

## The Forgotten Sheriff

Here in the Mother Lode counties of California there has always been a history of honoring those in law enforcement who have given their lives to serve and protect.

One such officer, Sheriff R. A. Echols (his given first and middle names have never been discovered) has been overlooked over the years, probably because he served for such a short time so very long ago.

After California became a territory of the United States in 1848, a constitutional convention was held in Monterey in August of 1849. Among other issues addressed; the convention prohibited slavery, gave the right to vote to every male citizen and made both English and Spanish the official languages. In January of 1850 a continuation of the convention, headed by General Mariano Vallejo, recommended the formation of 18 counties that included our area within the boundaries of Sutter County. This convention mandated the election of a county sheriff, a county district attorney, a county assessor and the formation of a governing body for each new county.

*(Wikipedia)*

Sheriff R. A. Echols probably took office sometime between that convention in 1850 and the time of his murder in June of 1850. He may even have held his office earlier after being appointed by the local Alcalde, a form of government held over from the era of Mexican rule. The details of his appointment or election are lost to time.

What we do know, thanks to a letter sent to the *Sacramento Daily Transcript* published on August 13, 1850 and signed by "Justice," are the details of the Echols murder in June in Auburn.

"Justice" was concerned that since the death of the Sheriff "several persons who were known to have been at enmity with Sheriff Echols of Auburn, before his death, have since that event industriously circulated garble and untrue statements with regard to the cause which led to that event." "Justice" offers "a true version of the case from personal knowledge and according to the testimony produced before the Coroner's jury." *(Sacramento Daily Transcript 13 August 1850 digital newspaper collection)*

According to "Justice" on the Sunday afternoon of June 2<sup>nd</sup>, two brothers, William M. and Samuel H. Stewart entered the store of William Gwynn. Gwynn was one of the first merchants in Auburn. He came to Wood's Dry Diggings, (the area's first name) in July of 1849. His store was both a merchandise and transportation hub and a saloon and

boarding house located in present day Old Town, near the present day Chana statue by the Maple Street off ramp (*Daily Transcript – Knox-McDonald database*)

Evidently there had been some animosity between a Dr. Groves and a Captain Scott, the Stewart brothers being comrades of Scott. The brothers encountered Dr. Groves and Samuel Stewart demanded "satisfaction" from the doctor for the perceived insult given to Capt. Scott. (*Daily Transcript*).

Sheriff Echols arrived on the scene and managed to calm things down. Most of the party departed the store and ended up in the nearby restaurant and bar of Pole, Echols & Co. This was likely the establishment of R. A. Echols' father, John Echols. Samuel Stewart must have continued drinking as he soon began behaving "in a very disorderly manner, drawing his pistols and endangering the lives of those around him." (*Daily Transcript – Knox-McDonald database*)

Sheriff Echols called for bystanders to assist him in disarming Stewart but failing to get any help and with Stewart advancing on him with cocked pistols, Echols retreated behind the bar. We don't know whether Echols was armed at this time as "Justice's" account is not clear but he does state that "after going behind the bar, the Sheriff then seized a revolver." Before he could fire though, Stewart fired, missing Echols and lodging a bullet in the door casing. The Sheriff then fired twice but his revolver "having no caps on it, [it] failed." Echols went out the back door and Samuel Stewart procured another pistol from his brother. It could be that the pistol Echols had come from Stewart's hand. Stewart followed Echols out the door. That is the last that the witnesses saw. They heard another shot fired and left the restaurant/bar to find the Sheriff on the ground. The shot "pass[ed] into his hip and out of his abdomen in front." The Sheriff lived for a few days before dying on Tuesday morning. He was only 25- years-old. (*Daily Transcript – Ancestry.com death records*)

Meanwhile, James Crawford arrested the Stewart brothers although we do not know in what capacity Crawford served as he was known as a local gambler and storyteller. Crawford would later marry Sheriff Echols sister Lucy Ann. The Stewarts were brought before Justice of the Peace Smith (likely Edwin G.) and District Attorney P. W. Thomas on Monday. Evidently waiting to see how the Sheriff fared, the case was continued until Tuesday. The Stewart brothers both managed to get out on bail, Samuel for \$2,000 and William for \$1,000. "Justice" suspects that the bail resolution was a result of all of the witnesses to the murder "being intoxicated at the time of the occurrence." (*Daily Transcript – Thompson & West Pg. 143 – Knox & McDonald database – J. C. Boggs, Placer Herald Jan. 18, 1908*)

Shortly thereafter, Samuel Stewart was re-arrested for the murder by the County Coroner. He was taken to Nicolaus, which for a brief period of time was the site of the Sutter County jail. *(Thompson & West)*

While Stewart was residing in the Nicolaus jail, he was given time to find witnesses for his upcoming trial. He was allowed visitors and a certain amount of freedom. One visitor was Major Bailey (not a military title but his given name) who was allowed to walk and talk with Stewart. One day, having gotten a horse in readiness, Bailey managed to get Stewart on the horse and let him escape. *(Daily Transcript)*

Samuel H. Stewart, known to his friends as Hobbes Stewart or Hop Stewart, and his brother William remained in the Auburn area and Samuel was re-arrested and re-tried in 1853. (We are not sure why it took so long for the re-arrest to happen) That trial found him innocent of the crime, most likely because there were no witnesses to the actual shooting since both men were behind the building of the restaurant/bar where the altercation occurred. Or perhaps those witnesses that could actually be located, had been drunk at the time of the occurrence and had failing memories. *(Knox-McDonald database, District Court Records, Placer County July 1853, J. C. Boggs. Placer Herald)*

Neither the Sheriff Departments of Placer nor Sutter County recognize R. A. Echols as one of their own. While Placer County was not yet formed when Echols was Sheriff, he still served in our area. Why he is not recognized in Sutter County is a mystery. Long time researchers at the Placer County Archives, Bob Balmain, a former law enforcement officer, and Sharon Balmain, are planning a book about the Sheriff Echols case, perhaps they will have the answers and this "forgotten sheriff" will receive the honor he is due.

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