



BENJAMIN FRANKLIN MARSHALL CALAVERAS COUNTY'S FIRST ELECTED SHERIFF, PART 2 OF 2

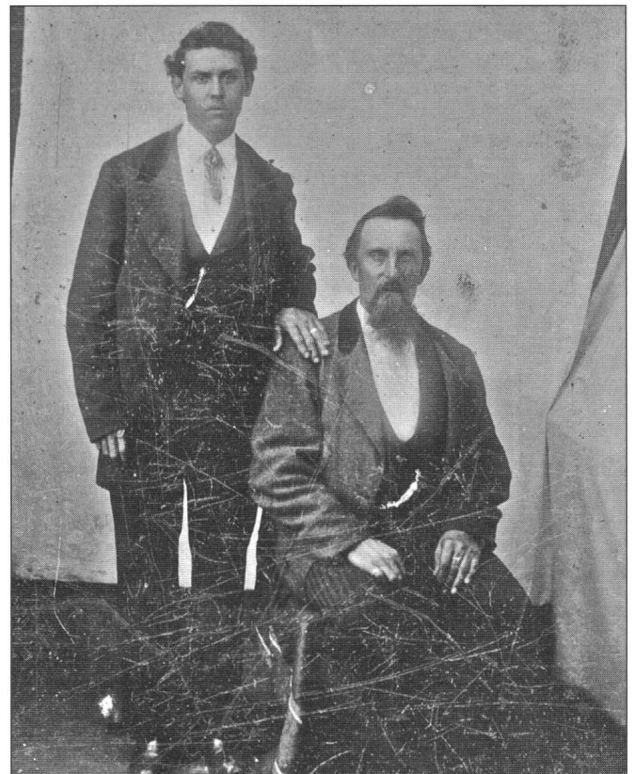
by Bonnie Miller

In our previous issue we looked at the pioneer lawman Benjamin Marshall who came to California before the gold rush. His story of enforcing order in the lawless gold camps has often been peppered with accusations of intimidation and violence. First hand records often conflict with lore, and we're trying to separate fact from fiction. We resume our story of his career as we evaluate his public service, while privately he was about to lose his business holdings.

The family man with the explosive personality

Benjamin Marshall the pioneer had a distinguished record of public service and as a prominent businessman. He also had a reputation for being aggressive, yet perhaps the lawless communities needed a strong hand.

Marshall had gained a reputation for being a firm lawman but many citizens took exception and felt he was taking advantage of his position. He was described as explosive, irritable about politics, and a violent drinker. He was known to pull a gun for the simple reason that a man refused to take a drink with



Benjamin Marshall, seated alongside his son Frank (age 14) or George (age 12), in the last known photo of Ben, likely taken when he last visited his family in Murphys in 1869.

Photo courtesy of the Marshall family.

him. The letters and diary of Leonard Noyes describe in detail Marshall's willingness, if not eagerness, to pull a gun in a volatile situation which earned him a reputation for being trigger happy.

It is well documented that Marshall often drank to excess. Subjects such as politics or religion could incite him to argue or challenge his opponents with a gun. There is no question that as sheriff he was trying to maintain a lawful community under difficult circumstances. The fact that the first appointed sheriff abandoned his duties supports the theory that Marshall stepped into a volatile environment. Whether extreme force was necessary or not, Marshall was involved in a high number of violent confrontations for a lawman in the wild west.

In 1852 while serving as the sheriff, Marshall was involved in a shootout in Murphys. One scene described where Marshall intentionally provoked a gunfight in a store. One witness told how a group of six concerned citizens had grown disgusted with their violent sheriff. They began caching guns strategically around town and made a pact to shoot Marshall himself if he ever pulled a gun in public again. Marshall had been hit with buckshot in the shooting and it had rattled him. For a while he toned down his own gun wielding.

In a letter to his brother, Noyes quoted a description of Marshall as "*notorious for shooting men, and has been a terror to the whole county since '49, by his Bulleying around with pistoles, and picking fusses with every one that he does not like.*"

Apparently the sheriff liked to enforce his own form of Marshall law.

Noyes described several confrontations with Marshall, all of which cast Marshall in a bad light. We do not know if Marshall was as violent as Noyes portrayed him, or if Noyes just particularly detested Marshall. We know that the two severely disliked each other. Once Marshall struck Noyes in public after the latter had challenged some election results. These are first hand witness accounts, and likely based in truth. One entry of Noyes' is particularly disturbing: "*This ex-sheriff has shot a dozen men since I knew him,*" claimed Noyes, "*and the Democrats being in power he could not be touched.*" The local newspapers substantiated Noyes' claims. The papers from Calaveras County to Stockton often held articles describing the various scrapes the sheriff got in to. But the newspapers were often sensational with lurid details. They were in the business of selling newspapers, not necessarily reporting the news.

At some time during his term as sheriff Marshall travelled out of the county. On 9 August 1853 San Joaquin County issued an indictment against Marshall for assault and intent to commit murder. Records note that Marshall failed to appear, but how the matter was resolved remains unknown.

Two years later another indictment was levied against Marshall, this time for having challenged another to a duel. Dueling had been outlawed in California the previous year, so the county took action to prevent the duel. Marshall and his opponent, John C Scribner, a local businessman, were served indictments for challenging one another to a duel. Again the outcome of the indictment is unknown. In another incident, Marshall and a Mokelumne Hill lawyer named W L Dudley were reported to have dueled, but the result is unknown. Perhaps the fact that Marshall was the county's sheriff, their top lawman, or a Democrat, afforded him some protections. This is likely why Noyes referred to Marshall as untouchable. Noyes noted that Marshall appeared above the law, "*the Democrates are in power in*

WELLS, FARGO & CO'S EXPRESS.

Value, \$ 100

RECEIVED BY

Received of B. F. Marshall

Coin Package Value One Hundred Dollars

Addressed Frank Marshall

which we agree to forward to Murphys Camp by usual conveyance, subject to the following conditions: Cat

In no event to be liable beyond our Route as herein receipted; not to be responsible except as and in the capacity of forwarders, we not owning or being interested in the means or vehicles of transportation. Nor liable for any loss or damage arising from the dangers of railroad, ocean or river navigation, explosion, fire, etc., unless specially insured by us, and so specified herein. Nor for the negligence or misconduct of the owners of said means or vehicles of transportation, or of their agents or others in charge thereof. And not to be liable in any respect except under this contract.

Charges \$ Paid

For the Proprietors J. H. Langtry

TOWNE & BROWN, Printers, San Francisco.

Ben Marshall sent money from Nevada to his family in Murphys. This \$100 money order was dated 11 December 1867, sent to his fourteen year old son Frank.

this county, and it is of no use to bring him up (on charges) here, it has been tryed too often, to no effect."

In the course of his duties Marshall often conducted tax sales. This was not unusual for a sheriff to do. Yet he often sought to collect taxes as well. Some citizens felt he overstepped his bounds. Records indicate that Marshall acquired some of the lots of land that he and Nicolasa owned in Murphys under the title of "Sheriff's Deed" or "Constable's Bill of Sale." It is unclear if Marshall strong-armed these land sales in his direction, but the land acquisitions certainly had an unethical taint. One newspaper account describes a lengthy conflict with the man, calling to question the legalities of the tax sales, his assumption of duties, and even the validity of his election. Clearly citizens found reason to question the man's behavior over a period of years.

A judicial review in 1858 could have addressed some of those allegations. The committee found that Marshall had been lawfully elected sheriff when he had assumed the duties. But they would not comment on other citizen complaints. So we do not know definitively whether Marshall was acting outside of the law, or whether he was just disliked by several disgruntled citizens.

Records detail numerous violent confrontations with Marshall. Whether criminals or residents who didn't see eye to eye with the man, he was involved in several gunfights. The family even believed that Marshall had once assaulted John Bigler, California's governor while Marshall had served in the assembly. Bigler was the governor responsible for withholding the state's payment to Marshall for the beef he had supplied to the Indians.

During these tumultuous years Marshall and Nicolasa had three children. Their first was a girl born in 1852 they named Mary Charlotte. Later the following year they had a son, Frank Benjamin. Four years later they had a third child, another boy, named George. The children loved their stern father, but lived in Murphys with their mother.

Marshall attempted to perpetuate the figure of an honest businessman, but record accounts often conflicted with that image. For example, although he called himself a married man, census records continually showed him registered in one household and Nicolasa and the children registered in another. In yet another contradictory record and

by Marshall's own hand, the 1860 census listed Marshall as having come from Ireland with no mention of his Kentucky roots. This may be the result of inconsistencies in the census-taking as well as the reporting by the individual.

In 1860 Marshall again listed himself as a farmer. Agricultural and assessment records repeatedly indicate land and business values, yet he could not pay his taxes and lost his properties in foreclosures and tax sales. The 1862 Amador County tax assessment noted that Marshall had returned to the business of butchering. According to one family member, around this time Nicolasa decided to fully separate from Marshall. There are hints that she considered leaving Calaveras County. Despite Marshall's professional veneer of respectability, the Marshall family and its holdings were crumbling.

Miner, gone to Nevada

Marshall decided to leave town. Either despite his failing land holdings, or maybe in spite of his affairs, he felt it best to move on.

The latest strike had occurred in Austin, Nevada. A group of citizens from Calaveras County decided to travel together to try their hands at the new location. Marshall joined the group who called themselves the Murphys Colony. He did not take his family with him.

At the end of 1862 Marshall was documented as living in Clifton, Nevada running a mine. Accounts vary as to exactly where, and which mine he was involved with. The following year he may have been involved with another miner on a claim in Eureka County, Nevada.

Marshall's family was certainly of the impression he would return to them in Murphys one day. Young Mary Charlotte wrote letters pleading for her father's return. On 13 January 1863 she said:

"Dear Father, I set down to write you these few lines hoping that they may find you in good health as mother and George and Frank and myself is well at present. Dar Father I wish you would come home in the spring as we would like to see you very much"

The following year the girl again repeated her pleadings in another letter to her father dated 23 April 1864:

"Murphys Camp, My Dear Father, I shall set down to rite to you that you are well and I hope you will come home we are all well and Frank and George are well and tey wish to see you fery much and Mother said if you are coming home and you arnt coming mother want to go... (unreadable)... and mother think of leafeing this country. Dear Father do come. Mister Mackle... said that you was well and said you had long white whiskars and fery fat and I hoe you will come home as quick as you can. I would like to see you very much."



This photo has often been cited as the only picture of Joaquin Murrieta. Allegedly the bandit gave it to Sheriff Marshall in friendship. The photo is likely that of Marshall's son Frank, circa 1875, long after the bandit's death or disappearance. Photo courtesy of the Marshall family.

Marshall's time in Nevada was immediately tumultuous and as fraught with violence as his time in Calaveras County. Leonard Noyes claimed that throughout the next few years Marshall was involved in even more gunfights.

Early in 1864 Marshall appeared to have been involved in a sensational killing. The incident was widely reported from Carson City, Nevada to Stockton. The claim was that Marshall had shot and killed two men in Carson City that he had known during his early days in law enforcement in Murphys. The men were Wilson and Bradley, the father and son-in-law who had succeeded Marshall as Justice of the Peace. Wilson once had a confrontation in Murphys with an inebriated Marshall, and on another occasion questioned Marshall's actions as sheriff. Wilson and Bradley were also his Antelope Ranch neighbors, and Wilson had succeeded Marshall in the State Assembly. The history was ripe for a confrontation, however it did not occur. Or, it did not come to a bloody end as reported. Both men went on to live fruitful lives and disputed any claims to their death. Apparently the story had been a hoax.

Marshall expanded his work beyond mining. By 1866 he was again working in law enforcement as a police officer in Austin, Nevada. In July of that year he assisted the sheriff in arresting a man accused of

stealing ore from a mine. The following year he again assisted in the capture of some rustlers and a murderer. His employment offered him enough income that he sent \$100 to his son Frank in Murphys.

Around the year 1868 young Mary Charlotte Marshall died in a house fire in Murphys (dates and details are vague). Perhaps this trauma reached Marshall's paternal instincts, as later the following year he decided to briefly return to Murphys. In December of 1869 he visited with his family. While there, he had a photograph taken of him with one of his sons, likely the older boy Frank. Thereafter he returned to Nevada. It was the only time he was known to have returned to California.

Marshall briefly returned to the business of meat butchering. In 1870 he was working in Shermantown, Nevada. The census listed him as a butcher, sharing a house with a business partner. Yet the following year he again returned to law enforcement.

Marshall was appointed to the position of Captain of the Guards at a Nevada prison in Carson City on 14 January 1871. His name only appeared on the payroll for the months of April through June. It is alleged that he quit the position because he advised his superiors that he believed there was a pending prison break. His story was not believed so he quit his position in frustration. In September of that year there was indeed a famous prison break. Some accounts claim that Marshall was actually suspected of having been in on the break although his name was eventually cleared of any wrongdoing. The prisoners were tracked for several days to their hideout in the frozen eastern Sierras. This location has since been known as Convict Lake.

The following year Marshall ran for the Nevada State Assembly but he was not elected. He did remain active in Nevada politics for the next several years. He also retained some pride in his military service, as he was a member of the National Association of

Veterans of the Mexican War. In 1876 this organization, not the United States government, issued bronze shield-shaped medals to members who had fought in the Mexican War. Marshall received a medal for his service noting his unit and the battles he fought and the commanding generals. This medal remains in the Marshall family possession today.

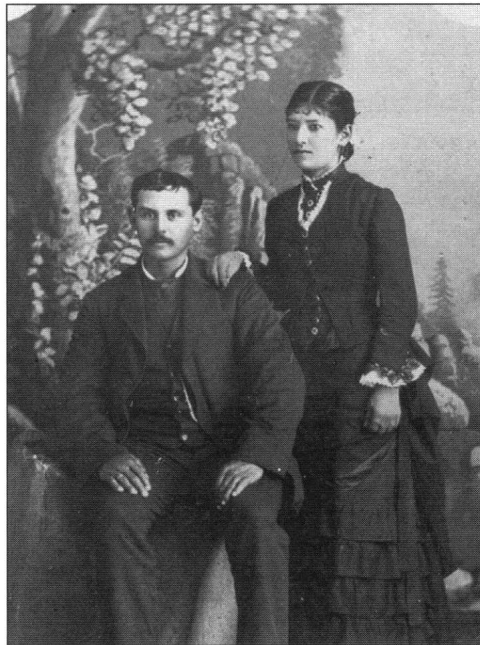
Marshall was involved in another sensational shooting incident that was widely reported by both Nevada and California newspapers. Apparently Marshall still could not keep his anger under control. The scene was described by the Sacramento Daily Union on 15 June 1877:

“Another shooting scrape also occurred yesterday on Ruby Hill. Ben Marshall and J. Fleming, the former night watchman, and the latter underground boss at the Richmond mine, got into a religious discussion, which culminated in Marshall firing two shots at Fleming, one of which grazed his abdomen though, inflicting but a slight wound. Marshall was placed under bonds to await examination on Saturday. Marshall was Sheriff of Calaveras county some years ago.”

Later Years in Nevada

The 1880 Nevada census noted that Marshall was working as a miner in Eureka, Nevada. Yet another census noted a B F Marshall that same year as a 55 year old single man, unemployed, living in a boarding house. Mining, unemployed or not, we do know that Marshall remained fervently active in Nevada’s politics. When the Democratic State Convention was held on 23 May, 1880 at Winnemucca, Marshall was listed as an At Large member of the State Central Committee for the Democratic Party.

Back in Calaveras County Marshall’s abandoned family was moving along without him. It is not known exactly what Nicolasa did to occupy her



Marshall’s son Frank married Hoveta Morales. Note the resemblance between this man and the opposite photo allegedly of Joaquin Murrieta. Photo circa 1882, Calaveras County Historical Society.

time, but we know she remained in the Murphys house at the west end of Main Street. Sadly, on 15 September 1881 their younger son George died while working on a well. George worked for the San Andreas Stage Company and was cleaning a well at the North American House. While working in the 150 deep well something went awry. He called to be hoisted out but did not make it and fell to his death. Interestingly, the following day Nicolasa agreed to carry a mortgage and signed over one of her lots in Murphys to John Heard. Perhaps she was feeling a financial strain, especially with the passing of her son who could no longer contribute to her household.

On a lighter note, Ben and Nicolasa’s elder son Frank married Hoveta Morales of Robinson’s Ferry in March of 1883. Young Frank undoubtedly drew on skills he learned at home as he went to work for the other meat packing company in Murphys, Cutting and Kimball’s. The couple eventually had nine children, perpetuating the family for generations to come.

In Ben Marshall’s later years he appears to have attempted to divest himself of his estate. He made overtures of transferring his affairs to his surviving son Frank. Marshall attempted to give the Antelope Ranch in the Salt Spring Valley to his son. On 14 June 1884 he deeded a portion of the ranch into Frank’s name for the sum of five dollars. Unfortunately the transfer was ineffective as the property description was inaccurate. Also, the ranch had long been out of Marshall’s ownership as it had been sold for back taxes more than twenty years earlier. Frank did try to assume ownership of the property and attempted to forcibly evict the current owners. He lost his battle to regain the property in a subsequent court battle.

The following year, on 9 May 1885 Marshall sent \$500, a significant sum, to Frank in Murphys by Wells Fargo Voucher. This was not the first time he had sent money to his son, but it was likely

the last. The original of this voucher is on display at the Murphy's Old Timer's Museum.

Marshall and a partner owned a mine in Ruby Hill, NV where he played out his years. On 22 October of 1886 he was listed as a registered voter for Precinct 3. A few days later his family claimed that his bank records indicated that he withdrew \$10,000 in gold coin from the bank. Perhaps he knew he was dying, as the newspaper reported on 30 October that Marshall was seriously ill. He died the following day.

Frank Marshall immediately set out to Nevada to see his father when he received word of his illness. Apparently the train became snowbound in the mountains delaying his arrival until seven days after his father's death. Frank immediately arranged for a funeral at the headquarters of the Grand Army of the Republic. Marshall was interred in Eureka County Nevada, and Frank proceeded to settle his father's affairs. Frank swore to being his father's only heir and laid claim to the estate.

According to the newspapers Marshall left considerable holdings, although cash value was thought to be less than \$2000. The estate consisted of, among other things, \$1000 in gold coins, two pistols, two rifles, a saddle bridle and horse blanket, a gold watch, and his cabin valued at \$75. Frank never found the \$10,000 but believed it to have been stolen by the coroner, undertaker or another official. The gold has never been recovered and the culprit never identified.

The Eureka newspaper reported on 2 November 1886 that Ben Marshall had died in his Ruby Hill cabin on 31 October after a brief but serious illness. It is interesting to note that the paper reported Marshall as a widower rather than a man who left a wife behind in California.

The Sixth Judicial District Court of Nevada administered Marshall's probate. The probate records indicate several posthumous bills that Marshall owed and had to be settled. They included probate expenses of local fees and advertising amounting to approximately \$135, as well as outstanding debts to the livery and feed store. P H Hjul provided undertaking services totaling \$212. A Dr G H Thomas attended to Marshall in his last days and visited him



In 1886 Marshall received this medal for his service in the Mexican War. Photo courtesy Barry Schwoerer, circa 2011.

nine times at \$10 per visit. His \$90 bill had to be paid from the estate. Another doctor, Dr. J R N Owen also attended to Marshall but in a livelier manner. He only made three visits but charged for his horse and livery expenses as well as providing two bottles of wine, presumably medicinal.

Setting the Record Straight

"He came to California with the first rush of gold seekers, coming through northern Mexico, and after almost incredible hardships, with encounters with hostile Indians, following uncharted trails, with lack of water and other terrors of the trip, arrived in California early in 1850, and the same year located in Murphys," boasted the breathless Calaveras Prospect in a retrospective seventy years later. "His strong character, and intrepid courage, brought him to the front, among the sturdy founders of that bustling mining camp, and he was elected the first constable, an office not without its dangers, and responsibilities."

Many such complimentary stories and legends about the mighty Ben Marshall have been published and perpetuated over the years. But the public records tell another story.

Most of the myth and legends that surround Benjamin Marshall can be traced to the stories propagated by his son Frank. Frank Marshall must have admired his father and was proud to have been descended from such a prominent figure. He apparently wished to maintain an idyllic image of the man. In that light, Frank apparently rewrote some of his father's diary to create a positive image of the pioneer lawman. Frank may also have been trying to record some stories passed along to him. The validity of the diary comes to question. Just how accurate were the recollections of a boy who only knew his father for a few years?

The copy of the diary that exists today is in fact transcriptions rewritten by Frank. The stories perpetuated over the years were complimentary of his accomplishments and service, cleansed of negative details. The diary resides today in the safe

keeping of the Tuolumne County museum, a gift from the family.

Marshall's personal papers, mementos, and the alleged Joaquin Murrieta photo were believed by family members to have been stored in a trunk which passed on to his son Frank. The trunk was either passed through family members, or the items therein disbursed among the descendents. In 1922 Frank loaned or donated many of the original documents to the State Library. In 1934 Frank Marshall gave the thirty-six star flag to Calaveras County. It has been reported that the war medal was also given to the county, yet in fact it remains in the family's custody along with the trunk. The original diary and Joaquin Murrieta photo survived in the family's care until lost in a house fire in Sonora in 1938.

The thirty-six star flag that belonged to Marshall today hangs in the Calaveras County's old courthouse. Frank Marshall's story claimed that the flag bore tatters and bullet holes from battle from his father's service in the Mexican American War. That flag did not exist at that time. Nevada became a state on 31 October 1864 which created the nation's flag of thirty-six stars. This flag likely came from Marshall's service in politics in Nevada at the time of their statehood, and was passed on to his son.

The alleged photo of Joaquin Murrieta that exists today was not of the bandit. If one had existed, it was lost in the fire. Historians also argue that the bandit would not have himself photographed as he would not have wanted his image captured. The photo on display today in the Murphys Old Timers Museum is of a young Frank Marshall, taken at least fifteen years later than the bandit's disappearance. The photo had been donated by the family, as a joke, as the famous photo of the bandit. The other possible photo of Murrieta, allegedly given to a woman in Angels Camp, has not been located.

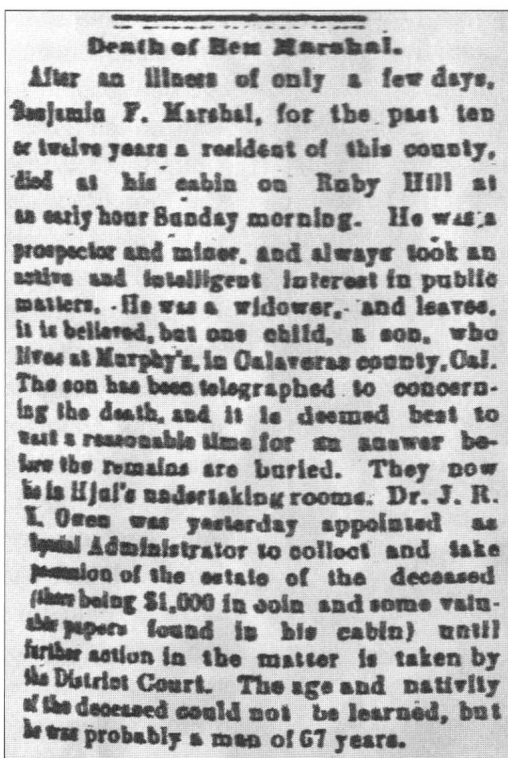
Marshall's family explains that Ben Marshall believed

Murrieta had escaped California and gone to Brazil to live out his life. He believed the bandit had returned to California later in life, and was perhaps recognized when he revisited the gold country. Local lore claims that Murrieta was recognized many years later when he sought to retrieve gold he had buried in the hills.

Another myth around Marshall and Nicolasa was that they had, and lost, a Spanish land grant. Frank, on Nicolasa's behalf, sought to reclaim her property in Los Angeles that had passed on to her heirs by her previous marriage. Frank Marshall attempted to claim ownership of the valuable land but failed to wrest it from his step siblings. The court found that his mother had abandoned the land and thus forfeited it to her older children. And the land was not part of a Spanish land grant like a rancho but was property within the city. The age of Spanish land grants had long since passed prior to Nicolasa or Marshall being in California. The only grants for land in the family were the school land warrants that Marshall purchased from the state that formed the Antelope Ranch.

The case of the unpaid bill for beef remained open for years after Marshall's passing. In 1890 a man housed at the county hospital for the infirm, Billy McLish, claimed that he had been Marshall's partner and the two had never received the payment due them. The value of the claim, according to McLish, was almost double that approved by the state in 1854. History records no such partner until this gentleman's claim over thirty years later. Oddly McLish did not ever feel compelled to pursue the payment on his own.

Frank Marshall however did pursue it. In 1927 Frank sent a passionate letter to Fred Stevenot who had recently been appointed the first Director of California's Department of Natural Resources. Frank complimented Stevenot's success and the good he had



Ben Marshall's death was noted in this Eureka newspaper article, 11/2/1886.

done for Calaveras County, his home base. But Frank may have insulted Stevenot when he offered to split the proceeds fifty-fifty with him should he successfully obtain the funds. Apparently no further action occurred on the matter.

The Marshall Family

Marshall's widow Nicolasa and their surviving son Frank remained in Calaveras County. Frank and his wife Hoveta originally lived in Sheep Ranch but in due course moved on to and assumed her family's ranch at Robinson's Ferry. In 1881 Nicolasa moved in with her son and his family and lived out her days in their company.

In January of 1887 the Mexican War Pension Act was signed into law. This law allowed veterans or their widows to receive pensions for their service. Nicolasa felt she was entitled to such benefits. With Frank's help, on 15 August 1892 she submitted an application for a Mexican War widow's pension.

The documents note some interesting facts about her relationship with Ben. She claimed she married Ben under her first (deceased) husband's name Padilla rather than her maiden name of Carriaga. Her marriage to Ben appears to have been by mutual,

common law, consent; formalized in January of 1853. This date is conveniently ten months prior to the birth of her only surviving son by Marshall, but at least three years after her arrival in Murphys. Nicolasa seems to have been trying to create a union of respectability. She even had neighbors swear that she had lived with Ben as man and wife, together until his passing. She also claimed to have born five children by Ben, only one of whom survived (Frank). There are no records of these two other children who may have died young. Nicolasa did not mention her children from her previous marriage in her application yet she had remained close with them. At least one of her earlier children lived in northern California and was in communication with Frank.

The reason Nicolasa gave for needing the widow's pension was that she claimed she was paralyzed and blind. Indeed, she signed the application with an **X**, but she had always signed as such. She said her son was grown with a family of his own and did not need to be burdened with supporting her. The application for a pension was denied, the reason being that her marriage to the veteran was common law, and the war department did not feel compelled to recognize such unions. Thus she did remain in Frank's care until her passing in 1896.

Nicolasa Marshall died on 21 May 1896 at Frank and Hoveta's home. At the time of her passing the newspaper noted that she was the oldest living California native (pre-gold rush) living in Calaveras County at the time. She was a Californio, living in California before the Mexican War and before the gold rush. Her story is every bit as detailed and fascinating as that of her common-law husband Ben. Perhaps one future day her story may be told in the pages of Las Calaveras as well.

Many years later Josephine Marshall, daughter of Frank and Hoveta erected a monument to her grandparents Benjamin and Nicolasa. The monument stands over the Marshall family plot at St Patrick's Catholic Church in Murphys. Nicolasa and her son Frank and his family members are buried there. Regrettably several of the dates noted on the monument are incorrect.

John Heard, who had bought the Murphys lot from Nicolasa, subsequently built a house on the site of what had been the Marshall slaughterhouse. The Heard house has been nominated for the National Register of Historic Places.

In the Sixth District Court,	
COUNTY OF EUREKA,	
State of Nevada.	
In the matter of the Estate of	
Inventory and Appraisement.	
Benjamin Marshall	
Deceased.	
Moneys belonging to the said deceased, which have come to the hands of the Administrator.....\$	
Personal estate, —	\$1000 00
One Cabin and stable	
Advised ground and market value,	75 00
2 rifles value \$350. shot gun value \$1500	50
1 deersticker value \$250. pistol \$1000	17 50
Set of gun implement \$300. crock \$1000	13
House hold kitchen bedroom furniture value	25 00
Personal wearing apparel	
on market value	
1 lot carpenter tools value	5 00
1 lot lumber value	10 00
1 horse saddle bridle blanket	80 00
1 gold watch. — value	1 00
	1575 50

Eureka County's probate inventory of Ben Marshall's estate, 11/1886.

Benjamin and Nicolasa Marshall made a lasting impression on Calaveras County and early California history. The importance of their story continues to fascinate people, and in 1922 the family loaned or gave many family papers to the Bancroft Museum for preservation. Today many descendants of this couple continue to live in the foothills. Although Frank Marshall, Ben and Nicolasa's son, always called himself the last of the Marshalls, he in turn had nine children. Four generations of Marshall family descendants gathered in 1943. Five generations of Marshall family descendants gathered in 1981, and they continue to reunite every few decades.

Benjamin Franklin Marshall was one of the most interesting gold rush characters that shaped early Calaveras County. He had a varied, some would say checkered career in law enforcement and public service both here and in Nevada. He was a decorated war veteran, a successful rancher, a friend of the Indians, and had a family in Murphys. He was active in politics and ran for public office several times yet was only elected once as Calaveras County's first elected sheriff. There is no question that he was a strong man of strong opinions, foremost which was his patriotism. He was appointed to and entrusted with several public duties and involved with numerous political activities. He even once got up a troop of volunteers in January of 1885 in case the threatening Mormon War came to light.

Was he a humanitarian, or a swindler, or a murderer? Was he an egalitarian who could diffuse a racial conflict, or a gunslinger himself? Had Marshall set fire to his own properties, coincidentally within days of foreclosures? Was he an arson, an alcoholic, and a thug? Or was he a lawman trying to maintain order under extremely lawless circumstances? Perhaps he was the victim of disgruntled politicians and libelous newspapers. He certainly had strong opinions and rapid mood swings. We know that he had a violent streak with an explosive personality, and that he abandoned his family. Did alcohol control him, whereby he could not maintain consistent employment? Or was he a man caught in the changing tides of the changing times? We may never definitively know. His story



Barry Schwoerer, descendant of Marshall stands behind the monument to Ben and Nicolasa Marshall. The monument guards the Marshall family plot at the St Patrick's Catholic Cemetery in Murphys. Note the birth and death dates are incorrect, and that Marshall himself is buried in Ruby Hill, Nevada.

Photo courtesy Barry Schwoerer, 1/2007.

is as unique and elusive as the gold in the foothills. Rancher, law enforcer, butcher, public servant, family man or miner, Ben Marshall did it all.

Acknowledgements: *Las Calaveras* is grateful for the assistance of fifth generation Marshall descendent Barry Schwoerer. Schwoerer's extensive research into the lives of his grandparents have helped to separate fact from fiction. We thank him for kindly sharing his research and insights with us.

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- See also references from Part 1, 7/2014, *Las Calaveras*, quarterly journal of the Calaveras County Historical Society.

Calaveras County Historical Society

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The Calaveras County Historical Society is a non-profit corporation. It meets on the fourth Thursday of each month in various communities throughout the County. Locations and scheduled programs are announced in advance. Some meetings include a dinner program, and visitors are always welcome.

The Society operates the Calaveras County Museum which is open daily from 10:00 to 4:00 in the historic County courthouse located at 30 Main Street in San Andreas; and the historic Red Barn Museum at 891 Mountain Ranch Road, also in San Andreas, which is open Thursday to Sunday, 10:00 to 4:00.

The Society's office is located in historic San Andreas, the Calaveras County seat. Visitors are always welcome to stop by the office for assistance with research, and are encouraged to visit the museums while in the area. The office is open Monday through Friday from 8:30 to 4:00, and the telephone number is (209) 754-1058, or contact us at: CCHS@goldrush.com; Red Barn Museum (209) 754-0800.

July–September, 2014

New Members

Larry & Jane Everett—converted to Lifetime Members
John, Winifred & Sallie Edwards—Mountain View
Stanley Evans—Citrus Heights
Nancy Hansen—Murphys
Gerald Marshall—Sonora
Patricia Jo Gutierrez—Murphys
Michael Taylor—Hamilton, Montana
Barbara Vietmeier—Lodi

Donations:

Barbara Brooks—antique curling iron, autograph book, coin purse, flag, bank note from Ohio
Susan Conner—handmade blouse, Chinese panel skirt
Colette Lantzy—antique Chinese motif porcelain bowl from 1800s
Geri de Moss—clothing, books, costumes
Carolyn Soderstrum—antique photo of Alex Casey Halley, son of John and Alice (Casey) Halley
Sharon Quintana—antique tea setting
Yvonne Tiscornia—cookbooks donated for holiday dinner meeting last year (our apologies for this oversight)
Barbara Grogan—cancelled check from the Raggio Club dated July 14, 1953
Joanne Snyder Randall—clothing, wedding dress worn by Annie Bockholtz Carter and Joanne Snyder Randall, purses, rope making machine and accessories that was demonstrated by John Snyder at the County Fair, saddle belonging to John Snyder, chaps and saddle blanket
Mary Lee Levy—cash donation
Donna R. Shannon—one year advertising in *Calaveras Chronicle*
Phil Alberts—picture frames for displays