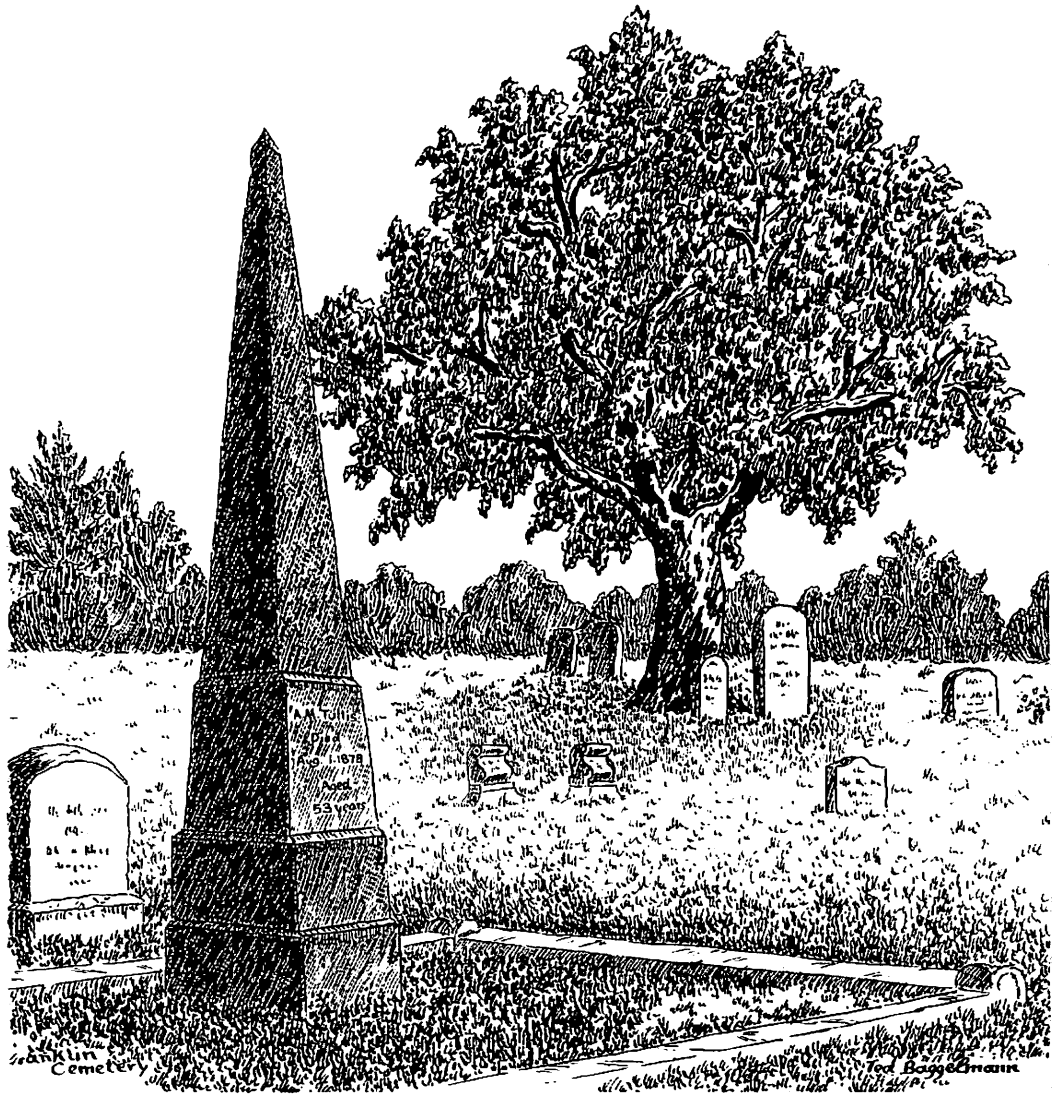


Golden Notes
Sacramento County Historical Society
Volume 32, Number 3 Fall 1986

The Murder on Grand Island

*One of the most shocking and melancholy
episodes in the history of Sacramento.*

by Willard Thompson
Illustrated by Ted Baggelmann



The Murder on Grand Island

On the Cover

The marker in Franklin Cemetery (On Franklin Blvd., 8 miles below Florin Road)
reads:

A. M. Tullis, died Aug. 1, 1878. Aged 53 years.

Troy Dye who was hanged for his murder lies in an unmarked grave under the tree
at right.

Golden Notes
Volume 32, Number 3, Fall 1986
Sacramento County Historical Society
P. O. Box 1175
Sacramento, California 95806

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Golden Notes is a quarterly published since 1954 for the purpose of preserving the historical heritage of Sacramento County and promoting public awareness of local history.

We invite manuscripts not exceeding forty double-spaced pages in length. Please accompany the manuscript with a self-addressed, stamped envelope and send it to: The Editor, 2617 Athens Court, Sacramento, California 95826.

Preface

Grand Island is a flat fertile tract of some 17,000 acres about fourteen miles south of the Sacramento city limits. It is isolated by the Sacramento River on the east and Steamboat Slough on the west, and accessed by three drawbridges. On a clear day, Mr. Diablo, thirty miles away as the crow flies to the southwest, looms plainly on the horizon. It is a realm of prosperous, busy orchards and grand mansions (many with private steamboat landings a century ago) and the scene of great social events over the years. Boats still cruise back and forth regularly on both sides.

Present-day state highway 160, between Courtland and Isleton, crosses the drawbridges and traces the east bank of Grand Island, passing the site of the ranch, near Leary Road, where Ed Anderson and Tom Lawton, assassins hired by the Sacramento County administrator, Troy Dye, bludgeoned and shot Aaron Moses Tullis to death on the afternoon of August 1, 1878. Underbrush along the west river bank probably looks much as it did when the two killers hid their homemade boat there over a hundred years ago.

Since this account appeared in the Sacramento Bee, June 8, 1986, as *The Day They Hanged Troy Dye and Ed Anderson*, historian Mary Kathleen Graham of Walnut Grove, has helped me to locate the Tullis and Dye graves, and the probable site of the Tullis ranch. And artist-historian Ted Baggelmann has re-visited the sites with me and made this article's pen-and-ink sketches of the murder scene, graves and the courthouse.

W. T.

The Author

A former president of the Sacramento Historic Landmarks Commission, and long-time member of the Sacramento County Historical Society, Willard Thompson wrote accounts of John A. Sutter, Jr., D. O. Mills and David Lubin for recent issues of Golden Notes. His articles appear occasionally in the Sacramento Union, the Sacramento Bee, and the Sacramento Magazine.

The Artist

Ted Baggelmann, a former president of the Sacramento Historic Landmarks Commission and SCHS. He is Sacramento's leading artist-historian. His hundreds of sketches and paintings of historic buildings address almost every facet of early local history and are treasured by their owners everywhere. His illustrated articles in the Sacramento Union, especially those on the European antecedence of John A. Sutter and Sutter's Fort, mark him as a Sutter authority. These illustrations, researched and drawn for this issue of Golden Notes, are another of his gracious contributions to the SCHS. The original boards will be preserved in his name.

The Sacramento County Courthouse (1879) on the northwest corner of 7th and I streets in Sacramento. Jail yard and gallows at the left rear are not shown.

The Murder on Grand Island

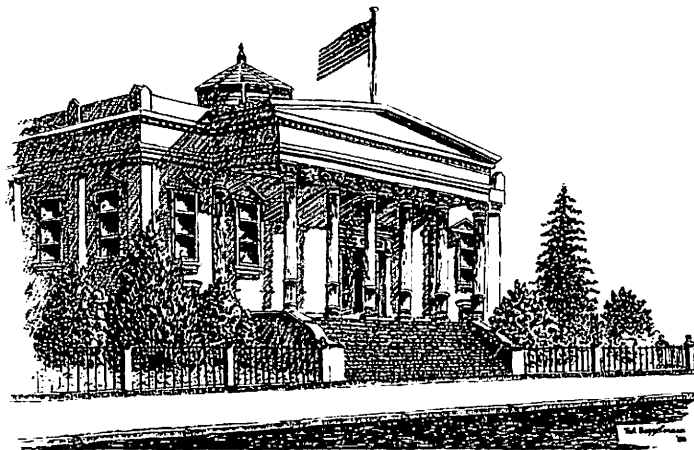
*One of the most shocking and melancholy
episodes in the history of Sacramento.*

by Willard Thompson

Illustrated by Ted Baggelmann

Sacramentans have been insulated so long from direct contact with capital punishment that none living today can recall a local hanging. But there was a time when legal hangings occurred in Sacramento with some regularity, first in plain view of the public on sturdy trees on Sixth Street between K and O, then in more privacy at Sutter's Fort, Sacramento City Hall and Waterworks at the foot of I Street, and finally in the jail yard of the County Courthouse at Seventh and I where Troy Dye and Edward Anderson were hung on May 29, 1879 for the brutal premeditated murder of Aaron Moses Tullis in his orchard on Grand Island.

An observer called it "one of the most shocking and melancholy episodes in the history of Sacramento". And ironically, while 200 "mourners" deposited Dye's emaciated body in the Franklin graveyard, a few feet from the grave of Tullis, his victim, Sacramento celebrated Decoration (Memorial) Day to "garland the graves of the noble dead" under the auspices of



Sumner Post No. 3, Grand Army of the Republic, of which Dye was a member!

Sacramento in 1879 was the home of about 21,000 men, women, and children, about one-half today's population of nearby Davis. People lived close together, rubbing elbows, attending lodge and church meetings, passing on the side walks, meeting in drinking and gaming places. They toiled side-by-side in the shops, flour mills, box factories, printing plants, state offices and such, and intermingled more than Sacramentans do now. Thirty years before automobiles began to catch on, they walked or rode horsedrawn street cars, dropped in on each other or wrote letters in the absence of telephones. Horses (hay burners), for riding or pulling wagons, stood tethered to hitching posts, the odor from their droppings and sweat more pungent, but, arguably, no more polluting than the exhaust fumes and oil drippings from the cars (gas buggies), that replace them.

The courthouse, which had served as California's statehouse for two decades before the state capitol was built, stood on the site now occupied by the county jail. On the ground floor, beneath its offices and courtrooms were jail cells for about thirty prisoners. Space at the left of the courthouse on I Street had been the scene of past hangings but the culprits were strangers, not local residents like Dye and Anderson, with wives and small children living at home a few blocks away.

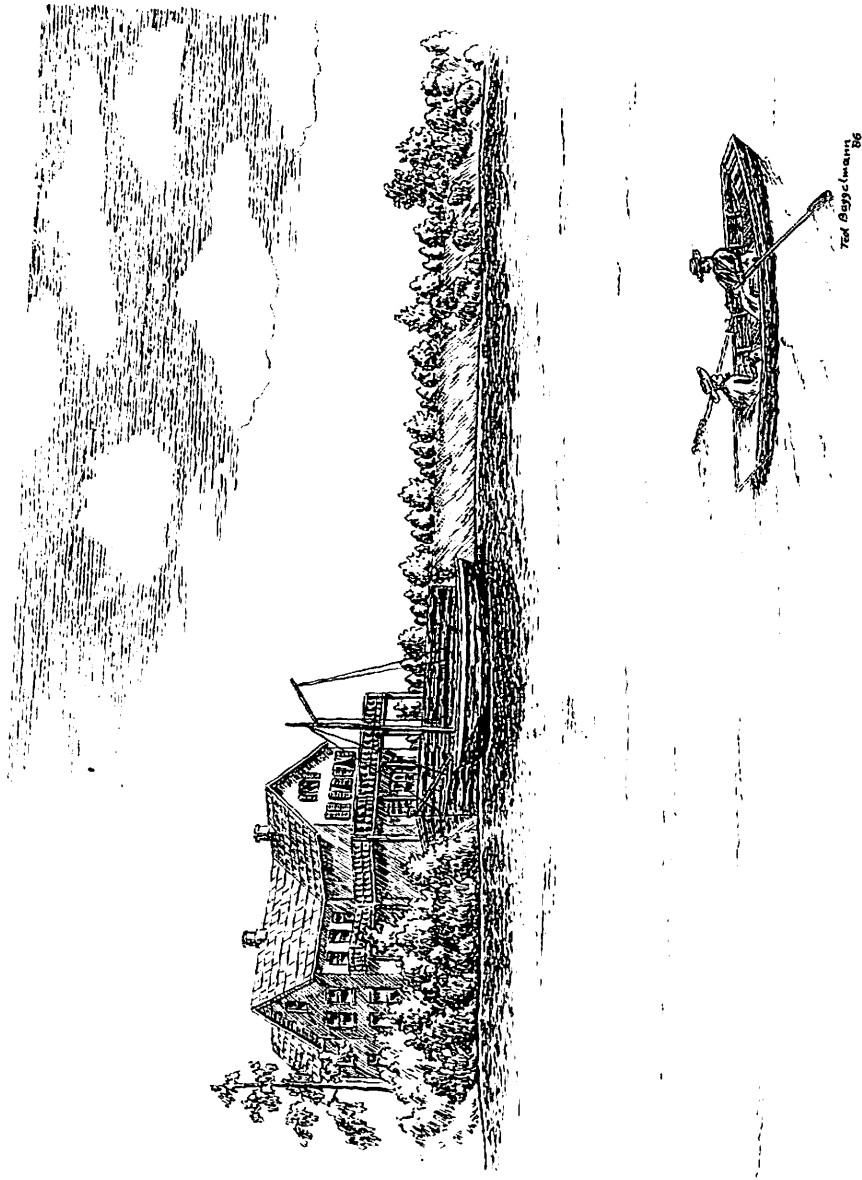
Seldom has a man so totally ruined his good reputation and devastated his family with a single indiscretion. A happy-go-lucky partner of A. F. Clark in a saloon business on K Street, between Eighth and Ninth, Dye, his wife and three children, 12, 6, and 4, lived on Seventeenth Street, between K and L. Their rented house, like others around it, was built high enough off the ground to escape periodic flooding. A barn on the alley housed a horse and buggy. Born Christmas Eve of 1842, in Lee County, Iowa, on the banks of the Mississippi, Dye, nineteen when the Confederates took Fort Sumpter, enlisted as a private and in three years was honorably discharged from the Sixth Kansas Regiment. Then, with his young wife, he moved to California. Records show that in 1873, he was superintendent of a Sunday school in the tiny town of Georgetown, now called "Franklin". Later, he ran a meat market in Sacramento for a while before joining Clark in the saloon business.

Personable and well-liked, there was nothing in his background to warrant suspicion of profligacy. In fact,

Sacramentans in 1877 elected him to the office of county administrator (of intestate estates), a position of trust but without salary to match. Friends laughed when he joked that the job was nice but he would have to kill a few rich people with no heirs to make it pay. But joking aside, that is exactly what he set out to do: Kill rich people and purloin their estates. He had tried unsuccessfully to poison a few wealthy property holders with poisoned cocktails, but his first and only "success" was the fatal shooting of Tullis, a fifty-five year old bachelor fruit grower who owned and farmed 650 acres of fine orchard on Grand Island. Dye called him a "rich old son of a b___h" and contrived the fiendish murder with the help of a slick young hood named Tom Lawton and the brawny jack-of-all-trades, Ed Anderson. Had things gone as planned, after the murder, Dye would have "administered" the estate and "fix(ed) it with the judge". With Anderson in charge of the ranch during the probate period, they would market the fruit and "steal the place bare"

Anderson was a forty-year-old, swarthy, bearded former sailor, a native of Sweden who had been knocking around in California for about twelve years. While in Sacramento, he had worked as a fish and poultry dealer, junk merchant, butcher, and field hand to support his wife Jane, whom he called "the woman". They had two small sons and a daughter and lived at Nineteenth and L Streets. He had been a sausage maker for Dye when Dye ran the New York (meat) Market on the northeast corner of Tenth and K, and was working as a field hand at the H. C. Jones ranch, four and one-half miles south of Yuba City when Dye wrote him a letter dated June 19, 1878, ". . . you can make more in 3 days than you could Bailing all summer, and you ar the man I neede . . . you no I would not advise you anything (but) for your own good." Not getting an answer, Dye went to see Anderson personally at the Jones ranch and offered him \$3,000 to get involved. Anderson arrived in Sacramento on June 13, ready to go to work.

The story of the Tullis murder unraveled bit by bit through the confessions of the culprits and testimony of the witnesses. Anderson bought lumber at Walton's yard at 18th and J, and had it sent to the Dye home. There, in the space under the house, Dye and Anderson fashioned a sixteen-foot, double-end boat, the kind used for hunting ducks on the streams and sloughs around Sacramento. Late on Wednesday afternoon, July 30, Anderson and Lawton launched the boat at the foot of R Street and "pulled" (rowed) it eleven miles down-stream to Freeport, where they



Assassins Ed Anderson at the oars and Tom Lawton in their home-made boat passing the Sol. Runyon residence. The house is still standing on the east bank of the Sacramento River 3 miles below Courtland.

The following was left out of
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(Insert near the center of page 5 after: ". . . on a coon hunt." and before "The first clues . . .")

Gruesome mission accomplished, the two assassins returned to their boat where Anderson replaced his blood-stained pantaloons with overalls, and Lawson secreted his shirt and pistol, then found their way back to the river road, now State Highway 160. Precisely according to plan, Dye, with horse and buggy, met them walking up the road in the dark, singing, as pre-arranged, the old revival camp meeting hymn "In the Sweet Bye and Bye". Delighted with their achievement, Dye drove them back to Sacramento, arriving at about two A. M., and treated them to oysters.

The next morning, Saturday August 2, one of Tullis' Chinese workers found Tullis lying motionless on the floor of the orchard and summoned a neighbor, L. G. Hall, who reported the murder. Coroner-undertaker A. J. Vermilya telegraphed for a box and one hundred pounds of ice to preserve the body, and in due time performed the inquest establishing the cause of death. Then he laid out Tullis in a handsome casket for burial where he lies today under an impressive obelisk in the neatly-kept Franklin Cemetary, on Franklin Boulevard, a few miles south of Sacramento. That night, in desperate effort to cover their tracks, Dye and Lawton hopped into Dye's buggy and slipped quietly back to Grand Island where they broke up the boat, scattered the pieces, and retrieved the pistol and bloody clothing.

Sheriff Moses M. Drew and his deputies were baffled. Robbery was not the motive; and Tullis had no known enemies. No one had been seen coming or going from the property. True, several witnesses, including A. J. Bump of Freeport, had seen two men in a row boat passing Clarksburg the day before, but that was not unusual. Courtland and Walnut Grove neighbors of Tullis met and offered a \$1,000 reward for information leading to the arrest of the killer.

moored for the night and slept in a hayrick. The next day they continued rowing with the current, passing Courtland and spent the night on Grand Island, near the Tullis ranch.

It was Anderson who approached the house and learned that Tullis was not at home. Later in the day, Anderson found Tullis in the orchard budding trees, asked for work and was refused. When he asked to stay for the night, Tullis suggested the next house and turned his back whereupon Anderson struck him with a sandbag (a 16-inch weapon one and one-half inches in diameter). Startled, Tullis turned and grappled hand-to-hand with his assailant while Lawton rushed up, pressed a pistol against the victim's spine, and fired. As Tullis fell, Lawton put another round through his lungs, and lying prone, finished him off with a slug through the base of the skull at short range. Neighbors heard three shots pierce the late afternoon stillness and a dog bark but thought it was someone on a coon hunt.

The first clues started falling in place on Monday, August 4, when sheriff's deputies found pieces of the broken boat "cast among the willow some distance below the Tullis ranch." Pencil writing on one of the boards led the officers to Walton's yard and L. B. Lusk, the salesman who recognized it as his footing of the bill for lumber sold to Anderson and delivered to Dye.

On August 6, the Sacramento Bee noted that "Troy Dye, public administrator, has applied for letters of administration of the Tullis estate, setting the value thereof of \$50,000." The same day, the sleuths were momentarily distracted when Tom Casey of Marysville was arrested as a suspect in the murder of Tullis.

On August 10, chancing that there may have been an accomplice or two, the State of California offered a \$500 reward for the arrest of each person involved in the murder of Tullis. And then for a few days the law officers were deathly silent.

Why wasn't the public informed? Why were reporters not told what was going on? Was the sheriff's department deliberately keeping information from the police? Or were the detectives working under cover to confuse the killers who were still at large? Meanwhile, it was proved later, Lawson moved freely from place to place and ultimately to freedom, not arrested because no one knew that he was suspect.

The body of Tullis cooled for ten days before Sheriff Drew and Deputy Timothy Lee went to Dye's house and took him into custody. His stunned friends and supporters offered bail; feeling

sure that his arrest was all a mistake! The next day officers Valentine and Martz staked out Anderson's home and arrested him. Neither knew that the other had been detained. Both feigned surprise, pleaded innocent of wrong-doing, and tried vainly to explain away the evidence against them. Lawton was nowhere to be found.

It was District Attorney George Blanchard who finally broke the case open. He loosened Dye's tongue by promising, as a fellow public official, to intervene if necessary to protect him from the noose if Dye would help nail the culprits. With that personal assurance from the D. A., Dye told how Lawton took the "harmless" joke about killing a few rich people and nourished it into a diabolical murder scheme that Dye could not control. True, he was weak, but weakness is not a capital offense. Murder is. He was not guilty of murder, only weakness resulting from job stress and previous illness, not unlike Dan White some years later who escaped the worst possible judgment of the court by pleading "diminished capacity" in the killing of Mayor George Moscone and Supervisor Harvey Milk in San Francisco.

The next day, Anderson confessed freely and without promise, admitting his guilt in a straightforward story taken down in phonography (shorthand) by Win Davis of the Sacramento Record-Union. He threw himself on the mercy of the court, and never changed a word of his original statement.

On the nineteenth, Dye, from his jail cell, resigned as public administrator, and his attorney, J. N. Young, moved for change of venue on the ground that the newspapers had already tried Dye and convicted him. The San Francisco Chronicle, alarmed with the case, editorialized that with Blanchard having promised Dye immunity, and Anderson's testimony not worth much in court, there was only circumstantial evidence, insufficient to convict this cold-blooded murderer.

The trial began at 4pm on January 8, 1879, the courtroom packed with people standing in the halls. Defender Haymond waxed eloquently, not asking for acquittal, only justice as God commanded. The accused man had suffered earlier from paralysis which may have affected his mind. Then the crafty, unscrupulous Lawton concocted the diabolical murder plan. He was sure that time would prove that, although Dye was not crazy, he was not a sentient being, in the full meaning of the term, at the time of the crime. The jury should not inflict on him the penalty intended for murderers who are responsible for their acts. Mrs.

Dye and the children sobbed. The two little ones climbed up in his lap. But the jury saw it differently and within thirty minutes came back with the verdict of guilty of murder in the first degree. Anderson, defended by the same attorneys, was also convicted and the hanging date was set.

When forlorn pleas of weakness failed to impress authorities, Dye tried to duck the hangman by holding Blanchard to his promise. But even without his confession, the evidence was sufficient to convict him. Then he feigned insanity by fainting, throwing fits, staring into space and babbling incoherently. But a special jury of inquiry, made up of physicians, weighed the evidence and pronounced him sane. He showed too many symptoms of insanity, perhaps over-played his hand, to qualify as a bonified lunatic and eligible for admission to the State Lunatic Asylum at Stockton.

Over the ten long months of pre-trial, trial and post-trial agony, he drummed up sympathy through his father, mother, three brothers, wife and children. Surely, he reasoned, a good standing in the community, honorable military service in defense of his country, and voter support should count in his favor. Confident to the last that he would save his skin, he spurned spiritual comfort. After all, he did not kill anybody. It was Anderson who hit Tullis and Lawton who shot him. They should hang for murder, but not himself (the venerable County Administrator and respected Sacramento business man whom almost everyone liked and respected). Dye's parents and his wife appeared before Governor William Irwin, vainly pleading with him to intervene. On the morning of May 28, (two days before the hanging date) Haymond, and Dye's brother, Sperry, again begged the Governor for clemency and were refused.

Anderson had no one to speak for him, his wife and children nowhere to be seen. Grasping at straws, and in the absence of a clergyman, he accepted spiritual guidance from Alex W. H. MacEwen, proprietor of a variety store at 172 J Street. As a last resort, he accepted Jesus as his savior and vowed to "die like a man". With MacEwen at his elbow, he composed a lengthy apology and plea for forgiveness which MacEwen promised to read on the gallows.

Both newspapers on May 30, 1879, printed step-by-step accounts of the last fourteen hours before the men died.

At 10pm carpenters stopped working on the scaffold, and Sheriff Drew walked by the cells carrying the ropes, nooses already tied.

Anderson called, "save the strongest rope for me," and wanted to inspect his rope more closely. Taking it in hand and testing the ease with which the knot slipped, he made a beastly and almost obscene remark. He handed it back to the sheriff who was "shocked at the indecency of the man". Anderson paced his cell "cool and easy" for a while before settling down for "a good night's sleep".

Dye's wife sat with him for a while under the eagle eye of a deputy. Finally taking leave of her husband, she broke down in an agonizing scene, and was escorted from the jail by her brother-in-law, Sperry. At ten-thirty, Deputy Sheriff Lee bid Dye good night, saying "Troy, God bless you". Dye responded, "Goodbye, old boy, and God bless you, too." County Clerk Thomas H. Berkey remained with the condemned man until 2am, talking over all aspects of the case for the last time.

At 8am, the carpenters put finishing touches on the scaffold. Dye, haggard and desperate, picked over his breakfast while Anderson ate heartily. It was nine when Dye's father, leading Troy's 12-year-old daughter, walked in to bid farewell. A reporter observed, "the scene between Troy and his child is one of keenest agony and moves the stoutest of men. Sheriff Drew declares he never can be induced to witness a similar interview. The child clings to her father and both weep in a perfect abandonment to woe. At last the child is taken from her father's arms, the grandfather bids his son a last farewell, and the old man and child are conducted from the jail".

It was 10am when officers Wing and Valentine were posted at the outer gate of the courthouse to keep back the swelling crowd blocking traffic at Seventh and I, watching everyone entering or leaving the courthouse, making note of dignitaries, family members and sheriffs of neighboring counties. A reporter found Anderson with his spiritual advisor. As MacEwen sat off to the side with pencil and paper, totally absorbed in writing, Anderson and the reporter bantered casually on how he slept, how he felt, where he was born and such. When the reporter left, MacEwen entered the cell and began to pray with Anderson at his side. Anderson's last request was for a chicken dinner to be served at eleven-thirty.

At eleven, Dye roused up and called for his brother. One of jailers observed that Dye was "clearer in mind" than at many times since the trial. District Attorney Blanchard and C. R. Jones (who prosecuted Dye and Anderson), arrived on Dye's request but

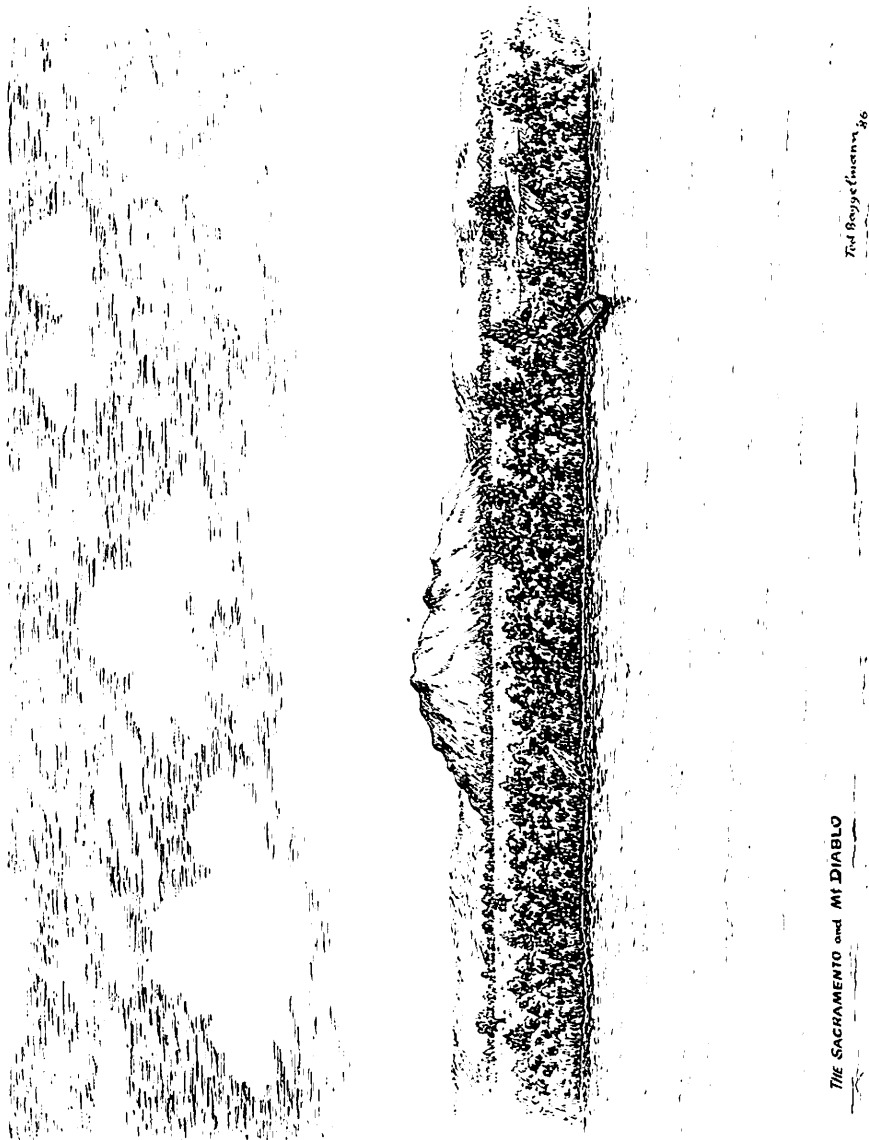
Dye asked to be excused from seeing them, preferring to spend the last few minutes with his brother. Then he became sick to his stomach and was treated with liquid medication by Dr. G. M. Dixon. "Though composed and sane, he is greatly shaken as he reclines on his pallet for the last few moments. His pulse was normal at 72. He wants Sperry to accompany him to the gallows, but the sheriff advises against it."

The scaffold, with a floor measuring twelve by fourteen feet, seven and one half feet high, was approached by fourteen steps., The uprights supported a beam from which hung the ropes directly over the double trap door held in place by a sliding iron fork which was moved by a weight, rope and pulley that were stayed by a slender cord, on the cutting of which the weight would fall, drawing out the fork and allowing the doors to swing downward, accelerated by the weights attached thereto by cords and pulleys. The rope on the left for Anderson was 3/4 inch, and that for Dye 5/8 inch. The slack was sufficient to allow them over six feet of fall. Black caps and white robes to be worn by the condemned men were brought out and laid on the table of the jail lobby.

It was a beautiful day, the sun warm and the atmosphere clear and bracing. But the tone was solemn, with voices low and men moving about in silence. At eleven thirty "An immense crowd is now reported outside, and the low hum of voices can be heard in the jail yard. The doorkeepers are busy taking up tickets of those entitled to admission." Anderson stepped out of his cell dressed in a brown coat, pants, slippers and straw hat, smiling and greeting those he knew, his spiritual advisor at his side carrying a roll of paper to be read on the scaffold. Dye, dressed in the blue coat and brown pants he wore at his trial, came out in sock feet supported by two jailers. Wearing no hat, and his face deathly pale with terror, his head rolled from side to side, feet dragging and body limp. "A more pitiable object than Troy Dye, the assassin, never marched to the scaffold."

With their legs and arms strapped tightly by the deputies and covered with white robes fastened securely at the neck, Dye and Anderson stood on the trap door of the scaffold as the bells of high noon rang and factory whistles pierced the air.

Then MacEwen began reading Anderson's farewell talk: "Gentlemen and Friends, I stand before you today a justly condemned criminal. I stand before God as a saved sinner, my soul cleansed from sin by the precious blood of Jesus Christ . . . I know that I deserve to die . . . I beg your forgiveness . . . I feel



THE SACRAMENTO and MT. DIABLO

The Boyer Collection 86

Grand Island, site of the A. M. Tullis Ranch. The Sacramento River is in the foreground with Mt. Diablo in the background, 30 miles distant.

grateful to the ladies of the Protestant Orphan Asylum for the care of my two boys . . . to the Scandinavian Home in San Francisco for kindly inviting and taking my wife and little daughter to care for . . . ". Anderson went to the gallows chewing tobacco.

It was twelve minutes past noon when black caps were placed over the condemned men's heads, ropes adjusted, and the trap sprung. Both were pronounced dead in fourteen minutes, then cut down and laid on the table in the jail lobby, and covered with a blanket. Anderson was taken off by undertakers Byers and Fritz to their headquarters at 263 K Street, and displayed for public viewing in a neat coffin for two hours; then to New Helvetia Cemetary at Alhambra and J Streets, for burial.

Dye's body was removed to the City and County Dispensary, where doctors removed his brain, examined it for evidence of insanity and pronounced it normal. Then the body was interred with proper ceremony under a big tree in the Franklin Cemetary, where it lies today with no marker, beside his brother, John, who died a few years earlier.

A headline in the press the next day read, "Troy Dye Dies, Anderson Ascends". The Bee reported two days later that Lawton was not yet captured.

The Closing Hours of the Dye Murder Trial

(As excerpted from the Sacramento Bee , January 13, 1879)

Long before the hour of 7pm arrived, a dense mob had gathered about the front door and steps of the Court House, clamoring for admission . . . the wife of the prisoner was in her accustomed seat, and seemed to be almost overcome with grief . . . Mrs. Gant, sister of the deceased Tullis, was present also, and her somewhat hard expression of countenance was seen to soften occasionally as her attention was directed to the suffering wife and sobbing children of the unfortunate prisoner.

District Attorney Blanchard . . . explained that his position was a most undesirable and unenviable one. It was his duty, as a sworn officer of the law to ask for the execution of this man who stands before the people, a self-admitted murderer. Representing the people, justice and law, as he did, he demanded blood! Blood! He demanded the life of the prisoner at the bar . . . however pleasant it might be to avoid inflicting the death penalty, it was the duty of the jury to analyze the evidence carefully and to carry out the requirements of the law of the land . . . Of all the crimes that have disgraced this community and the annals of history of this state, the murder of Tullis was the most atrocious. Even the awful crimes and depredations of the bandit, Joaquin Murietta . . . and those of the more recent robber, Vasquez, were less atrocious in character . . . these men were bred and nursed in crime and knew no better, yet they expatiated their acts with their lives . . .

In view of the circumstances of this crime, and of many others which Dye had conceived and instigated, how could any of the jury go out on the public streets and meet face to face with their fellow men if they should fail to make an example out of the prisoner? How could they face Lucinda Washburn . . . how face poor, old man Jackson . . . two other wealthy property-holders the taking of

whose lives had been the intention of Dye? Counsel referred to the case of Hatfield, so frequently introduced by the defense, and argued . . . Hatfield had been in the army (a soldier, not a jayhawker), and had been discharged because of insanity. He had been wounded while doing his duty as a soldier. Has it been shown that the defendant lacks will power, conscience and intelligence? He had shown will power sufficient to wrest from one of the most popular men in the county the nomination for the office of Public Administrator . . .

Creed Haymond's appearance before the jury box was the signal for deep silence throughout the room. It was known and felt by nine-tenths of the people present that the prisoner had not one chance in ten thousand to escape the gallows, and a general desire was felt to hear what kind of an argument so able and eloquent an advocate as Mr. Haymond would advance in his interest . . . he denied that it was his wish or intention to deceive and befog the jury by dragging into the case irrelevant matters . . . the law of the state established the duties and responsibilities of attorneys, and he would be false to his trusts, false to his oath, false to himself, false to his honor upon the bench, false to the jurors and false to humanity, to law and order, if he were to attempt to deceive jurors sworn to carry out the law and do justice to the people as well as the prisoner. It has been argued by the grandest minds that have ever adorned our Senate Chamber, and by the brightest intellects in our land, that we should refrain, if possible, from the taking of human life.

"You, the jury, have been given the law-making power to be adapted to the circumstances of the case at issue, and you must determine absolutely when a man be found guilty of murder in the first degree whether he shall suffer death upon the gallows or whether he will be consigned to the state prison for life. When you were sworn in in this case, I came before you representing this man, standing before you as if I were a priest of Almighty God, standing at the bedside of your dying wife to prepare her soul for the voyage across the dark river. That bright star which stood over this man when he walked to battle under the banner of the Sixth Kansas, when he made that unfortunate woman here present his wife, and who has born him children, whose embrace he may never again enjoy, has left him. I am here to ask you to do only justice to him and yourselves. My fears diminished when I had the opportunity to select you, gentlemen, to sit as jurors in this

case. Popular opinion has convicted the prisoner, but that was only upon hearing one side of the case."

Mr. Haymond continued in the most eloquent manner to plead for mercy for the prisoner, during which the latter sobbed audibly, and exhibited the deepest emotion. He disclaimed the assertion that the defense had injected into the case the plea of insanity. If a man be insane (if the mind does not strike the blow) the defense would be perfect. But such a line of defense had fallen into dispute. He had therefore decided to admit a charge of murder in the first degree, and only asked to prove the full extent of the law should not be carried out in fixing the punishment. We should be judged according to the opportunities we have had in our lives and there should be a difference as to the responsibility that ought to attach to different persons.

Mr. Haymond, the defender, spoke for about two hours, and throughout that time his remarks were listened to with deepest attention by all present. At times his eloquence rose to such grandeur that if it were suddenly left to the people present to decide the case outside the law, we verily believe that a sufficient number would have been carried away by his glowing appeals for mercy to have voted against the death penalty. During his remarks, the prisoner was greatly agitated at times. Haymond closed with an eloquent appeal for mercy at the hands of the jury.

Charles T. Jones, the co-prosecutor . . . declared that it was false humanity to talk about sparing the prisoner's life; that he was worse than the wild beast of the forest, for he would kill and laugh when it was done. There is no doubt that Dye and Anderson could have robbed the Tullis estate of two-thirds of its yearly products, and no probate court could have detected the fraud. The motive for the deed was fully apparent. The building of the boat, counsel argued, indicated sufficient shrewdness as to preclude the possibility of a weak mind being at the bottom of it. God himself had left the figures on that lumber for a good purpose, and when this evidence was found the detectives stood aghast with horror at the developments. Even Lawton had some conscience, for when the trio went to the oyster house on the night of the murder, he sickened when food was set before him, while Dye could commit murder, and eat, and drink, and be merry all in the same hour . .

While the jury was passing out of the court room, (at 1am), Dye again became greatly agitated. Dropping his face in his hands, he sobbed like a child and trembled like an aspen leaf, doubtless

feeling that there was little hope for him. His wife approached and endeavored to comfort him. Many of the spectators took their departure when the jury retired . . .

In the first half hour after the jury retired, they were again brought into court and all became as still as death . . . then, "We, the jury in the above entitled cause, find the defendant guilty of murder in the first degree" The court then fixed Friday, January 24th as the day on which he would pronounce the sentence.

Sources

This story was abstracted from voluminous and precise reporting on all phases of the Dye-Anderson case , appearing in the Sacramento Bee and the Sacramento Record- Union, August 2, 1878 to June 1, 1879, Sacramento city directories and court records of the A. F. Clark trial. Other sources included: History of Sacramento County by Thompson and West (1880), as reproduced by Howell-North, Berkeley California in 1960, and Historic Houses of the Sacramento Delta, edited by Kathleen Mary Graham, Sacramento River Delta Historical Society, 1984, Walnut Grove, California.