

Guns cause chance, willful deaths in 1858

By Kristin Delaplane

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The winter of 1858, the citizens of Benicia had a full view of a snow-covered Mount Diablo. By February, the rains had begun.

In January, two men, apparently from Napa, were out hunting about two miles from Benicia. One man raised his gun to fire at a duck on the wing. Just at that fatal moment his companion stepped in front of the muzzle. He died that night.

Lewis B. Dell, formally a partner of Hatch and Co., bought out the stock of Allen and Blain, a most successful wholesale and retail general store business in Benicia. The business had started out as Moore and Allen and in 1856 became Allen and Blain.

The Court of Sessions was presided over by Judge T.M. Swan. At this time, cases were being heard resulting from the assault on a Vacaville photographer, Mr. R.H. Vance, at his ranch in Vaca Valley. The case of L.P. Winchell ended in a mistrial, the jury being unable to reach a decision. Nicholas Munchower was found guilty and sentenced to pay a fine of \$300 or serve a four-month term. The fine was paid.

The office of E.A. D'Hemecourt, Solano County surveyor, was located on E Street opposite Judge Swan's office in Benicia. But the signs of the county seat was just taking shape as the town of Fairfield was beginning to be built and occupied. William W. Fitch, surveyor and civil engineer and deputy county surveyor, had his office in that place.

It was at this time that the Solano Herald moved its office to First Street, third door from the Solano Hotel.

The gambling game rondo was going strong. It had been anticipated that the grand jury would rule against it, but it was fully satisfied with the excellence of the game.

Proposals were once again being taken by the naval yard, this time for cutting to grade and depositing the earth and filling up the grade to the amount of 30,000 cubic yards.

A tragedy took place on the 15th of January. Caleb Gains, alias Kentuck, was putting up a fence on his claim in Laguna Valley. Joseph Basey, his neighbor, was helping him. Dr. Dean, who also lived in the area, was approaching from the distance.

He and Gains had a history over a land dispute and Gains felt greatly offended by some

words the doctor had uttered. Gains saw this as an opportunity to confront the doctor to have him retract what he had said. With this in mind, he went into the house to retrieve a revolver "just in case."

When Dean came upon the pair, Gains challenged him to take back his words. At length Dean apologized and Gains turned his back to resume his work on the fence. At this, Dean drew a knife and lunged at Gains, stabbing his in three places. Immediately Gains turned, revolver drawn and fired off four shots at the retreating Dean.

Dean made his way on foot to his home in Laguna Valley with three gunshot wounds, but it was supposed he would soon die. Meanwhile, Thomas Besay was arrested based on a complaint by Dr. Dean's sister. She asserted that while Dr. Dean was running to his house, Besay took the pistol from Gains and shot Dean one time. Besay was put in the Martinez jail.

A Bridget Gardner was found dead in the tules of Benicia. The verdict was that she died from excessive drink.

Another lady almost met her death when she fell overboard disembarking from the Queen City one evening. The plank from boat to the wharf was extremely narrow and the night dark. Mr. Joseph Dangberty, the watchman of the boat, jumped into the water and rescued the lady.

An accusatory finger was pointed at the monopoly company, the California Steam Navigation Co. A few months earlier a man was murdered on one of these boats by a clerk while collecting fares. It was supposed the company bought him off from the law.

There were other problems with the steamers. On too many occasions they were not making their trips on schedule between Sacramento and San Francisco. In San Francisco, the whole business community was thrown completely off due to a steamer becoming grounded on the famed "Hog's Back." On another occasion, a steamer from Benicia that left in the evening did not reach Sacramento until 1 p.m. the following day. It was suggested that boats of lighter draft be used or a dredging machine be put to use on Hog's Back.

Dense fog was also a problem. A steamer that left Sacramento at 5 p.m. didn't reach San Francisco at 9:30 the following morning, having laid over in Benicia due to fog.

In response to these reports from San Francisco, the editors of the Herald pointed out the real need for a railroad between Sacramento and Benicia. But in the meantime, the editors suggested, there was a daily stage between the two cities as an alternate to the steamer mode of travel.

There was a sheriff's sale involving William McDaniel, the man who is credited with laying out the town of Vacaville. A judgment was found in favor in William E. Thursby against McDaniel and Lindsay P. Marshall for the sum of \$461.84, plus court costs.

In anticipation of spring there were some plants for sale in Capt. Walsh's garden. A variety of ornamental and shade trees, ornamental vines, rose bushes, shrubs.

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