
Bernhard Marks: A Profile of One Man's Courage on the Western Frontier

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On July 7, 1854, a letter appeared in the pages of the *California Chronicle* (a San Francisco paper) indirectly accusing the bankers of the state and the officers of the United States Mint in San Francisco of collusion "in their transaction of the public business." The writer, apparently wishing to remain anonymous and yet to indicate his personal concern, signed the letter ANTI-MONOPOLY, and mailed it from Placerville, a California mining town on the western slope of the Sierra Nevada. Formerly known as "Old Dry Diggings," and later as "Hangtown," Placerville had a long history of frontier violence. Here pioneer "Miner's Justice" prevailed for many years, and the town had only been incorporated a few months earlier, on May 13, 1854.

The writer, pulling no punches, continued: "throughout the entire mining district a suspicion pervades the community that . . . the public business is controlled or influenced by the bankers for their mutual benefit and to the detriment of all others." The paper's editors, startled by these charges, buried the letter in the middle of the second page of the paper, and inserted a comment to assure their readers that the allegations were not true, but "we publish it . . . because a suspicion of neglect of duty seems to exist in the minds of some of the *country people*" (emphasis added).

One of those "country people" was indeed the author of the letter, a twenty-one-year-old Polish-born Jew, Bernhard Marks, who was raised in New Bedford, Massachusetts. Marks, like many other poor lads of his time, had a meager education. He had gone to work at eleven, and his formal education ended a year later. Lured by the excitement of new gold discoveries in the Far West, Marks left New Bedford at nineteen, and traveling by sailing ship to the Isthmus of Panama, crossed it by mule and by foot, and then sailed into San Francisco Bay in the spring of 1852. He found employment in a Jew-



Bernhard Marks (1832-1913)

(Courtesy of Frank H. Marks)

ish-owned store in Placerville in January 1854.

His employers, Messrs. Kahn and Hyman, operated B. Hyman & Company, described by Marks as a sort of "Trading Post" that was stocked with "boots, clothing, drugs, hardware, liquors, gambling apparatus . . . in short a sample at least of most everything . . . ex[c]ept books."

Although separated from friends and family by some three thousand miles of largely unexplored wilderness, Marks appeared to be keenly aware of his Jewish heritage, and of the anti-Semitism which was widespread in this frontier town.¹ Here the few Jews were traders, not laborers like the miners, who eked out a living with a pick and shovel. And yet in spite of the hostile environment and the isolation, he was prepared to attack those two lofty pillars of frontier society, the bankers of San Francisco and the officials of the United States Mint, through the power of his pen and with the unwitting assistance of the press.

I have drawn the material for this article from a collection of letters Marks wrote his younger first cousin, Jacob Solis-Cohen of Philadelphia. The letters were in the possession of my late father-in-law, J. Solis-Cohen, Jr., who published them in the *Publications of the American Jewish Historical Society* (vol. 44) in September 1954. My research also includes the acquisition of a photostat of Marks's letter published in the *California Chronicle* and the discovery of an earlier, unpublished letter written by Marks at the age of seventeen (New Bedford, Mass., September 14, 1850) to his cousin, Jacob Solis-Cohen, then only twelve years old. Frank B. Marks, Jr., the grandson of Bernhard Marks, has supplied some additional family history.

I first read the collection of Marks's letters some thirty years ago and was amazed by the clarity of his language and the real courage of his convictions. Would a twenty-one-year-old in today's world be so outraged, so courageous as to attack one of our sacred institutions, especially if he or she were a Jew living in a society in which anti-Semitism was rampant? Thirty years ago I was puzzled, but in recent months I have, at last, found the answer.

The key to understanding the courage of Bernhard Marks, and the dangerous consequences of his having written the letter (which included having to face possible violent death when it became known that he was the author), is found in a single sentence of a long letter he wrote

to Jacob Solis-Cohen in September 1850, from his home in New Bedford. Marks was interested in his cousin's progress in school, whether or not he would have a Bar Mitzvah, and he wrote: "you will need no advice from me to improve your time while you can. . . . If I thought it was worth while I would send you some of my own books . . . which you would not only find deeply interesting and instructive, but would also give you a *highly moral idea as regards your obligations to society*" (emphasis added). There was the simple answer to my question. I concluded that anyone so committed at seventeen to becoming a responsible person in society would have no difficulty at twenty-one in being sufficiently outraged by the obvious bribery of the officials of the U.S. Mint by the bankers of San Francisco.

Why the bribery was obvious will be seen shortly as we read Marks's letter of July 13, 1854, written to his cousin Jacob and family. In this letter Marks described in some detail gold operations in California, and said that he "wrote a communication to the Editors of *The S. F. Chronicle*, setting forth the facts, together with my own views on the subject . . . which I signed 'Antimonopoly.' In the next day's issue, the charge of partiality was somewhat indignantly denied, and reasons, very specious ones, offered for the delay. (In the miners' receipt of cash for their gold dust.) In the meantime the question 'Who wrote that article?' was being asked all over the town."

Spelling out what he meant in greater detail, he wrote:

By propitiating the officers of the Mint, . . . the bankers received their returns every week . . . those whom they wished to sorry out of it, would be kept waiting, five or six weeks, so that in order to do a \$10,000 business, it would require \$60,000 or \$70,000 in capital . . . and many, very many were crowded out of business.

As one can readily observe, this young man, knowing his cousin's family were reading over his shoulder, did not use the language loosely. But Marks, with a flair for suspense, was preparing the Solis-Cohen family for the exciting consequences of this act of courage. He told them about "an incident [that] happened to me last week in relation [to the *Chronicle* letter] . . . which came very near being what is here called familiarly 'A shooting scrape.'" But let Marks tell us exactly what happened.

On the afternoon of the 9th [of July], as a number of traders . . . were conversing on the subject in the Wells & Fargo Banking Office, the Banker's Agents were very bitter in their denunciation against "Antimonopoly" and one of them, a certain Noyes, who boasted of his having killed a Dutchman on the plains, declared that could he discover him, the author, he would whip him to death. Mr. Kahn, our senior (who was in the office), unguardedly and very injudiciously expressed a doubt as to his ability to do it. Whereupon they instantly concluded it to have been me as *there is not another man in the concern, sufficiently familiar with the English language to do it* [emphasis added]. Just at that instant I happened to pass the office. . . . hearing my name called I stepped in. I was met at the door by Noyes, who demanded in a very insolent manner and in a very insulting tone, "W[h]ether or no I wrote that article?" At the same time, holding up the paper, I simply answered that it was none of his business. I may have prefixed an adjective to the noun. Letting fall the paper he made a spring at me, but was not half smart enough, for with one well directed blow I laid him across the teller's table. Before he could recover, my friends had led or rather carried me out.

Marks returned to his office, he said, and within a half-hour several men came into the office to advise him that Noyes "had armed himself with a bowie knife and intended to wait for me on the corner." They suggested that he not return to the store that evening, but Marks was not so easily intimidated.

I did not think it proper to take their advice, but transferring one of my revolvers from my desk to my breast, I crossed over as usual. . . . On arriving at the corner at which I was told he was waiting, I . . . looked around, and there stood Noyes, seeing me he instantly came toward me, at the same time placing his hand upon the hilt of his knife. This justified me in drawing and cocking my pistol [Marks observed the code of the West] . . . but the rule is, that in acting exclusively on the defense, one may not fire so long as he has room to back. I therefore turned so as to bring my back to the house, and two steps more towards me, would justify me in shooting. But he was too crafty to do it. *I ordered him to drop his knife or I would scatter his brains in every direction*[emphasis added]. I was never so furiously excited in my life, yet never, so freezingly cool.

Reading the above for the first time, some thirty years ago, with my children enthralled at that moment by the Wild West program on our television set, I could not help but feel the irony of it all: the real truth about the Western frontier was far more exciting than any television production that tried to duplicate history with a three-dimensional stage set, background music—and in full color! Marks had opened my mind to the awful truth, the reality of living in a raw, frontier society,

and especially for a twenty-one-year-old Polish-born Jew.

Marks continued:

I was astonished at myself, in the meantime exclamations from all quarters were directed towards me, such as “fire away Marks”—“Shoot him”—“Don’t let him draw a knife on you that way”—A very great crowd collected, for many had been waiting in expectation of something of the kind. It was very evident that nine-tenths of the crowd was favourable to me, all the traders because I had taken their part, and all the hoosiers because *I was the smallest man*(emphasis added).

How remarkable it was to rediscover this young man, so full of moral outrage, and with the physical courage to risk his very life for the wrongs committed against a group of men who very probably had no respect for a Jew, an outsider on the frontier—at least in their eyes. Marks went on to report:

The crowd expecting that I would fire had cleared away from my antagonist so as to be out of danger of bad aim. Through this space the marshal and officers made their way, took our arms from us, and took us both into custody. We were soon discharged on bail and will be examined tomorrow morning.

But Jacob Solis-Cohen and his family, impatiently I am certain, had to wait for several weeks for the next letter to learn how justice was served in Placerville on the morning of July 10, 1854. Marks wrote:

... as far as I am concerned the trial was a mere farce, as I did not even undergo an examination, being discharged almost before I was aware my name had been called. The fine imposed on my antagonist was not as much by \$100.00 as stated in the paper.

And so, to borrow the immortal words of Walter Cronkite, “that’s the way it really was in Placerville, California, in the summer of 1854.” The facts of the life of Bernhard Marks were far more exciting, more exhilarating, than the figment of any Western novelist’s imagination. For here, in his own words, is a profile of one man’s courage on the Western frontier. That he was born into the Jewish faith and appeared to live its tenets, can only add meaning to its retelling.

But there is another lesson in this as each of us thinks about our family, its history—our roots: Never destroy old letters and docu-

ments before you have determined their contents. For these letters demonstrate far better than most that if you wish to nurture your family tree, best leave those roots uncovered.

Charles L. Rosenthal is a retired businessman living in Binghamton, New York. He is extremely protective of his familial roots. Beyond his relationship through marriage to the Solis-Cohen family of Philadelphia, he counts among those roots the name of Louis Marshall, who was an uncle of Mr. Rosenthal's mother, of blessed memory.

Notes

1. *Publications of the American Jewish Historical Society*, 44 (September 1954): 39. Marks letter, Placerville, California, June 16, 1854.