Hispanic community was dubious about his ever being prosecuted. Under the leadership of a Frenchman named Carriaga, they armed themselves, organized an assault force and stormed the jail where Jenkins was being held. Sheriff Barton, supported by local vigilantes, drove them off and captured Carriaga and six others. Jenkins went to trial, and when the imported Anglo jury took barely five minutes to bring in a "not guilty" verdict, it was only with

utmost tact and the dismissal of charges against Carriaga and the other captured raiders that Judge Hayes was able to prevent wholesale rebellion by the Angelenos.

Widespread bandido activity erupted again in 1856, when the outlaw Juan Flores escaped from San Quentin. Returning to his home in Los Angeles and teaming up with Pancho Daniel, Flores organized a troop of bandits numbering at times more than fifty. Flores and Daniel were indiscriminate killers, and their exploits caused a resurgence of vigilantism. Even some of the ricos--land-owning Californios, remnants of the once powerful rancharo class--assisted: Pio Pico led a company of Californio vigilantes and supplied 60 additional horses for the pursuit of the outlaw gang. The vigilantes chased them around the desert country for several days, and finally a contingent of the Monte Boys captured Flores, Daniel and nine other Mexicans and Californios. When Flores and Daniel escaped, the Monte Boys took no chances with the other nine, and hanged them on the spot. Later events were to prove that three of the nine were thoroughly innocent of any connection with the bandits, and the others only indirectly linked to Flores and Daniel. The summary executions infuriated the Californios; vigilantes increasingly encountered Californios who "aided the murdering robbers and so made their pursuit doubly difficult."<sup>4</sup>

Flores was recaptured and hanged by the vigilantes two



weeks later, along with three Mexicans of questionable criminality. Daniel remained at large until 1858. Shortly after he was captured, he was found hanging from a rafter in his jail cell.

None of the Californios denied that Flores and Daniel and their cohorts were criminals who deserved to be brought to justice; Pico's involvement in the vigilantism was partially calculated to demonstrate the Californios' good faith. But the alienation of Anglo from Mexican was too profound to be overcome by Pico's token gesture, and the violent banditry, reprisals and counter-reprisals continued. In Santa Barbara, Anglo vigilantes lynched Encarnacion Berreyesa, the mentally disturbed nephew of Jose de los Reyes Berreyesa, who, a decade before, had been gunned down along Suisun Bay by Fremont's patrol. The ostensible reason for the lynching was Encarnacion's murdering an Anglo from Santa Clara three years before. That the vigilantes could name neither the victim, the place of the murder nor any witnesses did not matter; that a coroner's jury had unquestionably cleared Encarnacion of any involvement in the crime was conveniently forgotten. He was a greaser: that was enough for the vigilantes.

In an ironic turnabout, the Californios managed to pack a jury in the (legal) Santa Barbara trial of Nieves Robles, accused of murdering a Basque cattle buyer. When Robles was

acquitted, Santa Barbaran Walter Murray complained . . .

American citizens of this county are but a corporal's guard. The Californians and their Mexican defendants are the great bulk of the community. We are helpless. At an election, or at the empaneling of a jury, it is very easy for an unwashed greaser to swear that he came to this country before the treaty with Mexico. That oath makes him a good citizen, and he takes his seat in the jury box.<sup>5</sup>

Robles' acquittal is particularly significant in that the Californios, outside the courtroom, freely conceded Robles' guilt--as did Robles himself in later years. The Californios were doing more than simply turning the tables on the Anglos; they were complying with a higher law which in demanding equal justice for the Californios transcended the Anglos' mere statutes. There could be no clearer indication of Californio dissatisfaction with the status quo.

But the Anglos subscribed to their own higher law, and when trials no longer dispensed justice, they simply dispensed with trials. Embarking on another campaign of lynch-law vengeance, the Anglos ended the lives of nearly a score of Mexicans and Californios, many of whom simply happened to be in the wrong place at the wrong time. When some of the vigilantes were killed in the process, the Anglos redoubled their efforts. In 1859, with Southern California on the verge of outright war, Judge Joaquin Carrillo convened a

grand jury made up of Anglos, Californios, Mexicans and a Frenchman. Displaying enormous finesse, the grand jury arraigned leaders of both the vigilance committees and the Californio resistance groups, weighed the evidence obtained for several days, and freed the prisoners on both sides without bringing in an indictment. Legal process had triumphed over unrestrained vigilantism, and Californio and Anglo settled into an uneasy truce.

California entered the 1860's with legitimate judicial process on the upswing--although in the Californio perception, enforcement of the law remained highly irregular and prejudicial. In 1871, for instance, Ramon Amador, a Californio imprisoned for the murder of an Anglo, complained to a newsman, . . .

I have no show. . . . They are down on Spaniards. There are hundreds of cold murderers, but they don't hang them. There was Bill Powers, he killed a man while they played cards. . . . Now because I got no friends they [are] going to hang me. . . .<sup>6</sup>

In San Jose the next year, Tiburcio Vasquez, the last "genuine" bandido, was hanged--legally--shortly after he voiced similar sentiments to Los Angeles Star editor Ben Truman. Describing the way he and his Californio companions were repeatedly humiliated by the Anglos, Vasquez told Truman:

My career grew out of the circumstances by which I was surrounded. . . . A spirit of hatred and revenge took possession of me. I had numerous fights in defense of what I believe to be my rights and those of my countrymen. The officers were continually in pursuit of me. I believed we were unjustly and wrongfully deprived of the social rights that belonged to us.<sup>7</sup>

With Vasquez' execution, though discriminatory law enforcement would remain a major feature of the relations between Anglo and Mexican American well into the 20th century, the era of the bandido and widespread vigilante justice was virtually over. The last old-fashioned lynching of a Mexican took place in San Jose in 1877. As the 19th century drew to a close, California's agricultural heyday was dawning, and to the Anglos the significant Mexican-American figure of the future would not be the bandido, but the stoop laborer.

California's original agricultural workers of Mexican descent came from the ranks of dispossessed Rancheros and jobless vaqueros produced by the dissolution of the ranchos. The breakup of the Southern California ranchos came about as a result of many forces: drought and falling cattle prices made them increasingly uneconomic, a deeply ingrained tradition of cattle-ranching made conversion to dry-farming distasteful, and Anglo eagerness to buy miniscule bits of land --a mere one- or two hundred acres--made the supply of land

seem endless. Of course, it was not. The plight of Don Julio Verdugo is instructive. In 1861, he mortgaged his Rancho San Rafael--occupied today by Glendale and most of Burbank--for \$3,400. Nine years later the debt had mushroomed to \$58,000, and Don Julio was faced with foreclosure. At the public auction, Verdugo's lawyers bought Rancho San Rafael for themselves, but at so low a price that Don Julio had to relinquish his Rancho La Canada to the Anglos as well. Left with only the 6,600 acre Rancho Los Feliz and still insolvent, Verdugo sold off a hundred acres here and two hundred there to pay interest and taxes, until 1871 he owned a mere 200 acres--a gift from an Anglo who pitied him. Once one of Southern California's largest land owners, Don Julio had in ten years become a pauper.

As the ranchos vanished under a welter of railroad promoters and town boomers in the '80's, the displaced rancheros and vaqueros found themselves taking work they would have disdained a generation earlier. In the 70's, the sheep industry and the demands of shearing took up some of the slack and incidentally produced California's first migratory workers as the shearers followed the spring shearing season north. A decade later, when the wool boom declined, California's thriving fruit industry absorbed many of the workers. Overexpansion and severe droughts in the 1890's ended that boom with such swiftness that countless orchards were

levelled simply for firewood. In 1897 the Dingley Tarriff Act imposed a heavy duty on imported sugar, and under the guidance of John D. Spreckles and the Sugar Trust, the sugar beet became California's first bonanza crop. Sugar beets would help "bring into existence the whole system of agricultural . . . industries in California."<sup>8</sup> Spreckles found the system that made California a grower's paradise: labor-intensive crops grown economically through heavy dependence upon cheap labor. Since, as Spreckles testified to Congress in 1911, "American labor will not go into the field,"<sup>9</sup> something over 80% of this cheap labor was Californio--and, as demand intensified, Mexican.

The Reclamation Act of 1902, growing out of widespread drought in the 1880's and 1890's, exacerbated the situation by introducing irrigation to areas previously suitable only for dry farming. Instead of supporting only small, marginally productive wheat farms, California's arid Imperial and San Joaquin valleys began sprouting fields of beets, melons, strawberries, cotton and grapes--all highly labor intensive crops. This was industrial farming, factory farming, exploitive farming. "No poor farmer or homesteader could possibly own or maintain such land," writes Joan Moore.

An acre of lettuce [she continues] required more than 125 man-hours of labor per crop and an acre of strawberries more than 500 man-hours. Melons, grapes, citrus fruit, sugar beets, cot-

ton, vegetables: all required the initial investment for irrigated land and then the costs of brush grubbing, deep plowing, leveling, extensive planting. . . . As a result the demand for cheap Mexican labor grew at a rapid pace.<sup>10</sup>

The growing number of irrigation projects in California and other states increased the demand for this cheap labor. Cotton, for instance, appeared in the Imperial Valley in 1910, where growers began importing Mexican laborers in lots of 1,500 from San Felipe and Guaymas, when the local supply of Californios ran out. After World War I, cotton acreage . . . expanded enormously, and so did the need for imported labor: from 1924 to 1930, the cotton harvest alone required an average of 58,000 workers each year.<sup>11</sup> The bulk of them came from Mexico.

Behind the importation of Mexican stoop laborers lay the rationale that everybody benefitted: the grower obtained the cheap labor his factory system required, and the "Mexican family . . . buzze[d] around in its own battered flivver, going from to crop to crop, seeing Beautiful California, breathing its air, eating its food, and finally doing the homing pigeon stunt back to Mexico with more money than their neighbors dreamed existed . . ."<sup>12</sup>

The assumption that the Mexicans returned to Mexico made their "temporary" presence in California acceptable. "The Mexican is a 'homer,'" grower lobbyist S. Parker Fris-

selle told Congress. "The Mexican likes the sunshine against an adobe wall with a few tortillas and in the off time he drifts across the border where he may have these things."<sup>13</sup> However, as the 1930's approached, it became increasingly apparent that the Mexican laborers were not "homers." In 1927, Los Angeles spent nearly 30% of its welfare budget on Mexican laborers, some 7% of the population, who flocked to the city during the off season.<sup>14</sup> There, where no jobs existed to absorb them, they were accused of indolence and laziness. "The present day Mexican," complained The Nation in 1927, "does not believe in the sacredness of work, but regards it as an evil."<sup>15</sup>

Growing urban anti-Mexican sentiment eventually resulted in "repatriation": the expulsion of thousands of Mexicans, many of them American citizens, to Mexico, thus removing them from the welfare rolls. The first trainload of repatriados left Los Angeles in February, 1931. When the agricultural season began again, growers re-imported Mexican laborers, thus establishing a cycle that characterized Mexican-American relations until the bracero program was finally ended in 1965. Beneath the original rationale that cheap labor was good for everybody lay a far less amenable sentiment, succinctly voiced by an Anglo formen who told a Mexican laborer, "When we want you, we'll call you; when we don't--git."<sup>16</sup>



The fact of Anglo exploitation was certainly not lost on the Californios and Mexicans. As they resisted the discriminatory vigilantism of the 19th century, so they resisted the discriminatory labor practices of the 20th. As early as 1903, Ventura newspapers expressed outrage over a strike of local Mexican and Californio sugar beet workers. In 1922 Mexican-Americans attempted to organize Fresno grape pickers, and in 1927 the Confederacion de Uniones Obreras Mexicanas (CUOM) was formed with some 20 locals, and 3,000 members throughout the state. In 1928, the CUOM struck in the Imperial Valley over the growers' refusal to raise wages. Wholesale arrests and deportations broke the strike, but not the CUOM. The following year, a better-timed strike by 5,000 stoop laborers forced the growers to settle.

The 1930's witnessed numerous confrontations between the growers and Mexican-American laborers. In June of 1933, seven thousand workers walked off Los Angeles County berry, onion and celery fields. Later that year, thousands of Mexican-Americans participated in the Cannery and Agricultural Workers Industrial Union strikes--but this time the Anglos were ready, and broke the strikes with wholesale violence. A Kern County deputy sheriff expressed the prevailing Anglo attitude: "We protect our farmers here in Kern County," he said. "They are our best people . . . but the Mexicans are trash. They have no standard of living. We

herd them like pigs."<sup>17</sup> In the Imperial valley that year, Mexican-American union meetings were shattered with clubs and tear gas. But worse was to come.

In 1936, Los Angeles police marshalled a force of some 1,500 armed men to break a strike of 2,000 Mexican and Mexican-American farm workers. The police on three successive days dispersed the strikers with tear gas and gunfire, on a number of occasions lobbing tear gas grenades into shacks where the strikers' children were being cared for. Later that year, faced with a strike by 2,500 Mexican-American citrus workers in Orange County, the county sheriff issued "shoot-to-kill" orders to the rifle and shotgun toting strikebreakers, mostly high school and college students. The Los Angeles Examiner praised the wholesale arrests made by sub-machine gun-toting deputies, and the Times exulted that "old vigilante days were revived in the orchards of Orange County yesterday [6 July 1936] as one man lay near death and scores nursed injuries."<sup>18</sup>

CUOM, at times assisted by the National Farm Workers Union, continued the struggle to organize the field workers and secure improved wages and working conditions. Time and again their efforts were met by violence and indiscriminate deportations. The outbreak of World War II gave the growers yet another weapon against the Mexican-American organizing efforts: the bracero program. Using projections showing

anticipated expansion of wartime markets for their products, the growers sought and won increased importation of Mexican Nationals as stoop laborers. Although the agreement Congress negotiated with Mexico specified that the employment of braceros "will not adversely affect the wages and working conditions of domestic agricultural workers similarly employed,"<sup>19</sup> it is clear that from the outset the growers used the braceros to lower labor costs. California State University historian Julian Nava says that . . .

The State Senate's Fact-Finding Committee on Labor and Welfare concluded that . . . domestic workers generally get lower wages in those areas and crops where bracero labor dominates. Certainly the impossibility of a labor shortage prevents the agricultural labor organizer from operating from a bargaining position. . . . The operation of the [bracero] program tends to depress wages . . .<sup>20</sup>

Importation of Mexican stoop laborers had always simmered along at a low level, but with the war the numbers mushroomed; in 1942, scarcely 4,200 Mexicans entered the United States as farm laborers, but in 1945 alone over 120,000 braceros came to work America's fields. During the war years, the program directly subsidized the growers. While the war assured them of a huge market for their crops and the national mood favored rapid breaking of any strike that threatened food for "our boys," the bracero program

eliminated the growers' expense for labor recruitment and transportation. Although the War Food Administration established housing and pay guidelines under the mandate that the act "not adversely affect . . . domestic workers" and convened periodic hearings to assure that laborers were receiving the stipulated minimum of \$16.50 per week, the hearings were largely ineffectual. In one instance, for example, Food Administration officers simply refused to listen to testimony that Mexican-American sugar beet workers, under competitive pressure from braceros, were earning barely \$11.00 per week.<sup>21</sup>

Partly displaced by the bracero and partly lured by defense industry jobs, Mexican-Americans moved into urban barrios in record numbers in the 1940's. In the cities, however, the old pattern of prejudicial law enforcement re-emerged. Although the Los Angeles 1943 "Zoot-Suit Riots" are an extreme case, they are instructive not only because they demonstrate prevailing Anglo prejudices, but because they were the spark that lit similar riots in Mexican-American enclaves all across the country.

The riots began on the evening of 3 June, with two unrelated incidents: a group of Mexican-American teenagers were attacked by "hoodlum elements in the neighborhood,"<sup>22</sup> and a group of eleven sailors walking through a slum area were set upon by some Mexican youths. The sailors reported

the incident to the police who responded not by searching out the alleged attackers, but by organizing themselves, after their shift was over, into a "vengeance squad" to take care of the bunch that attacked the sailors. They found no attackers. The sailors, however, took the officers' off-duty activity as a signal for action of their own. The next night, more than 200 sailors converged upon downtown Los Angeles in a fleet of 20 taxicabs and spent the night roaming the streets in search of Mexican-Americans in zoot-suits, which they chose to interpret as signs of incipient or actual criminality. In the course of the evening, the 200 sailors disembarked from their taxis four times in pursuit of single zoot-suited Mexican-Americans. The four youths--two aged 17, one 19 and one 23--required hospitalization. Aside from taking nine sailors into custody (against whom no charges were ever pressed), the Los Angeles police didn't involve themselves in the riots at all.

On 5 June, the sailors were augmented by a contingent of Marines. The police were more active that night as well: they found nearly 30 Mexican-American youths on a street corner and arrested them "on suspicion." The next night, the police tagged along a discreet distance behind the carloads of sailors, arresting Mexican-American youths after the sailors finished with them: eight at one street corner, six at another . . . and by morning, forty-four severely

beaten Mexican-Americans were under arrest. The following morning, the Los Angeles Daily News bannered, "44 Zooters Jailed in Attacks on Sailors! . . . Zooters [are] Planning to Attack More Servicemen; . . . would jab broken bottle-necks in the faces of their victims. . . . Beating sailors' brains out with hammers also on the program."<sup>23</sup>

On the evening of 7 June, in response to these incendiary articles, a mob of thousands rampaged through downtown Los Angeles, hauling Mexicans from buses, street cars--even from theatres--and beating them senseless. Whenever they encountered a youth clad in a zoot suit, they stripped it from him and left him "naked or half naked on the streets, bleeding and bruised."<sup>24</sup>

Finally, on 8 June, the Shore Patrol put downtown Los Angeles off limits to sailors and Marines, and the violence immediately declined. The rioting was over and the time for explanations was at hand. The Mexican Ambassador in Washington had addressed a formal inquiry to Secretary of State Hull, and he in turn came to Los Angeles Mayor Fletcher Bowron for an official explanation. In addition to pledging immediate action against the Mexican-Americans who were "responsible" for the rioting, Mayor Bowron replied to Secretary Hull that "the riots were devoid of any element of prejudice against persons of Mexican descent."<sup>25</sup>

Of course the riots were clearly prejudicial and di-

rected specifically against Mexicans and Mexican-Americans. The mob on 7 June intentionally avoided entering the predominantly black section of Los Angeles, but instead retraced their steps through the Mexican section they had already devastated. The rioting left a seething bitterness in California's urban Mexican and Mexican-American population--but it contributed to a different effect as well.

In the cities and in the fields, after a century-long subjugation to Anglo prejudice and Anglo exploitation, a new spirit was becoming evident; indeed, the "zoot suit" craze was in part an expression of it. Whether catalyzed by the rioting or the war or the bracero program or simply by protracted injustice, the Mexican-American was beginning to assert his cultural identity and cultural unity as he had not done before. The "zoot suit" was for many an expression of machismo, of pachuquismo--of self--previously denied. As he emerged from the conflict in Orange County and Los Angeles and Bataan and Leyte, the Mexican-American began refusing to accept the second class citizenship the Anglo decreed for him, and to deny that the only valid benchmark of cultural excellence was Anglo. He rejected the term "Mexican-American" because it implied membership in a subset of something better and more important: not a "Real American," but only a "Mexican-American." In much the same way that Anglo-Americans had adopted the British perjorative "Yankee" with

a sense of national pride, the American of Mexican or Mestizo heritage adopted a perjorative that gave a name to the cultural definition he felt. He was Chicano!

David Gomez succinctly defines the Chicano movement as

The collective understanding and concerted effort by Chicanos to eradicate the causes of our widespread poverty, discrimination, and economic oppression. By whatever means necessary!<sup>26</sup>

Numerous examples could be cited to support this definition, but the most familiar concerns the plight of the post-war Chicano farm workers. Subjected, year after year, to . . .

kneeling and picking down the rows of tomatoes or strawberries, of bending to the short-handled hoe, of being cheated out of a fair day's wage for a fair day's work, of camping on a river bank or renting a broken-down shack, of pulling [their] children out of school before they get a chance to really learn, or even make a friend, . . .<sup>27</sup>

the Chicano farmworkers finally rebelled. In Delano in 1966, Cesar Chavez' United Farm Workers' Organizing Committee initiated a strike and nationwide boycott against the growers of wine and table grapes. The strike was to last two years, and strikers were to be subjected to violence and threats of violence; growers would try to break strikes with legal and illegal Mexican immigrants, with force and with coercion; strikers would be denounced as communists and worse,



but la huelga--the strike--would prevail. The Chicano people, la raza, had cried Basta! Enough!

Our sweat and our blood have fallen on this land to make other men rich. . . . We are suffering. We have suffered unnumbered ills and crimes in the name of the Law of the land. Our men, women and children have suffered not only the basic brutality of stoop labor, and the most obvious injustices of the system; they have also suffered the desperation of knowing that that system caters to the greed of callous men and not to our needs. . . . [The Anglos] have imposed hungers on us, and now we hunger for justice. We draw out strength from the very despair in which we have been forced to live. WE SHALL ENDURE! . . . Because we have suffered--and are not afraid to suffer--in order to survive, we are ready to give up everything, even our lives, in our fight for social justice. . . . We shall be heard! . . . We shall unite! . . . We shall strike! . . . We shall overcome!<sup>28</sup>

To the Chicanos, Cesar Chavez became a heroic, almost messianic figure, an unquestionably worthy leader of la revolucion. He had suffered the peoples' suffering as a stoop laborer growing up in the fields and living in roach-infested workers' shanties with ten people to a room and twenty-five to a shower; he had suffered and endured, and now at the head of the Chicano farmworkers, he would overcome.

Perhaps in a search for the legitimacy that antiquity lends to an enterprise, the Chicanos sought revolutionary heroes in their past as well as in the present. They found

a hero in Benito Juarez, the Indian who became Mexico's president; they found heroes in Pancho Villa and Emiliano Zapata, Mexican peasants who rejected docility and led uprisings in the name of agrarian reform. Here were men who, like the Chicanos, had been born to virtual serfdom; who had suffered as only the desperately impoverished can suffer; who had endured and fought back and united and overcome. The Chicanos drew on these men for inspiration, for like the Chicanos they had fought for la causa and the pride of la raza. These were heroes to be remembered and emulated, and their names were emblazoned across California, in the barrios and the migrant camps and on the picket signs: Viva Juarez! Viva Zapata! Viva Villa!

The Chicanos found another hero, too. Even better than the others he embodied the ideals of overcoming suffering at the hands of the Anglos; of enduring and growing strong on abuse; of avenging the indignities to which he and his people had been subjected. Unlike the Anglos and the ricos, he cared not for personal gain, but only for la raza; only for the ideal of triumphant self-assertion. His name, like Zapata's and Villa's, became part of la revolucion and appeared in the Chicano literature and in the folklore and in whitewash on barrio walls. He was Joaquin, and whether Chilean or Sonoran, he was first Chicano. "Yo soy Joaquin!" he shouted defiantly. "I am Joaquin! Kill me if you can!"

CHAPTER V  
VIVA JOAQUIN!

Hay que leyes tan injustas,  
voy a darne a bandolero.

[There are so many unjust laws,  
I'm going to become a bandit.]<sup>1</sup>

Emerging in the context of a history of oppression and injustice, the Joaquin Murieta folk hero found in the Chicano community differs significantly from the Anglo-perpetuated folk hero of the same name. In the Anglo tradition, Joaquin kills only infrequently; he usually confines his activities to robbing banks, mining companies and other corporate entities that represent a financial threat to the Anglo. For the California Chicano, on the other hand, the threat is not a distant corporate entity, but the Anglo himself. Borne down by an oppressive and inflexible Anglo society, the Chicano community would be expected to develop

literary and folk heroes who actively fought oppression; feeling wronged and deprived of justice by the Anglos, the Chicanos would be expected to develop heroes who sought to avenge their wrongs and exact retributive justice. This, indeed, is the image of Joaquin that emerges from the Chicano literature and folklore: thoroughly disinterested in banks, rarely even concerned with money, Joaquin is an outlaw hero who directs his activities specifically and almost exclusively against Anglos.

Unfortunately, there is a scarcity both of Chicano folklore and Chicano literature dating from prior to the mid-20th century which can be used to document the "Chicano Joaquin's" evolution. What little there is clearly suggests that, as was the case with his Anglo counterpart, he is based on John Rollin Ridge's characterization of Murieta in The Life and Adventures. For instance, in recounting the lore of the California vaqueros from the turn of the century, Arnold Rojas recalls the story of the battle of Cantua Canyon in almost Ridgean terms--but with some significant differences. In Ridge's story, for instance, William Byrnes is the Ranger who identified Murieta after the battle, and later came to fill the role of Murieta's betrayer. Rojas, however, does not mention Byrnes at all. Instead, he says that "the Liar," having claimed to know Murieta and fearing the wrath of Love and his men for failing to produce him,

identified one of the Mexicans as Joaquin and another as Three Fingere Jack.<sup>2</sup> With that, the Rangers gunned the Mexicans down and removed the head from one corpse and the hand from another. But "the Liar" was indeed a liar, since in this story Murieta was not present at the battle at all, nor were the men even bandits; they were simply "five wild horse hunters" led by one Joaquin Valenzuela, upon whom Love and his party stumbled.<sup>3</sup> (Recall that the San Francisco Alta California for 23 August 1853 reported that Love had beheaded a Joaquin Valenzuela, the leader of a party of innocent mustangers; the tangle of fact, fiction and supposition is complex indeed.)

Several aspects of the story as Rojas recalls it are worthy of consideration, not least among them the fact that it satisfies Meyers' criterion that the outlaw hero live on after his supposed death. Other elements of the story clearly reflect the Chicano experience in California. The story's contention that the men killed were not bandits but mustangers, for instance, exemplifies unjust Anglo persecution of Mexicans, and "the Liar's" designating a Mexican at random to be Joaquin attests to the less-than-human status the Anglos accorded the Mexicans (i.e., "they all look alike").

Tales of Murieta's surviving the battle of Cantua Canyon and returning to Mexico are common in the Chicano folk-

lore. Often, however, in communally recreating these tales, the folk use them as vehicles to express their evaluation of and attitude toward Anglos. Rojas recounts a story in which Joaquin returned to Mexico and lived out "his broken life . . . with bitter memories." Somehow, after he died, the Anglos learned of his death and burial in Mexico. "In keeping with their earlier acts of barbarism," Rojas relates, "they denied him, to the very last, the right to human dignity. They committed the last indignity by an act of desecration of the dead. They dug up his bones to measure his cranium!"<sup>4</sup> Although many Anglo stories insist that Joaquin returned to Mexico and lived for many years after the Cantua Canyon gunfight, to my knowledge none mentions Anglos desecrating his remains.

Rojas tells another story he first heard from a native of Spain in 1919 and independently, several years later, from a Mexican. The story tells of some Spanish miners in California who were robbed by a gang of gringos. Later a band of Mexicans appears, robs the robbers, and returns the gold to the Spaniards along with a bonus--taken from the gringos--for their inconvenience. As the Mexicans ride away, one turns and shouts, "Yo soy Joaquin Murrieta [I am Joaquin Murrieta]".<sup>5</sup> A number of things are significant about the story. First, the story itself seems to be a universal--told, that is, about many outlaw heroes. Kent

Steckmesser, for instance, relates very similar stories featuring Jesse James and Sam Bass as the outlaw hero, not to mention the Robin Hood archetype, Robin Hood himself.<sup>6</sup> That the story should be adapted to include Joaquin is not surprising, but it is indicative of the appeal of the Joaquin figure. Second, Rojas first heard the story from a Spaniard who brought it with him from Spain, another indication of the extent to which lore concerning Murieta had penetrated the Spanish speaking culture. Perhaps most significant is the inversion of thieves and victims: in the Anglo stories, it is consistently the Mexican brigand who robs the Anglo miners. The relationship has been reversed in this story, reflecting the Spanish-speaking community's assessment of the Anglo character. As added emphasis, Rojas specifically characterizes Joaquin's robbing the robbers as "retributive justice," consistent with the image of an avenging outlaw hero one would expect to develop in a Chicano folk community.<sup>7</sup>

Rojas also alludes to both ghost and treasure stories involving Joaquin. He presents all the stories he recounts as stories per se, not as history. For information about Joaquin Murieta, he says "we must depend on the stories of old people whose hazy memories unfortunately mix fact and fable indiscriminately."<sup>8</sup> Significantly, however, Rojas never questions the existence of Joaquin, nor his retribu-

tive role in Mexican-American relations. "There is no proof that Murrieta ever robbed any one," Rojas says. "That he took revenge for the outrages committed against him and his cannot be denied however."<sup>9</sup>

From these stories it seems evident that as early as the turn of the century, Joaquin Murieta was seen by members of the Mexican-American folk community as an outlaw hero who acted in behalf of Mexicans against a repressive Anglo majority. It is scarcely surprising that he became a hero to the Chicano Movement in the mid-20th century.

The birth of the Chicano Movement in Los Angeles in 1966 signalled the beginning of a new phase in Chicano-Anglo relations in California. In the same year the campesinos--farmworkers--in the San Joaquin Valley undertook a three-hundred-mile pilgrimage from Delano to Sacramento which was, in the words of Luis Valdez, "a rejection of our past in this country and a symbol of our unity and new direction. . . . Under the name of HEULGA we had created a Mexican-American patria [homeland] . . ." <sup>10</sup> In the context of this new direction, many historic Californio and Mexican outlaws emerged in Chicano literature and folklore as social bandits and outlaw heroes, stripped of such Anglo-defined heroic activities as robbing banks or paying widows' mortgages, and fully converted to la causa and la revolucion. In Chicano eyes, these men had in the past aided in "the struggle of an



oppressed people to assert themselves and defend what they felt was rightfully theirs."<sup>11</sup> As folk heroes, they were a source of pride and inspiration to la raza; symbols of the greatness of spirit that would again assert itself.

A number of outlaw heroes besides Joaquin Murieta emerged from this milieu: Tiburcio Vasquez, Emiliano Zapata, Pancho Villa, Elfego Baca, Juan Soto, Gregorio Cortez, Juan Cortina, and undoubtedly others. Of them all, however, Joaquin's emergence was perhaps the most dramatic. In Chile in 1966 Pablo Neruda published his play "Fulgor Y Muerte de Joaquin Murieta [Splendor and Death of Joaquin Murieta]." The play adheres closely to Ridge's basic outline, with the exception that Joaquin is Chilean--Neruda claims he has proof, but adds that "these pages are not concerned with confirming history . . ."<sup>12</sup> Rather than riding to the mines with his mistress Rosita, as he does in Ridge's Life and Adventures, Joaquin sails to California with his fiance Teresa, whom he marries on board ship before they arrive. The Anglos--dressed with appropriate symbolism in Ku Klux Klan robes and hoods--rape and kill Teresa, driving Joaquin into banditry; eventually the Anglos kill Joaquin as well, but not until he has exacted vengeance for the death of Teresa and the mistreatment of his companeros.

Neruda's play was born of Chilean Nationalism and the controversy surrounding the United States' involvement in

Chilean government affairs, rather than the Chicano-Anglo conflict in California, yet it speaks eloquently of Anglo racism and persecution as perceived by the Spanish speaking community. The play exalts Murieta--indeed, nearly deifies him. Although Joaquin's voice is heard in the play, and as the play ends his head is brought out in a huge cage, Joaquin himself never appears on stage. Instead, special lighting effects indicate his "presence." Stage directions for Joaquin's first "appearance," for instance, which takes place aboard ship, read, "A projection of green and white light appears on the ship's largest sail, giving the feeling of Chilean mountains with vineyards and snow on the summits."<sup>13</sup> The theatrical device neatly associates Joaquin with hearth and home and all that is dear.

The Anglos, however, are real enough, as are the Chileans and Mexicans whom they bully about. In the scene culminating with the murder of Teresa, the following exchange takes place between the hooded Anglos ("Bloodhounds," Neruda calls them) and the Chileans and Mexicans:

Bloodhound (to Chileans):

If you take my advice, you'll git off yer asses real quiet and git lost. This ain't the U-nited States of Mexico, you know! This here is the U-nited States of America. This is Uncle Sam's territory. This is the Union.

Chilean:

Where we come from, the soil belongs to the people who work it. And just now it's our sweat that's working this sand.

Bloodhound:

Listen good, greaser. We don't fancy niggers and Chileans here. We don't take to Mexicans. Mexico's down yonder somewhere, over the border. Now, make tracks! Git back where you come from. It'll be a sight healthier!

Mexican:

Right here is where I come from, Senor Gringo. I'm proud to tell you I'm Mexican-born and hope to die Mexican. Didn't nobody tell you, Senor Gringo, that the soil we're both standing on was baptized with Mexican sweat?<sup>14</sup>

Bloodshed ensues. Bested in a fight with the Chileans, the Americans descend on Joaquin's tent while he is away mining, and rape and murder Teresa. The scene closes with an embittered Woman's Chorus chanting,

Vengeance is all. Vengeance is mine,  
saith the Lord! Steel, stone, storm,  
rage, and the lance!

. . . . .

Our men look out blindly, crying Re-venge! in the distance and darkness, prowling the night for redress, the hoped-for letting of blood.

And one taciturn man is aroused. He assaults the night and the land. He hurls his horse forward.

. . . . .

He carries revente; its hairs on end,  
its chill drives under his flesh, bat-  
ters his brain. The voice of his ter-  
ror is rampant.

Joaquin dances mortally on in the dis-  
tance, scouring the beaches and riv-  
ers, and killing.<sup>15</sup>

The scene that follows is a disjointed litany of Murieta's revenge--a dramatic crazyquilt shaken violently at the audience. "Who has followed the flash of his eyes or his spurs, the hoofs or the glint on the gun barrel?" a solo voice asks.<sup>16</sup> Other voices reply, "His forehead looms big in the dark, his face is a flickering bonfire. He rides in a dark time. Vengeance is clinched to his saddle."<sup>17</sup> Yet another voice intones, "'He gallops!' the sand says, soaked in the blood of the wretched."<sup>18</sup> An unseen chorus shouts, "Murieta is galloping! Murieta has passed!"<sup>19</sup> A woman responds, "Blood is our witness. One lonely rider hacks out a path to replenish our honor!"<sup>20</sup>

The scene reaches a climax when the Chileans, inspired by Murieta and led by "Three-Fingers," assault and kill the leader of the robed and hooded Americans. As the curtain closes, the character of The Poet speaks from offstage, forecasting Joaquin's death:

A poet considered the right and the  
wrong of this Bandit's Cantata:  
the song of a Gentleman Outlaw who of-  
fered his best, the rose of his death,  
to the neediest.  
I call the rage of my countryman just,  
and I sing of Joaquin Murieta.<sup>21</sup>

The analogy Neruda draws here between Murieta and Jesus of Nazareth seems a bit strained, considering the nature of the two men's careers.

The final scene in the play deals with Murieta's death, again in crazyquilt fashion. In a none-too-subtle stroke of symbolism, the revived American leader has become a carnival barker, hawking twenty-cent tickets to a sideshow exhibiting . . .

the genuine Murieta,  
the Tiger in captivity!

. . . . .

This way, folks! For veinte cents,  
twenty centavos--a modest figger!  
Not to keep you in suspense--  
see the Head of the Tiger!

. . . . .

A Bandit's Head, clean  
as a cabbage, a bargain, Gents, . . .<sup>22</sup>

"The head," reads the stage description, "is in a great cage. [It] is much larger than life, and is covered with blood-colored droplets and threads, like rosaries . . ."<sup>23</sup>

The play closes with the Poet's voice chanting from offstage:

Your fate mingled bloodshed and gall,  
Joaquin Murieta; but its sound is still  
heard. Your people repeat both your  
song and your grief, like a tolling bell  
struck underground. The people are mil-  
lion.<sup>24</sup>

Although Neruda's play is important in the present context in that it clearly portrays a Joaquin Murieta whose sole motive is to wreak vengeance on the Anglos--a much different character from the clever trickster and bank robber portrayed of 20th-century Anglo lore--it is unclear how much impact this play had upon the California Mexican-American community. Some Chicano folk expressions of Murieta are as vindictive and vengeful as is Neruda's, but in the middle sixties, another literary Joaquin took the Chicano world by storm.

In 1966, Rudolfo Gonzales' epic poem Yo Soy Joaquin [I Am Joaquin] was distributed to striking San Joaquin Valley farmworkers in mimeograph form. In this polemic work, Gonzales' fundamental image is that of Joaquin Murieta the outlaw hero:

I rode the mountains of San Joaquin.  
 I rode east and north  
     as far as the Rocky Mountains,  
 and all men feared the guns of  
                                     Joaquin Murrieta.  
 I killed those men who dared  
     to steal mine,  
     who raped and killed  
   my love  
   my wife.  
 Then  
 I killed to stay alive.<sup>25</sup>

For Gonzales, however, this depiction is only the starting point. He drops the outlaw hero image into the crucible of Mexican-Americanism as one would drop a grain of

salt into a saturated salt solution, and Joaquin becomes the seed around which the Chicano world view crystalizes in richly symbolic imagery. Having identified himself as Joaquin, the poem's persona goes on:

I am Cuauhtemoc,  
 proud and noble,  
       leader of men  
 king of an empire  
 civilized beyond the dreams  
       of the gachupin Cortes,  
 who is also in the blood,  
       the image of myself.  
 I am the Maya prince. . . .  
 I am the sword and flame of Cortes  
                                   the despot.  
                                   And  
 I am the eagle and serpent of  
                                   the Aztec civilization.<sup>26</sup>

. . . . .

I was part in blood and spirit  
       of that  
                                   courageous village priest  
                                   Hidalgo  
 who in the year eighteen hundred and ten  
 rang the bell of independence . . .  
 I sentenced him  
                                   who was me.  
 I excommunicated him, my blood. . .  
                                   I killed him.  
 His head,  
       which is mine and of all those  
       who have come this way,  
 I placed on that fortress wall  
       to wait for independence.<sup>27</sup>

. . . . .

I rode with Pancho Villa,  
       crude and warm . . .  
 I am Emiliano Zapata.<sup>28</sup>

. . . . .

I ride with revolutionists  
                                   against myself.<sup>29</sup>

. . . . .

I have been the bloody revolution,  
 the victor,  
 the vanquished.  
 I have killed  
                   and been killed.<sup>30</sup>

. . . . .

My blood runs pure on the ice-caked  
 hills of the Alaskan isles,  
 on the corpse-strewn beach of Normandy,  
 the foreign land of Korea  
                   and now  
                                   Vietnam.<sup>31</sup>

The image of Joaquin that Gonzales creates includes, but clearly transcends, the outlaw hero Joaquin Murieta. Gonzales' Joaquin is la raza, fiercely proud of its Spanish/Indian/Mexican heritage; he is the individual Chicano, persecuted and humiliated but still enduring. This Joaquin is a fusion of the Chicano with la raza, the Chicano partaking of la raza's strength and la raza absorbing some of the Chicano's pain. Joaquin has become a Chicano Everyman, angered by the injustice he experiences at the Anglos' hands, finding succor with his own people and drawing strength from his own community:

I am Joaquin,  
 lost in a world of confusion,  
 caught up in the whirl of a gringo  
                   society,  
 confused by the rules,  
 scorned by attitudes,  
 suppressed by manipulation,  
 and destroyed by modern society.<sup>32</sup>

. . . . .

I look at myself.  
 I watch my brothers.



I shed tears of sorrow.  
 I sow seeds of hate.  
 I withdraw to the safety within the  
 circle of life--MI RAZA.<sup>33</sup>

The poet's Joaquin, like the outlaw hero whose image he  
 subsumes, seeks to avenge the wrongs that have been commit-  
 ted against him and against his people:

I shed the tears of anguish  
 as I see my children disappear  
 behind the shroud of mediocrity,  
 never to look back to remember me.  
 I am Joaquin!

I must fight  
 and win this struggle  
 for my sons, and they  
 must know from me  
 who I am.<sup>34</sup>

. . . . .

I have endured in the rugged mountains  
 of our country.  
 I have survived the toils and slavery  
 of the fields.

I have existed  
 in the barrios of the city  
 in the suburbs of bigotry  
 in the mines of social snobbery  
 in the prisons of dejection  
 in the muck of exploitation  
 and  
 in the fierce heat of racial hatred.  
 And now the trumpet sounds,  
 the music of the people stirs the  
 revolution.<sup>35</sup>

. . . . .

And in all the fertile farmlands,  
 the barren plains,  
 the mountain villages,  
 smoke-smearred cities,  
 we start to MOVE.

La Raza!  
 Mejicano!  
 Espanol!

Latino!  
     Hispano!  
         Chicano!  
 or whatever I call myself,  
         I look the same  
         I feel the same  
         I cry  
             and  
                 sing the same.  
 I am the masses of my people and  
 I refuse to be absorbed.

I am Joaquin!

The odds are great  
 but my spirit is strong,  
         my faith unbreakable  
         my blood is pure.  
 I am Aztec prince and Christian Christ.

I SHALL ENDURE!  
 I WILL ENDURE!<sup>36</sup>

This is inspirational poetry at its best, and the reception Gonzales' poem received in the Chicano community indicates that it did indeed strike a chord. Initially distributed in mimeograph form in 1966, the poem was published as a book the following year. Following its publication, it quickly became a major force in the Chicano and campesino movements, not only in California but in other border states as well. Exerpts from the poem appear in nearly all Chicano literature anthologies and bibliographies; it has been performed by several teatro groups (Teatro Campesino and Teatro Triste, both in California; Los Mascarones in Mexico; Teatro de Colejio Jacinto Trevino in Texas; and Teatro Pachuco in Denver, among others). Teatro Campesino has produced a film

entitled "Yo Soy Joaquin," based on the poem.

But whatever impact the poem had upon the Chicano folk community, and however closely the campesino theatrical productions reflected folk theater, Yo Soy Joaquin remained poetry to the folk, not poetry of the folk. For an indication of the way the image of Joaquin Murieta was perpetuated by the folk themselves, no better source exists than folk songs. In the Chicano community, a folk tale will often be enshrined in a corrido, a folksong of traditional ballad form.<sup>37</sup> Although a folk song about Murieta seems to have been popular among the Anglos as early as the 1850's, there appear to be no traditional corridos about Joaquin.<sup>38</sup> It is the nature of the corrido, however, that like the protest song it emerges spontaneously when the conditions are right.

In the mid-1960's, increasing tensions in the San Joaquin Valley between farmworkers and growers, and frequent violence between strikers and strikebreakers, made extraordinary demands on the resolve of the embattled campesinos. To sustain their struggle and their faith in la huelga, they sought inspiration from the folksingers, the corridistas, who spontaneously created and recreated corridos about Dolores Huerta and Cesar Chavez, contemporary heroes of la causa; corridos about the huelga itself, about la raza's Aztec heritage--and at least two corridos about Joaquin.

In 1975, the Delano corridista Francisco Garcia composed a corrido entitled "Nuestros Ideales [Our Ideals]," which included the following stanza:

En todos estos valles en 1850  
Vino Joaquin Murieta a poner liberacion.  
Y en estos mismos valles vino Dolores  
Huerta,  
Fred Ross y Cesar Chavez--fundadores de  
la union.

[Into all these valleys in 1850  
Came Joaquin Murieta, to bring  
liberation.  
And into these same valleys came  
Dolores Huerta, Fred Ross and Cesar  
Chavez--founders of the Union.]<sup>39</sup>

The following year, an entire song--evidently derived from the Gazette version of the Murieta story--entitled "El Corrido de Juaquin [sic] Murrieta" was published in a song book distributed by the United Farm Workers' clinic in Delano (Appendix E contains both Spanish and English versions of the corrido). Prominent in the song is a recounting of the abuses Joaquin suffered:

Carmelita, so beautiful--  
The cowards murdered her.  
. . .

[To an American] You were the cause  
Of the death of my brother,  
Whom you seized, defenseless--  
Wretched American!<sup>40</sup>

Joaquin implies that he has divine sanction in his ret-

tribution, when in the corrido he says:

I am no . . . foreigner  
 In this land where I walk.  
 California is Mexican  
 Because God wanted it so!

The corrido closes with a stanza implying that the threat posed in the 19th century by Joaquin is not necessarily ended:

I have walked through California,  
 Since the year 1850,  
 With my 30-30 rifle  
 And my loaded pistol.  
 I am that Mexican  
 Men call Joaquin Murrieta.

Joaquin Murieta's outlaw hero image in the Chicano community clearly diverges from his analogous image in the Anglo community. In his choice of victims, the Chicano folk hero is closer to the Ridgean prototype than is the Anglo folk hero. Indeed, Ridge's own remarks in the Editor's Preface to his Life and Times could as well describe the contemporary Chicano expression of Joaquin as they do the literary hero about whom he wrote. Joaquin, according to Ridge, . . .

possessed a soul as full of unconquerable courage as ever belonged to a human being. Although the Mexicans may be whipped by every other nation in a battle of two or five to one, yet no man who speaks the truth can ever deny that there lived one Mexican whose nerves

were as iron in the face of danger and death.<sup>41</sup>

The Joaquin Murieta that Ridge portrayed in Life and Adventures is often accepted as a historical character by the Chicano literary and folk community, and Ridge himself regarded as a straightforward biographer. "Yellow Bird and Joaquin were about the same age, between 18 and 21," one writer reports. "They never met, but Yellow Bird identified with him enough to write his first biography."<sup>42</sup>

Nevertheless, though he resembles Ridge's creation a great deal, the "Chicano Joaquin" of the mid-20th also exhibits some significant differences. Those aspects of Ridge's story that exemplify Murieta's endurance in the face of suffering and oppression are prominent in Chicano literature and folklore, as are instances of his avenging injuries he and his people received at the hands of the Anglos. Nowhere in that literature or lore, however, have I been able to find episodes from Ridge's work exemplifying Joaquin's nobility toward Anglos, such as his rescuing the Anglo maiden from his subordinate Ruiz and dressing Ruiz down into the bargain (see page 66), or displaying his reluctance to kill the Anglo Ruddle, or the hunter who discovered his hideout (see page 75).

The Anglicized Joaquin reflects values and ideas central to the Anglo folk community: supremacy of the indivi-

dual and success through individual effort, evaluation of success and failure--and men--in monetary terms. The Anglos see in Joaquin an instrument of higher justice against those who oppress them monetarily--the banks and freight companies--and by extension, an ally in the perpetual struggle against "the system" which at times makes all men feel like underdogs. The Anglos also perceive in Joaquin a reminder of California's lost romance: to the Anglos, Joaquin is a dashing figure, ready to spring to the aid of widows and orphans. He is Mexican, of course, but clearly a high-class Mexican whose interests and inborn nobility make him worthy of Anglo notice--even esteem. The frontispiece to Ernest Klette's 1928 novel, The Crimson Trail of Joaquin Murrieta--a dreadful assembly of schmaltz in which Murrieta shepherds Miss Rowena Gordon and her fiance through a highly melodramatic series of disasters--displays a stylish if somewhat effeminate Murieta with a pencil-thin mustache, wearing a velvet jacket with ornate silver piping and a voluminous silk cravat, and holding in his lap a shiny, flat-crowned satin hat.<sup>43</sup>

The Chicano folk community, however, has created and perpetuated a much different image of the outlaw hero. Seething under Anglo oppression, battered by Anglo prejudice, incensed by Anglo indifference to their poverty, cheated of their lands, denied their rights and even forbid-

den the use of their own language in Anglo schools, the Chicanos have developed a folk hero motivated not by romance but by retribution, to whom vengeance, not gold, was important. A 1973 sketch of Murieta by Judith Hernandez captures Joaquin's character as the Chicano folk community sees him. He gazes straight ahead, unsmiling, his eyes reflecting the pain and frustration and anger that has been the California Chicano heritage. A broad-brimmed field-worker's sombrero covers his uncombed hair, and a dirty bandana is knotted around his neck.<sup>44</sup> To the Chicano community, Joaquin's concern is not with mere appearance, but with la causa, with righting wrongs; he is not a stylish dilettante, but one of them, one of la raza. Like them, he knows hardship and poverty; he has felt the sailors' truncheons in Los Angeles and the Sheriffs' nightsticks in Kern County; he has become very old and died very young. He is Chicano, . . .

poor in money,  
 arrogant with pride,  
     bold with machismo,  
     rich in courage  
         and  
     wealthy in spirit and faith.<sup>45</sup>

He will endure.



## CHAPTER VI

## JOAQUIN MURIETA: ONCE AND FUTURE HERO

I think it was the romance of the thing. The romantic sound of his name has made Joaquin last.<sup>1</sup> --

California in the mid-19th century was an explosive mixture of aggression and resistance, of banditry and retaliation, of "justice" that was criminal and crimes that were "justified." In 1853, Harry S. Love rode into this stew of cultural conflict, carrying a man's head in a tin filled with alcohol. Although its identity was and still is hotly disputed, the head catalyzed the emergence of a large body of literature and lore about the most celebrated of California's bandits, Joaquin Murieta.

Murieta entered California's legendry as a literary hero, outraged and bent upon righteous vengeance. Because the folk found the literary hero so appealing, they seized upon him as the pattern for a number of outlaw folk hero ex-

pressions, each developed as the cultural need arose. By turns and often simultaneously, Joaquin has been Robin Hood and secreter of buried treasure, savior and avenger, breaker of laws and dispenser of justice. He has been a dynamic figure in California legendry, offering insight into the folk cultures in and by which he has been perpetuated through a process of communal re-creation.

The Murieta legendry has been an enduring feature of both the Anglo-American and Mexican-American folk communities in California, and to a large extent, both groups retain the legendry essentially in its "traditional" form. Judith Cunningham, Director of the Calaveras County Museum and Archives, writes, for instance, that she does "not believe you can find a ranch in the county which wasn't visited by Murieta."<sup>2</sup> The owner of one Calaveras County ranch, John Lewallen of Linden, possesses a saddle that reputedly belonged to Murieta. As Lewallen told me the story in October, 1982, . . .

The fella that owned the ranch before we bought it, . . . in the days of Joaquin Murieta, his grandfather was there on the ranch. There's a spring on the ranch, way in the back, where these fellas [Joaquin and his band] were camped. When they saw him [the owner of the ranch] coming up over the hill, they thought it was a posse. So they jumped up and grabbed their horses and took off without their saddles. And he [the owner] kept this . . . saddle, and when we bought the ranch, the heirs . . . gave

us the saddle and told us the story.<sup>3</sup>

After hearing the story of the saddle, I asked Lewallen to tell me something about Murieta. Joaquin, according to Lewellan, was . . .

just an ordinary Mexican that came up from Mexico and was mining for gold, and a bunch of renegade white guys went in and raped his wife and caused her death. And that turned him . . . and then he started in for revenge. And he got going for this revenge, and worked it into a big thing, into an outlaw gang. To such an extent that the State of California had to . . . had to track him down with the state rangers. That was the whole story. See, the whole thing was . . . he was on his way, taking California back away from everybody and making it all Mexican. Oh, he became quite a character.<sup>4</sup>

This is vintage John Rollin Ridge; this is Joaquin Murieta distilled directly from the pages of The Life and Times, virtually unchanged after 130 years.

Against this background of enduring legendry, however, there is evidence that the tradition is undergoing change. Increasingly, the folk discount the legends. During my research for this project, I encountered a number of people who professed to know nothing about Joaquin, or who dismissed the legends as "just stories" and not "history." "All that Murieta stuff," one Mokelumne Hill resident told me, "it's just Chamber of Commerce hype, that's all." In

Jackson, in Sutter Creek, in Sonora and Angels Camp and San Andreas--all the towns where the "historical" Joaquin was most active--people were reluctant to talk about him.

One possible reason for their diffidence derives from the "discovery" of the motherlode country by California's enormous city-bound population--a boon to "antique" dealers and a curse on antique sewer systems. My five-day trip in search of Joaquin lore coincided with the three-day Labor Day weekend, traditionally the last and busiest travel weekend of the vacation season. Possibly people were simply reluctant to talk to another camera-toting tourist.

This change in the Murieta lore is not restricted to the Anglo folk community, however. In 1980, Hector Lee said that to the Chicanos, Murieta was "as real as Jesus Christ."<sup>5</sup> In another place, he quotes a Chicano informant as saying that the story of Joaquin "is alive. Each and every one of us has his own version, and it means the same to us like you have your George Washington." Another informant says, "I know about Joaquin. . . . those of us who are from around here, they know about it."<sup>6</sup> There is evidence, however, that the Chicano community's general knowledge of the Murieta lore, like the Anglo community's, is diminishing. A 1980 survey taken among high school students in Chino, a largely Chicano community east of Los Angeles, showed that of 84 Chicano students questioned, only 5 knew

of Joaquin Murieta--and of those, only 2 approved of his "historical" conduct.<sup>7</sup> Another survey conducted the same year in Sebastopol, a town north of San Francisco, in which twenty-two students of Mexican and Mexican-American descent were interviewed, produced similar results: not one of the students knew of Joaquin Murieta. The students were asked to quiz their adult family members about Murieta, but none of the parents were familiar with Joaquin either.<sup>8</sup>

Linda Ford, who conducted these surveys, agreed to conduct a similar survey for this work at two Sebastopol high schools. A general request for information disseminated to approximately 1200 students produced no respondents who knew about Joaquin. Ten members of the Anoly High School Latino Club--all Chicanos, ages 14-17--were asked to complete questionnaires about Murieta. Only one was familiar with the name, and he recalled it not from an old family tradition, but from a California history class! His response was negative: "I see [Joaquin Murieta] not in a very good way because of his crimes. It was indeed a bad example to set for all of us. . . It was history, but bad . . ." <sup>9</sup> This questionnaire is reproduced in Appendix F.

None of these data--Anglo or Chicano--conclusively demonstrates a fundamental change in the lore. They may simply reflect California's enormous immigrant population and that population's ignorance of a rather parochial legendry; they

may reflect regional differences in the native California population, or any number of long-standing but unrecorded variations in folk groups. The apparent changes may also be artifacts of the survey method: written questionnaires are much less suitable than personal interviews for collecting knowledge of a folk hero.

The possibility remains, however, that the legendry is indeed undergoing a change, and even vanishing. Do the folk groups perhaps see their contemporary problems as too great for a traditional folk hero to solve? Joaquin can battle banks and corporations on behalf of an economically threatened folk community, or fight back against and inspire endurance in the face of vicious racism, but what can he do about the carnivorous cycle of inflation and recession? Or about diminishing natural resources, or the threat of nuclear war? If the Murieta legendry is in fact fading, what does it signify in terms of Dundes' concept of folk ideas? Is the Anglo ideal of individualism tempered with justice on the wane? Is the Chicanos' new-found pride in a rich non-Anglo heritage already diminishing?

The Murieta legendry is neither a bellwether nor a barometer for American folk culture. Nevertheless, given the intimate connection between folk culture and folk lore, an alteration in the traditional pattern of any lore frequently signifies a deep and possibly profound change in the cul-

ture, and warrants further investigation.

The Murieta legendry suggests a second area where scholarship may prove fruitful: the technique of doubling. Henry Nash Smith proposes doubling as a literary mechanism allowing a subordinate to evince traits which for some reason the hero cannot. Joaquin's emergence as a hero suggests that this same mechanism can be instrumental in the actual creation of a literary or folk hero.

Doubling seems to work by breaking down stereotypes. Communications theorist George Simmons says of stereotypes that . . .

Each major position (like "policeman"), as well as many important combinations of social positions (like "Irish policeman"), has attached to it in the popular culture a stereotype--a set of personal characteristics and behaviors that are expected of anyone who occupies that position. These stereotypes ordinarily contain certain amounts of statistical truth in them and thus are useful in orienting people toward those who occupy such positions. [However,] when we appraise a stranger by identifying his salient social positions and ringing in the corresponding stereotypes, our expectations toward him include things that do not apply to him, and they omit important things that do apply to him. . . we thus introduce two important kinds of misinformation into our appraisal of him: errors of commission and of omission.<sup>10</sup>

Stereotypes, in other words, are essential steps in human information processing; inherently prejudicial, they

nonetheless establish the matrix or paradigm according to which information is segmented into manageable units. The challenge, as Simmons implies, is to break out of stereotypes when their usefulness is at an end. Although Simmons is talking about interpersonal communication, his remarks are a close paraphrase of Michael Jones' formula for creating a folk hero, involving both imputation and expurgation. In these terms, Joaquin Murieta's literary/folkloric debut can be viewed as the transition from the (unacceptable) Mexican Bandit stereotype to the (acceptable) Outlaw Hero stereotype.

As Chapter III discussed, Joaquin's character was doubled to produce Three Fingered Jack, who became the repository for all the anti-heroic traits of the sadistic killer associated with the Murderous Mexican stereotype. In Simmons' terms, Three Fingered Jack allowed the folk to correct "errors of commission" that were perpetrated when the character of Joaquin was depicted in the newspapers as a Murderous Mexican. Not only did this allow the Murderous Mexican stereotype to be broken so the hero could emerge from it, but it conferred the additional benefit of allowing the Murderous Mexican stereotype to be retained in the literature and lore. Although assuredly anti-heroic, the Murderous Mexican stereotype was familiar, and therefore, paradoxically, comfortable. Initially, at least, by supplying



the stereotype the Anglos loved to hate, Jack may have facilitated their acceptance of Joaquin--a "greaser," after all--as a hero.

If doubling is indeed a functioning mechanism in the creation of an outlaw hero, it should be demonstrable in other cases. It may, for instance, have been a dynamic in the emergence of Tiburcio Vasquez as a folk hero. Vasquez--the last "genuine" bandido--had a sidekick named Clodoveo Chavez. Chavez was reputedly a sadistic killer, who on one occasion is credited with scalping his victim and carving up his face--and then killing him. Is this an echo of the same process that created Three Fingered Jack?

The evidence of Murieta--and possibly Vasquez--while intriguing, is not sufficient to substantiate the process of doubling as a literary or folklore dynamic; the question deserves further study. A caveat is in order, however: what appears to be a "text-book" case of doubling may be something quite different, as the case of the Cisco Kid illustrates.

In the late 1940's, The Cisco Kid made the transition from literature (in O. Henry's short story "The Caballero's Way") to radio. Transformed into a Mexican (O. Henry's Cisco was an Anglo named Goodall who would "shoot Mexicans to 'see them kick'"<sup>11</sup>), Cisco became a popular hero, the "Robin Hood of the Old West." Despite the similarity of his heroic

character to Joaquin's, Cisco was not based on Murieta, nor were his exploits drawn from Murieta legendry. William Gordon, the writer who created the character for radio, relied for his drama as much as possible upon legitimate western history: Jefferson Davis' experiment with camels, the west's first typewriter, events at Tombstone's Birdcage Theater, etc.<sup>12</sup> Nevertheless, certain parallels between Joaquin and the Kid emerge, as they are bound to between any two heroes of the Robin Hood archetype. In this context, the important similarity is in the matter of companions.

Pancho, Cisco's ubiquitous sidekick, was created for the radio drama; he did not come from the pages of O. Henry. It is tempting to speculate that as doubling created Three Fingered Jack and allowed Joaquin to emerge from the stereotype of the Murderous Mexican, so did doubling create Pancho, and allow Cisco to emerge from the stereotype of the Somnolent Mexican. Pancho, particularly as Leo Carillo later portrayed him on television, was a "typical" Mexican: fat, jolly, happily subordinate, found beneath a huge straw sombrero, fond of relaxation--he seems particularly suited to portray lobbyist Frisselle's "homer" Mexican who "likes the sunshine against an adobe wall with a few tortillas." Thus purged of the unheroic trait of benevolent slothfulness, Cisco could emerge from the stereotype of the Somnolent Mexican and become a hero. Doubling would permit the

Somnolent Mexican stereotype to be retained in the person of Pancho, conferring the benefit of comfortable familiarity.

The speculation is tempting . . . but vain. "The 'doubling' I did," Gordon says, "was straight out of . . . Aristophanes. Pancho was a mechanical convenience and a comic relief."<sup>13</sup> An old-fashioned literary convention, that is, whose altering of stereotypes was strictly incidental to his dramatic function as a character foil.

If doubling functions as I have hypothesized, it offers a useful model of the dynamics of literary/folk hero creation and evolution. It is a model that must be adopted with caution, however. It seems more suited to folk hero creation, where a change of stereotypes is the typical case, than to literary hero creation, where the hero is either created from scratch or drawn from an already accepted heroic archetype.

This would suggest that when Ridge wrote The Life and Times, Three Fingered Jack was already an element in the folk lore, and that Ridge legitimized him in the same way he legitimized Joaquin. There is some evidence for this in the newspaper clippings quoted in earlier chapters. It is noteworthy, however, that although the [apocryphal?] story of the torture slaying of Bear-Flaggers Cowie and Fowler dates from 1846, identifying their murderer [?] Garcia [?] with Three Fingered Jack occurred only after Love

returned from Cantua Canyon with "Joaquin's" head and "Three Fingered Jack's" hand. Love's action, it seems, catalyzed the creation of not just one folk character, but two.

Another interesting aspect to the Murieta legendry is the treasure lore. As Chapter III indicates, folklorist Alan Dundes suggests that the prevalence of treasure stories in which the treasure remains undiscovered may be an expression of the folk idea he calls the "principle of unlimited good": the idea that America boasts richness enough for all; that no matter how lucky the other guy gets, there is still some left. It is thus of interest that the only Chicano or Mexican-American Murieta treasure tales I have found tell of treasure that was found. One such story tells of an Anglo who came to Piedra Pintada--one of Murieta's hideouts --and with the aid of a local Mexican-American who knew the area, used the verbal instructions he had received in Sonora to locate a hidden map of some of Murieta's treasure. The Anglo subsequently sickened and died, but the Mexican-American who assisted him recovered the treasure.<sup>14</sup>

Another story concerns an ancient shepherd who, in the old days, "innocently" kept a herd of sheep near where Murieta and other outlaws frequently hid out. The bandidos thus always had a supply of fresh mutton, in return for which they occasionally let the shepherd in on a secret. One day, long after the bandido era was over, the old shepherd en-

countered a somber vaquero. When the shepherd asked the reason for the vaquero's long face, the vaquero replied that his wife had long been ill and was on the point of death; only an operation could save her, but there was no money for it. The shepherd, perceiving that the vaquero was not a greedy man, directed him to a small treasure trove, sufficient for his needs. Following the shepherd's directions, the vaquero found just enough buried gold to pay for his wife's operation.<sup>15</sup> Hector Lee relates a story in which gold and jewelry stolen and buried by Murieta are later found by a partner of one of Murieta's subordinates, named Castro. The bulk of the treasure mysteriously vanished, but not before Castro took \$2,500 worth of gold from it.<sup>16</sup>

There are undoubtedly other stories. If it proves to be the case that the Mexican-American stories are indeed characterized by treasure being found, and if Dundes' analysis of the link between Anglo treasure stories and philosophical world view is correct, what have Mexican-American treasure stories to say about the Chicano world view? Perhaps an analysis of the stories and their significance can contribute to a better understanding of what lies at the root of the century-long conflict in California between Anglos and Chicanos.<sup>17</sup>

There could be no better denouement to Joaquin's century-long search for justice.

## EPILOGUE

Hector Lee has said that a good legend is more than simply a fusion of episodes into a single tradition; there must also be something unique and memorable about it. The Butch Cassidy cycle remains popular in part because Cassidy was brought up a strict Mormon; Black Bart is distinguished by his poetry; Jesse James is nearly as famous for singing in Sunday School as he is for robbing banks. The element that differentiates Joaquin Murieta from any other California bandit--the element that makes him unique in western outlaw history--is the loss of his head.

After being detached from its former owner, the head was exhibited around California for a number of months by William Henderson, the California Ranger most frequently credited with removing it from Joaquin's shoulders, and another Ranger named Black. In September of 1855, it was sold at public auction to a Judge Lyons and one J. V. Plume. They evidently intended to take it on a tour of the Atlantic

states and make a bundle. Whether or not they succeeded is unclear. In any event, by 1865 the head had found a home in San Francisco. That year, the catalogue for Dr. Jordan's Pacific Museum of Anatomy and Science listed as item 563, the . . .

Head of Joaquin Murietta, a celebrated bandit and murderer, well known in California in early days as a most desperate character and terror of the country. He was shot by Captain Harry Love, who secured a State reward of \$5,000 by his capture.<sup>1</sup>

At the top of the next page, as item 564, the catalogue lists the "Hand of another desperado, named Three-fingered Jack."<sup>2</sup>

Most commentators say that the relics remained in Jordan's museum until they vanished in the 1906 earthquake and fire. Burns, however, says they vanished "mysteriously in the late 1890's. What became of [them], no one ever knew."<sup>3</sup> Frank Latta disagrees--as he disagrees with virtually all the Joaquin legendry--and says that the head was indeed at Jordan's Museum when the earthquake struck. The jar containing the head pitched to the floor and shattered. And there the head sat: the fire never reached Jordan's.

It was six weeks before the museum was unlocked again. Then, with the city's cleanup well under way, a janitor returned. He found the head and a number of other specimens,

all badly decomposed, scattered about. Salvaging what he could, the janitor swept the rest, including the head, into an ash can, carried the lot of it outside, and buried it in the alley. Years later, in 1929 or 1930, the janitor pointed out to Latta precisely where he had entombed the head. Requiescat in pace.

So claimed the janitor, whom Latta fails to identify. But there is a head, as Figure 4 illustrates. It stares balefully from a jar of alcohol in Walter E. Johnson's private museum in Santa Rosa, a coarse-featured, dark-eyed, thick-lipped head resting in a tangle of black hair. It came to light in 1957, when the property of an anonymous old man, recently deceased, was sold; the head was hidden away in the attic among his effects. In a variant of the story, the head was discovered when the old man's house, standing next to the lot where Jordan's Museum had been, was razed. Might the old man have been the janitor who thirty years earlier told Latta that he buried the head? Might he have carried it home instead, as a curiosity?

After its rediscovery, the head was acquired first by the Old Town Museum in New Almaden; a man named Al Keck later obtained it from the museum in a bankruptcy sale. In 1968 it came into Johnson's possession, along with a single letter from a man who says it is the same head he saw in Jordan's museum before the 1906 earthquake. It may well be;



it is remarkably similar to the sketch of the head Love brought back from Cantua, and human heads are infrequently available for the taking, unnoticed. But even if it is the head that earned Love his reward, the question remains: whose head is it? The cold-eyed hombre in the bottle answers no questions. He remains an enigma.

And, in the end, so does Joaquin Murieta. The images of Joaquin whirl about like scraps of paper in a dust-devil: folk hero, literary hero, popular hero, dramatic hero in plays and films; Robin Hood and revolutionary; Mexican, Spaniard, Chilean, Chicano; bandido, campesino, huelguista; well-known and unknown; bestower of freedom and fortune, purveyor of terror and death. At the center of the whirl stands . . . what? A hard-luck horse thief? John Rollin Ridge's imagination? Our own?

As he did more than a century ago, Joaquin continues to vanish just over the next horizon, and we who pursue him are left with little more than the faint echo of his derisive laughter.

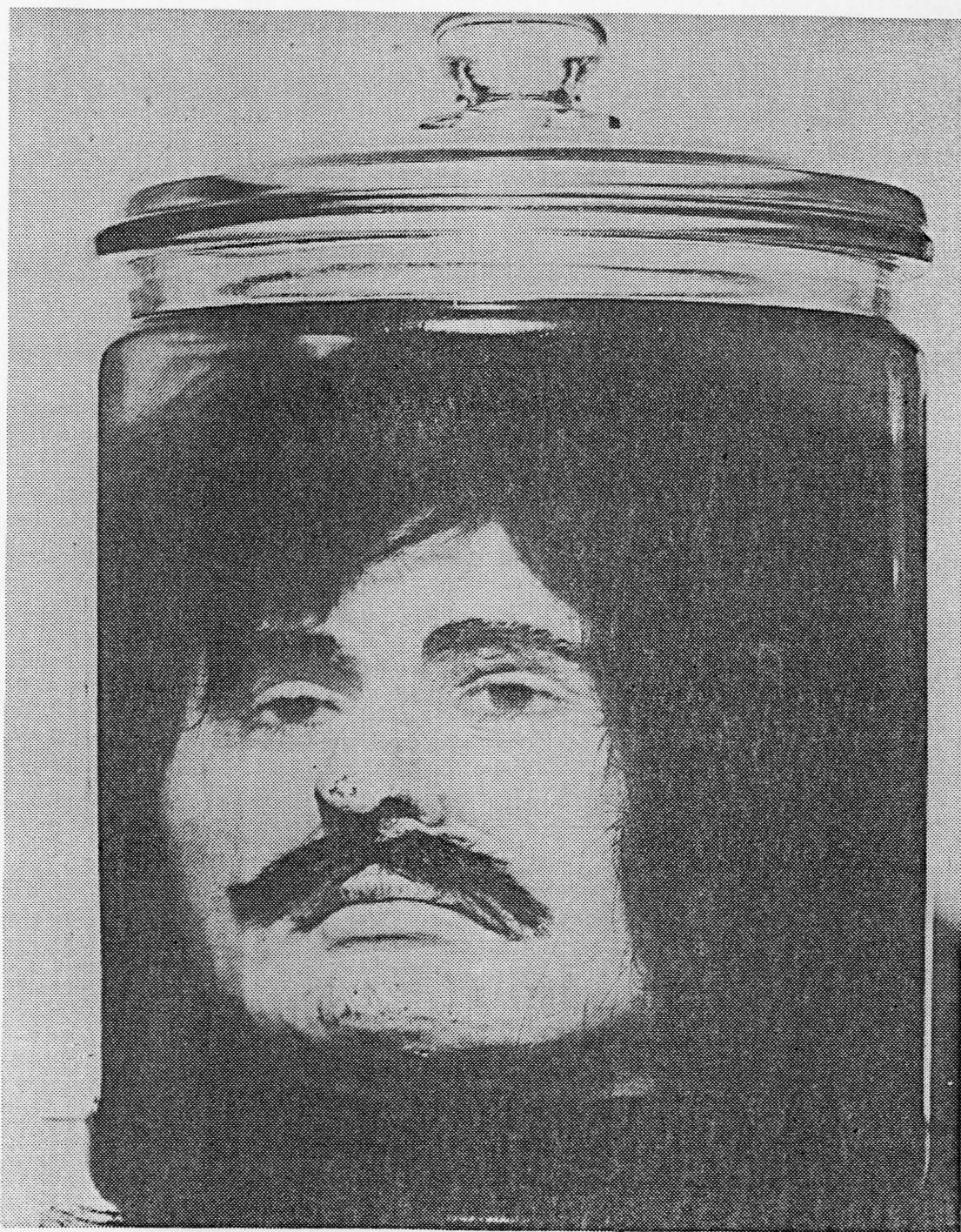


Figure 4. Photograph of the preserved head on display in Walter E. Johnson's private museum in Santa Rosa, Calif. Photo courtesy Hector H. Lee.

END NOTES

## END NOTES

Introduction

<sup>1</sup> Leonard Pitt, The Decline of the Californios (Berkeley: University of California Press, 1966), p. 80.

<sup>2</sup> Hector Lee, "The Reverberant Joaquin Murieta in California Legendry," Pacific Historian, 25, No. 3 (Fall 1981), p. 40.

I The Early Years

<sup>1</sup> Antonio Franco Coronel, "Cosas de California," cited in Foreigners In Their Native Land, ed. David J Weber (Albuquerque: University of New Mexico Press, 1973), p. 171.

<sup>2</sup> The following discussion comes generally from Pitt, chapters I through IV. For an excellent, if polemical, critique on Pitt's interpretation of California history, see "A Critique of Pittian History" by Raymond V. Padilla, in Voices: Readings from El Grito, ed. Octavio Ignacio Romano-V., 2nd ed. (Berkeley: Quinto Sol Publications, 1973), pp. 65-106

<sup>3</sup> Pitt, p. 4.

<sup>4</sup> Pitt, p. 11.

<sup>5</sup> Dale L. Morgan, Jedediah Smith and the Opening of the West (Lincoln and London: University of Nebraska Press, 1953), p. 205.

<sup>6</sup> Zenas Leonard, Narrative of the Adventures of Zenas Leonard, introduction by Milo Milton Quaife (Lincoln and London: University of Nebraska Press, 1978), p. 166.

<sup>7</sup> Richard Henry Dana, Two Years Before the Mast (New York: Dutton, 1978), p. 63.

<sup>8</sup> Dana, p. 144.

<sup>9</sup> Alfred Robinson, Life in California During a Residence of Several Years in That Territory (San Francisco: 1891), cited in Pitt, p. 15.

<sup>10</sup> Charles Camp, ed., James Clyman: American Frontiersman, 1792-1881 . . . His Own Reminiscences and Diaries (San Francisco: 1928), cited in Pitt, p. 16.

<sup>11</sup> "The Spanish Races in California," Editorial, Sacramento Daily Union, 27 November 1852, p. 2, column 1.

<sup>12</sup> W. Eugene Hollon, Frontier Violence: Another Look (New York: Oxford University Press, 1974), p. 57.

<sup>13</sup> John Preston Buschlen, Senor Plummer: The Life and Laughter of an Old Californian (Los Angeles: 1942), cited in Pitt, p. 12

<sup>14</sup> Bernard DeVoto, The Year of Decision: 1846 (Boston: Little, Brown and Co., 1943), p. 49.

<sup>15</sup> William H. Goetzmann, Exploration and Empire (New York: W. W. Norton & Co., 1966), p. 149.

<sup>16</sup> Leonard, pp. 104, 105.

<sup>17</sup> Robert J. Rosenbaum, Mexicano Resistance in the Southwest (Austin and London: University of Texas Press, 1981), p. 32.

<sup>18</sup> Henry Bigler, "Diary," 24 January 1848, Photographically reproduced in The Old West, series ed. Ezra Bowen, 26 unnumbered volumes, in the volume entitled The Forty-Niners, by William Weber Johnson (New York: Time Life Books, Inc., 1974), p. 22.

<sup>19</sup> Pitt, pp. 51, 52.

<sup>20</sup> Coronel in Weber, p. 169.

<sup>21</sup> Coronel in Weber, p. 170.

<sup>22</sup> Coronel in Weber, p. 171.

<sup>23</sup> Coronel in Weber, p. 173.

<sup>24</sup> Coronel in Weber, p. 173.

<sup>25</sup> Hollon, p. 65.

<sup>26</sup> Louise A. K. S. Clappe ("Dame Shirley"), The Shirley Letters, introduction by Richard Oglesby (Santa Barbara and Salt Lake City: Peregrine Smith, Inc., 1970), pp. 146-151.

<sup>27</sup> Richard White, "Outlaw Gangs of the Middle Border: American Social Bandits," Western Historical Quarterly, XII (October 1981), p. 388.

<sup>28</sup> Pitt, pp. 157, 158; San Francisco Daily Alta California, 1, 4, 6 and 15 December 1852.

<sup>29</sup> John and Laree Caughey, Los Angeles: Biography of a City (Berkeley: University of California Press, 1977), p. 143. The Caugheys do not identify Bean's "true murderer."

<sup>30</sup> Sacramento Daily Union, 29 November 1852.

<sup>31</sup> San Joaquin Republican, 29 January 1853, photographically reproduced in Frank F. Latta, Joaquin Murrieta and His Horse Gangs (Santa Cruz: Bear State Books, 1980), p. 37.

<sup>32</sup> Franklin Walker, San Francisco's Literary Frontier (Seattle and London: University of Washington Press, 1939), p. 49; Raymund F. Wood, introductory notes to Joaquin Murrieta, The Brigand Chief of California, introductory notes by Francis P. Farquhar, Raymund F. Wood and Charles W. Clough (San Francisco: Published at the Office of the California Police Gazette, 1859; rpt. Fresno: Valley Publishers, 1969), p. xi.

<sup>33</sup> Census of the State of California, County of Calaveras, for the Year 1852 (Sacramento: California State Archives; Microfilm, Salt Lake City: Genealogical Society of the Church of Jesus Christ of Latter Day Saints, reel No. 909229), p. 144, line 1.

<sup>34</sup> Census . . . County of Calaveras, p. 146, line 46.

<sup>35</sup> Census of the State of California, County of Tuolumne, for the Year 1852 (Sacramento: California State Archives; Microfilm, Salt Lake City: Genealogical Society of the Church of Jesus Christ of Latter Day Saints, reel No. 909234), pp. 371-378.

<sup>36</sup> Charles Nordhoff, California: A Book for Travelers and Settlers (New York: Harper & Brothers, 1872), pp. 84-92.

<sup>37</sup> San Joaquin Republican, 16 February 1853, photographically reproduced in Latta, p. 40.

<sup>38</sup> Sacramento Daily Union, 17 February 1853.

<sup>39</sup> San Joaquin Republican, 16 February 1853, photographically reproduced in Latta, p. 41.

<sup>40</sup> Sacramento Daily Union, 18 February 1853.

<sup>41</sup> Sacramento Daily Union, 18 February 1853.

<sup>42</sup> San Joaquin Republican, 23 February 1853, photographically reproduced in Latta, p. 45.

<sup>43</sup> San Joaquin Republican, 23 February 1853, photographically reproduced in Latta, p. 45.

<sup>44</sup> San Joaquin Republican, 2 March 1853, photographically reproduced in Latta, p. 50.

<sup>45</sup> "Proclamation! One Thousand Dollars Reward," photographically reproduced in Latta, p. 321.

<sup>46</sup> San Joaquin Republican, 2 March 1853, photographically reproduced in Latta, p. 50.

<sup>47</sup> "[A Petition] To His Excellency, Governor Jn<sup>o</sup>. Bigler," photographically reproduced in Latta, p. 324.

<sup>48</sup> "Laws of the State of California. Chapter CXXXVI: AN ACT to Authorize the Raising of a Company of Rangers," photographically reproduced in Latta, p. 328.

<sup>49</sup> Harry S. Love, "[Report] to Gov<sup>r</sup> John Bigler, 4 August 1853," photographically reproduced in Latta, pp. 512-514.

<sup>50</sup> Joseph Henry Jackson, Bad Company (Lincoln and London: University of Nebraska Press, 1977), p. 14.

<sup>51</sup> Joseph Henry Jackson, Anybody's Gold (New York: D. Appleton Century Co., Inc., 1941), p. 372.

<sup>52</sup> Jackson, Bad Company, p. 12.

<sup>53</sup> Pitt, p. 80.

<sup>54</sup> Latta, p. 585; Walker, p. 51.

<sup>55</sup> Latta, p. 100.

<sup>56</sup> Census . . . County of Calaveras, passim; Census . . . County of Tuolumne, passim. The microfilm copy of this census is partially unreadable; "Murieta" could be present on either of these county lists and be undetectable. It is also possible that Murieta, if he existed, was included in one of the anonymous Mexican entries in either county (see page 23).

<sup>57</sup> Assessment of Property for the Fiscal Year ending March, 1863, to all Owners of Property in Calaveras County (San Andreas: Calaveras County Museum and Archives), p. 45.

<sup>58</sup> Census . . . County of Calaveras, Page 33 line 4.

## II The Myriad Lives of Joaquin Murieta

<sup>1</sup> Joseph Henry Jackson, introduction to The Life and Adventures of Joaquin Murieta, The Celebrated California Bandit, by John Rollin Ridge [Yellow Bird] (San Francisco: W. B. Cooke, 1854; rpt. Norman: University of Oklahoma Press, 1955), p. xxiii.

<sup>2</sup> Ridge, Life and Adventures (1854), pp. 2, 3.

<sup>3</sup> Ronald N. Satz, American Indian Policy in the Jacksonian Era (Lincoln and London: University of Nebraska Press, 1975), p. 101.

<sup>4</sup> John R. Ridge, The Life and Adventures of Joaquin Murieta, Brigand Chief of California (San Francisco: Frederick MacCrellish & Co., 1871), p. [3].



<sup>5</sup> This account of Ridge's early years comes from the publisher's preface to the 1871 edition of Ridge's Life and Adventures. Joseph Henry Jackson, in his introduction to the reprint of the 1854 edition, says Ridge suffered in New England's damp climate and returned to Fayetteville, Arkansas, where he killed a man when in his late teens.

<sup>6</sup> Walker, p. 48

<sup>7</sup> Jackson, Bad Company, p. 15.

<sup>8</sup> Farquhar, introductory notes, Joaquin, Brigand Chief, p. vi.

<sup>9</sup> Walker, p. 51.

<sup>10</sup> Ridge, Life and Adventures (1854), pp. 12-13.

<sup>11</sup> Ridge, Life and Adventures (1871), p. 10.

<sup>12</sup> New York Tribune, 14 June 1853 (San Francisco: Wells Fargo Bank History Department). The dateline is separated from the body of the article.

<sup>13</sup> New York Tribune, 14 June 1853.

<sup>14</sup> Ridge, Life and Adventures (1854), p. 13.

<sup>15</sup> Jackson, introduction to Ridge, Life and Adventures (1854), p. xviii.

<sup>16</sup> Walker, p. 48.

<sup>17</sup> Ridge, Life and Adventures (1854), p. 13.

<sup>18</sup> Ridge, Life and Adventures (1871), p. 9.

<sup>19</sup> Walker, p. 53.

<sup>20</sup> Ridge, Life and Adventures (1854), p. 13.

<sup>21</sup> Ridge, Life and Adventures (1854), p. 20.

<sup>22</sup> Ridge, Life and Adventures (1854), p. 33.

<sup>23</sup> San Francisco Daily Herald, 8 August 1853.

<sup>24</sup> Ridge, Life and Adventures (1854), p. 25.

<sup>25</sup> Ridge, Life and Adventures (1854), p. 50.

- <sup>26</sup> Ridge, Life and Adventures (1854), p. 106.
- <sup>27</sup> Ridge, Life and Adventures (1854), p. 158.
- <sup>28</sup> Ridge, Life and Adventures (1854), p. 3.
- <sup>29</sup> Ridge, Life and Adventures (1854), p. 7.
- <sup>30</sup> Joaquin, Brigand Chief, p. 1.
- <sup>31</sup> Ridge, Life and Adventures (1854), p. 8.
- <sup>32</sup> Joaquin, Brigand Chief, p. 1
- <sup>33</sup> Jackson, Bad Company, pp. 15-40; Jackson, introduction to Ridge, Life and Adventures (1854), pp. xi-xlix; Farquhar, introductory notes to Joaquin, Brigand Chief, pp. iii-viii and [117]-[119]; Walker, pp. 50-54.
- <sup>34</sup> Raymund F. Wood, "New Light on Joaquin Murrieta," Pacific Historian, No. 14 (Winter, 1970), p. 61.
- <sup>35</sup> Ridge, Life and Adventures (1871), p. [iii].
- <sup>36</sup> Ridge, Life and Adventures (1854), p. 10.
- <sup>37</sup> Ridge, Life and Adventures (1871), p. 7.
- <sup>38</sup> Ridge, Life and Adventures (1871), p. 19.
- <sup>39</sup> Hubert Howe Bancroft, History of California, Volume VII: 1860-1890, Vol. XXIII of The Works of Hubert Howe Bancroft (San Francisco: The History Company, 1890), p. 203.
- <sup>40</sup> Hubert Howe Bancroft, California Pastoral: 1769-1848, Vol. XXXIV of The Works of Hubert Howe Bancroft (San Francisco: The History Company, 1890), p. 655.
- <sup>41</sup> One cannot help being curious. "La Molinera" translates "The Little Miller" or "The Miller's Wife." In the Reeve's Tale from Chaucer's Canterbury Tales, there is a miller's wife who cuckolds her husband, and although she doesn't betray him to his death, she does arrange things so that he gets a frightful beating. But surely the coincidence in names is . . . coincidental?
- <sup>42</sup> Bancroft, California Pastoral, p. 656.

<sup>43</sup> Henry Nash Smith, Virgin Land: The American West as Symbol and Myth (Cambridge and London: Harvard University Press, 1950), p. 240.

<sup>44</sup> Richard G. Mitchell, "Joaquin Murieta: A Study of Social Conditions in Early California," Master's Thesis, Department of History, University of California, Berkeley, 1927, in Furia y Muerte: Los Bandidos Chicanos, ed. Pedro Castillo and Albert Camarillo (Los Angeles: Aztlan Publications, University of California, 1973), pp. 35-51.

<sup>45</sup> Wood, introductory notes, Joaquin, Brigand Chief, p. x.

<sup>46</sup> William B. Secrest, Joaquin: Bloody Bandit of the Mother Lode (Fresno: Saga-West Publishing Co., 1967), p. 11.

<sup>47</sup> San Joaquin Republican, 26 January 1853, photographically reproduced in Latta, p. 36.

<sup>48</sup> Wood, introductory notes, Joaquin, Brigand Chief, p. xi.

<sup>49</sup> Walter Noble Burns, The Robin Hood of El Dorado (New York: Grosset & Dunlap, Publishers, 1932), p. 6.

<sup>50</sup> Burns, p. 17.

<sup>51</sup> "Descendants of Early-day Dons Send in Facts" (San Francisco: Wells Fargo Bank History Department), an article appearing in an unnamed newspaper, hand dated 9 December 1937.

### III Joaquin Among the Folk

<sup>1</sup> Ridge, Life and Adventures (1854), p. 80.

<sup>2</sup> Alan Dundes, "Folk Ideas as Units of Worldview," Journal of American Folklore, 84, No. 331 (January-March 1971), p. 93.

<sup>3</sup> Richard E. Meyer, "The Outlaw: A Distinctive American Folktype," Journal of the Folklore Institute, No. 17 (1980), p. 94.

<sup>4</sup> Eric Hobsbawm, Bandits (New York: Dell Publishing Co. Inc., 1969), pp. 20-21.

<sup>5</sup> Michael Owen Jones, "(PC + CB) X SD(R + I + E) = HERO," New York Folklore Quarterly, No. 27 (1971), pp. 243-260.

<sup>6</sup> Kent L. Steckmesser, "Robin Hood and the American Outlaw: A Note on History and Folklore," Journal of American Folklore, No. 79 (1966), pp. 348-355.

<sup>7</sup> Meyer, pp. 94-124.

<sup>8</sup> Ridge, Life and Adventures (1854), p. 74.

<sup>9</sup> Ridge, Life and Adventures (1854), p. 65.

<sup>10</sup> Ridge, Life and Adventures (1854), p. 60.

<sup>11</sup> Ridge, Life and Adventures (1854), pp. 104, 105.

<sup>12</sup> Ridge, Life and Adventures (1854), p. 51.

<sup>13</sup> Ridge, Life and Adventures (1854), p. 141.

<sup>14</sup> Ridge, Life and Adventures (1854), p. 19.

<sup>15</sup> "Tales of Murietta" (San Francisco: Wells Fargo Bank History Department), photocopy from an undated, unnamed newspaper.

<sup>16</sup> California Folklore Miscellany (Rohnert Park: Sonoma State University Folklore Archives), Vol. VI, pp. 358-359.

<sup>17</sup> California Folklore Miscellany, Vol. XXVIII, pp. 232-234.

<sup>18</sup> Edwin A. Sherman, "Sherman Was There," introduction by Allen B. Sherman, California Historical Society Quarterly, XXIII (December 1944), p. 369.

<sup>19</sup> California Folklore Miscellany, Vol. V, p. 190.

<sup>20</sup> Ridge, Life and Adventures (1854), p. 19.

<sup>21</sup> Sacramento Daily Union, 19 February 1853.

<sup>22</sup> Sacramento Daily Union, 23 February 1853.

- 23 Sacramento Daily Union, 24 February 1853.
- 24 "Tales of Murietta."
- 25 California Folklore Miscellany, Vol. XXVIII, p. 234.
- 26 California Folklore Miscellany, Vol. V, p. 185.
- 27 California Folklore Miscellany, Vol. XV, p. 352.
- 28 Ridge, Life and Adventures (1854), p. 51.
- 29 Ridge, Life and Adventures (1854), p. 68.
- 30 Ridge, Life and Adventures (1854), p. 94.
- 31 Ridge, Life and Adventures (1854), p. 31.
- 32 Ridge, Life and Adventures (1854), p. 87.
- 33 California Folklore Miscellany, Vol. IX, p. 81.
- 34 California Folklore Miscellany, Vol. V, p. 186.
- 35 Ridge, Life and Adventures (1854), p. 33.
- 36 Ridge, Life and Adventures (1854), p. 79.
- 37 Smith, p. 69.
- 38 Jackson, Bad Company, p. 10.
- 39 San Francisco Daily Alta California, 31 July 1853;  
Bancroft, California Pastoral, p. 647.
- 40 San Francisco Daily Alta California, 31 July 1853.
- 41 Pitt, p. 31.
- 42 Latta, p. 103.
- 43 San Francisco Daily Alta California, 8 August 1853.
- 44 Ridge, Life and Adventures (1854), p. 16.
- 45 Burns, p. 54.
- 46 Ridge, Life and Adventures (1854), p. 59.
- 47 California Folklore Miscellany, Vol. VI, p. 359.

- <sup>48</sup> California Folklore Miscellany, Vol. XV, p. 352.
- <sup>49</sup> California Folklore Miscellany, Vol. XXVII, p. 87.
- <sup>50</sup> Mary Jane Kennedy, "The Gold Cap of Joaquin Murieta," Western Forllore, XIII, No. 1 (January 1954), p. 99.
- <sup>51</sup> Burns, p. 270.
- <sup>52</sup> Burns, p. 290.
- <sup>53</sup> Latta, p. 633.
- <sup>54</sup> "Tales of Murietta."
- <sup>55</sup> California Folklore Miscellany, Vol. XV, p. 352.
- <sup>56</sup> California Folklore Miscellany, Vol. XXVIII, p. 234.
- <sup>57</sup> Burns, p. 295.
- <sup>58</sup> Fresno Expositor, 28 March and 4 April 1883 (Los Angeles: Henry W. Splitter Collection, Folklore and Mythology Archives, University of California).
- <sup>59</sup> California Folklore Miscellany, Vol. III, p. 332.
- <sup>60</sup> California Folklore Miscellany, Vol. XVI, p. 550.
- <sup>61</sup> Fresno Expositor, 9 May 1883. Splitter Collection.
- <sup>62</sup> Matt Weinstock, "Murieta's Ghost and Treasure," Los Angeles Daily News, 28 June 1949; rpt. "Folklore in the News," Western Folklore, VIII, No. 4 (October, 1949), p. 376.
- <sup>63</sup> These are stories I heard as a youngster growing up in Los Angeles.
- <sup>64</sup> Maurice Kildare, "Joaquin Murrieta's Hornitos Gold," National Treasure Hunters' League, III, No. 4 (1973), p. 43.
- <sup>65</sup> "\$500,000 Missing Bandit Loot," Treasure, IV, No. 2 (February, 1973), p. 13.
- <sup>66</sup> Gerry Fleming, "New Light on Murietta's Bandit Treasure," Treasure, VIII, No. 7 (July, 1977), p. 27.
- <sup>67</sup> Bill Kelly, "Murdering Joaquin Murietta's Blood-stained Missing Loot," Long John Latham's Lost Treasure, June, 1979, p. 26.

<sup>68</sup> "New Leads in Best Documented Treasure Caches," Treasure, XIII, No. 2 (February 1982), p. 48

<sup>69</sup> California Folklore Miscellany, Vol. XVI, p. 550.

<sup>70</sup> Kennedy, p. 100.

<sup>71</sup> Weinstock, Los Angeles Daily News, 28 June 1949.

<sup>72</sup> B. G. Rousseau, "The Treasure of Joaquin Murieta," Overland Monthly and Out West Magazine, LXXXII, No. 1 (January, 1924), p. 40.

<sup>73</sup> Major Horace Bell, On The Old West Coast: Being Further Reminiscences of a Ranger (New York: Grosset and Dunlap, 1930), pp. 35, 36.

<sup>74</sup> Latta, p. 585.

<sup>75</sup> Santa Barbara Independent, 24 May 1883. Splitter Collection.

<sup>76</sup> Don Wegars, "The Revenge of Joaquin Murieta," San Francisco Chronicle, 30 April 1980.

<sup>77</sup> Wood, introductory notes, Joaquin, Brigand Chief, p. x.

<sup>78</sup> Jackson, Anybody's Gold, p. 372.

<sup>79</sup> Wood, "New Light," p. 58.

<sup>80</sup> Wood, "New Light," p. 64.

<sup>81</sup> Wood, "New Light," p. 58

<sup>82</sup> Larry D. Ball, review of Joaquin Murrieta and His Horse Gangs, by Frank F. Latta, Western Historical Quarterly, XIII, No. 1 (January 1982), pp. 82-83.

<sup>83</sup> Dundes, p. 97.

IV A Matter of Rights

<sup>1</sup> Judge Gerald S. Chargin, Santa Clara Juvenile Court, addressing a young Chicano defendant in 1969, quoted in The Chicano Political Experience: Three Perspectives, ed. Chris Garcia and Rudolph O. de la Garza (North Scituate, MA: Duxbury Press, 1977), p. 53.

<sup>2</sup> Los Angeles Star, 26 February 1852, cited in Pitt, p. 153.

<sup>3</sup> Pitt, p. 153.

<sup>4</sup> Harris Newmark, Sixty Years in Southern California, 1853-1913 . . . (New York: Knickerbocker Press, 1916), p. 209, cited in Pitt, p. 170.

<sup>5</sup> History of San Luis Obispo County (Oakland: 1883), p. 294, cited in Pitt, p. 175.

<sup>6</sup> San Francisco Call, 23 September 1871, cited in Pitt, p. 261.

<sup>7</sup> Robert Greenwood, The California Outlaw Tiburcio Vasquez (Los Gatos: Talisman Press, 1960; rpt. New York: Arno Press, 1974), p. 14.

<sup>8</sup> Carey McWilliams, Factories in the Field: The Story of Migratory Labor in California (Boston: Little, Brown and Company, 1939), p. 91.

<sup>9</sup> McWilliams, Factories, p. 86.

<sup>10</sup> Joan W. Moore, Mexican Americans (Englewood Cliffs: Prentice-Hall, Inc., 1976), p. 21.

<sup>11</sup> Carey McWilliams, North from Mexico: The Spanish Speaking People of the United States (New York: J. B. Lippincott Co., 1949), p. 174.

<sup>12</sup> McWilliams, Factories, p. 126.

<sup>13</sup> McWilliams, Factories, p. 127.

<sup>14</sup> Gilbert T. Martinez and Jane Edwards, The Mexican American: His Life Across Four Centuries (Boston: Houghton Mifflin Company, 1973), p. 25.



- <sup>15</sup> Eva A. Frank, "The Mexican 'Just Won't Work,'" The Nation, CXXV, No. 3241 (17 August 1927), p. 14.
- <sup>16</sup> McWilliams, Factories, p. 126.
- <sup>17</sup> Quoted in McWilliams, North from Mexico, p. 191.
- <sup>18</sup> Los Angeles Times, 7 July 1936, cited in McWilliams, Factories, p. 151.
- <sup>19</sup> Julian Nava, !Viva La Raza! (New York: D. Van Nostrand Company, 1973), p. 105.
- <sup>20</sup> Nava, p. 105.
- <sup>21</sup> McWilliams, North from Mexico, p. 267.
- <sup>22</sup> McWilliams, North from Mexico, p. 244.
- <sup>23</sup> Los Angeles Daily News, 7 June 1943, cited in McWilliams, North from Mexico, p. 251.
- <sup>24</sup> McWilliams, North from Mexico, p. 240.
- <sup>25</sup> McWilliams, North from Mexico, p. 257.
- <sup>26</sup> David F. Gomez, Somos Chicanos: Strangers in Our Own Land (Boston: Beacon Press, 1973), p. 155.
- <sup>27</sup> Armando Rendon, "How Much Longer . . . The Long Road?" in From the Barrio: A Chicano Anthology, ed. Luis Omar Salinas and Lillian Faderman (San Francisco: Canfield Press, 1973), p. 11.
- <sup>28</sup> Basta! La Historia de Nuestra Lucha [Enough! The Tale Of Our Struggle] (Delano: Farm Worker Press, Inc., 1966, passim).

#### V Viva Joaquin!

- <sup>1</sup> From "Corrido de Juaquin [sic] Murrieta," Cancion de la Raza (n.p., n.d.; distributed by United Farm Workers, Delano, CA), p. 24.

- <sup>2</sup> Arnold R. Rojas, Last of the Vaqueros (Fresno: Academy Library Guild, 1960), p. 139.
- <sup>3</sup> Rojas, Last of the Vaqueros, p. 138.
- <sup>4</sup> Arnold R. Rojas, The Vaquero, in Aztlan: An Anthology of Mexican American Literature, ed. Luis Valdez and Stan Steiner (New York: Vintage Books, 1972), p. 108.
- <sup>5</sup> Rojas, Last of the Vaqueros, p. 137.
- <sup>6</sup> Steckmesser, "Robin Hood," pp. 348-350.
- <sup>7</sup> Rojas, Last of the Vaqueros, p. 137.
- <sup>8</sup> Rojas, Last of the Vaqueros, p. 135.
- <sup>9</sup> Rojas, Last of the Vaqueros, pp. 134-135.
- <sup>10</sup> Luis Valdez, "!Huelga! Tales of the Delano Revolution: The Tale of The Raza," Ramparts, 5, No. 2 (July 1966), p. 42.
- <sup>11</sup> Furia Y Muerte, p. 3.
- <sup>12</sup> Pablo Neruda, "Fulgor Y Muerte de Joaquin Murieta [Splendor and Death of Joaquin Murieta]," trans. Ben Belitt (New York: Farrar, Straus and Giroux, 1972), Author's Forward, p. [vii].
- <sup>13</sup> Neruda, p. 31.
- <sup>14</sup> Neruda, p. 107.
- <sup>15</sup> Neruda, p. 119.
- <sup>16</sup> Neruda, p. 123.
- <sup>17</sup> Neruda, p. 123.
- <sup>18</sup> Neruda, p. 123.
- <sup>19</sup> Neruda, p. 127.
- <sup>20</sup> Neruda, p. 127.
- <sup>21</sup> Neruda, p. 145.
- <sup>22</sup> Neruda, p. 159.

- 2<sup>3</sup> Neruda, p. 159.
- 2<sup>4</sup> Neruda, p. 175.
- 2<sup>5</sup> Rodolfo Gonzales, Yo Soy Joaquin [I am Joaquin] (New York: Bantam, 1972), p. 44.
- 2<sup>6</sup> Gonzales, p. 16.
- 2<sup>7</sup> Gonzales, pp. 25-26.
- 2<sup>8</sup> Gonzales, p. 34.
- 2<sup>9</sup> Gonzales, p. 39.
- 3<sup>0</sup> Gonzales, p. 40.
- 3<sup>1</sup> Gonzales, p. 62.
- 3<sup>2</sup> Gonzales, p. 6.
- 3<sup>3</sup> Gonzales, p. 12.
- 3<sup>4</sup> Gonzales, p. 82.
- 3<sup>5</sup> Gonzales, pp. 92-93.
- 3<sup>6</sup> Gonzales, pp. 94-100.
- 3<sup>7</sup> Americo Paredes, "With His Pistol In His Hand" (Austin and London: University of Texas Press, 1971), provides an excellent discussion of the corrido's development and function in Mexican American folk culture.
- 3<sup>8</sup> Archer Butler Hulbert, Forty-Niners: The Chronicle of the California Trail (Boston: Little, Brown & Co., 1949), p. 189, quotes the song "Joaquin the Horsethief," sung to the "popular air, 'Now I Warn All You Darkies Not to Love Her.'" Hulbert claims to have found the song about Joaquin in the diary of a goldseeker who learned it at Fort Hall in 1849, en route to California. The date is incorrect for at least two reasons: the song mentions both the Mexican dancer Lola Montez and Joaquin's death; Montez arrived in California in the spring of 1853, and Harry Love removed "Joaquin's" head late in the summer of 1853.
- 3<sup>9</sup> Letter received from Michael Heisley, 10 October 1982. Translation by TJ Gordon.

- <sup>40</sup> "Corrido de Juquin [sic] Murrieta."
- <sup>41</sup> Ridge, Life and Adventures (1854), p. 4.
- <sup>42</sup> Raul Ortega, "Insurgent California: Murieta and Yellow Bird," Tin-Tan: Revista Cosmica, 1, No. 2 (September 1975), p. 26.
- <sup>43</sup> Ernest Klette, The Crimson Trail of Joaquin Murieta (Los Angeles: Wetzel Publishing Co., 1928), [Frontispiece].
- <sup>44</sup> Furia Y Muerte, p. 35.
- <sup>45</sup> Gonzales, p. 64.

#### VI Joaquin Murieta: Once and Future Hero

- <sup>1</sup> Personal interview with Robert Varney, 4 September 1982.
- <sup>2</sup> Letter received from Judith Cunningham, Director, Calaveras County Museum and Archives, 17 August 1982.
- <sup>3</sup> Telephone interview with John Lewallen, 8 October 1982.
- <sup>4</sup> Telephone interview with John Lewallen, 8 October 1982.
- <sup>5</sup> Hector Lee, "Joaquin Murieta," Quarterly of the National Association and Center for Outlaw and Lawman History, V, No. 4 (July, 1980), p. 19.
- <sup>6</sup> Hector Lee, "The Reverberant Joaquin Murieta," p. 45.
- <sup>7</sup> Linda Ford, 1980 Joaquin Murieta Survey, (Rohnert Park: Sonoma State University, files of Professor Hector Lee).
- <sup>8</sup> Linda Ford, "The Joaquin Murieta Legend: Is the Joaquin Murieta Legend a part of the Mexican American Folklore?" (Rohnert Park: Sonoma State University, files of Professor Hector Lee).

- <sup>9</sup> Joaquin Murieta Survey, 1982 (Author's files).
- <sup>10</sup> George J. Simmons and J. L. McCall, "Social Perception and Appraisal," in Basic Readings in Communication Theory, ed. C. David Mortensen (New York: Harper and Row, 1979), p. 65.
- <sup>11</sup> O. Henry, "The Caballero's Way," in The Heart of The West (Doubleday, Page & Co., 1917), p. 203.
- <sup>12</sup> Letter received from William D. Gordon, 16 May 1982.
- <sup>13</sup> Letter received from William D. Gordon, 16 May 1982.
- <sup>14</sup> Arnold Rojas, Lore of the California Vaquero (Fresno: Academy Library Guild, 1958), pp. 80-82.
- <sup>15</sup> Rojas, Lore of the California Vaquero, pp. 153-155.
- <sup>16</sup> Lee, "Joaquin Murieta," p. 19.
- <sup>17</sup> Byrd Howell Granger, A Motif Index for Lost Mines and Treasures (Tucson: University of Arizona Press, 1977) would be an invaluable guide in any such analysis of Murieta treasure tales.

### Epilogue

- <sup>1</sup> Joaquin, Brigand Chief, p. [121].
- <sup>2</sup> Joaquin, Brigand Chief, p. [121].
- <sup>3</sup> Burns, p. 281.

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APPENDICES



Appendix A

"The Spanish Races in California"

An Editorial Appearing In The

Sacramento Daily Union

27 November 1852

Sacramento Daily Union

Saturday Morning, November 27 [1852]

The Spanish Races in California

The difference presented between the appearance of an American and Spanish built town, is such as to excite the beholder with wonder. In no two features can a point of resemblance be discovered. Ever since the Spanish conquest, the rich and beautiful lands of this State have been permitted to lie unoccupied, except where the cultivation of a small patch of land became necessary to supply the indispensable food of life. As to tilling the earth for an enjoyment of its luxuries or comforts, the thought was never entertained. Content with his herds of horses and cattle, his miserable adobe hovel, a few silver trappings of horse furniture, and a gaily adorned serape, the Alta Californian has existed for generations, without making one step towards the improvement of his own condition, or the development of his country's exhaustless resources. The immense deposits of gold hidden but a few inches below the surface of the earth upon which he trod, has laid there for ages, and might have remained concealed forever, had its discovery depended upon his industry to exhume it. With all the cupidity which enters so largely into the Spanish character, he was in ignorance of its existence, and left to other and a more enterprising people, the possession of a secret which his forefathers risked so much to obtain.

It appears to be a fixed law in God's sublime economy, that the earth shall be occupied by those who understand and appropriate it to its intended uses. In obedience to this law, the Indian tribes have been driven back till the great majority have become extinct. Producing nothing, they are abandoned to their irrevocable destiny. The mind which finds no employment where nature teems with objects of invitation, and whose desire for information is neither broader nor more aspiring than that of the dumb brute, is useless in its vigor and unmissed when blotted from the arcanum of nature. The talents bestowed upon man were not intended to be buried in the ground. Their purpose is a higher and nobler one. Mind was created to examine all things--to soar even to the gates of heaven, and gather from material and immaterial essences, the treasures of knowledge, which never dies.

And how much superior are the native Californians to

Indians? There is a degree of distinction, and in the great bulk many exceptions which are honorable. But of the masses themselves, what can be said? To what branch of science have they ever contributed a single revelation? What art have they advanced to a degree of perfection? Where are their schools and colleges of learning?--their scholars, their patriots, statesmen and historians? We know of none, and her few men of ordinary intelligence have derived their knowledge from foreign sources.

So long as the sun shines, the Spaniard is in his glory. He mounts his gaily decorated steed and gallops over the country. When it withdraws its warmth, he wraps himself in his blanket, and doubling himself up, sits down to await the return of a pleasant season. For two centuries and more he has moped away his time in this manner of shameful indolence, or arousing himself to depraved action, wastes the long hours of the day in rioting and gambling. The picture is by no means overdrawn. At the present time, the evidence is before our eyes. What must be the reflections of these people, when they look around them and behold the sudden change that has come over the face of their country?--to find it occupied by foreigners who have built up towns, villages and cities over its vast extent; who have cultivated its soil, placed noble vessels in its every bay and river; who have cut down its forests; constructed roads and canals over its surface; whose cannons are heard booming through its pure air; whose flag floats proudly out to mark it the home of a free people; and who have digged into its bowels and enriched themselves by obtaining untold quantities of gold! Have they the ambition to be jealous? and why? Jealous they may be, but it is not the jealousy of rivalry. Even now, with the high example before them, they do not profit by it. They are not only deficient in the elements to become great, but in the energy necessary to cultivate a taste of imitation.

The fate of these people is inscribed, as were the ominous words which caused Belshazzar to tremble. Those who will not use the earth, will not be permitted to cumber it. Already the change of land-holders has commenced. The races may not dwell on [sic] equality together. Intellect and industry must predominate. A generation more will become the solution to this problem which is not undergoing solution.

\* \* \*

Appendix B

"Letter From The South"

San Francisco Daily Alta California

15 December 1852

San Francisco Daily Alta California

Wednesday Morning, December 15, 1852

Letter from the South.--Execution of Reyes Feliz.--Discovery of another Murder.--Conviction of the Murderer.--

. . . My name is Reyes Feliz, am 15 or 16 years old, was born at the Real de Bayareca, State of Sonora; did not know General Bean; don't know who killed him. Here, in Los Angeles, I heard some gentlemen, whose names I do not know, say, that Murieta's woman had said that Joaquin Murieta had killed him. I live at San Gabriel [where Bean was murdered]. It is true that I asked Piliguije for a dagger, and I told him that I was going to gamble with two Americans, and that in case I should lose, that I would take the money from them; I don't know what my intentions were in that act. I do not own but one murder; the man I killed was called Anselmo Marias. I killed him with a shot at the camp of Sonora; it is a year since I committed this crime--because I had a dispute with Anselmo. He was going to kill an American, a night previous, who was a "padrino" of mine. I belonged to the company of Joaquin Murieta and the late Pedro, who was killed by Americans in the "cuesta del conejo." I was not then with Pedro; I was then ill in the Tulares of the effects from bites of a bear. We robbed, Joaquin Murieta, the late Pedro, and myself. In Avisimba, "orilla de la Sierra," (foot of the mountains,) in front of the Pueblo of San Jose, we robbed 20 horses, which we brought to the "Tejon." There the Indians took some of them from us; others, the owner took, who went in pursuit of us. I don't know his name, he was a Mexican. I have not robbed any more. I did not kill any body else. I know nothing more about the death of Gen. Bean.

\* \* \*

. . . My name is Ana Benites, twenty-two years old, born in Santa Fe, New Mexico. Reside in Los Angeles. Did not know Gen. Bean. Heard him mentioned. Know who killed him. Know from the mouth of the person the manner in which he was killed. Cipriano (don't know his other name) [Sandoval] told me that he had killed him. Know Cipriano; cannot mistake him on seeing him. I saw him when I came from San Gabriel to Los Angeles, where he overtook me and Joaquin Murieta, which was the time when he told me that he had killed Bean. There was a performance of the maromas the night Gen.

Bean was killed; I was present with Joaquin Murieta. I left the moromas [sic] with him, returned to my house and went immediately to bed. All the people of the house went to sleep. Extinguished the lights. Rico, Rico's wife, and family, also a certain Sancedo and his woman--the name of the latter I do not know--were in the house, some of them slept in the house and others slept outside. Myself, Joaquin Murieta, Juanito Rico, and a young lad whom I do not know, slept in the "Rama dita." After I laid down and before I went to sleep, heard no noise nor voices that attracted attention. At a later part of the night, I heard some shots, and during the three shots heard voices; could not, however, distinguish whether they were Americans or Mexicans. A short moment afterwards I heard some more shots, the voice of Gen. Bean, who arrived, crying, "Rico! Rico! Rico!" I then sat up and saw Bean, who came dragging a cloak. Senora Jesus opened the door, and Juanito Rico was already holding him in his arms, and said, "Mother, it is General Bean.["] The shots were fired in the direction between the house of Rico and Pena. First, three were fired; then a single shot, which was fired when the General came crying out towards the house.

I told Joaquin Murieta to go in search of a doctor, but in the first place an alcalde, in order that they might see what had taken place. The moment Joaquin left, a man by the name of Cipriano approached, and ran back. I asked B. who had killed him, whether it was an American? He answered, No. Sonorian? No. Californian? Yes, sir--in English, in an affirmative manner.

I again asked him--A Californian? to which he gave a negative nod with his head. Then Donna Jesus came, took me by the shoulders, and said to me: "You meddle in things that you have not to care about. There is also Christoval wounded, asking for a confessor." Then different persons arrived, also the doctor and the alcalde.

This took place on the night of a Sunday. The next day Murieta and myself came to Los Angeles, and after having passed the little ditches, close to the Mission, Cipriano overtook us, and spoke to Murieta. He said: "Hombre, I confide or charge you with the secret of what I have done. There is no danger here; and request and charge your woman to act the same as yourself, in order that among the Americans they may not get anything out of her against us." Cipriano [be]came very much excited. Wore a serape on his shoulders and a six-shooter in his waistband. Then I asked Joaquin: "Is that the one that killed Bean?" "Yes," he said. "And why?" "Because the General was very much intoxicated, dragging the Indian woman; and she is a sister of Christoval. [Did this give Ridge the idea for creating Rosita Feliz, Reyes' sister and Joaquin's mistress in the story, and having her abused by the Anglos?] And so I earnestly charge you with the secret. . .

Appendix C

Assessment of Property for the Fiscal Year

Ending March, 1863

To all owners of Property in  
Calaveras County, California

Assessment of Property for the Fiscal Year ending March, 1863, to all Own

NAMES OF TAX PAYERS.	DESCRIPTION OF PROPERTY.	Value of Land and Improvements.	Value of Improvements on Land here, Assessed in person other than the owners of said Real Estate.	Value of Personal Property.
Nashley G. & Co.	1 Corner & lot on the S. side of main St. near the E. & S. by corner N. by King St.	650		
Mallory & J. H.	1 Corner & lot on the S. side of main St. near the E. & S. by corner N. by King St. Property of J. H. Mallory	520		400
Murieta & Yndart & Co.	1 Lot on the S. side of main St. near the E. & S. by corner N. by King St. Opposite Spring & Camp Hotel	1800		
Murieta & Yndart & Co.	1 Corner & lot on the S. side of main St. near the E. & S. by corner N. by King St.	580		240
Murieta & Yndart & Co.	1 Lot on the S. side of main St. near the E. & S. by corner N. by King St. N. by P. St. S. by R. St.			
Murieta & Yndart & Co.	1 Lot on the S. side of main St. near the E. & S. by corner N. by King St. N. by P. St. S. by R. St.			
Murieta & Yndart & Co.	1 Lot on the S. side of main St. near the E. & S. by corner N. by King St. N. by P. St. S. by R. St.			
Murieta & Yndart & Co.	1 Lot on the S. side of main St. near the E. & S. by corner N. by King St. N. by P. St. S. by R. St.			
Murieta & Yndart & Co.	1 Lot on the S. side of main St. near the E. & S. by corner N. by King St. N. by P. St. S. by R. St.	5291		902
Murieta & Yndart & Co.	1 Lot on the S. side of main St. near the E. & S. by corner N. by King St. N. by P. St. S. by R. St.	250		1386
Murieta & Yndart & Co.	1 Corner & lot on the E. side of St. leading to Butte Hill N. by P. St. S. by R. St.	425		81
Murieta & Yndart & Co.	1 Lot on the S. side of main St. near the E. & S. by corner N. by King St. N. by P. St. S. by R. St.	320		75
Murieta & Yndart & Co.	1 Lot on the S. side of main St. near the E. & S. by corner N. by King St. N. by P. St. S. by R. St.	1000		134
Murieta & Yndart & Co.	1 Lot on the S. side of main St. near the E. & S. by corner N. by King St. N. by P. St. S. by R. St.	150		15

Figure 5. Xerox facsimile of Assessment of Property for the Fiscal Year ending March, 1863, to all owners of Property in Calaveras County, California, page 45. The third entry is for the butcher partnership of Murieta-Yndart & Co. Courtesy Calaveras County Museum and Archives.



ASSESSMENT OF PROPERTY  
FOR THE FISCAL YEAR ENDING MARCH, 1863  
TO ALL OWNERS [OF PROPERTY IN CALAVERAS COUNTY.]

Murieta-Yndart & Co.

1 Lot & Shop on the N side of Main St Murphys

W. by P. L. Traver N. by R Senter

1 Lot & Shed on back st bou<sup>d</sup> E by J.

M. B. Clements S by creek W by J. OBrien

1 ranch contg 160 acres bou<sup>d</sup> N by road

[this line changed to read:

1 ranch contg 160 acres on the N side of road]

leading to Browns ranch bou<sup>d</sup> E by Heulard

& Shephard. N & W by L. Proper.

1 ranch contg 260 acres used for Pasture

fenced with brush and Lumber

Murieta-Yndart & Co. was a butcher shop partnership. Curiously, the same four pieces of property described here remain under one ownership, and are still the pasture, feedlot, slaughter house and store for a local San Andreas butcher.

Appendix D

New York Tribune

14 June 1853

[Handwritten] Trib. 6-14-53

CALIFORNIA

Losses in the Pacific Steam Marine--State of Trade--Sonora Expedition--Weekly Mail--City Front Extension--Stage Route to California--Gambling--Chinese Salloon--Ear-Tickling--The Press--Miscellaneous.

Correspondence of the N. Y. Tribune.

SAN FRANCISCO, Monday, May 16, 1853.

[The above head is separated from the article that follows.]

Joaquin, (pronounced Wawkeen,) the notorious robber and murderer, has thus far eluded capture, although thousands have been upon his trail with a sharp look out for the "One Thousand dollars reward," offered for his arrest by Act of the Legislature. Joaquin is, without doubt, safe in Lower California; yet the Legislature on the 14th inst. passed a bill authorizing the raising of a volunteer troop, to scour the country in an endeavor to capture him. But almost any pretext will serve as an excuse to tap the already well depleted Treasury of this unfortunate State.

Joaquin is of Spanish descent, and said to be well educated. That he is one of those who welcomed Americans and American rule in California--but unfortunately one who has been despoiled over and over again, of his property; had his dearest rights invaded and trampled under foot by those scoundrel ruffians found in all our new settled regions, who alike disgrace our nation and a common humanity; until at length, aroused to animosity, his love turned to hate, with all a Spaniard's burning revenge, he has sworn eternal warfare against everything and person American. How faithfully he he has kept his oath, his deeds of daring and crime have fearfully proven. His prowess and manly bearing, his intelligence and sagacity, makes him a foe who has given both guilty and innocent, bitter cause to lament the hour when Joaquin became the enemy of their name and nation.

Our new Water Company, . . .

Respectfully,

GEO. M. B.

Appendix E

"Corrido de Juaquin [sic] Murrieta"

Cancion de la Raza

## "Corrido de Juaquin [sic] Murrieta"

Yo no soy Americano  
 Pero comprendo el ingles  
 Yo lo aprendi con mi hermano  
 al derecho y al rebes  
 Y a cualquier Americano  
 Lo hago temblar a mis pies.

A los ricos y abarientos  
 Y les quite su dinero  
 A los humildes y pobres  
 Yo me quitaba el sombrero  
 Hay que leyes tan injustas  
 Voy a darme a bandolero

Cuando apenas era un nino  
 Huerfano a mi me dejaron  
 To tuve ningun carino  
 A mi hermano lo colgaron  
 Carmelita tan hermosa  
 Cobardes la asesinaron.

Bonito pueblo de Estocton  
 Con sus calles aliniadas  
 Donde paseaba Murrieta  
 En su sulla con plateada  
 Con su pistola repleta  
 Y su gente alborotada.

Yo me vine de Hermosillo  
 En busca de oro y riqueza  
 Al indio noble y sencillo  
 Lo defendi con fieresa  
 Cien mil pesos los cherifes  
 Pagaban por me cabeza.

Yo no soy gringo ni extrano  
 En este suelo en que piso  
 De Mexico es California  
 Por que Dios asi lo quiso  
 Y en mi serape terciado  
 Traigo me fe de bautiso.

Ahora salgo a los caminos  
 A matar Americanos  
 Tu fuistes el promotor  
 De la muerte de mi hermano  
 Lo agarastes indefense  
 Desgraciado Americano.

Ya me voi de retirada  
 Todos vamos al cuartel  
 Con bastante caballada  
 Cien mil pesos en papel  
 Tambien me llevo a tres dedos  
 Mi companero mas fiel.

Las pistolas y las dagas  
 Son jugetes para me  
 Balasos y punaladas  
 Carcajadas para me  
 Y hora por medias cortadas  
 Ya se asustan por aqui.

Soy paseado en California  
 Desde el ano del concuenta  
 Con me rifle treinta-trienta  
 Y mi pistola repleta  
 Yo soy aquel Mexicano  
 De nombre Juaquin Murrieta.



Appendix F

Response to "Joaquin Murieta" Survey

Anoly High School

Sebastopol, CA. November, 1982.

PLEASE ATTACH THIS FORM TO THE STORY COLLECTED.

Informant Data: Informant's Name RAFAEL MENDOZA  
 Address 419 Petaluma Ave.  
 Ethnic Background Mexican  
 Age 17

Where did informant first encounter this story? When? \_\_\_\_\_

I first heard it in my CA History. 2 years ago.

Why is this story memorable? What special meaning has it for

the informant? Because it was about Murieta being  
 a big bandit back in the old west.

Has the informant told this story often? When? Under what

circumstances? To whom? yes, every year as part of  
 history of California. It is told to students.

Collector Data: Collector's Name Woody Burgess  
 Address Analy High  
 Ethnic Background Caucasian

Figure 6. Page 1 of the only "Joaquin Murieta" questionnaire returned to the surveyor in a survey of ten Chicano students at Anoly High School in Sebastapol, CA in November, 1982.



Have you ever heard of Joaquin Murieta? SÍ-yes

If so, when did he live? Where? He lived in the late 1800's in California somewhere.

Why is he remembered? What did he do? Because he took his head and put it in a jar and conserved it in alcohol.

They did this to him because of him being a Bandit.

How do you think people felt about him when he was alive? Do you think Anglo-Americans felt the same as Mexican-Americans?

People hated him and wanted him bad. The Anglo-Americans felt different because the Mexican-Americans were one of his kind. Mexican-Americans didn't feel that bad as the Americans.

How do people feel about Murieta today? Is there a difference between Anglo-American and Mexican-American attitudes about him?

If there is, how do you account for it? I really don't have any feelings about him. There is a difference between them.

If it would of been an Anglo-American's case the Mexican-Americans would feel worse than the Anglo-Americans. They wanted him even more because he was a Mexican.

How do you feel about Murieta? Would you consider him a role-model for your children, or as a bad example? Please be as specific as you can in telling why he would or would not be a good role model.

I see him not in a very good way because of his crimes. It was indeed a bad example to set for all of us. Of course it was his story, but bad..

Figure 7. Page 2 of the only "Joaquin Murieta" questionnaire returned to the surveyor in a survey of ten Chicano students at Anoly High School in Sebastapol, CA in November, 1982.