

Vigilantes hung together in 1800s Solano

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In the 1800s, a constable or two were assigned to an area as soon as a town was established. Also, one or two people, generally lawyers, would act as justices of the peace. The justice of the peace served as a judge, could perform marriages, was there for registering voters and recording deeds and was the notary public.

G.R. Miner was the justice of the peace in Vacaville in 1863, followed by J.C. Merryfield and E.P. Ward, who served concurrently.

The constables were appointed by the sheriff of the county or by the courts. A constable was a peace officer and the law of the town. He was empowered to serve writs and warrants and make arrests. Vacaville had one to two constables at any given time up through 1933. Benicia, Vallejo, Green Valley, Suisun, Denverton, Montezuma all had two constables. There was only one in Tremont. In 1863, Vacaville's constables were J.O. Zumwalt and J.C. Maupin.

Of course, in those early days, the residents didn't have much crime to worry about. The main problems were horse thieves, robberies on the trails and stagecoach roads, town thefts and aggravated assaults, the latter usually brought on by too much drinking at the local saloons, when someone would grab a bottle or club and go after the foe of the moment.

In 1863, a newspaper reported that a gentleman in Benicia was threatened with a knife during a saloon altercation. The party said to have threatened him wrote the newspaper to make the correction that the "knife" was in fact a key.

It is quite likely the locals handled most incidents themselves. Such was the case in Suisun City involving a Dr. Fountain, who claimed he was a dentist. Dr. Fountain was in the habit of "insulting respectable females." Once this was discovered, he was in effect forced to leave the vicinity by the local citizenry. A year or two later, Dr. Fountain made the news when he was again up to his "old tricks" in the town of Watsonville. Presumably, this time he did not escape the law.

On the other hand, if a crime was committed by a person who was well-liked in the

community, the incident might be overlooked. This appears to have been the situation in 1854 with the first recorded homicide.

A Mr. Cook was missing a large sum of money and charged a Mr. Mann with taking it. Mann denied the charge, but Cook persisted with the accusation. Tempers flared and Cook was shot. Though a justice of the peace and others witnessed the event, the guilty party managed to escape.

Merrill James also escaped justice when he shot Ashford Asbrook at a dance in a Green Valley home. James fled and was never brought to trial.

Naturally, Solano County had its share of murders, and they were documented in some detail. In these instances, there was the possibility of a lynch mob. The towns in Solano County in the 1800s were small communities and crowds were easily incensed. In most cases, the victim was well-known, and that caused a lot of personal feelings to come to the fore. Certainly, when minorities committed a crime, they were virtually fair game.

Consider the case of Manuel Vera in the Vallejo Township in 1863. It is not recorded what his alleged crime was, but when he was taken into custody in May, he was "rescued from the proper officer of the law by an armed mob and murdered." An \$800 reward was offered by Gov. Leland Stanford for one or more of the parties responsible. The reward was increased another \$2,500 by Solano County Sheriff John M. Neville. The monies for this increase may have come from the murdered man's estate.

In December, a military company was called upon to round up the people involved. The militia company was called The Suisun Light Dragoons Co. D, and it drilled at the armory every Saturday.

Its leader was a Capt. Marston. He received orders from newly elected Gov. Low to report with his fully armed company to the sheriff.

The detachment of men went to the Suscol Hills, Benicia and Vallejo and returned with 14 people. Three others were later arrested. All were held in the county jail for the murder of Manuel Vera.

It is not clear exactly who the The Dragoons in this instance were. Local historians speculate that it was Fairfield's militia company. Many towns had such detachments before and after the Civil War. Though they drilled and were ready for battle, they were also akin to fraternal organizations, and as such they repaired the streets, helped in building schoolhouses and raised money for widows. They were on hand for the July Fourth parades.

Another well-documented homicide involved the first murder trial held in Solano County. In 1855, Peter William Kemp was accused of killing Thomas Sullivan in Benicia.

Sullivan was a fireman on board a steamer anchored at Benicia. Kemp was a worker in a blacksmith shop. The two roomed together, and on one fateful night there was an argument as to who would cook supper. Kemp picked up a Mississippi rifle, which discharged and killed Sullivan. The not-guilty verdict would indicate this tragedy was deemed to be an accident.

Sometimes the sheriffs of a county, fearing a lynch mob, would take prisoners to a different county to be held in custody. Just like in the movies, the sheriff would sneak them out the back door. It is documented that prisoners of Solano County were taken to Contra Costa and even Alameda County.

This seems to have occurred in the case of James Dunn, the first man recorded as executed by hanging in Solano County.

Dunn was an assistant engineer on the steamer Golden Gate. Whenever he put into port at Benicia, he and Beverley Wells palled around. On this day, the two men had taken a buggy ride. On returning to the wharf, they got into an argument. Wells left, went into town and purchased a large knife. Upon returning to the wharf, he met up with Dunn who was in the company of another man. When Wells greeted Dunn, Dunn stabbed him several times.

It is stated there was a jail in Benicia, but Dunn was taken to the jail in Martinez by Sheriff Paul Shirley. Though proclaimed guilty by the jury after a two-day trial, Beverley maintained his innocence to the end. A scaffold was erected on the outskirts of Benicia and 400 somber individuals came to witness the hanging on Aug. 8, 1856.

As prisoners were moved to other locations to avoid lynchings, so were trials moved. In 1859, a murder occurred in Vacaville, apparently a case involving trespassing and the right to protect one's property. The outcome is not documented in Solano County history, as a change of venue took the trial to Yolo County.

In that same year, John Sweeney was killed at a corral in the Montezuma Township. Philander Arnold pleaded self-defense to the deed, but when it was pointed out his son had provided his father with the double-barreled shotgun that was used in the shooting, the case went against him and Arnold was found guilty of manslaughter.

The next reported murder didn't occur until 1862, when Joseph Zaesck died of a fatal knife wound inflicted by a man named Thompson. Their dispute was over some sheep that had strayed into Zaesck's herd and which he would not give back. Thompson

received a four-year prison term.

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