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Quarterly Bulletin of the Calaveras County Historical Society

Volume LXVI

October 2016

Number 1

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## THE HANGING TREES OF CALAVERAS COUNTY

*By Charity Maness*

By the early 1850s, the gold rush had attracted many seeking their fortune in gold, yet slithering among them were those with less than honorable intentions; crooks, bandits, claim jumpers, professional gamblers and others who came to take advantage of the miner's and the instant wealth the mines often produced.

California was not even a state yet and as such, no concrete laws existed. Anyone who found gold was quickly surrounded by other prospectors. Soon claim laws were set in camps. In some camps, a claim was on 10 square feet and each person was allowed one claim, yet rules varied from camp to camp. Many camps set up claims officers to patrol mines and settle disputes.

Taking someone else's claim, or "claim jumping," was common. Swindlers would also "salt" the ground, scattering a little gold around and then sell the land for quite a bit more than it was actually worth. Violence and crime were on the rise. Law and order was in the hands of the people.

Violence in the mines cut across all races and ethnicities leaving many to question if the best of the worst had come to seek their fortunes.

Punishment for crimes was often swift. Small crimes were punished by flogging with a whip. For more serious crimes, such as robbery and murder, the punishment was hanging.

Lynchings were seemingly commonplace throughout the mines, often with stories of mobs getting out of control and hanging someone without a trial.

Lynch courts or popular courts began to pop up in mining camps. Commonly set up by the local merchants, these courts were the only law that existed in the camps; the military government was incapable of keeping order, so the camps attempted to rule by lynch law.

However, these courts commonly carried with them a mob-like mentality, intervening on behalf of the "people" when guilt was presumed.

*"A tree allowed two methods of killing. Most commonly, the accused stood on a movable object—a bench or a horse—with the tree-bound noose around his neck. In the absence of such a removable platform, he might be convinced to climb the tree and jump off. All too often, the branch's height was insufficient for the force of gravity to snap the poor man's neck. Desperately,*

he grabbed at the rope as he choked to death, while onlookers tried to restrain his hands. To avoid excessive unpleasanties, careful vigilantes pinioned the victim's arms in advance. The second method of tree hanging inflicted even crueller agony. The executioner jerked the roped person up and down, like a piñata, until the neck finally broke. Sometimes a kangaroo court strung up the accused, then let him down temporarily for the purpose of extracting a coerced confession, and finally killed him with the satisfaction of justice served." —Witness to a Hanging: California's Haunted Trees

However, lynching was not the only punishment meted out by the lynch courts.

These courts, when set up in a mining camp, could hand down a punishment of banishment, branding, whipping, ear-cropping, or any combination thereof. In many cases, the accused would be tied to a tree while the lashes were administered.

When the lynching courts handed down a punishment of hanging, the trees from which the souls hung became somewhat of a legend themselves. Often times the trees became notorious/famous tourist attractions and for some residents the trees represented an odd sense of pride in ownership. Though it appears to be a commemoration of violence, many towns boasted of having one and would often invent or exaggerate the number of people killed.

### ***Hanging Tree of Mountain Ranch***

Mountain Ranch, often referred to as El Dorado, had a hanging tree which reportedly hung just one soul, convicted, tried and sentenced for stabbing a store keeper.

In 1864, Cave City merchant Michael Bierny was well known in the community for his love of the Christmas season. Business had been good that year with plenty of tourists visiting the caves. The mines were still producing gold and the gravel bars were still good. As the story goes, that Christmas eve day the weather was cold and wet which didn't dampen the joy of the townspeople as

they were still in a festive spirit, except for the town's large Chinese Buddhist population.

On that fateful day a Chinaman came into Bierney's store for some bacon. As the storekeeper stooped over to get the bacon the Chinaman allegedly stabbed him three times. Bierney was able to retrieve his pistol and fire one shot at his attacker hitting him square in the face. The Chinaman escaped into the bushes but was captured a short time later.

Bierney died the evening of December 24, 1864. When Bierney died, the Chinaman was taken a short distance out of town and hanged from a large oak tree.

### ***Hanging Tree of Jackson***

In the town of Jackson, which was once the county seat for Calaveras County, there was a hangman's tree with the death of ten souls to its name.

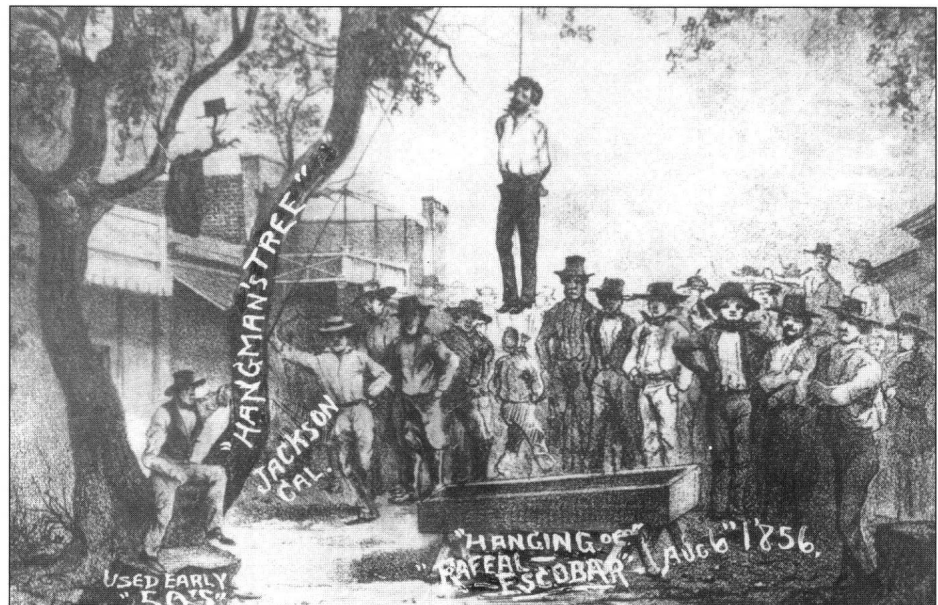
The Native Daughters of the Golden West erected a plaque on July 24, 1937 at the site where the tree once stood, on downtown Main Street, commemorating the tree's dark history.

Some of the men recorded as having swung to their death on this hangman's tree:

3-19-1851, Coyote Joe for the June 1850 murder of blacksmith Thompson.

6-23-1851 An unidentified Mexican for stabbing his brother-in-law to death.

6-11-1852 Cheverino and Cruz Flores for the murder of M. Pontainer and fatal stabbing of another Frenchman in May 1852.



**Hanging Tree of Jackson**

2-15-1853 Antonio Valencia for multiple robberies and murders of unidentified Chinese miners and the murder of butcher Joseph Lake.

7-27-1853 Chilean, unidentified, for the robbing and murder of a Chinaman.

3-23-1854 Swartz, alias Christopher Bennett, or Black, for stealing a horse in Jackson March 15, 1854.

By May 11, 1854 Jackson was no longer in Calaveras County as Amador County had been created by the California Legislature. However, a few more men were launched into eternity from the infamous tree after Amador County was formed.

Three young Spanish surnamed men were lynched in Jackson in August 1855, among up to 30 hanged in Amador in Anglo Saxon revenge for the Rancheria Massacre of August 6, 1855. An unidentified Mexican was hanged August 8, Manual Garcia hanged August 9, and Rafael Escobar was hanged August 15, 1855.

After a fire in 1862, the townspeople cut down the blackened tree. In response, a regional newspaper printed an opinion piece stating that California's "most remarkable tree" should have merited preservation, claiming that a pioneer-era historian informed them that this plant (an interior live oak) was "never very beautiful, but was a source of so much pride to the citizens" that they engraved a likeness of it on Amador County's first seal.

### ***Lynching in the Mines—Ione Valley***

In a letter written in the Sept. 18, 1852, edition of the Sacramento Daily Union an unknown writer tells a tale of two Mexican horse thieves hung at Ione Valley; prior to Ione becoming absorbed by Amador County.

*"Messrs. Editors:—In my communication of the 14th, I mentioned that two Mexican horse thieves had been arrested and brought into this town, and that there was a probability of a 'change of venue' being had, which would transfer them to the tender mercies of Judge Lynch. Such has been the case. On Tuesday night the prisoners underwent an examination before Justice Dunham, and were committed for trial. Yesterday morning as the officer having them in charge was about to remove them to Mokelumne Hill, a party from Ione Valley rescued the culprits from his custody, and hurried them to that place, where they were summarily executed last evening. There was no doubt, about their guilt, as the stolen horses were found in their possession, and they confessed the*

*whole. The horses were stolen in Ione Valley, and the farmers in that vicinity have suffered so severely recently in the loss of stock, that they are certainly to some extent, excusable in making an example of these two miscreants. The names of the Mexicans were Antonio Duarte, and Jesus Brisano. They were each between twenty and thirty years of age.*

*Jackson and its vicinity are perhaps somewhat notorious in the annals of California, for the prompt manner in which the decrees of Judge Lynch have been carried into effect; but this is, I believe, the first execution that has ever taken place for any other crime than that of deliberate murder."*

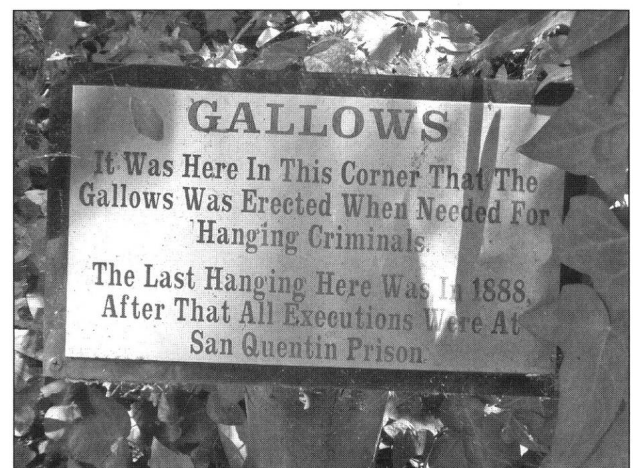
### ***A Hanging in Fiddletown***

The residents of Fiddletown, which was once conveniently located between El Dorado and Calaveras Counties, played both sides of the coin, voting as residents of El Dorado but claiming to be residents of Calaveras during tax collections for El Dorado County.

One story from Fiddletown is told that 5 men were arrested for the alleged theft of \$9,000.00 from the local Wells Fargo office. The "boys" (local vigilantes) took it upon themselves to attempt to coax a confession from the accused by repeatedly hoisting them by the neck. Unfortunately, by the time the Sheriff arrived there were no confessions, no evidence, and no longer any prisoners.

### ***The Jail Yard Gallows***

Sitting in the back corner of the jail yard at the Calaveras County Museum, there sits a lone plaque under the boughs of a beautiful young tree, designating the location of where the gallows once stood.



**Hanging Tree of Jackson**

If a prisoner was awaiting their final day, they could hear from their jail cell as each nail was driven into the gallows as it was being built. When the hammering could no longer be heard, the prisoner had no doubt that he was getting closer to meeting his maker.

Jose B Coyado was executed June 7, 1873 on the gallows in the jail yard in San Andreas almost four years after the murder of Mr. E. Said, the note holder of the Petticoat Mine.

In 1888, the last hanging in the county jail yard in San Andreas occurred under Sheriff Benjamin Thorn's direction.

George Cox was found guilty of murdering his son-in-law. Cox shot Henry Cook as he ate his dinner at his home in Sheep Ranch.

Thorn sent out 250 invitations to witness the hanging and the jail walls were extended to prevent uninvited guests from viewing the event.

### ***To Hang or Not to Hang in Volcano***

In 1850 when a stabbing occurred in Volcano justice was dealt out at the hands of a group of vigilantes without due process as the alleged culprit was lynched within a half hour of the crime.

If a victim was stabbed and the wound was not fatal, the culprit could receive lashes with the victim and townsfolk as witnesses. However, if the victim were to later die, the culprit could be hung the following day, creating a double punishment.

### ***The Chilean War in Moke Ends with a Noose***

With an American miner body count reportedly reaching 13, rumors of an uprising of Chilean miners just south of the Copenhagen Mine in Mokelumne Hill threw Calaveras County into the media spotlight as the Chilean War of Calaveras County made newspaper headlines from San Francisco to South America in the winter of 1849.

The Chileans, functioning in a loose government led by Dr. Concha, who was protected by Lieutenants, proved time and time again their skill with extracting gold from their mines.

The Anglo miners in the area were not happy with the Chileans' success and formed a group of disgruntled miners, under Judge Collier, to pen a series of articles and laws to establish their rights as American citizens. The first law was to expel all foreigners.

In December 1849 Dr. Concha, armed with a warrant from Stockton to arrest the Americans and sixty of his men, marched to Mokelumne Hill, killed two miners and took thirteen prisoners. Before the night was over the prisoners broke free, changing the tides. They captured the Chilean band and brought them to Mokelumne for trial; three were hanged, the rest given lesser punishments. The Chilean War was over.

### ***Calaveras Hanging Creates a Notorious Bandit***

Joaquin Murieta lived and mined with relative success near San Andreas. When the richness of the San Andreas area was discovered by Americans, they drove the Mexicans out.

When the Americans came to Murieta's mine they hung his brother for a crime he didn't commit, ravished his sweetheart and horse whipped Joaquin. Swearing vengeance he created a band of bandits who preyed on American settlements up and down the Motherlode.

All 21 murderers of his brother were brought to justice; 19 at Joaquin's own hand.

Murieta robbed where and when he pleased, with little respect for the law; taking from the rich and giving to the poor.

### ***Hanging Tree of Copperopolis***

On March 8, 1896 the San Francisco Call headlines read: A natural gallows—Oak Tree in Calaveras County on Which Forty Men Have Been Hanged. Telling what some call a legend that over forty people "passed into eternity" from the largest limb of Hangman's Oak near Copperopolis.

*"On a level tract of land close to the side of the old road between Milton and Copperopolis, in Calaveras County, is still standing a venerable oak that earned for itself in the early days the title of "Hangman's Tree." And it well deserved the name, judging by stories told by some of the 'old timers'. Not many men living today recollect things that happened when the old tree was doing its best to give justice to horse-stealers and murderers who did not shoot in self defense according to the men who sat in judgment. The late Captain Weber of Stockton was a man who remembered nearly every hanging that took place on the tree in the early '50's and could tell some grim tales of frontier justice.*

*When the tree first sprang into fame Stockton was known to miners as "Tuleville" and the hills*



San Francisco Call artist rendering of the Hangman's Tree of Copperopolis.

around Copperopolis were filled with camps that bore musical names such as "Ragtown" or "Whiskey Chute". The tree was an old one then, so that it must by this time have seen nearly a century of life.

Just who was the first man hanged on it is unrecorded, but he committed his offense in Copperopolis and paid for it the same day. One trial of the old tree was enough to convince the hangman of its merits. It was located in a handy place and its largest limb reached out over the road as beautifully as though it had been grown for executions. It was a natural gallows and did its work for a large section of the county."

"The culprit was taken to the spot in the handiest way. Sometimes in a wagon and at others he was compelled to sustain his balance on the soft side of a rail carried on the shoulders of the executioners. When the spot was reached, the man who was to be made to "shuffle off" was placed on the end of the wagon with a rope around his neck, one of which was fastened to the limb above his head. Sometimes when they wanted to give the man a good "drop" he was made to stand on a box or barrel placed on the end of the wagon.

At a signal from the man in charge of the hanging, the horses attached to the wagon were whipped up and then he had paid for the crime against the opinions of the community. If the offense

had been very serious the occasion was enlivened by the offended populace drawing their six-shooters and filling the swinging body with bullets.

...On one occasion a man had been executed just as a party of his friends, who believed him innocent, came up to rescue him. A fierce fight ensued, and the rescuing party, being the best shots, came off victorious.

Twenty men shed their blood on this day. At the end of the fight five of the hanging party who executed the first man were left alive. They surrendered and asked for mercy, but were not given it, and in less than five minutes their bodies were swinging beside that of their victim. Fourteen dead bodies strewed the ground around the tree. At least a dozen fights of this kind have taken place beneath the old tree, and people

say the ground is "soaked with blood"."

### **The Death Notice Tree**

A lone elm tree stands on Main Street in San Andreas, a twisted and ancient witness to many lives lost and people mourned, though not by hanging from her limbs.

Some refer to the tree as the Death Notice Tree, or the Obituary Tree, others, as the Tree of Death; by whichever name it came down to one thing, a place for the community to receive the news of who has passed on. It was said to be the main tree where death notices were posted of locals who met their maker during the Gold Rush days and is still in use by the local mortuaries.

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# Calaveras County Historical Society

30 No. Main Street P.O. Box 721 San Andreas, CA 95249

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The Calaveras County Historical Society is a non-profit corporation. It meets on the fourth Thursday of each month in various communities throughout the County. Locations and scheduled programs are announced in advance. Some meetings include a dinner program, and visitors are always welcome.

The Society operates the Calaveras County Museum which is open daily from 10:00 to 4:00 in the historic County courthouse located at 30 Main Street in San Andreas; and the historic Red Barn Museum at 891 Mountain Ranch Road, also in San Andreas, which is open Thursday to Sunday, 10:00 to 4:00.

The Society's office is located in historic San Andreas, the Calaveras County seat. Visitors are always welcome to stop by the office for assistance with research, and are encouraged to visit the museums while in the area. The office is open Monday through Friday from 8:30 to 4:00, and the telephone number is (209) 754-1058, or contact us at: CCHS@goldrush.com; Red Barn Museum (209) 754-0800.

## July–September 2016

### New Members:

Renee Minard Menzes—Converted to Lifetime Membership  
Kenneth Jones—Converted to Lifetime Membership  
Jack & Lynda Hacking—Valley Springs (gift membership)  
Nadine Martin—San Andreas  
Todd Peterson—Pine Grove  
Patrick Toepel—Copperopolis  
Mike Blankenhorn—Angels Camp  
Randy & Sue Metzger—Converted to Lifetime Membership  
Mike & Susan Lauro—Lodi  
Dennis Robb—Camp Connell

### Donations:

Margaret O'Drain—Cash donation  
Ronald Kemp—Cash donation  
The Acorn Group—Cash donation  
Sharon Quintana—Opera glasses "La Reine"—Paris  
Nancy Cross—Watercolor depicting the Serbian Church in Angels Camp painted by Sandy Brown  
Steve Shaw—Family history pamphlet "Shaw Family"  
Marvin H. Olsen—Envelope addressed to Hon. I. H. Reed postmarked February 1888  
Mary Matzek—Cash donation  
Emo Family—Slides of various towns in Calaveras County  
Gary Lowe—Cash donation  
Bonnie M. Danielson—photos, Bible from 1873  
Una Belle Gaedtke—photos and writings belonging to Margaret Evans Teichman  
Phil & Florence Alberts—Land patent dated September 1, 1880 for 40 acres and signed by Rutherford B. Hayes  
Leo & Sharon Quintana—saws, rake, hand fork, wine barrel, ice cream container, 2 fruit boxes, oil can spout, iron, whiskey bottle, toaster, soap, spikes and bottle of Sloan's liniment