

When San Jose Was Young

A Series of Interesting Articles of An Historical Nature Prepared Especially for The News by a Well Known Author and Journalist.

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THE FIRST HANGING

The Spanish in California did not hang criminals. To the Spanish-Californians hanging seemed a peculiarly American brutality. They themselves shot wrongdoers. The Americans on the other hand thought the Spanish bull fights brutal, and they passed laws against them.

Soon after the arrival of Americans in the state came that good old British institution hanging. In 1847 there were few English-speaking persons in San Jose. They were John Burton, William Fisher, Julian Hanks, William Gullnac, Pedro Sansevaln, Thomas Bowen, James W. Weeks, Harry Bee, James Stokes, Charles M. Weber, Frank Lightstone, John M. Murphy, Peter Davidson, Grove Cook, Julius Martin and Charles White. The English-speaking women were Mrs. Martin, Mrs. Cook and Mrs. White.

In 1848 the English-speaking population in California increased enormously. General Bidwell had taken the news of the discovery of gold to San Francisco. There was a great rush to the mines. Desperate characters were everywhere. Prospectors were held up on their way to and from the mines. Each day depredations became bolder.

The culminating crime was when a German prospector was killed on his way to the mines. His partner escaped alive and brought the news to San Jose. One hundred dollars were offered for the arrest of each of the murderers. Harry Bee, one of the oldest settlers, an Englishman with a Spanish wife had been the alguazil, a combination of sheriff, constable and police officer. Bee raised a posse consisting of Peter Quiva, Isaac Branham, Charles White and Samuel Young. They decoyed six men, Lee Wollard, Cotton, Freer, Campbell and Davis into Bee's store in the Lightston building and arrested them. The men were placed in jail guarded by citizens.

Days later the men were brought before Alcalde Kimball H. Dimmick and tried. This trial was very brief. Cotton confessed and Freer, Campbell and Davis were found guilty by a jury consisting of James L. Ord, Thomas Campbell, James P. Reed, Isaac Branham, F. T. West, J. Belden, James Stokes, R. C. Keys, Samuel C. Young, Thomas N. West, Julian Hanks and John Cross. Alcalde Dimmick sentenced the three men to death.

Shortly afterward the men were publicly baptized by Harry Bee, who declared himself their god-father. Being their god-father, Bee could not preside at their hanging. John Yontz was the master of ceremonies, and the scaffold was erected in the Plaza. There it stood for several years. All who were inclined watched executions. Sometimes children saw them, but there were men and women on the days of public hangings who locked themselves in their houses and shuddered. This first execution was carried out in obedience to the alcalde's

orders. Afterward most persons felt that the community was nearer law and order.

It cost considerable to hang three men and to keep three more imprisoned, and so after the dead men were buried at Santa Clara the alcalde ordered that the property of Campbell, Freer and Davis be sold to defray the expenses of their trial and execution.

Afterward Alcalde Dimmick applied to Colonel Mason, the American governor at Monterey, to pay the expenses of the jurors, but Colonel Mason said that while he realized that such proceedings as those in San Jose were often necessary, the "bound of legal proceedings had been a little overstepped," and he had no money for paying the costs.

Later Lee, Cotton and Wollard were brought to trial. The jury sentenced Wollard to the punishment of having seventy-five lashes on his bare back. Lee was given a month in the stocks and fifty-eight lashes. John Cotton, who confessed, and who before he had turned highwayman had borne a good character, was fed on bread and water for a month and placed in irons for that same term. He received only fifty lashes on his bare back.

At four o'clock one December afternoon in 1848 the three men were whipped with a rawhide according to the judge's sentence, "in the most public place in the pueblo"—the Plaza.