



CALAVERAS COUNTY JAIL DUNGEONS, HANGINGS, ESCAPES, AND FOILED PLOTS

By Charity Maness

Within one year of California becoming a state in 1850, the California Legislature had given permanent form to the statute of crimes and punishments, and to the general laws affecting personal and family relations and to the civil, probate and criminal practice in our courts, thereby creating a standard of law.

The newly formed Calaveras County held its first court hearing under an old oak tree at the county seat of Double Springs, under the watchful eye of the newly elected Judge William Fowle Smith and Sheriff John Hanson.

When the courthouse at Double Springs was finally constructed, made of prefabricated panels of camphor wood imported from China, it also functioned as the local saloon, hotel and store.

Not long thereafter the county seat was moved to Jackson where it remained until 1852 at which time a petition was filed to hold an election to relocate the county seat to Mokelumne Hill. The election was held with a record number of people casting their ballots, so many in fact that votes exceeded the actual population of the county. Regardless of the suspicious election, the county seat was moved to Mokelumne

Hill; yet another county seat without an initial courthouse in existence.

According to the *Pacific* newspaper, June 18, 1852, "The US Post office is kept in a large public drinking and gambling saloon, and the court judge, recently appointed by Governor Bigelow, keeps and holds court in one end of the dram shop." There were rumors that the newly appointed judge also oversaw the operation of the saloon.

By 1855, \$8,100.00 was appropriated to build a courthouse with an additional one room, free standing stone building equipped with an iron door to serve as the jail.

By 1863 an election was held to move the county seat once again, this time to the quickly growing town of San Andreas. Of the 6,914 ballots cast, 3,567 were in favor of the new county seat. However, the election result was met with resistance by the county officials who tied up the impending move with litigation which went all the way to the Supreme Court. The decision to move the county seat was rendered in October 1866 and the disgruntled county officials were forced to relocate their offices to San Andreas.

One of the provisions of the election was that if the county seat move to San Andreas were to win approval of the voters, the citizens would be required

to raise \$15,000.00 to offset the cost of the move and provide temporary county office buildings. With the new county seat decided and no courthouse provided, the officials creatively utilized the local theater for the first court hearing held December 12, 1866.

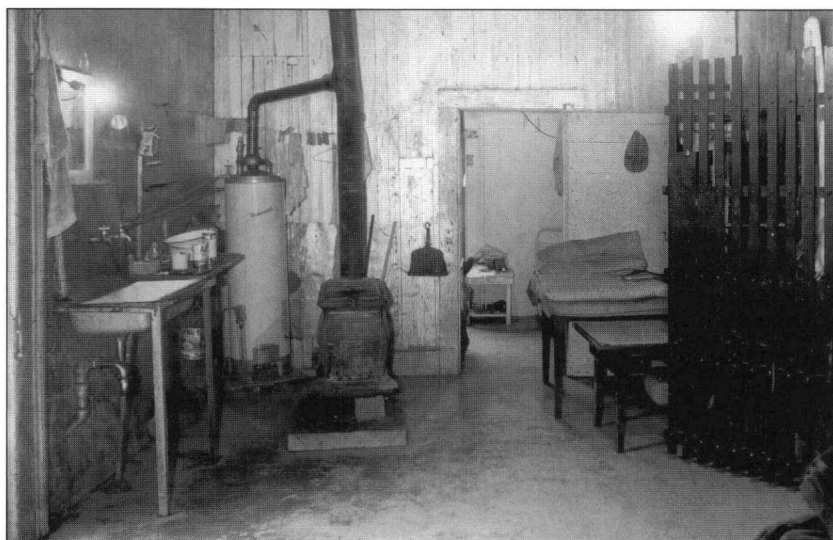
After a call for bids for the new courthouse building, William Maloney was awarded the contract to build the new courthouse on April 19, 1867, and by May 25, 1867 the stone foundation for the courthouse was laid. Included in the original construction of the courthouse building was a new jail, boasting five cells with iron doors, a trustee's room, a kitchen and an office.

Prior to the jail being built in San Andreas, prisoners were housed in the Mokelumne Hill jail. According to many newspaper recounts of the time, there had been a jail break in the last days of 1867 from the Mokelumne Hill jail in which three convicted murderers escaped with only one being caught. The jail being removed from the town was most likely a relief for the townsfolk. The prisoners were moved to the San Andreas location with little fanfare in March 1868.

The *Calaveras Chronicle*, March 14, 1868, noted: "*Mokelumne Hill: ...We do not regret their departure. They were neither profitable, ornamental nor useful.*"

A massive amount of ironwork was used to build the San Andreas jail's iron doors and iron and steel reinforced roof and floors. The *Calaveras Chronicle*, March 1938, claimed that approximately 4,000 rivets had been used.

The stone wall surrounding the jail yard was completed in 1885 by Edward Fahey. It was 302 ½ feet long and 10 feet high at a total cost of \$2,107.30.



The Calaveras County Jail, looking towards the trustee room.
Calaveras Historical Society photo.

In 1894 two new cells were added in the southeast corner of the jail yard to house the more dangerous criminals. These were moved in the 1940's to the northwest corner of the yard.

By 1904 it was noticed that the county was not in accordance with the state law for housing of the criminally insane. A contract followed for two padded cells, yet only one was built with the remaining money suspiciously used for painting of woodwork in the courthouse and the detention center, a painting contract awarded to none other than Supervisor Roberts who was overseeing the building of the cells, or cell.

At one point there were three insane inmates admitted to jail at the same time. One was put in the padded cell. During the night one of the other two men became violent and proceeded to bash his head back and forth against the bars of his cell until it was a bloody mess the next morning. An investigation ensued regarding the lack of a second padded facility; a second cell was completed soon after the investigation.

According to the recollections of Charles Filippini, the detention cells for the insane were in a small building just outside of the regular jail yard, in the corner of what is now Winkler's parking lot.

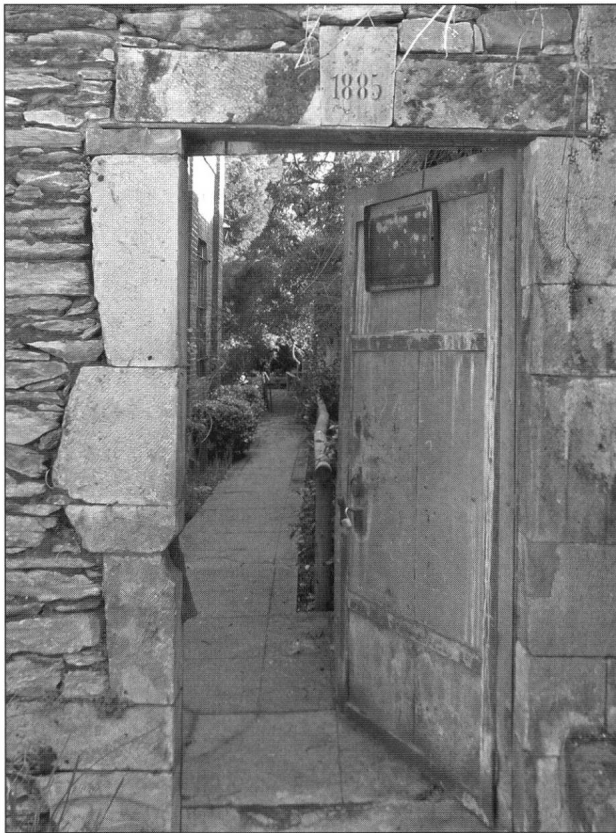
The jail's inadequacies at housing prisoners remained to the end of its service in 1966, with the opening of the new County Government Center.

In 1967 the courthouse building and jail were renovated to eventually become the Calaveras County Museum. In 1978 the many levels of the jail yard were refurbished and a sloping ramp was constructed by Delta College students, the Garden Club and the Heritage Council.

Dungeons

At one point during the jail's interesting history, dungeons were apparently in existence in the jail yard. In 1927, an old woodshed was torn down and a new woodshed and garage were built for Sheriff Joe Zwinge. During the demolition of the old shed the workers found what appeared to be dungeons.

From the *San Andreas Independent*, November 1927: "*As improvements were being made around the Sheriff's Office and County Jail the work crew found*



The entrance to the jail yard. *Charity Maness photo.*

two dungeons in jail yard under old woodshed... the dungeons were dug into the earth and only big enough for one man to crouch in, no standing room, and lined with stone and rock."

Hangings

It is unclear how many hangings actually took place in the jail yard, besides the executions of Jose B. Coyado in 1872 and George W. Cox in 1888. It is believed that two individuals, whose names have been lost, were hung and then buried in the jail yard.

Jose Coyado was hung June 21, 1872 for the 1868 murder of the Elkanah Said, superintendent of the Petticoat Mine, in Mokelumne Hill.

The *Calaveras Chronicle*, dated June 22, 1872, summarized his journey to execution with a headline that read: "*Fatal Noose! Patibulary Expiation! Execution of Jose B. Coyado for the murder of Elkanah Said... the murder—the search—the confession—the trials and conviction—the execution.*"

At Coyado's home, Coyado, along his newly made acquaintances and soon-to-be partners in crime, Andrea Molino, Paul Tibeaux, and Baptiste Denny plotted the robbery of a Petticoat Mine carriage; a carriage known to carry shipments of gold from the mine.

On September 30, 1868, using guns stolen from a miner's cabins, the men lay in wait for the carriage. The plan—two men step in front of the oncoming carriage and two men come from behind in hopes of preventing any escape.

Paul Tibeaux stepped in front of the carriage, yelled "Stop" and fired two shots, killing Mr. Said. Daniel Keese, a mine employee, seated next to Mr. Said quickly grabbed the reins and without a barricade to hinder his getaway he was able to escape to Mokelumne Hill with his life, the body of Mr. Said and the mine's precious cargo of gold.

The robbers threw their stolen guns into the "*first stream they crossed*" as Coyado ran north and the other three accomplices ran south. Coyado hid in the brush until nightfall then crossed Indian Ladder Bridge into Amador County where he was eventually arrested by Sheriff Benjamin Thorn.

In 1872, after numerous motions, appeals, reversal of judgments and continuances Coyado was eventually tried for murder, found guilty and sentenced to be hanged until dead.

After being led to the gallows by Sheriff Thorn, Coyado was asked if he had any last words, he replied through an interpreter, "*that he was being hung unjustly... because he was poor and ignorant.*"

George Cox, a native of Tennessee, was hung March 23, 1888 for the murder of his son-in-law as he ate dinner on November 3, 1887. Cox was tried January 23, 1888 and found guilty two short days later on January 25, 1888, at which time the court ordered punishment of death by hanging.

Most media accounts claim Cox was not repentant for his crime. As the *Calaveras Prospect* of March 24, 1888 showed: "*Cox is not at all discomfited, to all appearances, by the gloomy preparations of death, but seems to manfully resigned to his fate... whatever torturing thoughts, if any, fill his mind, to outward appearances they give no indication... he has never expressed the least regret for his crime... and has often said he would do it again under the same circumstances and take the penalty.*"

Approximately 250 handwritten invitations to witness the hanging, written on Sheriff Ben Thorn's calling card, were extended to representatives of the media as well as prominent citizens and Thorn's friends. Special gallows were erected in the southwest corner of the jail yard; the construction of his impending doom heard by Cox as he sat within his jail cell.

The hanging of George Cox was reported with grisly clarity by the *Calaveras Prospect*.

A clean shaven and well fed Cox "was far from being low spirited and weak at the approach of death upon the gallows. At 10 o'clock the Sheriff read the death warrant, and just before half past ten the Sheriff and prisoner walked out to the scaffold; Cox walked with a quick and steady step, and reaching the floor of the scaffold he stepped upon the trap. He looked at the sea of upturned faces in the jail yard, and said, "Take a

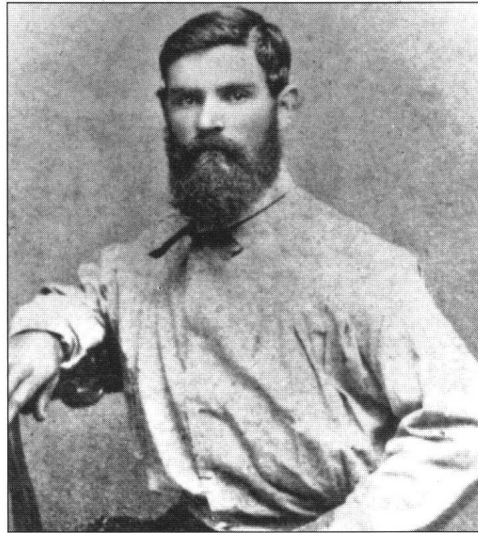
good observation gentlemen," he smiled and laughed ... (as) the rope encircled his neck and the black cap was being adjusted over his face, Cox became slightly impatient and said to the Sheriff, "For Christ's sake, give me a little air." In another moment the trap was sprung, and Cox dropped 5 ½ feet with a heavy thud at precisely 10:30. He did not move a muscle, his neck was broken by the fall and death was instantaneous. The rope cut his neck severely and the blood trickled down his suspended form."

Within eight minutes the doctors pronounced Cox dead and his lifeless body was unceremoniously cut down and lowered into an awaiting casket for quick burial.

Escapes, Foiled Attempts, and a Jail House Murder

Throughout the jail's rich history of housing notorious criminals such as Black Bart and walking others to the gallows, there were a handful of prisoners who attempted to escape. Their brilliant plans were often foiled, yet a few had some success. The most brazen escape, though short lived, occurred in 1903 when Jules Martinez escaped the jail yard after fatally shooting Deputy James Casey.

Jules Martinez was known as a mild-mannered local laborer who became quarrelsome and obnoxious when drunk. On July 26, 1903,



George Washington Cox.
Calaveras Historical Society photo.

he was drinking in Frank Barton's Saloon on Main Street in San Andreas when he began harassing other patrons. Deputy Constable James Casey happened to be in the saloon and after several failed warnings he was obliged to take Martinez into custody.

Martinez was escorted down the street and placed in a holding cell for transient drunks at the county jail. Casey was about to leave the cell when he remembered that he had not searched the prisoner and turned back. Deputy Sheriff A. G. Thorn, on duty as jailer that afternoon, had just left the cell ahead of Casey when he was startled by two gun shots and a smothered cry. He rushed back in as Martinez emerged holding a pistol.

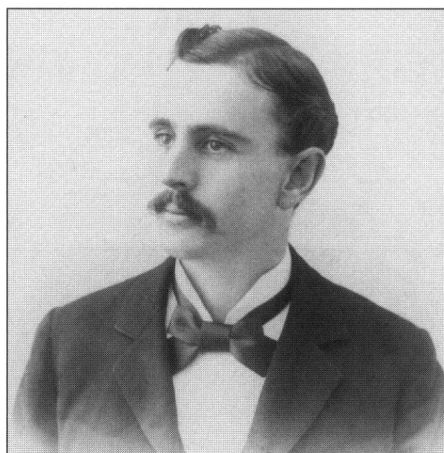
The prisoner fired twice at Thorn, missing him, and was then disarmed by the deputy. Martinez managed to escape through the open gate of the jail yard. After checking on Casey and finding him dead, Thorn ran to the saloon of Casey's father to sound the alarm.

At the saloon was Will Nuner and three of Casey's brothers. A pursuit of Martinez ensued and the murderer was captured a short time later, only after being shot and beaten by the victim's brother Dick Casey. Martinez was escorted back to jail by Will Nuner and District Attorney Charles Snyder.

Judge P. H. Kean presided over a coroner's jury the next day, which found the suspect to have "willfully, unlawfully, feloniously, and with malice" murdered James Casey. Casey had in fact been Judge Kean's son-in-law. Martinez was sentenced to "be hanged by the neck until dead." The execution took place at San Quentin State Prison on October 11, 1903.

A more humorous tale of a failed attempt at freedom comes from the *Sacramento Bee*, October 1967, and the story of Jack Whadig (date of event unknown).

Whadig had been arrested, tried, found guilty of murder, and



Deputy Constable James Casey.
Calaveras Historical Society photo.

sentenced to hang at 7 am the morning following his sentencing. He wasn't especially surprised at the verdict, and had actually planned on the outcome "and so, in the four weeks he had been confined in the San Andreas jail, he had done what he could to circumvent the court's anticipated decision."

Whadig had spent his time behind bars working said bars loose from their adobe mortar. All he had to do was to wait for the jailer to turn in for the night.

However, Whadig had "been well cared for during the month he had been locked up. The food was ample and the women of the camp sympathetic to a handsome male in trouble, had contributed fine pastries and other tidbits. Even a daily pitcher of beer had been provided. And as customary, a large last meal had been ordered... and he ate heartily and then relaxed on his bunk. He felt no concern. He would be far away when the Sheriff came for him at 7 o'clock."

Whadig awaited the jailer's snores to make his getaway. He removed the jail bars and wiggled his shoulders through the opening, yet no matter the amount of wiggling, pushing or pulling, he could go no further. "He was half way to freedom, but that was all."

And that is where the Sheriff found him the next morning, halfway in and halfway out of the small jail window. His indulgences over the past four weeks added with his last hearty meal had been his hefty demise.

While Whadig failed, an interesting story of a successful escape exists in the February 12, 1931 edition of the *Calaveras Californian*.

This story tells a tale of a young poetic inmate destined for the "Outlaw Trail."

Grover Fischer was sixteen when he was arrested by Sheriff Joe Zwinge and sent to await trial in the county jail. With little to no desire to remain behind bars, Grover made quick work of his mattress, tilting it against the cell wall and scaling it to the barred windows, set nine feet high. He pried the bars loose and scaled the jail wall to freedom.

All that he left behind was a poem for his captors titled a 'Prisoners Dream'.

*On February Fourth I was thrown into jail
And now I'm escaping to hit the lone trail
They thought they could hold me in this stuffy hole
In plain words they judged me to be a damn fool.
But I was not destined to stay long in jail,
Far better to me is the outlaws trail.*

*I paced around the cell, (just six feet by eight)
And gloomily thought of my future's sad fate.
I looked at the window all strengthened by bars
And through them were twinkling the heavenly stars,
I climbed to its height, for a minutes short length
I grasped a good hold and exerted my strength,
The bars were all bended, and needless to say
I will soon leave here and hasten away.
So I'll take the Lone Trail and be an outlaw,
I'll make a damn good one as some of you saw,
I'm sorry to do this, I'm sorry to say
That without your permission I'm going away.
But it cannot be helped, so your officers three
Had best stir around and just try to find me.
Now I'm not a poet, and don't care to be,
But wait yet a minute and listen to me.
And I'll try to explain in this confounded rhyme
The thought that I've held in check up to this time.
To Mr. Airola I'm grateful. Also,
To Mr. Joe Zwinge, the Sheriff, you know,
And also H. Collins, the good deputy
I'd like to thank all for your kindness to me.
But of a reform school I can't bear the thought
And to stay in a jail-house I've never been taught
I'd much rather be out "on the dodge" they say
Than be cooped in a damn cell all day.
I guess I will have to be signing off now
I'm sorry to raise such a bit of a row.
Well, you may catch me, and then you may fail
But at least for awhile I will be free of jail.
And now I must crawl out and hit the old trail
So this is the end of my sorrowful tale.
(signed) GROVER*

*P.S. Now let me remind you for our friendship's sake
That prison walls do not a prisoner make.*

A great deal of thanks goes to Danielle Ballard for her extensive research aid for this edition.

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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.

January–March 2017

New Members:

Richard Small—Arnold
Lynn Sanguinetti—Jamestown
Cathy Larsen—Arnold
Bill & Beverly Ratterman—Converted to Lifetime Membership
Dr. Randy Smart—Murphys
Bits Lyons—Mountain Ranch

Donations:

Lyn Norfolk—documents from the Calaveras Grange including plans for the Grange Hall, ribbons, photos

Loren Knighton—gate valve, flood valve, irrigation flood can, flood valve, sugar pine shakes over 100 years old

James Halverson—binder of letters (in French) with envelopes from 1868–1888 belonging to C. Estrade of Mokelumne Hill (died in 1902), including one letter written to him by Judge Gottschalk

Chris Villegas—Cash donation

Randy Jasper—Items from the Jeanne Jasper family including postcards, postcard albums, baby shoes, toys, clothing, purses, Eastern Star books, and other family items

William Lafranchi—Four photographs including Minnie Flanders, Henry Greaves, and Mrs. Beal

Bonnie Miller—Trophy from the Mother Lode Typewriting Contest won by Rita M. Stewart in 1915, photograph of Rita Stewart with trophy, miniature American Flag with 48 stars

Old Time Clock Repair (Fran)—Plate with image of windmill, on back printed with "Made Especially for Rosa A. Agostini, The Old Reliable Store That Gives the Most for the Least, San Andreas, Cal."