

Peninsula Diary Mayo Hayes O'Donnell

July 26, 1950

Early Jailbirds

Interesting sidelights on the lives of Californians during the romantic and glamorous 50's are contained in an ancient volume of the early Monterey Police Department. The old book written in laborious and at times almost illegible longhand, is the work of John W. Miller, undersheriff of Monterey County under Thomas Watson, and represents the sole records of the Monterey County jail for a 10-year period beginning in 1850.

Many of the entries may prove a bit shocking to the minds of Montereyans in 1950; others are decidedly humorous, and still others provide a truly remarkable insight into the methods and habits of the vague and awe-inspiring figures of California history.

One of the first present-day beliefs blasted by a brief perusal of the pages of the jail register is one to the effect that the dungeon-like Monterey city jail is hard to get out of. True, escapes are rare now, but the hardy criminals and alleged criminals were not particularly bothered by adobe walls. The additional inconvenience of leg and hand irons was also apparently lightly regarded for records of escaped prisoners occupy a considerable amount of space in the old book.

The book is a record of the days when condemned men were executed in the little jail here, and although official hangings were comparatively few, many prisoners were found "hanging in the jail yard" by the jailer on his appearance in the morning. On May 11, 1856, three Indians, all charged with murder, were the victims of a mob. At least that inference is to be drawn from the rather cryptic account of Mr. Miller. And other notations of similar character are far from rare.

Horse thieves, contrary to general belief, were not classed as major criminal cases. Jail sentences or cash fines, perhaps considered heavy then, were the usual penalty for "borrowing" a horse. Drunkenness cases fill a goodly section of the books and another large portion of the notations deal with the usual run of larceny, assault and battery, and similar criminal cases.

Homicides were comparatively common, punishment in most cases being swift, whether legal or not. A common punishment for the lesser evil-doers was a sentence of

from 20 to 40 lashes, usually administered by the sheriff who was equipped with proper implements.

Many of Mr. Miller's Indian customers were sold out in bondage for various periods in satisfaction of penalties assessed against them by the courts. Perhaps the most pathetic case of this sort of punishment concerns a gentleman who was sent to jail for wife beating. He was promptly leased out to his wife for the period of the jail sentence. With all the majesty of the law on his wife's side it is considered certain that the poor fellow atoned for most of his sins.

The register shows the names of all the prisoners, the charge against them, disposition of the case and "remarks." The last column frequently proves to be the most interesting of the lot.

A few of Mr. Miller's notations are appended here for the edification and entertainment of the reader:

"John Anthony, horse stealing, brought out and examined and received sentence of 30 days imprisonment, 25 dollars fine.

"Juan Cooper, horse stealing, Indian, received 25 lashes.

William Otis, fugitive from justice, strangled in cell, August 10, 1851.

"Jean Garcia, horse stealing, Indian, assisted to escape by others entering his cell through the roof of the jail and releasing him from double irons.

"Jose Francisco, vagrant, sentenced to be sold at auction for 4 months. Hired to David Jacks for four months from October 30, 1850.

"Francisco Martinez, grand larceny, pardoned by the governor.

'Augustini Esquabor, murder, discharged for justifiable homicide.

"Pedro Indian, petit larceny, sold to M. Roach.

"William Emmett, grand larceny, some call him Three-Fingered Jack.

"Lamos Baiton, battery, black as my hat, His Squaw and himself had a fight.

"F. Williamson, assault and battery, this was a damn hard case! (He did not relate how he settled it).

"E. Lota, grand larceny, gone to hell.

"Jose Antonio Carillo. highway robbery, discharged, charge not sustained.

"A.D. Biddlecorn, grand larceny, charged ignored by the grand jury.

"Jose Anestasia Alviso, murder, hung on the 12th of Feb., in conformity with sentence passed by the judge.

"M. Ariano, vagabond, services sold for four months to H. Escolle for three dollars.

"Patricia, wounded, put in jail to cure.

"Manuel Padilla and Jose Torres, herding sheep on Rancho Sanjones and Chualar contrary to law.

"F. De Bard, battery, hired out to his wife at 50 cents a day.

"Jose German, murder, grand jury ignored bill indictment.

"Jose D. Rosales, murder, sent to God on a rope."