

## EXECUTIONS BY STONING AMONG THE SIERRA MIWOK AND NORTHERN PAIUTE

Robert F. Heizer

In a manuscript in the Bancroft Library collection by Vincente P. Gomez (1) entitled "Lo que sabe sobre cosas de California," occurs an ethnographic tidbit dating from 1849 concerning the stoning to death by a Sierra Miwok chief of a man who was guilty of adultery with the chief's wife (2).

The mode of punishment by stoning to death did not sound familiar to me as a practice common to California Indians (3), and a search of the ethnographic literature yielded only one reference to the Yahi (Mill Creeks) who had stoned to death a young white boy captured by them (4). Several newspaper accounts report the stoning to death of women among the Northern Paiute in the 1880's. One such instance concerned the young wife of the old and ailing Chief Winnemucca who accused her of causing his illness by witchcraft. Here the execution was a public affair, as in the incident witnessed by Gomez, but the second Paiute instance was for reasons which are unclear and was a private affair, there being no body of spectators. In all three cases the body of the victim was disposed of by cremation on the spot.

The Gomez account mentions José de Jesus, who was chief of the Siamme, a Miwok tribe of the Sierra Nevada foothills whose main village was Chapaircy (or Chapasimne), located at Knights Ferry. José was a Christianized Indian of San José Mission who is said to have come to believe that his people had been badly treated by the Spaniards, and who deserted to the interior where he carried out raids against the Mexican ranchos. He eagerly seized the opportunity to ally himself and his people with the Americans in the taking of California in 1846. He is said to have been the successor to the most notable of the Spanish-Mexican period Indian chiefs of Central California, Estanislao. Gomez' account reads:

One day in 1849 (the month I do not recall), five of us arrived at an Indian rancheria on Arroyo Calaveras--José María Bravo, Enrique Gonzalez, Casimiro Briones, my brother Ambrosio, and I. We were travelling behind a cart that was carrying boots [botas corrientes] for the placers, and were all well-armed, for in those times of disorder the pistol was the only law. Seeing that we could not overtake the cart, from which we intended to provide ourselves with some pairs of boots that we needed, buying them, as we supposed, from the owner, we decided to stop at the rancheria. When we reached there we found that something was happening. All of the tribe, which consisted of about 800 people--men, women, old people, and children--were outside of their huts, forming an immense circle about a luxuriant oak. The women, old people, and children were seated; the warriors standing and completely armed. An Indian, already advanced in years, tall, and completely naked, was tied hand and foot to the oak with a horse-hair halter. At his feet there was a mound of smooth, roundish,

heavy stones from the river, similar to the landmarks that they put on their boundaries. We then understood that an execution in Indian fashion was about to take place. Mounted as we were, we were above the savage multitude and could see everything perfectly.

The head of this tribe, whose dominion extended also from the Stanislaus River to Mokelumne Hill, and who had under his orders the celebrated chiefs Polo and Pácono, was about to administer total justice to the unhappy mortal who was tied to the oak, and who had been guilty of committing adultery with one of his wives. This chief was called José de Jesus and was a native of Santa Clara Mission. He was famed among his people for his bravery and for his rigid punishment of crime, and among the whites for his ferocity and vindictiveness. He was of good appearance, a little short, but well-formed and of good proportions; his color was almost white and his features regular.

He started to punish the offender. He took a stone from the mound of which I have spoken, grasped it in his right hand, withdrew 6 or 7 varas [16 to 19 feet] from the oak, and so armed ran, and when he was near threw it at the shoulders of the offender, whose back was toward the outside. The stone made a sound like the bursting of a coconut, which splits and falls a little distance. The sufferer stifled a scream of agony, a dark stain showed where the stone hit, and then the blood gushed forth. When the blow was on the head, a narrow opening was visible across the rough hair of the heathen, from which a jet of dark and frothy blood spurted forth. It is known that the Indians suffer with fortitude the most cruel torments. He of whom I speak, in the unheard of agony which he must have felt under such barbarous punishment, scarcely murmured. But in his flashing eyes, were looks of fury, hatred and vengeance. The spectators affected the greatest impassibility. Some women wept with heads down, some children sought refuge in their mothers' laps, but no one protested against that barbarous procedure of the terrible José de Jesus. He, with each stone that he threw at his victim, said in vengeful tone and in the corrupt Spanish that they speak 'Aha, Joaputa (son of a prostitute), you will never lead another woman astray.'

After two or three stones, Enrique Gonzalez, who knew José de Jesus well, spoke to him and said, 'Leave him alone, José de Jesus;' but he answered, 'Do not meddle, Señor, or I will do you harm.' Then we thought it prudent not to insist in view of the number of Indians and the fact that they were all armed. We contented ourselves with remaining mute spectators of that act of barbarism. The judge went on with his barbarous task.

When he had finished with the stones he spoke to his people in their own language. Some of them left the circle and gathered all the stones that had been scattered about the oak and piled them up in the same place and way as before, untied the one who was being punished, who moved still in the last convulsions of agony, and

refastened him, tying him with his back away from and his face toward his tormentor. This done they withdrew, and the implacable Jesus José began anew. In a moment the face of the victim was nothing but a wound. The blows broke some of the ribs, and breaking through the flesh they showed their irregular points. Being no longer able to bear this sight we went away.

A few months later we returned, passing by the same site and found that Jesus José had burned the executed man's body. In fact at the foot of the oak we saw a heap of half-burned bones among the ashes. The guilty Indian woman had been made to put her hand in the fire which consumed the body of her accomplice.

The first Northern Paiute (Paviotso) instance appeared in the Reno Gazette of November 11, 1882 and refers to Chief Winnemucca (5). It reads:

It will be remembered that old Winnemucca, the aged Chief of the Piutes, died on the 21st of last month; that previous to his death he accused his young squaw of having bewitched him and made him sick, and that he ordered her to be stoned to death. The young squaw was ordered to go to a spring and wash herself, that she might appear before the Great Spirit in the happy hunting grounds in a becoming condition of cleanliness. She feigned obedience, and, knowing her fate, attempted suicide by hanging, but the attempt was frustrated by a watchful Piute, who cut her down and brought her back to a miserable realization of her impending fate. Since that time, until a few days ago, it had not been positively known what became of her, though she disappeared. The facts concerning her disappearance have now come to light and are reported by a half-breed called Grizzly John, who is fully acquainted with the circumstances of her death. He was an eye-witness of the horrible scene, which he described to a Gazette reporter in passable English.

The evening before old Winnemucca died, about 100 Indians took the squaw to a large spring, where she had been ordered to bathe. Other squaws stripped her and washed her from head to foot, and then sprinkled her with fine ashes. They then started for a range of hills a few miles from Coppersmith Station, leading the squaw, naked and barefoot. Upon arriving at a chosen spot they built a circle of fires, which lighted up a space of ground about 100 feet in diameter. In the centre of this was a stump eight or ten inches high, to which the trembling squaw was securely bound by one foot with a raw hide strap. She still held her child, a bright little papoose about two years old. When she had been secured each buck sought for a certain number of stones about the size of a man's fist, and laid them in a pile within the circle of fires.

When all was ready for the sacrifice the Indians joined hands and began a monotonous chant, which lasted for a few minutes, when one of them stepped within the ring and began to harangue them. As he continued to speak the poor, agonized squaw gave vent to piercing

shrieks, crouching upon the ground and pressing her babe to her breast. This lasted for some moments. Then at a signal there was silence, except the wails of the intended victim. Suddenly the speaker sprang toward her and grasped the child. She struggled frantically but unavailingly to retain it, and was compelled by force to let it go. The fiend immediately swung the infant around his head, holding it by the ankles, howling like a demon, and being echoed by the red devils about him; but the squaw did not raise her head nor emit a single sound. Suddenly he dashed the child upon a rock and killed it instantly. Then he resumed his place in the circle, which swung around again, chanting as before, till the one who killed the babe came opposite the pile of stones he had collected, when the movement stopped. Stepping forward he picked up a stone, and going to within ten feet of the crouching victim, he hurled it at her with all the strength possessed by his brawny red arm. The missile struck her on the side and was answered by a shriek of anguish. He returned to his place and the circle revolved again until another Indian was entitled to a murderous fling. The wretched creature at the stake was crouching in such an attitude that only her side and back were exposed. It was forbidden to hit her upon the head; and the second savage, choosing the most available target, launched a rock at her with the projectile force of a catapult, striking her between the shoulders and cutting a fearful gash, from which the blood flowed down her back in a small rivulet. He then retired to his place and the circle moved on as before.

Thus they continued their murderous pastime until the poor pitiful object lay prone upon the ground, a bleeding, senseless mass of mangled flesh. As she lay upon her back the savage who had harangued the band at first, raised a large rock over his head with both hands and inflicted the coup de grace by smashing her skull. Then there was pandemonium for a few moments, after which they dispersed and collected wood for a pile, upon which the remains of the luckless squaw and her babe were burned. A few were left to keep up the sacrificial fire, while the others returned to old Winnemucca to comfort his dying moments with the assurance that his young squaw had preceded him to the Indians' happy hunting ground.

The same incident is reported earlier in the San Francisco Call for October 26, 1882, and differs primarily in the execution having taken place following the chief's demise. Whether this, or the other, account is more accurate cannot be determined. It reads:

His Royal Highness Winnemucca, Chief of the Piute Nation, is no more. He passed in his checks, gave up the ghost, died near Copersmith's ranch, in Surprise Valley, last Friday, and was buried with all the pomp and ceremony usual upon the demise of Piute royalty. After the funeral ceremony was over the women returned to camp and relieved their troubled hearts by stoning to death the young wife of the dead chief and her three-year-old child, both of whom had been prisoners for two months, awaiting the death of the chief to receive

this awful award. The whites were kept in ignorance of this frightful business until the dreadful affair had been consummated. On several occasions within the past two weeks the unfortunate squaw, knowing the awful fate that awaited her, attempted to take her own life and that of her child, but was prevented by the guard that was constantly kept over her. In this enlightened nineteenth century it seems impossible that an act so fiendish could be perpetrated even by savages.

The second Paviotso instance of stoning a person to death refers to the Winnemucca area (Humboldt County, Nevada). The account is from a detached newspaper clipping which bears no identification as to source or date. Sarah Winnemucca, "The Piute Queen," mentioned in the following quotation was the author of Life Among the Piutes (Boston, 1883) and daughter of Chief Winnemucca. The precise cause of Indian Bill and his wife stoning little Jennie is not given, though a number of possibilities are presented in the brief account (year not known).

The Winnemucca (Nevada) Register of December 21st, relates the following story of Indian barbarity: 'News was brought to town last Monday by Thomas Laws that the Indians had burned a young squaw, aged about sixteen, and well known in Winnemucca as Jennie. The girl had lived for some time in the family of Alexander Wise, of this place, and was quite good looking and intelligent, but owing to some misconduct Mr. Wise turned her away last summer. We have had a conversation with Sarah Winnemucca, the Piute Queen, regarding the matter, and found the report of Lawson's too true. Sarah, and most of the Indians are very indignant over the matter, and probably the murderers will share the same fate as their victim by the hands of their own people. Sarah told us that Jennie had many admirers among her own race, and one old buck claimed her as his wife; but Jennie would have nothing to do with him, whereupon the brave gave her a severe beating. Sarah then went to the Indian and told him Jennie did not like him and he must leave her alone hereafter, which he did, but threatened to kill her. Whether he had a hand in the murder, Sarah did not know. After she had been turned away by Mr. Wise, another young Indian, known as Indian Bill offered to take her as his second wife, and Jennie went with him. This seems to have enraged a number of young braves who were her ardent admirers. The direct cause of her murder Sarah had not positively found out, but believed it was occasioned by the bad stories told about her, and the jealousy of Indian Bill's other wife. At any rate Indian Bill and his first wife took her down the Humboldt River some distance below Winnemucca, stoned her to death, and afterward burned her body to ashes. Mr. Lawson saw the body while burning, and recognized it as being the body of Jennie. Sarah told us that she believed that the Indians would take the matter into their own hands and burn her murderers; and said that Jennie's uncle had determined on revenge, and had purchased a pistol or gun with which to kill Bill and his wife. She did not think that any other Indians were present at, or knew of the murder at the time it was committed.'

What is perhaps the most illuminating conclusion to be drawn from these accounts is the considerable measure of authority of chiefs in the historic period. Kroeber (6) summarizes the regulative powers of chiefs in aboriginal California, and in his review notes nothing which would agree with the life-and-death authority of José de Jesus in 1849 (7). When the Caucasians came to California and assumed dominion over the Indians, either through Catholic conversion and missionization as in the case of the Spaniards after 1770, or after 1848 by the traditional attitudes and actions of Americans stabilizing a new frontier by eliminating the "Indian menace," (8) they had to find responsible individuals who could speak for the Indians. The concept of strong chiefs with the power of life and death was well known to both Spaniards and Americans, and in California they either assumed or created by fiat such officers who were granted certain administrative powers and who would act as spokesmen and intermediaries of the whites. If, as was the case in California where a simple democracy was the rule, there were no strong chiefs, then the answer was to create such chiefs. The Treaty Commissioners of 1850-51 who signed the famous eighteen unratified treaties assumed that all of the California Indians were ruled by chiefs, and that these "chiefs" had the power to cede territory belonging to their group. Nothing could be further from the truth (9). The Indians themselves, under extreme pressures, looked at this time for leaders who might pilot them through the stormy period of adjustment. The result, as stated above, was that there appeared under the new conditions of Caucasian domination, many individuals who held their office of chief by appointment or consent of the whites and who are symbolic of the deep changes in Indian society of the contact and adjustment period.

The evidence for the creation of powerful native leaders as a result of white contact is pretty abundant. William Heath Davis states: "Among the Indians who were educated at the Missions, two became prominent--Stanislaus [i.e. Estanislao, mentioned above] at the Mission of San José, after whom Stanislaus River and county were named; and Yoscolo, at the Mission of Santa Clara. They were educated by the [Franciscan] Fathers. Both showed ability and promise in their youth. Yoscolo when 21 years of age was made the chief of the whole body of Indians at the Mission, responsible of course to the Padres for the management of them. In this position he displayed tact in the control of the Indians." (10) The arbitrariness of Yoscolo's "chieftanship" is clearly illustrated by his youth, and the fact that the converts at Santa Clara comprised representatives of a half-dozen separate nationalities and perhaps a half-hundred tribelets.

Another instance which indicates the acceptance, if not indeed the creation of chiefs in the historic period, is illustrated by Gregory's statement: "Chief among the Sonoma tribes [Coast Miwok or Patwin?] was Solano and his band whom Padre Altimira found in the Valley of the Moon. ...After the passing of the mission [1834] and during the military regime, General Vallejo found the unusually intelligent Chief Solano a valuable assistant in handling the bands throughout Sonoma." Solano, about whom we know enough to credit with being an intelligent and forceful man, aligned himself with Vallejo, was accorded privileges and honors by Vallejo, and

served in this situation to the advantage of both himself and his people (11).

Incidentally we may note the large size of the Miwok village of José de Jesus (800 persons). Such an aggregation would have been so large as to be out of the question in pre-contact times, and is to be understood as due to amalgamation of several villages (or tribelets) for the sake of mutual defense. This phenomenon of increased size of villages in retreat positions has been noted elsewhere (12), and the Knights Ferry village lies in the precise area covered by Gifford's important study of the Miwok vena (lineage) in which the reader may note his awareness of social changes in the Caucasian period (13).

In how far the above remarks on the rise of strong chiefs and social alterations in the historic period in California apply or are relevant to the situation in the 1880's among the Northern Paiute in Nevada cannot be stated with certainty, but it is probable that there were in both areas similar social effects of Caucasian impact. The execution of little Jennie did not, of course, involve a chief--it was a pure and simple crime of passion. The only possibility of wider significance may be with reference to adultery, the moving force also in the execution by José de Jesus, since Indian Bill's first wife may not have recognized the legality of her husband's second spouse. This possibility is to be doubted, however, because Indian Bill himself participated in the stoning of Jennie.

## NOTES

- (1) Gomez came to California as clerk for General Micheltona.
- (2) From pp. 25-29 of the manuscript.
- (3) It is possible that the practice of stoning offenders of various sorts to death is a very ancient custom of man. In the legal codes of the Old Testament stoning to death is prescribed for being a wizard or a man or woman "that hath a familiar spirit" (Leviticus 20:27); for idolators (Deut. 13:10, 27:5); for a son who is rebellious, stubborn, a glutton and drunkard (Deut. 21:21); for a damsel who has married with guarantees of virginity but who has turned out to "play the whore in her father's house" (Deut. 22:21); and for both persons guilty of adultery (Deut. 22:22). These law codes are discussed in Pfeiffer, 1941, Chap. 7.
- (4) Waterman, 1918, p. 46.
- (5) An accurate accounting of this incident now forms one of the larger Nevada gambling house advertisements. See Harold's Club, 1951, p. 168 ("Chieftain's Death").
- (6) Kroeber, 1925, pp. 832-834.
- (7) Nor with the two chiefs mentioned by Beals (1933) who killed their wives without retribution.
- (8) For a penetrating analysis of the Indian under Spain and Mexico see Cook, 1943.
- (9) Heizer, ms.
- (10) Davis, 1889, p. 334. Voegelin (1942, p. 208) notes a similar instance among the Achomawi: "General Crook took Captain Dick as head chief, but this was White man's way."
- (11) Gregory, 1911, p. 52. For further background see Heizer, 1953, pp. 229-231.
- (12) Heizer, 1941.
- (13) Gifford, 1926.



## BIBLIOGRAPHY

Beals, R. L.

- 1933 Ethnology of the Nisenan. University of California Publications in American Archaeology and Ethnology, vol. 31, no. 6. Berkeley.

Cook, S. F.

- 1943 The conflict between the California Indian and White civilization: part I, the Indian versus the Spanish mission. University of California Press, Berkeley and Los Angeles.

Davis, W. H.

- 1889 Sixty years in California. A. J. Leary, San Francisco.

Gifford, E. W.

- 1926 Miwok lineages and the political unit in aboriginal California. American Anthropologist, n.s., vol. 28, no. 2, pp. 389-401. Menasha.

Gregory, T.

- 1911 History of Sonoma County. Historic Record Co., Los Angeles.

Harold's Club

- 1951 Pioneer Nevada. Reno.

Heizer, R. F.

- 1941 The direct historical approach in California archaeology. American Antiquity, vol. 7, no. 2, pp. 98-122. Menasha.

ms. Analysis of "tribes" signing the 18 unratified treaties of 1851.

Heizer, R. F. (ed.)

- 1953 Archaeology of the Napa region. University of California Anthropological Records, vol. 12, no. 6. Berkeley and Los Angeles.

Kroeber, A. L.

- 1925 Handbook of the Indians of California. Bureau of American Ethnology, Bulletin 78. Washington.

Pfeiffer, R. H.

1941 Introduction to the Old Testament. Harper and Bros., New York.

Voegelin, E. W.

1942 Culture element distributions: XX, Northeast California. University of California Anthropological Records, vol. 7, no. 2. Berkeley and Los Angeles.

Waterman, T. T.

1918 The Yana Indians. University of California Publications in American Archaeology and Ethnology, vol. 13, no. 2. Berkeley.