

Peninsula Diary Mayo Hayes O'Donnell

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A Hero Not Hanged

MONTEREY, California, Feb. 21, 1849 — "Breaking of a hangman's rope saved the life of the condemned Domingo Hernandez here yesterday and made him such a hero to a considerable section of the town's populace he was given his freedom."

These are the opening lines of the newspaper report of 113 years ago. It is historic, amusing and in keeping with the hectic times in Monterey those many years ago.

Hernandez was a native Californian who had been known for many years as a desperado and bad man, horse thief and escaped convict. He had been sentenced by the alcalde's court after a jury trial to be executed by hanging.

The situation was tense as the execution day arrived. It was known he was popular among a certain element of people, so the alcalde, Florencio Serrano, anticipated possible trouble when the hour came to carry out the sentence.

Serrano therefore asked Colonel Mason, the provincial governor of the territory, for a detachment of soldiers to forestall any attempts to rescue Hernandez from the noose and spirit him away.

The governor acceded to this request, ordering Capt. H. D. Burton to furnish an armed escort for the prisoner out of the military detachment here. However, Col. Mason made the strict provision that the soldiers were to form a guard solely for the safekeeping of the condemned man and to take no part in the actual execution, because that was a function of the civil authorities alone.

Hernandez was thus closely surrounded by armed troops when he was taken from the jail and marched to the hanging place. There was a crowd assembled.

The rope was fixed around his neck, but broke when he was raised into the air. A cheer went up from many of the onlookers, and there was an immediate clamor against a second attempt to execute him. Hernandez was taken back to jail, but people gathered outside and pressed gifts of money on him in substantial sums. It was evident that his miraculous escape from the noose had raised him to the stature of a hero.

Because it became obvious that any further attempt to carry out the death sentence would create a tense situation, the civil authorities finally determined to give Hernandez his release.

Domingo celebrated his deliverance in uproarious fashion at a party where there was much drinking and gambling. During the evening he got into a quarrel with another man and seriously injured him in the fight that ensued.

(Domingo Hernandez subsequently continued his career as a desperado until he was captured and hanged by the vigilante party in later years.)