

1/12/90
FEB 4 1990

United States Department of the Interior
National Park Service

National Register of Historic Places
Registration Form

This form is for use in nominating or requesting determinations of eligibility for individual properties or districts. See instructions in *Guidelines for Completing National Register Forms* (National Register Bulletin 16). Complete each item by marking "x" in the appropriate box or by entering the requested information. If an item does not apply to the property being documented, enter "N/A" for "not applicable." For functions, styles, materials, and areas of significance, enter only the categories and subcategories listed in the instructions. For additional space use continuation sheets (Form 10-900a). Type all entries.

1. Name of Property

historic name Sierra County Sheriff's Callows EIVEI
other names/site number SEP 6 1977

2. Location

street & number Calloway Road and Courthouse Square NA not for publication
city, town Downieville NA vicinity
state California code 06 county Sierra code 46 zip code 95936

3. Classification

<p>Ownership of Property</p> <input type="checkbox"/> private <input checked="" type="checkbox"/> public-local <input type="checkbox"/> public-State <input type="checkbox"/> public-Federal	<p>Category of Property</p> <input type="checkbox"/> building(s) <input type="checkbox"/> district <input type="checkbox"/> site <input checked="" type="checkbox"/> structure <input type="checkbox"/> object	<p>Number of Resources within Property</p> <table border="0"> <tr> <td style="text-align: center;">Contributing</td> <td style="text-align: center;">Noncontributing</td> </tr> <tr> <td style="text-align: center;">_____</td> <td style="text-align: center;">_____ buildings</td> </tr> <tr> <td style="text-align: center;">_____</td> <td style="text-align: center;">_____ sites</td> </tr> <tr> <td style="text-align: center;">1</td> <td style="text-align: center;">_____ structures</td> </tr> <tr> <td style="text-align: center;">_____</td> <td style="text-align: center;">_____ objects</td> </tr> <tr> <td style="text-align: center;">1</td> <td style="text-align: center;">_____ Total</td> </tr> </table>	Contributing	Noncontributing	_____	_____ buildings	_____	_____ sites	1	_____ structures	_____	_____ objects	1	_____ Total
Contributing	Noncontributing													
_____	_____ buildings													
_____	_____ sites													
1	_____ structures													
_____	_____ objects													
1	_____ Total													

Name of related multiple property listing: NA

Number of contributing resources previously listed in the National Register 0

4. State/Federal Agency Certification

As the designated authority under the National Historic Preservation Act of 1966, as amended, I hereby certify that this nomination request for determination of eligibility meets the documentation standards for registering properties in the National Register of Historic Places and meets the procedural and professional requirements set forth in 36 CFR Part 60. In my opinion, the property meets does not meet the National Register criteria. See continuation sheet.

Kathryn Quatren Feb. 9, 1990
 Signature of certifying official Date
California Office of Historic Preservation
 State or Federal agency and bureau

In my opinion, the property meets does not meet the National Register criteria. See continuation sheet.

 Signature of commenting or other official Date

 State or Federal agency and bureau

5. National Park Service Certification

I, hereby, certify that this property is:

entered in the National Register. Entered in the National Register
 See continuation sheet. 2/15/90
 determined eligible for the National Register. See continuation sheet. Alan Byrne
 determined not eligible for the National Register. _____
 removed from the National Register. _____
 other, (explain:) _____

6. Function or Use

Historic Functions (enter categories from instructions)

Government: correctional facility

Current Functions (enter categories from instructions)

Vacant: Not in use

7. Description

Architectural Classification

(enter categories from instructions)

No style

Materials (enter categories from instructions)

foundation Stone

walls _____

roof _____

other Wood

Describe present and historic physical appearance.

The Sierra County Sheriff's Gallows stand today on a site 30 feet east of the present Sierra County Courthouse, a location on which it has stood since 1933. The structure, comprised nearly entirely of wood, stands approximately 14 1/2 feet tall and covers an area of approximately 10 1/2 by 11 1/2 feet. The structure is currently painted beige, although the color has no historic significance. It is believed that the structure was originally unpainted as its outside presence was intended to be temporary. The trapdoor mechanism, constructed of flat steel, is still in place and remains fully functional.

Designed not to be a permanent structure, the gallows' individual components lock together with pegs inserted into a mortise and tenon worked joint. With executions occurring with uncertainty as to future needs, the structure was built to be reusable, but not a permanent fixture. Accordingly, the pegged mortise and tenon worked joints allowed the structure to be dismantled with little effort and damage to the structure's components. After its only use in 1885, it was disassembled as intended and stored pending a use that never came. Legislative changes in 1891 prohibited its further use as a means of execution.

Prior to July of 1988, the structure was in an advanced state of deterioration and disrepair, quite close to collapse under its own weight. Its trapdoor mechanism was not functional and the trapdoor itself had broken free. Then painted a dark green, that protective coating was in poor condition. The structure stood on six cement piers that were believed to have been placed in 1933, one of which has shifted adding to the structure's precarious stability.

Those components (wood) with surface contact showed extensive signs of rot. One cross beam supporting the platform floor, an obvious replacement of the original, had broken free, causing the platform to sag with no structural integrity. Additionally, one knee brace of the overhead beam was missing entirely. Furthermore, other areas of the structure showed signs of structural failure and had been supported by the addition of metal plates and rods, contemporary bolts, screws, and nails, as well as additional wooden braces not present originally, to assist the original wooden pegs and square nails still present throughout the structure.

United States Department of the Interior
National Park Service

**National Register of Historic Places
Continuation Sheet**

Section number 7 Page 1

Initiated in July of 1988, with funding made available through the California Parks and Recreational Facilities Bond Act of 1984, the structure underwent an accurate restoration to its 1885 appearance. All components not salvageable or believed not to be original were replaced or removed, and those salvageable were chemically treated with a wood preservative system. A new foundation was added, built with stone native to the area, and retaining walls to either side of the structure were added to protect it from erosion from above and slippage from below. While all metal and wooden bracing not original was removed, the structure was given increased stability by the addition of eight discrete metal braces under the platform flooring. The structure's exterior, wood and metal alike, is now protected by the application of no less than three layers of enamel paint. The result is the return of the structure to its 1885 appearance, structurally sound, representing the west's colorful criminal justice past.

JAN 12 1990

8. Statement of Significance

Certifying official has considered the significance of this property in relation to other properties:

nationally statewide locally

Applicable National Register Criteria A B C D

Criteria Considerations (Exceptions) A B C D E F G

Areas of Significance (enter categories from instructions)

Law

Architecture

Period of Significance

Significant Date

1885

1883

Cultural Affiliation

Significant Person

Architect/Builder

State significance of property, and justify criteria, criteria considerations, and areas and periods of significance noted above.

The Sierra County Sherriff's Gallows are significant for their association with a period in the state's history when local jurisdictions carried out capital punishment. They are also significant as a very rare example of a gallows structure. A survey of all of the Sheriff's Departments of the state reveals that the structure is the only authentic standing gallows in California. One gallows remains in storage in Napa County, and there is an accurate replica of a gallows at Shasta State Historic Park.

On Friday, November 27, 1885, at 2:00 p.m., twenty year old James O'Neill was hanged from a gallows adjacent the Sierra County Courthouse in Downieville. With that event, so ended within Sierra County the administration of capital punishment -- the very subject that is said to have been a driving force in the creation of the County some thirty three years earlier. One hundred and four years later, that gallows continues to stand adjacent the county's present courthouse, a perpetual representative of an era that has passed.

When California gained statehood on September 9, 1850, it did so comprised of twenty seven counties. From that date until April 16, 1852, a period of some seventeen months, what is today Sierra County remained a part of Yuba County, with the seat of county government in Marysville. As reported in Farris and Smith's 1882 publication "The Illustrated History of Plumas, Lassen, and Sierra Counties," "The disadvantages of belonging to Yuba County were early felt; Marysville was too distant and a county government located at that place was to the citizens here as useless as one at Kamtchatka. The trouble, expense, and time required to send criminals to Marysville were so great that many escaped the just punishment for their acts, while others were severely dealt with by Judge Lynch." During this seventeen month period, Downieville resident "Juanita" became the only woman lynched in California when she was hanged from a bridge spanning the Yuba River on July 5, 1851.

United States Department of the Interior
National Park Service

JAN 12 1990

National Register of Historic Places
Continuation Sheet

Section number 8 Page 1

The creation of Sierra County far from ended local vigilante justice. On September 8, 1853, after only eighteen months in office, Sierra County's first District Attorney, Thaddus Purdy, was shot and killed while attempting to stop an attempted lynching in Downieville. In May of 1853, three men were lynched near Gibsonville for the murder of an innkeeper there. In 1854, miners at Goodyear's Bar attacked and killed the suspected killer of one of their own, and in 1865, the murderer of a night-watchman at Chip's Flat was lynched near Alleghany. These cases were, however, exceptional ones, as the new county's justice system began to deal with such matters.

The first legal execution in Sierra County occurred September 16, 1853 when Indian "Pijo" was hanged upon conviction of killing two Chinese miners on Canon (Canyon) Creek near Indian Valley. On April 18, 1856, Mordecai Harlow was hanged in Downieville following conviction for an October 12, 1854 murder in La Porte. Again on January 21, 1859, the punishment of death was inflicted in Downieville with the hanging of Michael Murry, convicted of a December 27, 1857 murder at Poker Flat. All three of these legal executions were conducted in Downieville, adjacent to the county courthouse, and were by hanging. No details survive as to the specific method used in either 1853 or 1856, but by 1859 a mechanically operated trip hook using a counter weight was used.

Such events ended until the year 1884 when nineteen year old James O'Neill, a native of Ireland, shot and killed his employer, John Woodward, at Webber Lake, on the afternoon of August 7th. Woodward's death occurred during an argument between the two men, and during an attempted escape from the scene, O'Neill was arrested at Bowman Lake in Nevada County and turned over to the Sierra County Sheriff. O'Neill was tried in the Sierra County Superior Court and found guilty of murder by a jury on November 11, 1884. The California Supreme Court affirmed the judgment and sentence on August 26, 1885. On October 15, 1885, Superior Court Judge J.M. Walling signed an execution order setting the date and time of execution for November 27, 1885 at 2:00 p.m. On Thursday, November 26, 1885, at the request of the county sheriff a wooden gallows was built by local carpenters and erected in a yard adjacent to the original Sierra County Courthouse, a site one hundred feet west of the gallows

**United States Department of the Interior
National Park Service**

JAN 12 1990

**National Register of Historic Places
Continuation Sheet**

Section number 8 Page 2

present location. The following afternoon, at the time affixed by the court, Sierra County Sheriff Samuel C. Stewart conducted from the gallows the execution of James O'Neill, which was to be the last legal execution within Sierra County.

Following James O'Neill's execution, the gallows was dismantled and placed in storage in the attic of the original county courthouse. Designed to be portable, the structure was held together through the use of wooden pegs and was easily dismantled into pieces by the removal of those pegs. With such executions becoming a periodic occurrence, it was the Sheriff's intent to store the structure until its use was again warranted. In 1891, however, the California State Legislature amended the state's death penalty statutes and mandated that executions be conducted at the state level by the wardens of two California State Prisons, those at San Quentin in Marin County, and Folsom in Sacramento County. Further changes in state law in 1941 ended hanging as a means of execution altogether and the gas chamber at San Quentin became the sole method for inflicting the sentence of death within California. With such changes, this gallows was destined to become only a historic relic.

From 1885 until 1927, long forgotten, the gallows remained hidden in the attic of the original county courthouse. Surprisingly discovered by county employees in 1927, it was re-erected adjacent the courthouse by Sheriff George C. Bynon. In 1931, the gallows was again removed from the courthouse grounds, pending placement in a proposed county museum. With no suitable building located, the structure was again re-erected in its present location under the auspices of the Native Daughters of the Golden West in 1933. In 1947, it stood in place while watching the original Sierra County Courthouse (built in 1854, and the gallows place of storage for forty two years), be consumed by fire. It was in the shadow of that courthouse that the gallows served its original intended purpose. Over the years, the structure became increasingly deteriorated as its age increased and many modifications were made by the addition of cross bracing and structural steel to keep the structure standing.

In August of 1986, the Sierra County Board of Supervisors adopted a resolution acknowledging the gallows importance as a historic artifact and as an ambassador of California's criminal justice past. In doing so, the Board initiated a course of action culminating in the gallows undergoing a complete restoration to its 1885 appearance with funding made available through the California Park and Recreational Facilities Act of 1984. During the summer of 1988, the structure's restoration became reality when plans conceived by preservationists and architects were carried out by carpenters and craftsmen.

United States Department of the Interior
National Park Service

JAN 12 1990

National Register of Historic Places Continuation Sheet

Section number 8 Page 3

On February 6, 1987, this structure gained further recognition when the California State Historical Resources Commission designated the Sierra County Sheriff's Gallows as California Registered Historical Landmark No. 971. On October 15, 1988, the structure and site were so dedicated before a crowd that included relatives of both John Woodward, O'Neill's victim, and Sheriff Sam Stewart. The structure stands today, in its original appearance, as a reminder of California's colorful criminal justice past.

It remains the sole such authentic representative on display statewide. Only two others are known to exist: that of Napa County that remains in storage and last used in 1901, and a replica of that used in Shasta County that was built by the California Department of Parks and Recreation in the development of Shasta State Historic Park.

While the structure has been moved, in this instance that should not be given negative significance as the structure was never intended to be permanently sited. It was designed to be only a temporary structure, portable in design, and only legislative changes ended its intended career. It remained, and still does, within the possession of the Sierra County Sheriff and in a location not only where it derived its historic significance, but also where it would have continued to serve its original intended purpose if not for legislative restrictions.

In addition to this structure's importance to Sierra County history, it represents an era in this state and nation's criminal justice system, as well as hanging as a means of lawful execution. Beyond its overall significance as a gallows, it is also a significant representative of both the architectural and craftsmen abilities of its period.

United States Department of the Interior
National Park Service

JAN 12 1990

National Register of Historic Places
Continuation Sheet

Section number 9 Page 1

- "Historic Old Gallows to Be Removed From Courtyard". The Mountain Messenger, 24 January 1931, p. 1.
- "Murder at Webber Lake - Jack Woodward Shot and Instantly Killed - The Prisoner in Downieville". The Sierra County Tribune, 15 August 1884, p. 1.
- "Old Sierra Gallows Found - Relic Recalls Final Hanging 41 Years Ago". The Sacramento Bee, 12 March 1927, p. unk.
- Sierra County, California. Superior Court, Court exhibits, case #299, The People of the State of California vs. James O'Neil.
- Sierra County, California. Board of Supervisors, Official minutes, Regular meeting of January 7, 1886, vol. C, page 354-355.
- California. Compiled Laws of California. (1852), chapter II, sections 463-480.
- California. Statutes of California. (1891), chapter 191, sections 1-10.
- California. Statues of California. (1941), title 3, chapter 1, sections 3600-3607.
- Johnson, Albert E. Sierra County Sheriff: 1979-1983, son of W.D. Johnson, Sierra County Sheriff: 1931-1967. Downieville, California. Interview. 1 July 1986.
- Johnson, Cornelia. Widow of W.D. Johnson, Sierra County Sheriff: 1931-1967. Downieville, California. Interview. 31 July 1986..
- Lambert, Margaret Elaine. Sierra County Treasurer: 1927-1962. Downieville, California. Interview. 28 July 1986.
- McCormick, Florence. Sierra County Clerk-Recorder: 1952-1967. Downieville, California. Interview. 22 July 1986.

9. Major Bibliographical References

Hoover, Mildred Brook, and Rensch, Hero Eugene, and Rensch, Ethel Grace.
Historic Spots in California, p. 493. Stanford, California; Stanford Press, 1932.

Sinnott, James J. Downieville, Gold Town on the Yuba. p. 46-47. Fresno, California:
Mid-Cal Publishers, 1977.

"County Gallows Gaunt Relic of Lone Hanging". The Mountain Messenger, 31 May 1941, p. unk.

"Execution of a Murderer - James O'Neil Pays the Penalty of His Crime with His Life".
The Mountain Messenger, 28 November 1885, p. 1.

"Execution of Michael Murray". The Sierra Democrat, 22 January 1859, p.1

"He Didn't Seem to Care - James O'Neil Faces Death with a Cigarette in His Mouth and
Indifference in His Heart". The Sierra County Tribune, 4 December 1885, p.1

See continuation sheet

Previous documentation on file (NPS):

- preliminary determination of individual listing (36 CFR 67) has been requested
- previously listed in the National Register
- previously determined eligible by the National Register
- designated a National Historic Landmark
- recorded by Historic American Buildings Survey # _____
- recorded by Historic American Engineering Record # _____

Primary location of additional data:

- State historic preservation office
- Other State agency
- Federal agency
- Local government
- University
- Other

Specify repository: _____

10. Geographical Data

Acreeage of property Less than one acre

UTM References

A

1	0	6	8	6	4	8	0
Zone		Easting				Northing	

C

Zone		Easting				Northing	

B

Zone		Easting				Northing	

D

Zone		Easting				Northing	

See continuation sheet

Verbal Boundary Description

The boundaries consist of the structure itself, and its stone foundation.

See continuation sheet

Boundary Justification

The boundaries encompass the historic resource and its foundation. No setting has been included as the facility was intended to be portable.

See continuation sheet

11. Form Prepared By

name/title Lee Adams, Sierra County Sheriff and Project Director

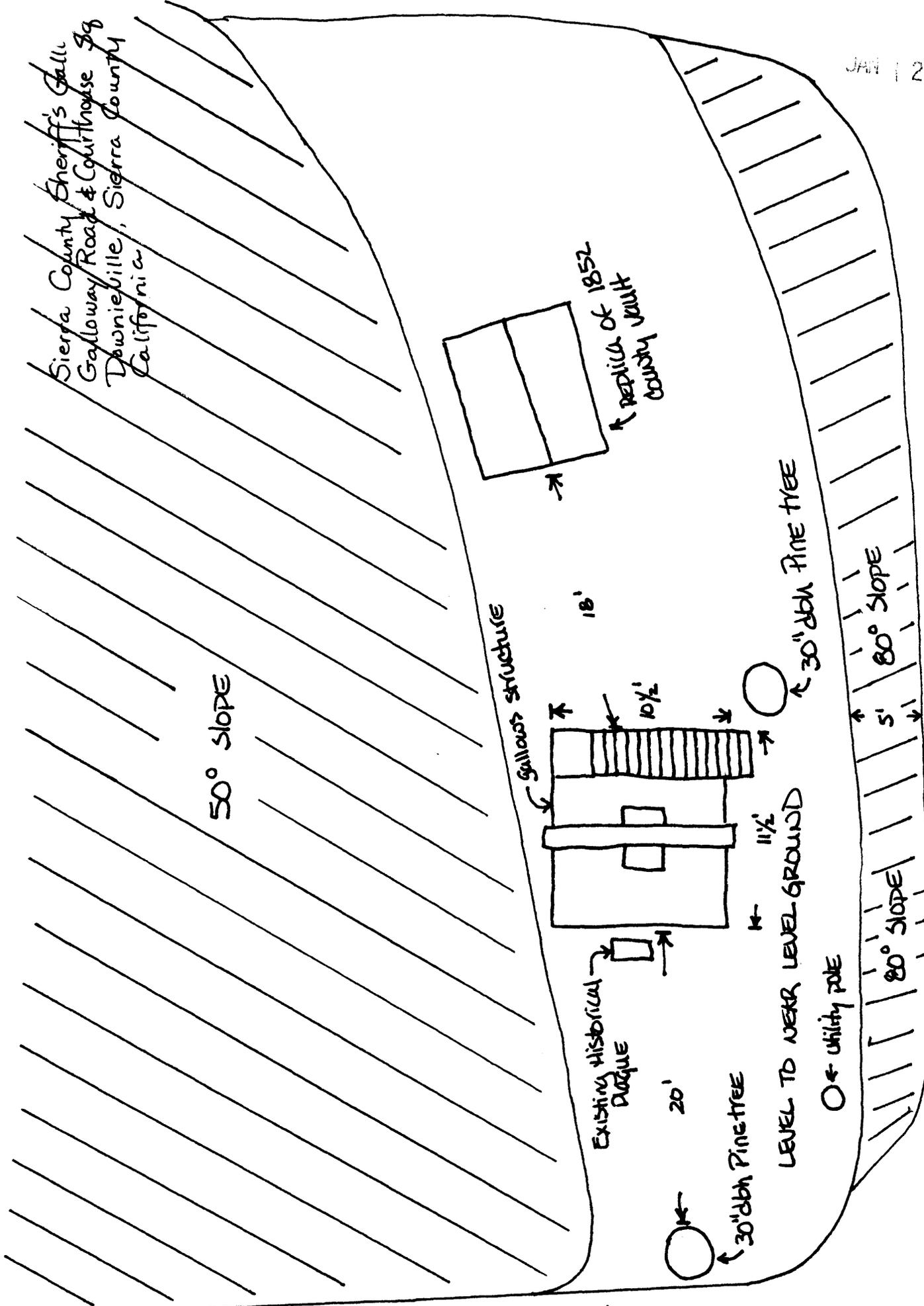
organization County of Sierra date 3 September 1989

street & number PQ Box 66 telephone 916 289-3234

city or town Downieville state California zip code 95936 4

Sierra County Sheriff's Office
Galloway Road & Courthouse Sq
Downieville, Sierra County
California

JAN 12 1990



GALLOWAY ROAD (PAVED) ↓

COURTHOUSE SQUARE (PAVED) SCALE: 1/8" = 1'