

THE HUMBOLDT HISTORIAN



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A Brief History of Miller and Lux in Northwestern Nevada
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On the cover, National, Nevada, circa 1911. Photo from Nevada Historical Society, Reno, Nevada.

DUST TO DUST THE SAGA OF RILEY WOOTEN

by Phillip I. Earl

Saturday night, August 27, 1910, was much like any other in the camp of National – dark, moonless, dreary – crews changing shifts in the mines as the midnight hour neared and men shuffling up and down the streets and in and out of the saloons in the red-light district in the heart of the small metropolis. At Frankie Raymond's place, a dozen or so men lined the bar as the piano player pounded out a ragtime air. Other men occupied the poker tables or were trying their luck at faro as the girls circulated around serving drinks, joining in on the conviviality and hinting at other services available upstairs, if they were so inclined. About 11:20, two men at the bar, Riley Wooten and George Lynch, had words. Several men later testified to having heard Wooten shout "If you mean what you said, you can have any route you want." Wooten would later testify that Lynch was verbally abusing another drinker down the bar, but the barkeep ordered him out before any physical confrontation could take place. Lynch later said that Wooten was "beastly drunk" and "in a "combative mood." The incident would have concluded then and there had not Wooten decided to find a gun. ¹



National, Nevada (Photo courtesy North Central Nevada Historical Society)

What transpired in the next few minutes was the subject of varying recollections on the part of those on the scene. Guy E. Bishop would later testify that he and Wooten went to his tent, where Wooten secured a .25-.30 Winchester rifle. He tried to talk Wooten into letting the dispute with Lynch pass, but Wooten would not listen and started back down the street. One of the girls at Frankie's refused to allow Wooten back in and tried to take the rifle from him, Bishop said, and they backed off, deciding to go have a drink at McGriff's Saloon across the street from the National Hotel. ²

Deputy Sheriff John F. Holmes was in the bar of the National just at that time and was informed that Wooten was on the street with a gun. He stepped out on the lighted porch, saw Wooten across the street and drew his own weapon. Several men heard him holler "What is the matter with you, you damned fool?" Three shots were then exchanged and Holmes went down, mortally wounded. ³

The sequence of the shots and the direction of the muzzle flashes were later a matter of dispute. Guy Bishop, standing just behind Wooten in front of McGriff's, said the first shot came from the direction of the hotel. He was uncertain as to the direction of the second and third, but recalled that the third was louder, a big flash perhaps that of a rifle rather than a pistol. Others based their testimony upon what they recalled - sounds of the shots, either those of a rifle or a pistol - duller, sharper, louder - or which two were closer together. Dr. Joseph B. Hardy said that the flash of the first shot came from McGriff's. The second and third were louder, he said, coming from the same gun. Frank Reber, standing in the doorway of his tent just up the street, thought the flash of the first came from the same direction. The last two were "wild shots," he said, "quick in succession, vivid flashes." Frank Brown was present when the confrontation at Frankie's took place and was just up the street when the shooting started, perhaps seventy-five yards away. He said that the first shot was "sharp, keen, not muffled like a rifle." Questioned, he said that the sound of a rifle would depend upon whether smokeless powder or black powder was used. The rifle cartridge did not yield evidence of the type of powder and a search turned up cartridges of both types. Brown also said that he heard Wooten exclaim "I ain't touched" in a loud voice. ⁴

Wooten, a forty-two year old stationary engineer, had been in National since early spring. He had previously worked in Delamar, Tonopah, Goldfield, Ramsey, Seven Troughs, Gold Center and Chafey and had a reputation as a thorough professional. He had also been involved in prospecting and developing his own claims. The *Humboldt Star* of August 24, 1910 noted that he had recently been showing around some gold samples from a claim on nearby Buckskin Mountain, which he had claimed had been assayed at \$272 a ton.

Wooten also had a drinking problem, going on vicious sprees from time to time, but was otherwise well thought of. The killing was out of character for him, his friends thought, but the editor of the *Humboldt Star* came down hard, an editorial of August 29 characterizing the killing as "..... cold-blooded and brutal, without a shadow of justification. No possible motive for the deed can be given except that of a possible drunken grievance, Wooten being in a beastly drunken condition when he took Holmes' life."⁵

Word around town had it that Deputy Holmes had fired two shots in Wooten's direction as he went down and a subsequent examination of his weapon indicated that it had been fired twice. He was unconscious when he was moved into the lobby of the hotel. Dr. Hardy examined him on the floor and told others present that there was nothing he could do for him. Wooten had meanwhile faded into the night. About 12:15 a.m., some twenty minutes later, he showed up at the residence of a friend, Atha A. Richie. He pushed himself through the front door, waking Richie, who did not recognize him at first. He was drunk, Richie later testified, and said "I just took a shot at the town bull." Wooten also said that he had only shot to "scare" Holmes and had not intended to kill him, Richie said. He also said that Holmes had fired at him, Richie testified, but gave no reason for the shooting and did not say who shot first. Wooten mentioned staying the night, he said, and talked of providing an alibi. Richie told him that he had taken in a boarder and did not have an extra bed, so Wooten laid down on the floor for a few minutes before getting up and departing.⁶

Wooten wandered around town for the rest of the night. About 5:00 a.m., he stopped to talk to Charles L. Lowery, a teamster, who was working on his wagon. "Well, we had one of the old southern happenings last night," he quoted Wooten as saying. When Lowery asked him what he was talking about, he said that he had killed Holmes, Lowery recalled. Lowery had not heard of the killing and thought Wooten was joking, but Wooten repeated his statement. "I had to do it," Lowery recalled him saying, adding "If I thought they were after me, I would be making a smokey trail."⁷

Sheriff Graham Lamb was roused from his bed at his home in Winnemucca by telephone at 2:00 a.m. and he and District Attorney Edward A. Ducker set out for National by auto two hours later. After arriving in mid-morning, Lamb learned that Wooten had made no effort to leave town and was asleep with his head down on a poker table in a nearby saloon. He took him into custody a few minutes later and then spent an hour or so talking to those who had been on the street or in the saloons the previous evening. Holmes, a native of Sweden, was also an official of the National Miners Union, an affiliate of the American Federation of Labor, Lamb was told, and was popular

around town. He felt that some harm might come to Wooten if he did not get him out of town right away, so he and his prisoner departed for Winnemucca about 1:00 p.m., leaving the District Attorney behind to investigate further and attend the coroner's inquest which Justice of the Peace Fred Hayes had called for that evening. The proceedings were continued over until Monday, August 29, and Hayes ruled that Holmes had been killed while in the discharge of his official duties. Dr. Hardy completed his autopsy and union officials conducted a funeral for their brother and laid him away at National's small cemetery that same day.⁸

A reporter for the *Humboldt Star* visited Wooten at the jail the morning after he and Sheriff Lamb returned to town. Wooten was reluctant to talk, the newsman wrote, saying only that Holmes had fired at him twice. He would not admit that he had shot and killed the deputy, however, but did say that they had no previous quarrel.⁹

At a preliminary hearing convened by Justice of the Peace C.E. Robbins in Winnemucca on September 27 and 28, Guy Bishop repeated his testimony first given in the Coroner's inquest. He also said that he knew of no threats by Wooten to Holmes. R.W. Thaler testified that he once heard Holmes condemn Wooten as "a dirty no good son of a bitch" and threatened to "put him on the chain gang if he did not sober up." In reply to a question from Attorney William S. Bonnifield, Jr., Wooten's counsel, he said that Holmes once told him that Wooten had got him fired from a position with the Atkinson or Stall leases. Asked if he had told Wooten of the threats, he replied that he had not.¹⁰

Others testified on the direction of the muzzle flashes and the sound of the shots. George Lynch said that Wooten had put a hand on him at the Raymond place that evening and had tried to wrestle him to the floor. Dr. Hardy was then called to the stand. He again testified to what he had seen that evening and said that he initially thought that Holmes had been shot twice, but later decided that Holmes must have had his left arm folded across his abdomen when hit. The bullet had perforated the spleen, shattered the spine and completely severed the large aorta, he said, causing an internal hemorrhage, the immediate cause of death. Asked by Attorney Bonnifield whether Holmes could have gotten off two shots after being hit, he said that the severing of the aorta would not cause instant death and that he knew of a case of a man who had suffered such a wound, walking two blocks before falling dead.¹¹

On October 6, Judge Robbins announced that there was sufficient cause to hold Wooten for the Grand Jury. Four days later, deputies at the Humboldt County Jail discovered that Wooten and T.A. Carter, an insurance agent being held on a charge of the attempted murder of a saloon man in Seven Troughs, had secured a quantity of acid and

had been trying to cut themselves out of their cell with a crude hacksaw fashioned out of a case knife they had somehow secured. They had only succeeded in cutting through to a depth of a sixteenth of an inch and jail personnel calculated that a single bar would have required a month or more to cut. If they had succeeded, they would then have to have gotten through the barred outside windows of the corridor. Additional charges of attempted escape were lodged against both men, but were dropped following their convictions on the original charges being prosecuted in their cases.¹²

On November 17, the Humboldt County Grand Jury handed down an indictment charging Wooten with the crime of murder in the first degree. Wooten subsequently obtained the services of James Donovan, a former Montana Attorney General then practicing in Goldfield, and pleaded not guilty in the court of District Judge LeRoy N. French on December 18. Jury selection began that afternoon, continuing on for the next three days. Attorney Donovan questioned each and every man on their knowledge of the case and also queried them as to whether or not they could consider a plea of self-defense. The regular venire of thirty men and a special venire of twenty were exhausted before eleven men, all from Winnemucca, Lovelock and Golconda, were seated. The final panel was made up of the following: John Bohe, Adam P. Scott, J.D. West, Edwin Stock, Jr., Frank Roth, Simon Black, A.D. Dern, Homer A. Abbott, D. Pascal, Jerome Otis, W.L. Wilkerson and A. Pasquale.¹³

District Attorney James A. Callahan, recently elected and trying his first case, opened with a statement to the jurors on the nature of the indictment and informing them of what he intended to prove. First up that afternoon was S.H. Crittenden, a camp surveyor, who introduced a map of downtown National. Dr. Hardy followed with a description of Holmes' wounds. He testified that he thought he had found two bullet wounds, one in the left arm and a second in the abdomen, but decided that one bullet had done all the damage. He could not find the bullet, he said. He was then asked to relate what he knew of the incident, saying that the first shot came from across the street and that the second and third were close together. Questioned further, he said that a small revolver, which had not been fired, was found in Holmes' coat. He also acknowledged that Holmes could have fired two shots after being hit. C.F. Duval related a few additional details and R.W. Thaler testified to hard feelings between Holmes and Wooten. Lance L. Chapman said that he saw Wooten and Bishop together earlier in the evening, one of them carrying a weapon and Wilfred H. Adamson also remembered seeing Wooten with a rifle. Frank Brown testified to hearing Wooten utter a threat, but could not say to whom it was directed.¹⁴

Justice of the Peace Hayes testified next, telling the court that Wooten came into York's Saloon about twenty minutes after the shooting, asking him "Did you see the town bull?" Wooten asked the question in a sarcastic manner, he said, and seemed to have sobered up. Atha Richie then told of Wooten having come to his cabin that night. Sheriff Lamb and Deputy Charles N. Muller were called to testify about the attempted jail break. Callahan rested at this point.¹⁵

Guy Bishop was not called because of previous confusing testimony regarding the sequence of the shots, although he was the closest witness. On cross-examination of several witnesses, Donovan attempted to clear up this matter and leave jurors with a question as to whether his client had acted in self-defense. When he opened, he put Wooten himself on the stand. Wooten testified that Holmes had fired at him twice. After the first shot, he said he jumped to the side and inserted a cartridge into the breach of the rifle. When Holmes fired a second time, he got off a single shot. Callahan tried to shake his testimony, but could not, and the jury was left with the impression that Wooten had acted in his own defense. Donovan rested at this point and Callahan summed up the case, making the point that Wooten fired the fatal shot first and that Holmes fired two shots afterwards as he lay on the porch.¹⁶

At that point, 11:00 p.m., December 22, the jury got the case. The jurors spent a sleepless night. The first ballot, taken shortly after retiring, resulted in ten votes for first-degree murder with life imprisonment, one for first-degree with hanging and one for acquittal. The second ballot was the same and the third was ten for life imprisonment and two for hanging. On the fourth ballot, eleven jurors voted for life imprisonment and one held out for capital punishment. The final ballot was taken after breakfast. The last holdout came over for a life sentence at that time and Judge French reconvened at 9:45. Wooten declined to make a statement and jury foreman Otis read the verdict, murder in the first-degree with incarceration in the Nevada State Prison for life. Attorney Donovan had left for Montana shortly after the case went to the jury and attorney Thomas A. Brandon informed French that he intended to file a motion for a new trial. Sentencing was then set for February 5, 1911.¹⁷

Judge French was in Reno trying another murder case when the sentencing proceedings convened on February 4 and Edward Ducker, recently elected to the bench, presided. Attorney Donovan was scheduled to argue his motion for a new trial, but had contacted Judge French about a postponement at the last minute and was not present. Attorney Brandon again appeared for Wooten and Judge Ducker granted a postponement until February 13. Donovan was again absent that day. After conferring with Brandon, Wooten then

requested that Judge French, again on the bench, dispense with all further proceedings. French then imposed the life sentence mandated by the jury and remanded Wooten to the custody of Sheriff Lamb to be delivered to Warden Ray Baker at the Nevada State Prison in Carson City. The two left for Reno on the evening train and Wooten was turned over to Baker the next morning.¹⁸



Riley Wooten, N.S.P. 1388
(Photo courtesy Nevada State Archives)

Wooten was chained and manacled when they arrived and Lamb warned Baker to “watch him closely, for he is desperate and if he has a chance, he will attempt to make his getaway.” Baker had been appointed warden by the Board of Prison Commissioners on January 6. Governor Tasker L. Oddie supported his candidacy, as did Attorney General Cleve Baker, his brother, but Secretary of State George Brodigan held out for W.J. Maxwell, the incumbent warden. Oddie was determined to have a Republican in the position, however, and was able to prevail that day.¹⁹

Over the next year and a half, Baker instituted a number of new policies, among which was the establishment of convict labor camps which would allow selected inmates to work on the state’s roads. Baker and Oddie had worked for the passage of a law to implement this program in the 1911 legislative session and Oddie signed the bill into law on March 16. Those men who took part were to receive an extra ten days off their sentence each month and be paid twenty-five cents a day. Baker also made other changes: closing the “bull pen,” a section of the prison designated for the hardest cases, putting the inmates in new uniforms of cadet gray, doing away with the ball and chain, providing magazines and a Bible for each cell, installing electric lights in the cells and better bathing facilities and allowing the men to organize baseball teams and a prison orchestra. He also got to know each of his charges, telling them that they would receive

lenient treatment if they, in turn, would maintain their behavior and try to better themselves during their time at the prison.²⁰

Over the next year, the Nevada institution became known nationally as “The Golden-Rule Prison.” The road program worked for some prisoners, including Riley Wooten, who was sent out to a camp at Huffaker’s, some ten miles south of Reno, to run and maintain the steam roller. In an interview with a *Nevada State Journal* reporter in October, 1911, he said that escape was often on his mind. “It is no use thinking about escape,” he said, the newsman quoting him as having told Baker that “any person who would attempt to make his getaway would be playing the low down on you.” Other inmates were not quite as taken with Baker’s reforms and there were seventeen escapes over the next two years, including five from the road program, of whom twelve were recaptured by the Nevada State Police. Law enforcement officials around the state were openly critical of the manner in which Baker ran the prison and Oddie replaced him with George W. Cowing on May 10, 1912. At the time Cowing took over, he said that there would be some changes in the road program – better security to prevent escapes, screening of those inmates sent out – but it was to remain for the present.²¹

Among those who continued working on the camps was Riley Wooten. At 8:50 p.m., July 28, 1912, he was seen at Huffaker’s, but was noticed missing ten minutes later when the guard made his rounds. Cowing was notified by telephone a few minutes later and lawmen all across the state were informed the next morning. Wooten’s escape was the fifth since Cowing took over and the third from a road camp. A contingent from the Nevada State Police was tracking a pair of prison farm escapees near the camp of Como when word came of Wooten’s escape, but he managed to elude them. Law enforcement officials believed that Wooten and the others had outside assistance and J.P. Donnelly, Superintendent of the Nevada State Police, came to believe that Wooten had left the state for the eastern states, where he could easily find work in some manufacturing establishment.²²

On January 5, 1913, some six months later, Warden Cowing received a telegram from Sheriff J.P. Gideon, Mojave County, Arizona, informing him that Wooten had been taken into custody in Kingman where he had attempted to rob the proprietor of a Harvey’s restaurant after being refused a meal. Captain Donnelly dispatched Charles H. Stone to return Wooten to Nevada and they arrived back in Carson City on January 13. Wooten told Stone that he had been working near Kingman to finance a trip to Central America, where he intended to find work. Two days after his return, Wooten was interviewed by a reporter from the *Carson Appeal*:

*"I left the prison camp because I figured that it was life for me. I figured that by hitting a new country that I could start over and hoped to make my way to a new section, get a start, hunt up the one witness who could clear me and return. It was a case of dodge every step. Every time a man looked at me, I figured he had me spotted. At one place, I held down a good job, but I was recognized by a party who knew me in Arizona. As soon as he found me, he wanted money. He was never satisfied and I had to move on to avoid him. It was the same in every direction. Those who knew me wanted to send me back, none were willing to assist me. It was a continual load on me and when I was arrested, I felt a great burden had been lifted from me."*²³

Sheriff Gideon was paid the \$250 reward offered by Governor Oddie for Wooten's apprehension and Wooten became the prison blacksmith and maintenance mechanic. He also began a campaign to secure a pardon or parole. On August 15, 1915, he wrote a letter to the Board of Pardon and Paroles explaining his thinking at the time of his escape.

*"On July 28, 1912, I left the road camp. This was due to the fact that Warden Baker had made me promises regarding a further investigation of my case, which he did not fulfill, and when I learned through Attorney Cleve Baker that Warden Baker had made no effort to do what he had promised, I allowed my temper to overcome my better judgment, and while I was in a mad, confused, discouraged mood, I left the road camp, for which I am very sorry, and I am not sorry that I was apprehended and returned here, but to the contrary. I am glad of it, as I would much rather be here than at large and being hounded by the whole world."*²⁴

At some point, Wooten tried to reconstruct the events of the night of August 27 in his own mind. In an undated, handwritten account found in his prison file, he recalled that there had been bad blood between himself and Holmes, the latter believing that Wooten had caused him to lose two jobs in the mines at National. Earlier in the evening of that fateful night, Wooten recalled that he had gone to the defense of a drinking companion who had been beaten by a stranger. The man pulled a gun, he recalled, so he went next door and got a rifle from Guy Bishop. When he returned, he remembered, he was told not to go in as the stranger had been disarmed. "Went downtown with Bishop - saw 2 groups of men in the shadows," he wrote. "Holmes shot first. Wooten jumped out of light. Holmes fired again from the corner building. Wooten fired at same time. Holmes disappeared. Wooten waited under shadows. Saw men carry Holmes - knew he got him. Witnesses testify Holmes fired 2 shots." He also

wrote that Dr. Hardy's testimony on the weapon flashes was false, as was that of Frank Brown, who testified, Wooten wrote, as he did in the preliminary hearing and trial to get lenient treatment for a drunken fight he had been involved in a few days before the proceedings.²⁵

In the August 25, 1915 letter to the Board of Pardons and Paroles, Wooten repeated the plea of self-defense. "My trouble occurred on August 27, 1910," he wrote, "when John F. Holmes, at National, Nevada, laid in wait for me at the corner of the National Hotel, and opened fire on me without warning, firing twice before I shot him." He also informed the members of the board that "... my conviction was based alone upon the sound of gun shots, and the evidence of the physician who conducted the postmortem: there were three shots fired and the gun belonging to the deceased had two empty chambers." As to the wound which caused Holmes' death, he wrote that Dr. Hardy had said that Wooten's bullet "... would not necessarily knock him down and that he could have pulled his gun and shot twice." He also complained that his attorney had refused to call Guy Bishop as a witness at his trial,

*"...his reason being the fact that the State had used him at my preliminary hearing and before the grand jury, to secure an indictment against me and afterward would not use him as a witness at my trial, this my attorney stated was good and sufficient grounds for a new trial, and after my conviction, he demanded that I pay him one thousand dollars more before he would appeal my case, this I was unable to do, so had to come to prison."*²⁶

In the same letter, Wooten wrote that he had never been jailed before and that "...this trouble was entirely the result of defending myself." He also commented upon his life at the prison:

*"Since I have been here I have been constantly employed in the repairs and upkeep of the prison and farm, and also road camp, in the capacity of machinist and blacksmith and I have saved the state from the expense of hiring a man in that capacity. I have done the very best work possible and have always conducted myself in a manly way."*²⁷

Word of Wooten's efforts to secure his release soon reached Humboldt County officials. On September 10, 1915, former District Attorney Callahan wrote the Board of Pardons and Paroles opposing his release. Noting that he had developed evidence of the cold-blooded nature of the killing during Wooten's trial, he asserted that "It would be most deplorable, indeed, if the life of a peace officer, engaged in the performance of his duty, should be held so lightly that one who shows

many evidences of being naturally criminal should suffer but an inconsiderable punishment for taking that life." He added that "It is overwhelmingly the consensus of opinion of the citizens of this county that the verdict of the Court and Jury should not be disturbed in this case for a long time to come." Also signing the letter were Thomas E. Powell, current Humboldt County District Attorney, Jerome Otis, foreman of the jury which convicted Wooten, and two members of the jury, W.L. Wilkerson and Homer A. Abbott.²⁸

Meanwhile, Wooten had been writing friends and former employers seeking support for his bid for freedom. On January 16, 1916, attorney Frank R. McNamee, of Los Angeles, informed the Board of Pardons and Paroles that he had known Wooten in 1895 and 1896 in Delamar, Nevada, when he worked for the April Fool Gold Mining Company and the Delamar Nevada Mining Company and had always found him to be "... a hard-working, honest, upright citizen, and an exceptionally good miner." Wooten had also worked on other mining and water projects in which he had an interest, McNamee wrote. "He bore a good reputation during all of the time he was in Lincoln County, and I was much surprised when I learned of his unfortunate trouble in Humboldt County. With the opportunities afforded me to learn the true character of the man, it is my judgment that if he has another chance he will be a useful citizen to the community," McNamee continued. He wrote that Wooten had also informed him of his family circumstance in Ohio, his mother having died since his confinement, his sister coming down with an affliction requiring constant care and the other members of his family also having charge of his aged father. "His sisters are required to work in factories to support themselves and the dependent members of the family, and the hardship is becoming greater," he wrote. Wooten had also written him of his desire to find work if released and assist his family. "I have had occasion to discuss Mr. Wooten's case with several of the old-time residents of Lincoln County, and they are in accord with my views," he concluded.²⁹

The members of the Board of Pardons and Paroles had also been informed that Wooten had been a high-grader and a "labor agitator" during his time in National. On April 15, 1916, he wrote to National businessman, Thomas Defenbaugh and to Charles R. Squires of the Squires Mercantile Company, National, asking them to contact the board "...as to whether or not I was ever accused of being an agitator or high-grader while in that camp." To Dan Dwyer, a mine superintendent he had once worked with, he wrote that there was a story in circulation to the effect that Holmes was making a search for high-grade ore on his person when the shooting took place. "As you are no doubt aware, my troubles with Holmes started at the time I sent you an engineer to take his place," Wooten wrote. "It seems that

Helmes was under the impression that I had undermined him and caused his discharge when, in fact, my only part in the matter was to inform you of another engineer, when you stated he was incompetent. His continual harping upon my actions relative to his discharge and his animosity toward me are the causes that led to this shooting."³⁰

Four days later, April 19, Defenbaugh responded with a letter to the Board of Pardons and Paroles recommending that Wooten remain in prison "...because, in our judgment and from the facts we personally know about this case, that it was a premeditated killing in cold blood, that Wooten borrowed the rifle, that he then walked some distance, passed through one saloon from rear to front, and out of the front door looking for Homes, then hid in the dark (it being midnight) and shot Holmes, who was standing under the light on the porch of the hotel." Defenbaugh also confirmed other charges against Wooten. "That he was an agitator there can be no question," he wrote, "as we have heard him again and again speaking about running people out of camp, and wanting to do away with our constable, saying we did not need any law officers." In conclusion, he expressed the opinion that "...if you grant a pardon to Riley Wooten, you will turn loose upon the public a very dangerous man." The letter was also signed by Squires and Justice of the Peace Newton P.R. Hatch.³¹

Wooten had perhaps expected as much from those he had known in National, so he sat down and penned a letter to Governor Emmet D. Boyle on April 20. "The accusation of my being a high-grader is practically too absurd to have cognizance of," he wrote,

"... because of the fact that I never worked under ground at all while in camp, and never bought or sold, or caused to be sold, any ore, nor associated with any person or persons who were operating along these lines. My work in camp consisted purely of a mechanical kind, constructing hoisting engines and erecting mills The only piece of high grade ore I had in my possession while in camp was given to me by George Stall, out of a skip load which I hoisted, consisting of eight sacks, and which was estimated to be worth \$25,000, and this was given me as a keep sake."³²

As to the charge that he was involved in labor trouble in National, Wooten informed Boyle that he had been a member of a committee appointed to interview a man who refused to join the National Miners' Union. He had tried to get the man discharged, he wrote, but spoke out in opposition to a proposed strike when officials of the National Mining Company refused to let him go. "I am strictly opposed to strikes," he continued, "and have never been involved in a strike of any kind in my life I have been a member of the Miner's Union since 1887. I believe in arbitration and until it is decided to

settle differences between employer and employee, there will be no advance in the interest of labor." He then went on to explain his personal philosophy:

*"I am in the field of labor and obtain a livelihood thru this means. I am a man who will ask for my rights as a citizen, and try to protect my rights. Labor must organize in order to protect itself. If it don't, it will be crushed. Someone has got to shoulder the disagreeable committee work, and I would consider myself very inferior should I shirk my duty, and endeavor to put the burden on some other person's shoulders."*³³

Had there been any substance to the charges against him, he wrote, he was certain that Callahan would have brought it up in his trial. "He left nothing that would tend to prove me competent of committing the crime of which I was accused out of pure malice," he continued. The first question his attorney asked him concerned high-grading, he wrote. "And finally, the question of high-grading never came up between John F. Holmes and myself. In fact, I do not think he was employed to investigate high-grading, as he was in dissension with both companies taking out high-grade ore at the time," he concluded.³⁴

Boyle replied on April 24, informing he himself had heard the charges made against him. "The board, however, is going to go very carefully into the whole proposition," he wrote. "Speaking as one member, I will say that your individual views on matters of this sort would not influence me greatly in the matter of your parole, excepting in so far as they might tend to bear on the killing of Holmes."³⁵

In another application for parole on April 2, 1917, Wooten told the board members that he had served seven years, one month and fifteen days, or the equivalent of eleven years with good time credits considered. "During this period, my conduct has, with one exception, been exemplary," he wrote. "For the past two years I have been continuously employed as trusty in the blacksmith shop outside the prison walls and I have endeavored, by a strict observance of prison rules, to prove myself worthy of some consideration by the board." He applied once again on October 15, 1917, telling the board members that he would have been imprisoned for six years, eight months and twenty-eight days by the time of the next meeting in November and a total of seven years, four months and fifteen days with good time credits added.³⁶

Wooten was turned down again at the November 1917 meeting of the board, but was successful on November 27, 1918. The board made his release conditional upon his showing that he had secured a promise of employment. He had already been in contact with friends

who knew the quality of his work in the past and he walked free just a month later, December 20.³⁷

Only the *Silver State*, Winnemucca, picked up on Riley Wooten's parole, noting in passing that the murder in National had involved "a dispute over mining property." On January 1, 1919, he wrote Homer Mooney, Clerk of the Board of Pardons, informing him that he was living in Mina, Mineral County, working for Solomon Summerfield, a mining equipment dealer, and had been so employed since December 26. A second letter, written on February 1, apprised Mooney that he was working for Al Drew at a mining operation fourteen miles north of Mina. On March 2, he wrote again, letting Mooney know that he had taken a job with the Simon Lead Mines Company at the camp of Simon in the Bell Mining District, twenty-two miles east of Mina.³⁸

Wooten and his crew had been installing a new 25-horsepower Fairbanks-Morse gas hoist. On March 4, they completed the job. About 7:30 that evening, Wooten, superintendent O.E. Shiffner and two other mechanics, Mike Dondero and Joe Clawson, returned to the engine room to start the hoist. They ran it for a few minutes before Wooten told Shiffner that he was going to shut it off because he had neglected to turn the water on in the cylinder. He then went around to the rear, but neglected to turn off the throttle. Kneeling down to feel the connecting rod brasses to see if they were heating up, he overreached himself, putting his hand so low that the crankshaft hit him with such force that he was overbalance, thrown on top of the crosshead and forced between the drum and the center pillars of the engine. He was killed instantly, the incident taken place with such suddenness that the other three men were unable to render any assistance.³⁹

The Mineral County Coroner decided that the accident was unavoidable and the body was brought into Mina two days later for burial in the local cemetery. Editor J. Holman Buck, of the *Western Nevada Miner*, noted that Wooten had a good reputation in the community and was considered a first-class workman. Tonopah's papers also picked up on his death, as did the *Lovelock Review-Miner* and the *Humboldt Star*, the latter mentioning only that Wooten was one of the best mechanics in the business.⁴⁰

Wooten's family was notified of his death and a sister, Sarah Wooten of Portsmouth, Ohio, filed a claim with the Nevada Industrial Commission for compensation as a dependent sister in April, 1919. The clerk asked Warden Henrichs for information on Wooten's incarceration and was told that most of the money he made during his term had been sent to his family over the years. Whether or not this claim was paid is not known.⁴¹

We could not locate Riley Wooten's grave in the Mina cemetery when we happened by a year or so ago and have been unable to find

National's graveyard, the final resting place of Deputy John F. Holmes. The case has been all but forgotten in Humboldt County, but Holmes' name was added to Reno's James D. Hoff Peace Officer Memorial in the city's Idlewild Park on May 10, 2002, although there is some considerable question as to whether he was acting in the line of duty at the time of his death.⁴²

NOTES

1. Coroner's Inquest on the Body of John F. Holmes, National Township, Humboldt County, Nevada, August 28, 1910, testimony of Guy E. Bishop; *Humboldt Star*, August 29, 1910, 1:1.
2. Guy E. Bishop Testimony, *op.cit.*; *State of Nevada vs. Riley Wooten*, Justice of the Peace Hearing, Union Township, Winnemucca; Testimony of George Lynch, September 27, 1910.
3. Testimony of Frank Reber, Union Township Hearing, September 27, 1910.
4. Guy E. Bishop Testimony, Union Township, September 27, 1910; Dr. Joseph B. Hardy Testimony, Union Township, September 27, 1910; Frank L. Reber Testimony, Union Township, September 27, 1910; Frank Brown Testimony, Union Township, September 27, 1910.
5. *Humboldt Star*, August 24, 1910,1:2; August 29, 1910, 1:1; August 31, 1910, 1:5.
6. Testimony of Atha A. Richie, National Township Hearing, August 28, 1910.
7. Testimony of Charles L. Lowery, Union Township Hearing, September 27, 1910.
8. *Humboldt Star*, August 29, 1910,1:2; August 31, 1910, 1:5.
9. *Ibid.*, August 29, 1910, 1:2.
10. Testimony of Guy E. Bishop and R.W. Thaler, Union Township Hearing, September 27, 1910; *Humboldt Star*, September 28, 1910, 1:3; *The Silver State*, September 28, 1910, 1:1.
11. Testimony of George Lynch and Dr. Joseph B. Hardy, Union Township Hearing, September 29, 1910.
12. True Bill, Felony, Civil Murder, Court of Justice C.E. Robbins, Union Township, October 6, 1910; *Humboldt Star*, October 10, 1910, 1:1.
13. *State of Nevada, Plaintiff, vs. Riley Wooten*, Defendant, Indictment; *Humboldt Star*, December 21, 1910, 1:1; *The Silver State*, December 20, 1910, 1:2.
14. *The Silver State*, December 22, 1910, 1:1
15. *Ibid.*
16. *Ibid.*
17. *Humboldt Star*, December 23, 1910, 1:3; *The Silver State*, December 24, 1910, 1:6.
18. *Reno Evening Gazette*, January 31, 1911, 5:2; February 14, 1911, 1:3; *The Silver State*, February 4, 1911, 1:1; February 15, 1911, 1:4.
19. *Nevada State Journal*, October 5, 1911, 8:2; *The Silver State*, January 7, 1911, 1:1.

20. Samuel M. Evans, "The Golden Rule Prison," *Sunset, The Pacific Monthly*, Vol. 28, No. 2 (February 1912), pp. 173-80; *Statutes of Nevada*, 1911, Chap. 71, pp. 73-75.
21. *Nevada State Journal*, October 15, 1919, 8:2; *Reno Evening Gazette*, May 11, 1912, 1:3; *Biennial Report of the Warden of the State Prison*, 1911-12, p. 7.
22. *Reno Evening Gazette*, July 23, 1912, 1:5-6; July 29, 1912, 1:5-6; *Carson Appeal*, October 1, 1912, 1:2.
23. *Reno Evening Gazette*, January 6, 1913, 1:2; *Carson Appeal*, January 15, 1913, 1:3-4; *National Miner*, January 17, 1913, 1:3.
24. Superintendent J.P. Donnelly to J.P. Gideon, April 1, 1913, Riley Wooten File, File No. 1388, Nevada State Library & Archives; Riley Wooten to Board of Pardons and Paroles, August 25, 1915, Riley Wooten File; *Reno Evening Gazette*, March 6, 1919, 8:5.
25. Undated account, Riley Wooten File, *loc. cit.*
26. Riley Wooten to Board of Pardons and Paroles, August 25, 1915, *loc. cit.*
27. *Ibid.*
28. J.A. Callahan to Board of Pardons and Paroles, September 10, 1915, Riley Wooten File, *loc. cit.*
29. F.R. McNamee to Board of Pardons and Paroles, January 26, 1916, Riley Wooten File, *loc. cit.*
30. Riley Wooten to Thomas Defenbaugh, Charles R. Squires and Daniel Dwyer, April 15, 1916, Riley Wooten File, *op. cit.*
31. Thomas Defenbaugh to the Board of Pardons and Paroles, April 19, 1916, Riley Wooten File, *loc. cit.*
32. Riley Wooten to Governor Emmet D. Boyle, April 20, 1916, Riley Wooten File, *loc. cit.*
33. *Ibid.*
34. *Ibid.*
35. Governor Emmet D. Boyle to Riley Wooten, April 24, 1916, Riley Wooten File, *loc. cit.*
36. Riley Wooten to Board of Pardons and Paroles, April 2, 1917; October 15, 1917, Riley Wooten File, *loc. cit.*
37. Homer Mooney, Clerk of the Board of Pardons and Paroles, to Warden R.B. Henrichs, Nevada State Prison, November 27, 1918, Riley Wooten File, *loc. cit.*
38. *The Silver State*, November 30, 1918, 1:3; Riley Wooten to Homer Mooney, January 1, 1919, February 1, 1919, March 2, 1919, Riley Wooten File, *loc. cit.*
39. *Biennial Report of the State Inspector of Mines*, 1919-20, p. 18; *Western Nevada Miner*, March 8, 1919, 1:4; B.W. Zachau, Simon Lead Mines Co., to Sheriff's Office, Hawthorne, Nevada, March 11, 1919; Riley Wooten File, *loc. cit.*
40. *Western Nevada Miner*, March 8, 1919, 1:4; *Reno Evening Gazette*, March 10, 1919, 5:2; *Tonopah Daily Times*, March 6, 1919, 4:5; *Lovelock Review-Miner*, March 7, 1919, 4:1; *Humboldt Star*, March 14, 1919, 4:3.
41. Nevada Industrial Commission to Warden R.B. Henrichs, April 23, 1919, Riley Wooten File, *loc. cit.*, Warden R.B. Henrichs to Nevada Industrial Commission, April 24, 1919, Riley Wooten File, *loc. cit.*
42. *Reno Gazette-Journal*, May 11, 2002, 1C.

ABOUT THE AUTHOR

Phillip I. Earl was curator of history at the Nevada State Historical Society in Reno until his retirement in June of 1999. He first went to work for the society in the 1970s and had earlier served as the institution's curator of history.

Earl's popular "This Was Nevada" history column was published in newspapers throughout the state for nearly a quarter of a century.

Despite his retirement, Earl maintains an enthusiastic interest in the history of the Silver State. He contributes information and an occasional article to the Nevada State Department of Museums, Library and Arts, which is continuing the "This Was Nevada" series.

The author, who continues to make his home in Reno, highly recommends retirement, saying it gives him more rest and time for physical workouts and allows him to pick his own projects.

Born in Cedar City, Utah, in 1937, Earl moved with his family at age 4 to southern Nevada. He graduated from Boulder City High School in 1955 and served in the U.S. Army 1957-1960. He returned to the Las Vegas area and attended Southern Nevada University (now the University of Nevada, Las Vegas) for three years. He came to the University of Nevada, Reno, in 1963 and received both a bachelor's degree in history and political science and a master's degree in history from UNR.

His article on the Riley Wooten saga is the ninth he has written for the *Humboldt Historian* since it began publishing in 1978. His previous works were on The Great Spanish Flu Epidemic, 1918-1919 (1999 and 2000), the development of Lovelock and the creation of Pershing County (1996 and 1997), the Nevada Shortline Railroad (winter-spring of 1990), the filming of *The Winning of Barbara Worth* on the Black Rock Desert in 1926 (winter-spring of 1988), Nevada's first woman sheriff (Clara Dunham Crowell, spring of 1983), the Mazuma-Seven Troughs flood of 1912 (spring-summer of 1982), the woman suffrage movement (winter-spring of 1981), and early aviation in Humboldt County (summer of 1979).