

# Do You Remember?



By Anne Homan

## Bandidos, Foscalinas, and Scotts

When the United States acquired Alta California as a result of the Mexican-American War, the terms of the 1848 Treaty of Guadalupe-Hidalgo granted the Mexicans the right to stay here as American or Mexican citizens. The United States promised to honor their land claims. However, the Mexicans soon learned that they had to prove those claims to the federal government. The average time for settling their claims in court was 17 years; meanwhile, roughly two-fifths of the contested property wound up in the hands of their lawyers. Squatters perched like vultures on pieces of the large land grants. Most of the original Californio rancho families had large numbers of children, and legal problems involving their properties forced subsequent generations to leave the ranchos and claim their own land if they wanted to continue their agricultural heritage.

Some displaced and disgruntled Californios ignored the agrarian life and became robbers and livestock thieves, especially after the tax on foreign miners became law in 1850. John Boessenecker, biographer of Alameda County Sheriff Harry Morse, wrote: "Driven from the [gold] mines, mistreated by callous Anglos, and denied a means to earn their living, it is hardly surprising that many Californios and other Hispanics turned to robbery and theft." Although the majority of Californios remained law-abiding, some East Bay bandidos had familiar—and well-respected—local surnames: among them, Amador, Peralta, Robles, Sibrian. San Quentin Prison held a disproportionate number of Hispanic inmates; whether from criminality or a biased court system is a matter of debate.

Two families who later settled in the town of Livermore met Mexican bandidos at the old intersection of Vallecitos Road and the Pleasanton-Sunol Road, now covered by Interstate 680. In 1866 Italian native George Foscalina had opened a small trading post in an abandoned school house at the intersection. He bought, in all innocence, a steer that had been stolen. When the owner saw a steer hide marked with his brand draped over Foscalina's corral fence, he accused the storekeeper of rustling. Sheriff Morse caught the real thieves, Juan Robles and Jesus Cruz, who confessed to the crime and cleared Foscalina of any involvement. Six months later, Foscalina's 20-year-old son, Simon, was bullied by "El Macho" Feliciano, a "quarrelsome and dangerous fellow," while he was attending a fandango at the rancho of Joseph Livermore. Feliciano kept slashing at Simon with his knife even when Simon tried to escape on horseback. Simon, forced to defend himself, killed Feliciano with a six-gun.

By 1870 George Foscalina had moved his family to Livermore; the U.S. census showed him as a farmer, age 50. His son, Simon, married a daughter of Alphonso Ladd, founder of Laddsville. The 1920 census listed Simon Jr. with his family on Second Street raising hogs and chickens in a much quieter world. Their descendants still live in Livermore.

Thomas Scott Sr. bought George Foscalina's little store at what became known as Scott's Corners in the late 1860s. According to Boessenecker's account, at seven o'clock on the evening of 10 January 1871, the Scott family and friends had gathered by a fire in their living quarters at the back of the old store. Young Tom was playing checkers with his brother. When a knock came at the door, Scott's clerk, Otto Ludovisi, answered. Three men with bandannas covering their lower faces shot the clerk and entered the building. The other people rushed out the back door. "Mrs. Scott, clutching her sons in the yard ... begged the outlaws, 'For God's sake, don't shoot.'" The three men turned back inside the store and began looting it. The Scotts fled to a neighboring ranch for help. When Scott returned with the rancher and his men, the three bandits had fled with about \$65 and several pair of cashmere pantaloons. Ludovisi was dead. "Sheriff Morse was under tremendous pressure to bring the killer to justice," Boessenecker noted. "The murder at Scott's store had caused a public outrage. The senseless violence seemed to epitomize the racial troubles between Hispanics and Anglos."

Thomas Scott Sr. was a promising local politician, having served one term in the state assembly from 1863 to 1865 and one term as a member of the Alameda County Board of Supervisors from 1869 to 1871. In November 1872 a young woman with whom he was having an affair killed herself. Scott fled the publicity and returned for a while to his native Tennessee. Elizabeth Scott and her two sons, Tom Jr. and Winfield, had moved to Livermore by the 1880 census. In 1881 Tom married Isabelle Baker. He attended law school and was admitted to the bar in 1889; his law office was located on K Street near First in "Fletcher's Block." The Scott home was built at the southwest corner of Seventh and J Streets in the spring of 1894, and a second story was added in 1897. In that same year, Isabelle became a full-fledged lawyer in her own right. She insisted that she would for the most part assist her husband with his cases. "I am not a new woman, therefore I think it scarcely probable that I will make many appearances in the courts." The 1900 census listed Tom and Isabelle with their two children, Thomas B. and Eunice, Isabelle's mother and Tom's mother. The family had moved to Bakersfield by 1905. The Scott house will be one stop on the Livermore Legacy Tour on May 18—don't miss your chance to see the interior of this lovely old home. Tickets are available at the Carnegie Building or on line. (Readers can reach me at [am50homan@yahoo.com](mailto:am50homan@yahoo.com).)