

JARED FARMER

## Witness to a Hanging

California's haunted trees

When a man dies hanging from a tree, is that tree an accessory to the act or a witness? In legal terminology, a “witness tree” is a boundary marker, whereas in popular culture, a “witness tree” is an arboreal survivor at a historic site. At Gettysburg National Military Park, for example, the National Park Service has made an inventory of all of the battlefield orchard trees still standing; these living relics function as markers of collective memory. When Californians think about floral witnesses, they reflexively turn to sequoias or their cousins, the redwoods, and wish that they could speak. The impulse to personify them goes back a long time. “Could these magnificent and venerable forest giants of Calaveras County be gifted with a descriptive historical tongue, how their recital would startle us,” wrote James Hutchings, the pioneering promoter, in 1865. From his generation to ours, people have imagined the Big Tree’s perspective on ancient Old World events. “Are you as old as Noah?” inquired the clergyman Thomas Starr King to one of the “vegetable Titans” in 1861. “Do you span the centuries as far as Moses? Can you remember the time of Solomon?” Sequoias are estranging: they take our imaginations to distant times and faraway places; they offer a bridge between the shallows of historical time and the unfathomable depths of geological time. There is value in that. But California has much better candidates for local witness trees—namely, “hang trees” that force us to think about the state’s violent history of uprooting amidst its countervailing history of putting down roots.<sup>1</sup>

In 1847, even before the end of the US-Mexico War and the discovery of gold, the governor and general of Alta California capitulated to an emissary of Col. John C. Frémont outside of San Fernando. Supposedly they made treaty beneath an oak—a tree later commemorated by Anglo-Americans as the “Oak of Peace.” In fact, the transition following the Gold Rush brought discord and violence, as witnessed by certain native plants, mainly oaks and sycamores. A postcard, printed circa 1900, shows a knotted oak near Julian, in San Diego County, and a rhyme in the tree’s voice:

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View of the “Hanging Tree” in Calabasas, Los Angeles County, 1939. PHOTOGRAPH BY DICK WHITTINGTON. COURTESY OF THE HUNTINGTON LIBRARY.





Commemorative plaque, Orchard Hills, Irvine, Orange County, 2008. PHOTOGRAPH BY CHRIS JEPSEN.

*In the days of old  
in the days of gold  
nuggets were picked by the peck.  
On a limb of mine,  
in eighteen seventy nine,  
a man was hung by the neck.<sup>2</sup>*

The American tradition of lynching transcended the white-black milieu of the Deep South. Two social historians, William Carrigan and Clive Webb, have made a strong documentary case that the “lynching rate” for Mexican-Americans was comparable to that for African Americans.<sup>3</sup> California led the way in anti-Mexican and anti-Chinese vigilantism. According to legend, Joaquín Murrieta—one of the great figures in Gold Rush and Chicano history—chose his second career in banditry in response to the hanging of his half brother. Even after the placer gold petered out, Californians of Mexican descent, Californios—often called “greasers,” a word on a par with “niggers”—continued to be lynched at a rate wildly disproportionate to their overall

population. (As for Indians, settlers were more likely to murder them without any pretense of legality). Occasionally, Californios killed in common cause with Anglos. In 1867 a volunteer militia under the command of Andrés Pico captured and hanged two outlaws, associates of the bandit Juan Flores, for the murder of the sheriff of Los Angeles. It took much less provocation for white Angelenos to attack their Chinese neighbors. According to one witness of the 1871 “Chinese Massacre,” enforcers erected all kinds of impromptu gallows; “trees, awnings, lamp posts, even farmer’s wagons were thus utilized, until eighteen ghastly corpses—one that of a mere child—dangled about the street.”<sup>4</sup>

Retributory violence could also cut across race and ethnicity. This was especially true in the early years of the Gold

**Enforcers erected all kinds of impromptu gallows.**



“Hangmans Tree” (with supporting guy wires) along Big Oak Flat Road (State Route 120), Second Garotte, Tuolumne County, 1951.

COURTESY OF THE BANCROFT LIBRARY.





“Hangmans Tree” (view from the road).  
COURTESY OF THE BANCROFT LIBRARY.

Rush, when, according to a forty-niner from France, “It seemed as if every prison in every civilized country had sent the elite of its inmates out here to colonize this country.”<sup>5</sup> In a high-stakes, all-male atmosphere, in the absence of regular law enforcement, vigilance committees meted out punishment to accused criminals of every background—Anglo-Americans, Irishmen, Australians, Frenchmen, Belgians, Chileans, Sonorans, Californios, Miwoks. Death by hanging wasn’t the only extralegal remedy in the gold camps. Lynch courts also dictated banishment, branding, whipping—or a combination of all three. In many cases, vigilantes relieved the accused of his shirt, tied him to a tree, or forced him to hug its trunk, and administered the rawhide.

A tree allowed two methods of killing. Most commonly, the accused stood on a movable object—a bench or a horse—with the tree-bound noose around his neck. In the absence of such a removable platform, he might be convinced to climb the tree and jump off. All too often, the branch’s height was insufficient for the force of gravity to

snap the poor man’s neck. Desperately, he grabbed at the rope as he choked to death, while onlookers tried to restrain his hands. To avoid excessive unpleasantness, careful vigilantes pinioned the victim’s arms in advance. The second method of tree hanging inflicted even crueler agony. The executioner jerked the roped person up and down, like a piñata, until the neck finally broke. Sometimes a kangaroo court strung up the accused, then let him down temporarily for the purpose of extracting a coerced confession, and finally killed him with the satisfaction of justice served.

Public executions attracted large audiences. Gathered under a tree, the community of spectators gave tacit approval to lynching. Petty property crimes like raiding a sluice box or rustling a horse could lead to summary death penalties in the gold fields. Occasionally, a softhearted bystander tried to intercede. A Methodist missionary urged a lynch mob to take pity on its prisoner, a teenaged thief, a “mere tool and victim of the older criminals who had made their escape.” Send him back to his dear old mother in the States, pleaded the man of the cloth. Momentarily rebuffed, the vigilantes dispersed. They reorganized in the night and dragged the accused from jail. “The tree on which the boy was hanged was a healthy, vigorous young oak, in full leaf,” wrote the preacher. “*In a few days its every leaf had withered!*”<sup>6</sup>

Gold Rush executioners did not mark their gallows; eye-witnesses typically only mention “a convenient oak tree.” In a few mining camps, the tree of convenience earned its own name through repeated use. Most famously, the town of Jackson, in Amador County, fussed over its “Hangman’s Tree,” located on Main Street next to a saloon. At least ten men died here—seven Mexicans, one Chilean, one European (variously identified as German, Swiss, and Swedish), and one indigenous man. In 1854 a French-language newspaper announced—ironically, one assumes—that it had opened a subscription to purchase the notorious tree to make a carved statue of Judge Lynch. After a town-wide conflagration in 1862, residents of Jackson cut down the blackened bough; in response, a regional newspaper opined that California’s “most remarkable tree” should have merited preservation. A pioneer-era historian informs us that this plant (an interior live oak) was “never very beautiful, but was a source of so much pride to the citizens” that they engraved a likeness of it on Amador County’s first seal. Similarly, when the namesake tree of Placerville—known



Neon sign for the Hangmans Tree Historic Spot tavern, Placerville, El Dorado County, 2006.

PHOTOGRAPH BY THOMAS HAWK.

popularly as Hangtown—withered and died, residents turned its wood into souvenir canes. In 1941 a donated heirloom piece of the Hangtown Oak found its way into the handle of the specially made shovel used to lay the cornerstone of Bank of America’s headquarters in San Francisco.<sup>7</sup>

Re-rooting followed uprooting; commemoration followed violence. In the post-pioneer period, “Hangman’s Tree” became a generic place-name and the subject of fake-lore. Many towns boasted of having one, and invented or exaggerated the number of people killed. In 1896 a San Francisco paper repeated the legend that over forty people “passed into eternity” from the largest limb of Hangman’s Oak near Copperopolis. The next year, newspapers across the nation printed a syndicated story—a fond and plainly racist obituary—about the “famous gallows tree of San Bernardino.” From its branches, supposedly, more than fourteen men had “swung into eternity,” and in its shade “some of the most thrilling events in the history of the wresting of

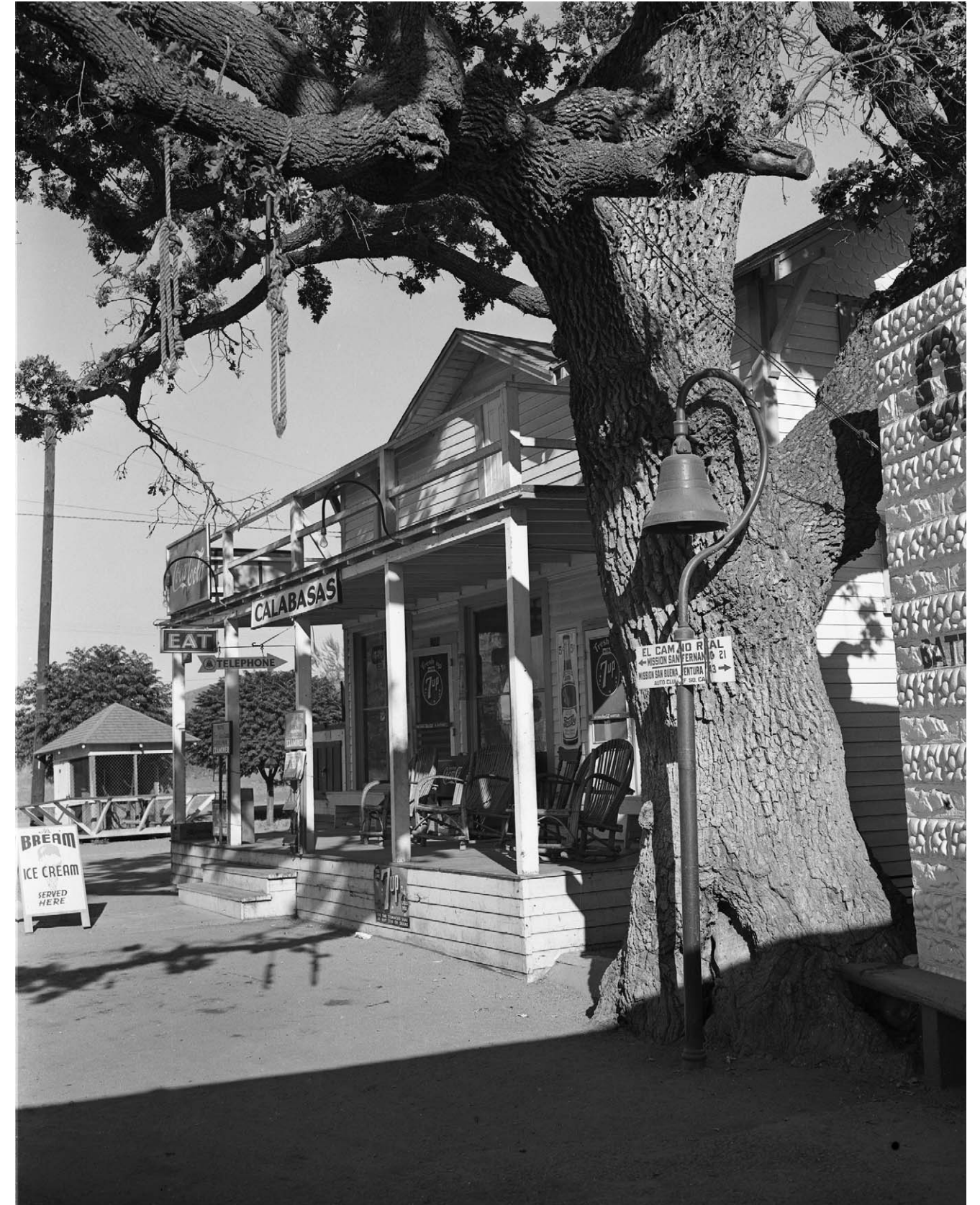
the golden state of California from Indian half breeds and Mexican domination have been planned.” In the 1930s the Native Daughters of the Golden West erected plaques to commemorate the genuine lynching trees in Jackson and in Placerville, seat of El Dorado County. A generation later, a second plaque erected beside Placerville city hall asked for empathy for the executioners: “LET US NOT JUDGE THEM TOO HARSHLY FOR THOSE WERE THE ROUGH DAYS OF THE GREAT GOLD RUSH.” The official state historical landmark sign stands in front of the shuttered Hangman’s Tree bar on Main Street; according to the placard, the stump of the tree lies beneath the building. Until 2008, as an added effect for tourists, a dummy on a noose hung above the tavern’s neon sign.<sup>8</sup>

Long before, tourism boosters in Gold Country placed unofficial signs on a massive oak tree along the main access road to Yosemite National Park near the ghost town evocatively named Second Garrote. In 1932 the California





Eucalyptus "Hangman's Tree" with noose, Ghost Town, Knott's Berry Farm, Orange County, 2012. PHOTOGRAPH BY LOREN JAVIER.



The "Hanging Tree" in Calabasas, Los Angeles County, 1939. PHOTOGRAPHS BY DICK WHITTINGTON. COURTESY OF THE HUNTINGTON LIBRARY.





Sign for “Hangman’s Tree,” Ghost Town, Knott’s Berry Farm.  
PHOTOGRAPH BY LOREN JAVIER.

Department of Public Works severely pruned this decaying tree to prevent falling limbs from killing automobilists. Supported by guy wires, the amputated framework of “Hangman’s Tree” stood as a roadside attraction (next to the falsely advertised “Bret Harte Cabin”) through the sixties. In 1942 some xenophobe pinned to its trunk the US military’s relocation order for all persons of Japanese ancestry living in California.<sup>9</sup>

Legendary trees occasionally appeared in suburban settings, too. In 1930 Outpost Estates in Los Angeles invited prospective buyers on a guided tour to the “Hollywood hangman’s tree,” a California sycamore at which “more than thirty persons” met their maker. As whimsically reported by the *Los Angeles Times*, the property developer dedicated this arboreal landmark in conjunction with the unveiling of five Mediterranean model homes.<sup>10</sup> In Orange County, on the side of Highway 39, the wildly popular

Mrs. Knott’s Chicken Dinner Restaurant added an adjacent “Ghost Town Village”—the beginnings of the Knott’s Berry Farm amusement park—in 1940. This simulacrum of a Gold Rush camp included a eucalyptus ornamented with a noose.

The folkloric hang tree achieved its final incarnation at Calabasas, a wealthy suburban enclave at the edge of the San Fernando Valley. For decades residents attached nooses to a coast live oak on the main road; the chamber of commerce used a likeness of the “Hanging Tree” as a logo. According to doubtful town tradition, members of Tiburcio Vásquez’s outlaw gang died here. In the postwar years the massive tree, located next to a Union 76 gas station, declined and died—possibly due to a gasoline leak. It was pruned down to its core and festooned with a larger noose. In 1965 this emblem of the Old West made way for the Space Age. Los Angeles-based Rocketdyne, a division of North American Aviation, designer of the second-stage launch vehicle for the Saturn V, needed to transport a prototype rocket through Calabasas to its testing facility in Simi Hills. Even in its amputated state, the landmark tree created a bottleneck for the oversize load. To solve the problem, a crane operator carefully transported the lifeless 30-foot trunk down the road to Leonis Adobe, a Calabasas house once owned by a prominent nineteenth-century Basque rancher. Preservationists subsequently restored the adobe and converted it to a living history museum that became a cornerstone of “Old Town,” a shopping and restaurant district. Here the beloved mock gallows, concreted into place, stood until 1995, when a winter storm toppled it. The desiccated wood shattered instantly, and in the aftermath, someone absconded with the decorative noose. Some old-timers insisted that a still-standing live oak across the street, by another bell-shaped sign marking the historic El Camino Real, was the *real* Hangman’s Oak.<sup>11</sup>

The multiple second lives of the frontier “hang tree” reveal something unsettling about the Golden State. Beauty, violence, and heritage share the same scene. In the span of one century, Californians progressed from lynching fellow fortune-seekers from stately trees to making up stories about such trees to preserving the remnants of pseudo-historic lynching trees. If these “witnesses” could be compelled to give testimony, what florid untruths we would hear—along with haunting true accounts of expulsions from Eden. **B**

## Notes

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- William D. Carrigan and Clive Webb, *Forgotten Dead: Mob Violence Against Mexicans in the United States, 1848–1928* (Oxford, 2013). See also Warren Franklin Webb, “A History of Lynching in California since 1875” (M.A. thesis, UC Berkeley, 1935); Robert W. Blew, “Vigilantism in Los Angeles, 1935–1974,” *Southern California Quarterly* 54 (March 1972): 11–30; David A. Johnson, “Vigilance and the Law: The Moral Authority of Popular Justice in the Far West,” *American Quarterly* 33 (Winter 1981): 558–86; Christopher Waldrep, *The Many Faces of Judge Lynch: Extralegal Violence and Punishment in America* (New York, 2002), 49–61; Paul R. Spitzzeri, “Judge Lynch in Session: Popular Justice in Los Angeles, 1850–1875,” *Southern California Quarterly* 87 (June 2005): 83–122; and Ken Gonzales-Day, *Lynching in the West, 1850–1935* (Durham, N.C., 2006). Gonzales-Day has also exhibited his artistic photographs of hang trees.
- L. Vernon Briggs, *California and the West, 1881, and Later* (Boston, 1931), 122. On violence against indigenous peoples, begin with Brendan C. Lindsay, *Murder State: California’s Native American Genocide, 1846–1873* (Lincoln, 2012). On violence against Chinese, see Scott Zesch, *The Chinatown War: Chinese Los Angeles and the Massacre of 1871* (Oxford, 2012); and Jean Pfaelzer, *Driven Out: The Forgotten War Against Chinese Americans* (New York, 2007). On banditry, see Lori Lee Wilson, *The Joaquín Band: The History Behind the Legend* (Norman, 2011); John Boessenecker, *Bandido: The Life and Times of Tiburcio Vasquez* (Norman, 2012); and Susan Lee Johnson, *Roaring Camp: The Social World of the California Gold Rush* (New York, 2000). In 2007, fire crews battling a blaze in the Santa Ana Mountains—part of the Irvine Ranch in Orange County—stumbled upon a historical marker, erected in the centennial year 1967, that had been overgrown by weedy black mustard (picture on

p. 73). See Mike Anton, “A Gnarled Reminder of California’s Past,” *Los Angeles Times*, 12 May 2009.

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- O. P. Fitzgerald, *California Sketches*, 4th ed. (Nashville, 1880), 161–67. Italics in original.
- “A Memorable Tree Destroyed,” *Stockton Daily Independent*, 6 Nov. 1862, quoted in Larry Cenotto, *Logan’s Alley: Amador County Yesterdays in Picture and Prose*, vol. 1 (Jackson, Calif., 1988), 156; Jesse D. Mason, *History of Amador County* (Oakland, 1881), 171. French-language newspaper reported in *Daily Democratic State Journal* (Sacramento), 6 April 1854. See also Richard Ferber, “Natural History of A Hanging Tree,” *True West* (April 1998): 39–43. Placerville information from L. A. Norton, *Life and Adventures of Col. L. A. Norton* (Oakland, 1887), 293; and “Piece of Hangman’s Tree Presented for Bank Ceremony,” *Mountain Democrat* (Placerville, Calif.), 20 Feb. 1941. In addition to the above sources, I found many accounts of lynching in period newspapers available through the website of the California Digital Newspaper Collection.
- “A Natural Gallows,” *San Francisco Call*, 8 March 1896; “The Gallows Tree: Famous Live Oak of California That Is No More,” printed in outlets as widespread as *Philadelphia Times*, *Saturday Journal* (Lewiston, Me.), *Daily Times* (New Brunswick, N.J.), *Daily Tribune* (Bismarck, N.D.), and *Daily News* (Des Moines, Iowa) in 1897.
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