

THE LEGEND OF "ERNEST": MURDER, INCEST AND GOLD

By Maureen Elliott and Shannon VanZant

t's an incredible story. It is both legend and historical truth supported by scientific findings. It's a story made up of murder, incest and gold...

It's the incredible story of "Ernest," the skeleton that has fueled many rumors and whose identification has long remained uncertain. It is also the story of Ernest, a merchant who came to Gold Rush California and was murdered for his gold.

"Ernest": The Legendary Skeleton

The legend of "Ernest," the skeleton, begins in a small village in Southwestern France at the Château de Montcigoux, built in the 12th century in Saint-Pierre-de-Frugie, Dordogne, France. The medieval fortress was the setting for a battle between the English and French during the Hundred Years' War during which some major damage occurred to the property. The residence became the stronghold of the Rolle family around 1540, an important family whose influence stretched from Martinique, Firbeix, Miallet, and Dournazac to Montcigoux. Around 1750, they had to demolish the former lair, keeping the partially leveled tower. Afterwards. they built the current chartreuse, or charter house, adjoining the tower, which is what we see today. The land and château were acquired in 1826 by Pierre Paignon de Fontaubert and his wife Sophie. Here they raised five children.

At the beginning of the 20th century, the new owner, Henry de Lamoignerie, decided to remodel the centuries-old building. In December 1913, during the remodel, workers looking to dig a cellar under a sharecropper's house adjoining the Château de Montcigoux made a grisly discovery: human skeletal remains. The bones were buried in a shallow grave under the floor near the fireplacethe skull was just 10 inches beneath the surface. There was no clothing or objects of any kind that might help identify the deceased. There was no sign of decomposition in the soil and the bones were bleached white. No one was sure whose skeleton it was or why it had been buried on the grounds of the castle. The discovery did make the news but nothing was done to pursue an investigation at the time. The skeleton was placed in a glass case and put on display.



This photo from 2009 shows Château de Montcigoux, Saint-Pierre-de-Frugie, Dordogne, France. The tower on the right is the remains of the 12th century fortress. The chartreuse on the left was built around 1750. (Courtesy of Wikimedia Commons)

Twenty years later, in 1933, a local French newspaper Le Courrier du Centre did an investigation into the identity of the skeletal remains and claimed to have solved the mystery. In a series of seven episodes, journalist Antoine Valerie wove a story of murder, incest and gold. According to the newspaper, the bones were of one of the sons of the De Fontaubert family, François Ernest Paignon de Fontaubert, who had left for the California gold fields in 1850 accompanied by his younger sister Ernestine. That part of the story was correct as Ernest and his sister Ernestine did leave France to go to California. The story soon became more complicated when the newspaper claimed that several skeletons of infants that were also found buried near the chateau were the result of an incestuous relationship between Ernest and his sister Ernestine. According to the articles in the newspaper, Ernest and Ernestine supposedly had lived in the manor house as a couple and had forced their brother Arthur to live in the small sharecropper's house. The newspaper claimed that Ernest and Ernestine had five children together and that they had killed the babies and buried their bodies, but with no proof of any kind except for the skeletons' existence.

Le Courrier du Centre claimed that Ernest and his sister were believed to have returned from California with a fortune in gold, and that younger brother Arthur

decided to slay Ernest and take the gold for himself. According to the story published in the newspaper, Arthur hit Ernest in the head with a hatchet and buried the body under the floorboards in his room at the sharecropper's cabin. Arthur then slaughtered two steers at the entrance to the manor, in hopes that the smell from their decomposition would hide the stench from Ernest's body. The story continued with the claim that Ernestine went mad when she realized what had happened to Ernest, and Arthur locked her in the tower, the only remaining structure of the 12th century fortress that once stood on the spot.¹



Skeleton "Ernest" as displayed in Château de Montcigoux in a small glass coffin. (Photographed by Anne LeRoy for M, Le Magazine du Monde)

This juicy story got a foothold in local lore and soon it was considered the factual truth. The skeleton, encased in a glass coffin and put on display, was named "Ernest." In 1958, Robert Margerit wrote a novel based on the account, "La Terre aux Loups" ("Wolf Country"), which became a bestseller in France. In 1987 a documentary was filmed, "Histore d' un crime," which translates to "Story of a Murder," about the purported murder. In 1989, Bertran Visage wrote the book "Rendez-vous sur la terre" inspired by the 1933 news articles. The result was a renewed interest in the bones, and tourists queued up to visit "Ernest's" remains. The town took full advantage of its notorious resident, promoting the château and hosting all kinds of Ernest-related events and tours. Basically, "Ernest's" skeleton supplied a lot of the income of the townspeople. The boost was significant, because the Château de Montcigoux is a comparatively modest manor house, not the kind of palatial mansion that people think of when they think of French châteaux.

In 2011, Bernard Aumasson, a French man, like so many before him, visited the small town and toured the Château de Montcigoux to see the infamous remains of "Ernest," killed by his brother for his incestuous relationship with his sister and the riches he had acquired in the California Gold Rush. Two years later, while looking around on the internet, Bernard discovered something that contradicted the legend of "Ernest." Bernard found a memorial for Ernest de Fontaubert on Findagrave. com that claimed Ernest had been murdered in Cave City, Calaveras County, California, in 1862 and was buried there. If true this would mean that the skeleton displayed at the Château de Montcigoux in France could not be the remains of Ernest.

So, who was Ernest de Fontaubert? Was he murdered by his brother in France and buried under the floor or was he murdered in Cave City and buried there? Bernard contacted the Calaveras County Archives asking for verification of Ernest's death and burial. The documentation on the death and burial uncovered a tale of tragedy and triumph in Gold Rush California.

Ernest: The Gold Rush Merchant

François Ernest Paignon de Fontaubert (Ernest) was born on July 5, 1813, in Jumilhac-le-Grand, France. He was the oldest child of Pierre and Sophie de Fontaubert (née De Brie). Following the birth of Ernest his parents had four more children: Hortense (1816–1903), Arthur (1821–1879), Ernestine (1823– 1867) and Victorine (1828–1897). Ernest married Thérèse de Teyssières in May 1840 in Nantheuil, France, and they had one daughter, Rose, who died in infancy at four days old.

Leaving behind his wife, Ernest and his younger sister Ernestine left France in 1850 for California. Days before their departure they gave Ernest's wife, Thérèse, full rights to manage their properties in France. They sailed from Le Havre harbor on the French ship "Jonas," arriving in San Francisco after a voyage of 165 days.² It is unclear why Ernest and Ernestine came to California. The legend in France claimed that they had an incestuous relationship and left to hide their affair, but like many before them, they may have dreamt of riches beyond the imagination, or maybe they just had a sense of adventure.

Ernest and his sister spent one month in San Francisco before heading to the gold fields.³ By 1854, Ernest owned a store and a restaurant next to the Cave City Hotel on the northside of Main Street in Cave City. Ernest's store seems to have been well stocked and he appears to have been respected by his neighbors. He was described as a "most estimable gentleman, highly educated, and polished in his manners."⁴ He sold everything from boots and whiskey to bacon, coffee, flour and butter.

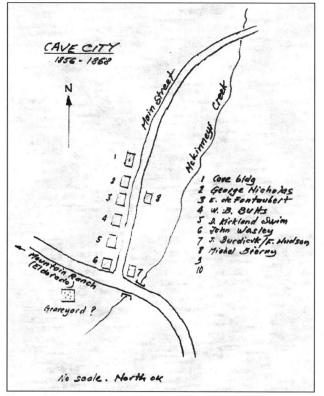
Cave City would have been a prosperous mining town in the 1850s, when Ernest and Ernestine

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The passenger list for the ship "Jonas" shows that Ernest and his sister Ernestine sailed from France to California in 1850. (Courtesy of Ancestry.com)

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Bill of Henry Horkless and Co. in the Fontaubert Store at Cave City. In De Fontaubert vs. Horkless, 1864, Civil Cases, Calaveras County Archives, San Andreas, CA. (Courtesy of Calaveras County Archives)



Bernard Aumasson drew this map of Cave City in 2013 based on his research. (Courtesy of Calaveras County Archives)

were residents. In 1850, the cave was accidentally discovered by Captain Taylor. In 1853, Magee and Angel erected a large and substantial hotel adjoining the cave. It was said that 200 feet from the entrance, "is the famous chamber of the Know Nothings, in which their dark councils and political compacts were held during the year 1855."5 In 1855, "Cave City was in the heyday of its career. No less than 400 miners made it the center of their trade and frolic."6 In 1858, the company Campbell & Co. was taking out a pound of gold a day and made \$2,000 a week with four men working. The company Parsons and Ross took \$125 a week and the company Conkins & Co.'s claim paid over an ounce per day.⁷ The men who were instrumental in constructing the Table Mountain Ditch and the Cold Spring Ditch were residents of Cave City. The town was laid out along a main street and consisted of hotels, stores and saloons. It was described in 1858 as "what was once, perhaps the most wealthy mining district in central Calaveras."8

Ernestine wrote home to her sister-in-law, Thérèse, in 1855, lamenting the troubles that managing the family property in France was causing her. Ernestine assured her that she would not be held responsible for the losses incurred by Thérèse's management of the property, but instead Ernestine expressed gratitude towards Thérèse for her efforts. She closed the letter by saying "while waiting the pleasure to see you again, receive the farewells of your sister-in-law who will never forget your kindness."9 The letter seems to establish a friendly relationship between the two women, not one marred by an incestual relationship. Thérèse would die in France in 1860 never seeing her husband or sisterin-law again. In fact, Ernest would never return to France as he would be brutally murdered in Cave City. On Feb. 26, 1862, Ernest left his house in Cave City with the intention of going to San Andreas by way of Gaston Hill. According to his sister Ernestine, "he had eighty-four ounces of gold dust with him."10 He also carried provisions that he was taking to a camp of French miners on "Gascon" (Gaston) Hill on the way to San Andreas, but he would never make it there. The horse came home later with part of the pack of provisions, but Ernest was nowhere to be found. William Woody organized a search party and found Ernest's body about four rods from Cave City on the road to "Gascon" Hill under a manzanita

bush. Ernest de Fontaubert had been stabbed and the gold was gone as well as some of the provisions that he had been carrying.¹¹ The newspaper stated that this was the second time someone attempted to kill him for his gold.¹² Ernest was buried the next day in the graveyard at Cave City.¹³

Ernestine stayed in Cave City after the murder of her brother and continued to run the store and collect the money owed Ernest. In January of 1864, she filed a lawsuit to obtain payment of a large debt that was owed to the store by Henry Horkless.¹⁴ Because she had not understood that she had not automatically become the owner of the property after her brother's death, she now had to file a probate so ownership could be assigned to her before she could sue for payment of the debt.¹⁵

Ernestine did not remain in California for long after the probate was settled. On June 28, 1864, Ernestine sold the store to Michel Bierney, a store owner and friend in Cave City, and she was in San Francisco by mid-September of 1864.¹⁶ On Dec. 13, 1864, Ernestine boarded the "SS Golden City" and sailed to Panama.¹⁷ From there she continued to France, meeting her older sister Hortense in Paris on Jan. 28, 1865. Her sister would later claim that the authorities in San Francisco sent her back to France because "she was mad and unable to manage herself," although no documentation of this has been found.

Ernestine had appeared completely capable and competent when she was taking care of the California lawsuit and probate in 1864, but she might have seemed a bit odd to her family when she returned to France after spending 14 years in a small mining camp. Hortense claimed that Ernestine was insane and a legal suit was filed to have Hortense declared the guardian of Ernestine and her estate. On March 15, 1866, a judgment deprived Ernestine of her legal capacity.¹⁸ One of the claims in the insanity hearing was that she refused to wear anything except rough cotton dresses "even though she was in a position of sufficient fortune to dress in a proper manner."¹⁹ That may have been a hold-over from her life in California but not a firm sign of insanity. Hortense also claimed that Ernestine

MURDER AT CAVE CITY.—A French merchant named De Fontambert, who has for years done business at Cave City in Calaveras county, was early last week murdered by some ruffians for \$1,500 in gold dust which he was carrying to San Andreas for exchange. This is the second time within two years that Mr. De Fontambert's life was attempted by robbers. He was a most estimable gentleman, highly educated, polished in his manners, and a member of a distinguished French family. The murderers had not been taken at the time our information was sent.—Independent.

The murder of Ernest de Fontaubert was reported in the Calaveras Chronicle on March 8, 1862. (Courtesy of Calaveras County Archives)

"stubbornly refused to talk about the business she left in California and to show the titles she owns, in spite of it is certain that she left a small fortune in California."²⁰ In reality, from all records, Ernestine completed all business in California, including the sale of the property in California which had been sold to Michel Bierney for \$400 before she left.

Another claim by Hortense was that Ernestine "distributed her money without proper judgement... that thus, in particular, she spent mindlessly a sum of about fifteen hundred francs... [and] that it would be too long to list all her acts of extravagance."²¹ There was a large amount of wealth at stake so possibly her sister was motivated by that. Except for the younger brother Arthur, most of the witnesses listed at the insanity hearing were maids, butlers and local farmers in the village, all of whom might have been dependent on the family for their income and motivated to testify on their behalf. On Jan. 16, 1867, Ernestine de Fontaubert passed away in the family home at Château de Montcigoux at the age of 43. Legend claims that she escaped from the tower her brother Arthur had locked her in and walked throughout the country, until she died of cold in the snow. According to her official death act, she died at home of natural causes.²²

Encouraged by this evidence found in Calaveras County, Bernard Aumasson began poking holes into the received wisdom, and has inspired several history buffs to join his quest for the truth. In 2016, the Gendarmerie Nationale Laboratories at Cergy-Pontoise, near Paris, examined the remains. "After all, there was a corpse, and it was in a strange place for a dead man," said local police colonel Patrick Chabrol, who took it on himself to drive the remains to the forensic lab in his own vehicle. The experts at Cergy-Pontoise analyzed the bones to establish their age and sex and possibly determine the cause of death. They found that many essential bones were missing, and the damage to the skull was assessed as being from natural deterioration over time, not blunt force trauma to the skull. X-rays and chemical tests could not date the skeletal remains due to contamination of the soil in which they were found, and dental examination proved impossible as the teeth from the skull were missing.²³ However, carbon-14 dating has dated the skeleton between the years 1278 and 1388.

Gilbert Chabaud, who has owned the Montcigoux manor since 1977 and is the mayor of the hamlet of some 400 inhabitants, said he was sad to say goodbye to "Ernest." But Chabrol reassured the townsfolk: "As soon as he has had these little tests, he will return to his place. We will return him to the village."²⁴

In the Dordogne area of France, the legend is collapsing. "I've been telling this same story for 40 years that my father always told me," regrets Alain Vignol, a local man, surprised to see this "truth?" transmitted orally for 103 years. "We are all disappointed to discover that the story is ultimately false," admits Sophie Didet, who lives where the skeleton was found.²⁵ If the family of De Fontaubert, accused of infanticide, fratricide and even incest is now cleared in its honor, a question remains for the moment insoluble: of whom is "Ernest" the skeleton?

"Was there previously a cemetery on this site? Is it a soldier since we are on the Franco-English border of the Hundred Years' War? This will be the next twist, we are not going to stop there," said Marc Wilmart, author of the film "Stories of a Crime," around this legend.²⁶ Bernard Aumasson is convinced that the skeleton cannot be Ernest de Fontaubert, but there are still some that believe that Ernest's death in America was faked and that the horror story is true. In any case, the skeleton dubbed "Ernest" is now back in its glass case in the manor tower at Montcigoux, where visitors can see his toothless grin. Cave City, once home to the De Fontaubert's siblings, is now all but a ghost town. The graveyard on the hillside above the town is all but forgotten. It once contained 16 graves, one of which is Ernest de Fontaubert, "15 of them filled by men who died with their boots on. The graves at one time were enclosed by neat fences, but these have rotted away like the bodies they enclosed, and soon not a trace of the poor fellows will remain."²⁷

End Notes

- ¹ "French police tackle 103-year-old cold case." *The History Blog*, 2016. http://www.thehistoryblog.com/archives/40748.
- ² Passenger List "Jonas," 1850. Ancestry.com.
- ³ Hortense de Fontaubert vs. Ernestine de Fontaubert, Civil Court of Nontron, France, 1866. Translation in De Fontaubert Family File, Calaveras County Archives, San Andreas, CA.
- ⁴ Calaveras Chronicle, 8 March 1862.
- ⁵ Smith, J. A. "The Days of Old in Historic Calaveras County." *The Calaveras Prospect*, 28 June 1941.
- ⁶ San Andreas Independent, 14 July 1860.
- ⁷ San Andreas Independent, 20 March 1858.
- ⁸ San Andreas Independent, 21 August 1858.
- ⁹ Letter from Ernestine de Fontaubert to Thérèse, 1855. Translation in De Fontaubert Family File, Calaveras County Archives, San Andreas, CA.
- ¹⁰ Inquest Ernest De Fontaubert, 1862. Calaveras County Archives, San Andreas, CA.
- 11 Ibid.
- ¹² Calaveras Chronicle, 8 March 1862.
- ¹³ Statement to the Consulate of France, 1862. Translation in De Fontaubert Family File, Calaveras County Archives, San Andreas, CA.
- ¹⁴ De Fontaubert, E. vs. Horkless, Henry & Co., 1864. Civil Cases, Calaveras County Archives, San Andreas, CA.
- ¹⁵ Probate, De Fontaubert, Ernest, 1862. Probate Box #24, Calaveras County Archives, San Andreas, CA.
- ¹⁶ Deed Book L, pg. 531. Calaveras County Archives, San Andreas, CA.
- ¹⁷ Sacramento Daily Union, Vol. 28, No. 4285, 15 December 1864.
- ¹⁸ Hortense de Fontaubert vs. Ernestine de Fontaubert, Civil Court of Nontron, France, 1866. Translation in De Fontaubert Family File, Calaveras County Archives, San Andreas, CA.

- ²² Aumasson, Bernard. Email communication, 2013. In De Fontaubert Family File, Calaveras County Archives, San Andreas, CA.
- ²³ "Ernest still remains a mystery." *The Bugle Dordogne*, 4 May 2016.
- ²⁴ "French historian rattles bones for truth about 'Ernest." Gulf News, 17 February 2016.
- ²⁵ "Un squelette centenaire aux mains des experts." *Le Parisien*, 16 February 2016.
- ²⁶ Monkowshi, Thomas. "Dordogne: Ernest the skeleton is six or seven centuries old." *Sudouest*, 28 November 2019.
- ²⁷ Calaveras Chronicle, 21 July 1883.

¹⁹ Ibid.

²⁰ Ibid.

²¹ Ibid.

A NOTE FROM THE DIRECTOR

This issue of Las Calaveras marks the 70th anniversary of the Calaveras County Historical Society. For 70 straight years now, the Society has maintained its operations and upheld its mission as it was set down by Judge J. A. Smith, the Society's first president, in 1952. In the first edition of Las Calaveras (Oct. 1952), Judge Smith included the Society's statement of purpose and it only seems a fitting marker and reminder that his eloquent and simple statement be reprinted here on this great occasion.

"The prime purpose of the Calaveras County Historical Society is to collect and preserve for posterity the early history of Calaveras County."

We must keep in mind that it was in the 1950s when Judge Smith wrote these words and from his perspective, at that time, he was referring to the history of the county that took place in the midto late-1800s. Since this time, the Society has widened its scope to include the ancient history of the Miwuk—whose people belonged to the First Nations of these lands—as well as the many events, places, and industries that have come to be part of the ongoing story of our illustrious county.

When the Society was created, the primary need that was of greatest concern to the founding members was that the history of the county had yet to be written. Since that time there have been many authors who have addressed this need: Judge Smith, Dr. Richard Coke Wood, Willard P. Fuller Jr., George W. Hoeper, Judith Marvin, Dr. Julia Costello, Maureen Elliot, Salvatore Manna, and Shannon VanZant, to name a few. Their works are indispensable and their diligent life's work is so very much appreciated. Where this history has been most thoroughly documented is right here, in the pages of Las Calaveras, where for the last 70 years, consistently and quarterly, its long list of tireless editors has brought you, piece by piece, the long-needed documentation of the history of our county.

How wonderful it is to consider seven decades of historical talks and dinners, the campaigns to save and preserve our historical sites and buildings, as well as the creation and endurance of our county museums. Now in our 70th year we look back on all the friends and loved ones that have carried this mission through to the present day, with great pride in the knowledge that we have kept true to the original intentions of the Society's founders and that those intentions have come to pass and have been made reality.

This issue of Las Calaveras comes to us from the staff of the Calaveras County Archives. Maureen Elliot is a lifetime member of the Society and a longstanding volunteer of the County Archives where she has worked since 2006. Shannon VanZant has been the county archivist since 2004. VanZant is also a professor of history at Columbia and San Joaquin Delta colleges. Both authors have published books on the history of Calaveras County.

The archives, the museum, and the Society have a long history together spanning several decades. Many people don't know that when the new government center was built in 1967, they wanted to level the Old Courthouse and the Hall of Records buildings to create a parking lot. George Poore Jr. petitioned the county supervisors to repurpose the buildings as a museum. George was successful, and the County Museum was set up in the second floor of the Hall of Records and the County Archives was set up in the bottom floor of the Old Courthouse. In this fashion, the archives staff managed the museum's collection and supported the museum curators in the creation of exhibits. These two sister entities shared space for several decades until the historic American Restaurant building became available, a few doors down from the museum, and the archives moved in. Today, you can still find the archive's doors open to the public Mondays and Wednesdays. The relationship between the Society, the museum, and the archives continues to this day; while the archives is a county office of primary-source documents that answer specific questions, the Historical Society has in its collection a varied general history of the county. Both entities, although now separate, support researchers in their quest for the history of the county. It is with great pride in this long history between our county's historical entities that we bring you this collaborative edition of Las Calaveras-in the publication's, and the Society's, 70th year.

—Kristopher Mandell

Calaveras County Historical Society

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Las Calaveras is published quarterly by the Calaveras County Historical Society. A subscription to Las Calaveras comes with membership in the Calaveras County Historical Society for \$35.00 per year. Non-members may obtain copies from the Historical Society office. The original historical material presented in Las Calaveras is not copyrighted and anyone is invited to use it. Mention of the source would be appreciated. Contributions of articles about Calaveras County are appreciated and may be submitted to the Historical Society for consideration. The Calaveras County Historical Society is a nonprofit 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 AM to 4:00 PM 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 Friday through Sunday, 10:00 AM to 4:00 PM, except for major holidays. 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 10:00 AM to 4:00 PM, except on major holidays. The telephone number is (209) 754-1058, or contacts us at: historicalcalaveras@gmail.com; Red Barn Museum (209) 754-0800.

Museum Hours of Operation

Downtown & Bookstore Daily 10:00 am-4:00 pm Red Barn FR–SA–SU 10:00 am–4:00 pm

Remember! Historical Society Members Pay NO Admittance Fee!

2022 Coming Events

Membership Meetings

Thursday, October 27 San Andreas Town Hall 24 Church Hill Road 70th Anniversary Celebration "Tribute to our Founders"

Thursday, November 17 Mountain Ranch Community Club 8049 Washington Street Tribute to our Veterans Irene Perbal will be speaker, "The Invasion of Normandy"

Angels Camp Museum Lecture Series

Fossils in Mokelumne Hill Greg Francek—November 6

MiWuk Tribe Presentation Rollie Fillmore—December 4

Help Wanted

Brick mason to reassemble the brick powder house at the Red Barn Museum.

Dues Reminder

Thank you to all who have paid your membership dues for the year. If you have not paid, or did not receive or misplaced the reminder, please send your check to the office in the amount of \$35 per household. Don't forget, your membership includes: Las Calaveras, invites to dinner meetings, free admission to the county museums, and 20% off in the bookstore. Feel free to call the office to check your membership status if you are unsure as to if you have paid dues or not. Your membership is greatly appreciated.