

# STAGE ROBBERY, A RISKY PROFESSION

By  
George Hoeper

With eyes on the far west, Henry Wells and William G. Fargo on March 18, 1852, drew together financially well-heeled associates in New York City's plush Astor House to organize a new express and banking company. It was the beginning of a venture that for the remainder of the century and beyond, was to help write some of the western frontier's most exciting and colorful history.

On July 13 of that year Wells Fargo & Company opened an office at 114 Montgomery Street, in San Francisco, and on October 23, its first Mother Lode office opened in Auburn. By mid-1853 Wells-Fargo agents were sending gold shipments from offices in San Andreas, Mokelumne Hill, Angels Camp and Vallecito. The start of 1854 saw Wells-Fargo operating 55 agencies throughout California and Oregon and that number was to quickly grow to hundreds. As an example of its volume of business in the gold fields, Auburn Agent John Jackson reported in the fall of that year that he was shipping 750 pounds of gold per month from his office -- an average of 25 pounds per day.<sup>1</sup>



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Quarterly Bulletin of the Calaveras County Historical Society  
Volume XXXX      April, 1991      Number 3

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Needless to say, the passage of that much treasure in the form of raw gold over remote, winding foothill roads drew the attention of men who held less than deep regard for the law.

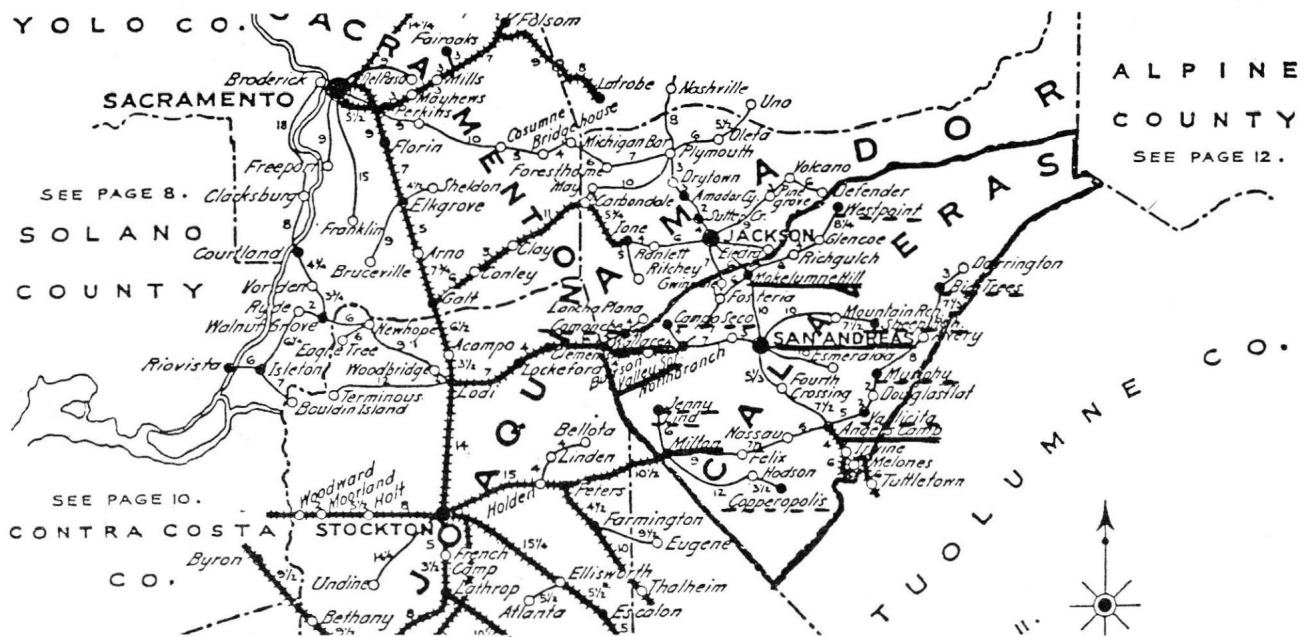
The gold country's first stage robbery occurred in April, 1852, even before opening of the first Wells-Fargo offices in California, when Reelfoot Williams and several accomplices held up a stagecoach near Illinoistown (present day Colfax, on Highway 80) and took \$7,500 from the express box. A hurriedly formed posse caught up with them near the Yuba River. A brief gun battle ensued and the Reelfoot Williams gang was permanently out of business.<sup>2</sup>

Exactly when the first Calaveras County stage robbery occurred is not definitely known. On

Please see **ROBBERY**, pg. 28



Dechamps stage at Union Hotel, Copperopolis. Driver believed to be R.E. McConnell.  
(Courtest of Charles Stone.)



**Wells Fargo & Company's express offices, 1904. Calaveras was well served.**  
*(Courtesy of Wells Fargo & Co.)*

**ROBBERY, cont. from pg.27**

September 5, 1853, the Adams Company stage enroute from Sonora, was robbed at Brown's Flat and \$25,000 was removed from the express box. The company offered a \$10,000 reward but there was no record of the robbers being caught.

Early-day bandit Tom Bell, who in reality was Dr. Thomas J. Hodges, in 1856 fled through Calaveras County after he and his gang bungled an August 11th hold-up of the Camptonville-Marysville stage which reputedly was carrying \$100,000 in raw gold. Instead of "throwing down the box" the Wells Fargo messenger who was guarding the gold shipment, opened fire. He killed one of Bell's men, but a woman passenger on the stage also died in the exchange of gunshots.

Bell left for the southern mines and was hiding out on a friends ranch near Knights Ferry, on the Stanislaus River, when the posse closed in on him some weeks later. Bell confessed to the attempted robbery and slayings and was hanged on the spot.<sup>3</sup>

But, during the early years of the gold rush, stage robberies such as those were the exception rather than the rule. And, more often than not, those who committed them were quickly brought to justice. It really was not until the 1870's and 80's that stage robbery became a common crime in the Mother Lode.

At daybreak, on February 17, 1857, three men

robbed the Murphys-Stockton stage of \$27,000, about a mile south of Murphys. The stage was carrying approximately \$32,000 in gold, \$5,000 of which was in a box owned by Pacific Express Company, and the remainder in the Wells Fargo box. The bandits, in their haste, did not open the Pacific Express box and in smashing the Wells Fargo box, left \$1,300 scattered on the ground. The gunmen fled on foot, but it had been raining, and possemen from Murphys and Vallecito, had little trouble tracking them.

Tracks of the men led to a cabin little more than a mile from the hold-up scene, and there, miners David Waldin, Harry Browning and a man named Langley were taken into custody. Meanwhile other members of the posse found the \$27,000 where the robbers had buried it only a few hundred yards from where the stage had been robbed.

All three men pleaded guilty to the robbery. Waldin was sentenced to 12 years in prison, Browning to eight, and Langley was given four-years because he had been cooperative with his captors.

Contrary to common belief, Wells Fargo owned or operated few stage lines in the Mother Lode. Instead, the company contracted with private stage companies to transport the Well-Fargo express boxes. When stage robberies began to become prevalent, Wells-Fargo hired its own messengers

(shotgun guards) to ride the stages with the express boxes.

By the fall of 1851 several stage companies were hauling passengers, mail and express shipments on regularly scheduled runs in Calaveras County. The Calaveras Chronicle reported on November 1 that stages owned by Hughes & Render were operating between Double Springs and Angels Camp, "greatly facilitating merchants and miners in their communications and business transactions." Also, at that time, Eureka Stage Lines, with its office in the El Dorado House at Main and Center Streets, was operating between Mokelumne Hill and Stockton. Passengers were charged 25 cents-per-mile and allowed 25 pounds of baggage.

In December, 1851, Stevens-Morse and Company advertised a new stage line from Mokelumne Hill to Sacramento, with connecting runs to Volcano from Jackson. On December 20 the paper noted that a team had left Volcano with \$150,000 in gold, accompanied by nine armed men, most of whom were owners of the greater part of the shipment.

One of the earliest lines, Adams & Company, failed in 1855 and Pacific Express went out of business in 1857. But, there was no shortage of

other stage companies, all eager to transport passengers and express boxes, to replace them. These included John Shine, who began operation in the 1870's on the Sonora-Milton run.

Reynolds-Todd & Company, which began even earlier, operating between Mokelumne Hill and Stockton and Matteson Stage Company, (Matteson & Garland) served Murphys during the 1870's.

Sisson & Company, R.W. Russell and Wes Richards had stage line. The Raggio Brothers, who bought out Matteson in 1882, ran four-horse stages from Angels Camp to Milton and two-horse stages to Murphys and Big Trees. They also operated

in Amador County. Milton Gann ran a stageline in the early 1900's and Joe Des Champs operated the Milton-Copperopolis stage during the 1890's. J.F. Paulk's and D.E. Perry's stages served West Point.

All of these stages transported Wells Fargo express boxes. All, at various times, and some of them on numerous occasions, were targets of banditry. In fact, stage robberies became so prevalent during the 1880's that Wells Fargo suspended service in some areas. On January 8, 1881, Wells Fargo Superintendent J.J. Valentine issued the following circular: "Due to losses that have become too frequent and onerous, we yesterday ordered discontinuance of service from Auburn to Greenwood, Georgetown, Todds Valley, and



**End of the road for a stage bandit. Robbery scene on Hunt Road.**

*(Courtesy of Rene Baylor)*

Michigan Bluff. We probably will be compelled to take similar action in other areas." <sup>4</sup>

Stage robberies never became quite that bad in Calaveras County, but they were still too frequent. Between 1870 and 1885 there were 21 robberies or attempted robberies in Calaveras County of stages carrying Wells Fargo treasure. Of these, 14 robberies, including two committed by the infamous "Po8" highwayman, Black Bart, occurred on the road between Sonora and Milton.

Between the years of 1870 and 1885 Wells Fargo & Company experienced 313 stage robberies and 34 attempted robberies. In addition, there were four  
Please see **ROBBERY**, pg. 30

## ROBBERY, cont. from pg. 29

train robberies involving Wells Fargo express shipments and four attempted robberies of trains. Burglars hit Wells Fargo offices 23 times.

The company, during that period lost \$415,312 to stage and train robbers but that was less than half the actual cost which its officials chalked up to the shotgun levied liens. In addition to the value of treasure taken, the company's Chief of Detectives, James B. Hume, in an 1885 report listed \$73,451 paid out in rewards for arrest and conviction of criminals and \$22,307 to attorneys who assisted in prosecution of bandits and burglars. Incidental expenses connected with crime suppression cost \$90,070 and salaries for guards and special officers amounted to \$326,517, for a total of \$927,726.<sup>5</sup>

But, Wells Fargo shotgun messengers and detectives took pains to ensure that stage robberies became neither a particularly healthful or profitable business. During that 14 years, five stagecoach bandits were killed while committing robberies and considerably more, including Black Bart, were wounded. Seven robbery suspects were hanged by citizens -- mostly in Nevada and Arizona -- and 206 stage robbers were convicted and sent to prison.

Wells Fargo's losses included four stage drivers killed, four seriously wounded, two guards killed, six wounded and four passengers killed by bandits.

However, despite its services rendered to the Mother Lode and the Western frontier as a whole, in the fields of banking, express and transportation for businessman, miner and traveler alike, Wells Fargo & Company was not always regarded with deep affection. In some quarters Wells Fargo express charges were regarded as exorbitant taxes exacted by a ruthless business monopoly. The company's response to those who had aided it in times of robbery were regarded by many as "pinch-penny".

Consequently, the activities of highwaymen were tolerated by too many otherwise honest Mother Lode citizens. They saw these affairs simply as instances of one thief robbing another. Many in Calaveras were critical of the \$100 reward given to stage driver R.E. McConnell and the "cheap rifle" presented to young Jimmy Rolleri for breaking up Black Bart's last robbery and causing him to leave evidence at the robbery scene which led to his arrest.<sup>6</sup>

Commenting on Wells Fargo's rewards, the Tuolumne Independent and Oakdale Wheat Grower stated: "It seems to us that by fair treatment, the



**Sperry's first stage served Murphys area**  
(*Calaveras Co. Historical Society*)

company could gain sympathy of the people who live in the vicinity of the stage operations and make stage robbery a more dangerous pastime." J.R. Hume, Wells Fargo Detective Chief quoted a Milton resident when asked what he would do if he observed a stage being robbed, as saying: "why I'd turn my back and walk away."<sup>7</sup>

Wells Fargo & Company's express rates may not have been popular with its customers, but one thing for which the company was widely respected was its policy of making good, immediately, on any robbery losses suffered by customers. As an example, when bandits on May 28, 1860, robbed a Wells Fargo express box of \$8,300 destined for Sacramento, Wells Fargo paid the Sacramento Banking Company of T.S. Fiske, the \$8,300 that day. Wells Fargo was quick to point out that when bandits robbed the U.S. mails that traveled on the same stages as did the Wells Fargo express boxes, the government offered no reimbursement. Nor, in the view of Wells Fargo Detective Jim Hume, did it expend effort to apprehend the robbers, as his company did.

Although the Sonora-Milton stage route, via Reynolds Ferry, appears to have been the most popular among highwaymen during the 1870's and 80's, robberies were by no means confined to that particular road. Stages to and from Mokelumne Hill, San Andreas, Angels Camp and Murphys continued to be hit by bandits.

On January 23, 1871, the San Andreas-Stockton

stage, driven by William Cutler, was stopped at Murray Creek by three gunmen who took the Wells Fargo express box containing \$2,600 and robbed Cutler of his personal money -- a five-dollar gold piece. The three, Charlie Cooper, James Harrington and Billy Miner, were arrested 10 days later in San Francisco after they tried to sell the gold. All three went to San Quentin Prison.

And, although C.E. Boles, alias Charles Bolton, alias Black Bart, may have been Calaveras County's most famous bandit he was not its most prolific. Black Bart, during his eight-year stage robbery career, was responsible for no less than 28 hold-ups, but only two -- his first and last -- were committed in Calaveras County. Another bandit gang whose members included Mitchell Ratovich "Big Mitch", Mitchell Brown "Little Mitch", Ramon Ruiz and Antone Savage "Old Joaquin", robbed the Sonora-Milton stage three times and the Mokelumne Hill-Lodi stage once, in the space of little more than ten months. All four were arrested within months of their last robbery, on October 12, 1875, and sentenced to state prison for terms ranging up to 15 years.

J.A. Wright, alias John Garvin, held up five stages in three months, between December 28, 1876, when he robbed the Angels-Milton stage of \$4,000 and February 24, 1877, when he relieved the Sonora-Milton stage of several hundred dollars. His other robberies included the San Juan to Marysville stage on January 16, 1877: Murphys-Milton stage,

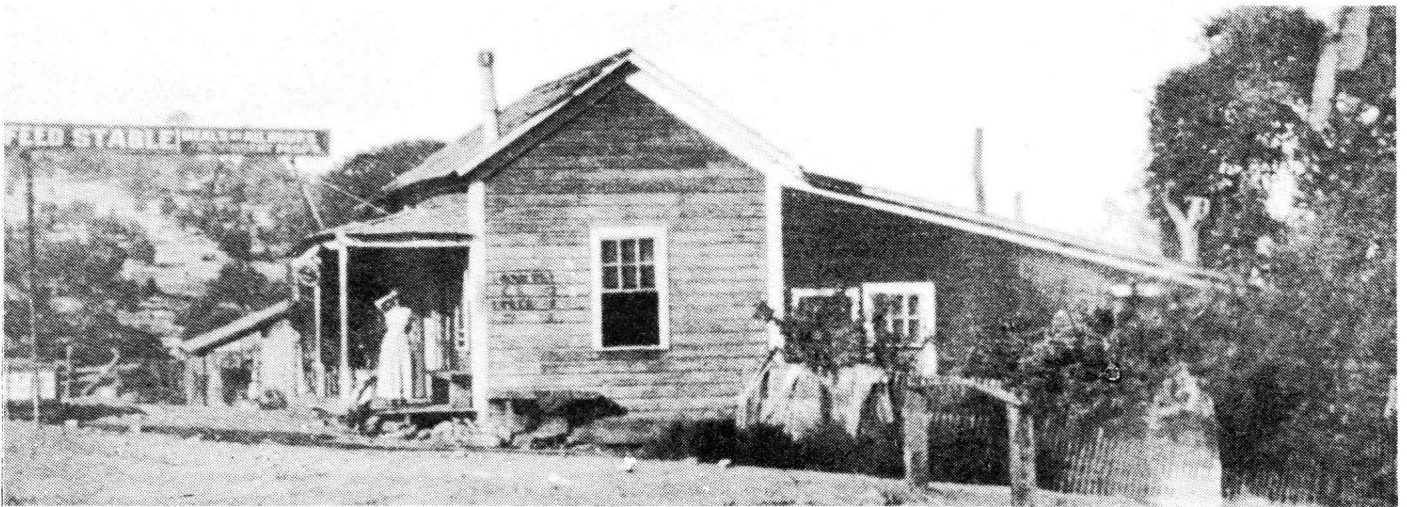
February 2, 1877, and the Jackson to Ione stage on February 5th. Wright was arrested by Wells Fargo Detectives and Calaveras Sheriff Ben Thorn, only days after the February 24th robbery of the Sonora-Milton stage and was sentenced to 15 years in prison.

The activity of bandits in the Milton-Copperopolis area from 1870 through the 1880's kept Sheriff Thorn and Wells Fargo special agents busy. On January 6, 1872, the Mokelumne Hill-Milton stage was robbed of \$2,900 near North American House (near the present intersection of Baldwin Road and Highway 26). A masked gunman stepped from the brush at the edge of the road and with a revolver leveled at stage driver R.E. McConnell, instructed him to "throw down the box". McConnell prudently complied.

On March 6, at the same spot, McConnell again was stopped at gun point by a bandit who appeared to be the same one who had robbed the stage January 6. Again McConnell was ordered to toss out the Wells Fargo express box, but much to the gunman's chagrin, it was empty.

Less than a week later, McConnell, traveling the same route with Robert Lee Eproson as a passenger, was asked by Eproson to show him the spot where the two recent robberies had occurred. "It's just around the bend -- maybe he'll be waiting for us," McConnell jokingly replied. But as the stage

Please see **ROBBERY**, pg. 32



**Reservoir House Stage Station in Salt Spring Valley, was on Sonora-Milton run.**  
*(Courtesy of Charles Stone.)*

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rounded the curve, McConnell and Eproson spotted a man partially concealed in the roadside brush.

McConnell stopped the stage some 75 yards from the suspected highwayman and as he did, local rancher Alexander Reid Wheat, of Double Springs, caught up with them on horseback. With Wheat and Eproson remaining to watch the movements of the man who was still hiding in the brush, McConnell turned his rig around and headed for the North America House for help. Within the hour a posse was searching the brush patch for the robbery suspect. He was captured after he broke from the bushes and was wounded in the arm during an exchange of shots with a youth named Jenkins, from Jenny Lind.

The man, to whom the newspapers devoted lengthy articles but did not bother to identify, pleaded guilty to stage robbery and was sentenced to prison.

The frequency of the Milton area robberies brought forth the following tongue-in-cheek comment by the editor of the Calaveras Chronicle: *"The Milton stage has been robbed so frequently of late that the reoccurrence of this trifling incident has ceased to be the subject of comment. In fact the stopping and robbery of that unfortunate vehicle has to be regarded as a matter of course and the omission of the crime creates more surprise than its commission. We don't credit the story, however, that the driver has become so accustomed to handing out the box at a particular point on the road that he frequently stops and sets it out on the wheel without being asked. That is a gross libel."*

in bloodshed and death. What probably was Calaveras County's most shocking stage robbery attempt occurred on the morning of April 30, 1892, on Mountain Ranch Road, about four miles east of San Andreas, when a gunman firing from ambush, sent two charges of buckshot into the San Andreas-Sheep Ranch stage. The twin shotgun blasts instantly killed fifteen-year-old Johanna Rodesino, of El Dorado, and one of the pellets struck stage driver Babe Raggio in the lung, critically injuring him. Another of the buckshot hit Veteran Wells Fargo messenger Mike Tovey, in the arm. Agnes Filppini, a companion of Miss Rodesino's and another passenger identified as A. Lloyd, were the only ones on board the stage who were not injured.

After firing, the bandit fled, making no attempt to rob the stage which was carrying the Sheep Ranch Mine payroll and giving Tovey no opportunity to return fire. Sheriff Thorn tried to track the gunman but eventually lost his trail. Both Thorn and Wells Fargo's Jim Hume considered the shooting the act of an amateur who panicked.

Confronted with robbery situations, Wells Fargo stage drivers did not always "throw down the box" and its shotgun guards did not drop their guns. Drivers and messengers alike, were tough, determined men. Many a would-be hold-up man learned to his sorrow that stage robbery was a precarious profession. Men like Mike Tovey, Reason E. McConnell, James Sullivan, George Hacket and Fred Jackson were not the kind to be over-awed by some gun-toting maverick who sought to relieve them of Wells Fargo treasure. They were prone to shoot first and ask questions afterward, and all had "fetched their man."

On a rainy December afternoon in 1870 the Galt-Mokelumne Hill stage was laboring up the grade west of Jackson when an armed man stepped from behind a tree and ordered the stage to halt. Instead, the driver whipped his team into a run and before the gunman could raise his rifle, messenger Jim Sullivan fired both barrels of his shotgun. The man staggered, dropped his gun and disappeared in the gathering dusk. Sullivan knew he had not missed.

The February 11, 1871, Calaveras Chronicle carried a story about the death of a man who had died at a ranch near the robbery scene. Before he died, said the Chronicle, the man identified himself only as "Williams", told the ranch owner he was the one who had tried to rob the stage. An examination



**Black Bart**  
(Historical Society)

of the man's body revealed he had been hit in the shoulder by eight buckshot.

On July 13, 1882, on what would have been his 23rd successful stage robbery, Black Bart stepped into the road in front of the Laporte-Oroville stage and ordered driver George Helm to halt. The flour sack hooded figure was too good a target for messenger George Hacket to resist. As the masked bandit brandished his shotgun in front of the lead horses and politely asked Helm to "thrown down the box", Hacket raised his rifle and fired.

Hacket's only problem was that the bandit's body was shielded by the team of horses and in order not to hit a horse, he had to hold his sights high on the flour sack which covered Bart's hat and head. At the report of the rifle the stage robber whirled and disappeared into the trees. A search revealed a blood stained, bullet pierced hat. For the remainder of his life, C.E. Boles, alias Black Bart, bore a narrow scar along the top of his right temple.

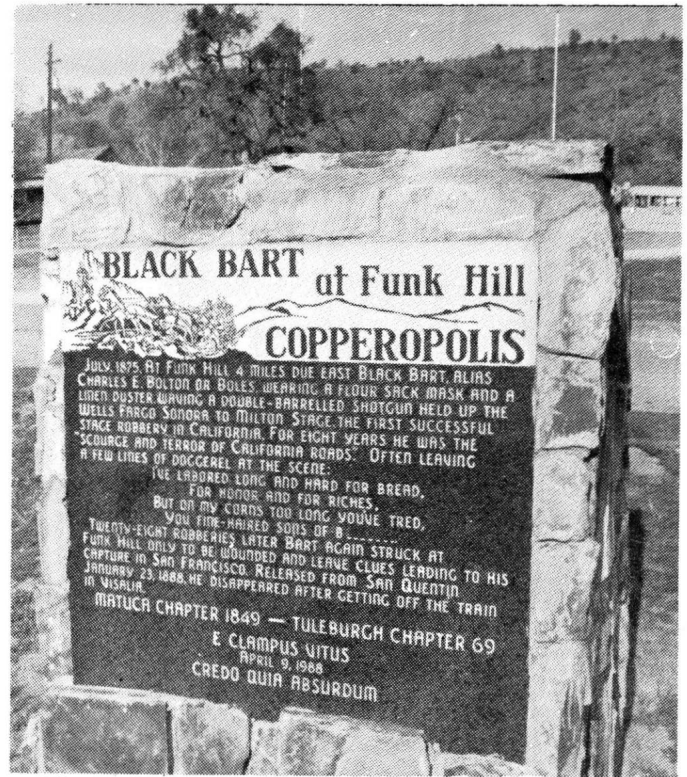
And, it was failure of stage driver McConnell to submit readily to robbery on the morning of November 3, 1883 that led to Black Bart's eventual arrest. Confronted on the Sonora-Milton Road by a flour sack masked man with a shotgun, who told him to unhitch the horses and walk them to the top of the hill, McConnell complied.

Moments later, as he reached the top of Funk Hill, the stage driver met young Jimmy Rolleri, who earlier had flagged a ride with him. Jimmy had left the stage prior to the hold-up to hunt deer and was armed with a Henry rifle. Together he and McConnell made their way back to the stage where the bandit still was engaged in opening the metal Wells Fargo box which had replaced the older wooden express boxes.

Taking the rifle from Rolleri, McConnell fired twice at the man who was bent over the express box, apparently without effect. A third shot, fired by young Rolleri, seemed to stagger the highwayman just as he reached a fringe of bushes below the road.

Sheriff Ben Thorn, summoned to the robbery scene, found the bandit's abandoned bedroll, extra clothing and a handkerchief bearing a laundry mark which eight days later, in San Francisco, led to the elusive Black Bart's arrest. At the time of his arrest by Wells Fargo agents, Bart's hand still carried the unhealed wound inflicted by Rolleri's rifle bullet.<sup>8</sup>

Although he confessed to 28 stage robberies, Black Bart was charged with and pleaded guilty in



**Black Bart monument tells it all - whether his was the first successful stage robbery is a matter of conjecture.** (Calaveras Co. Historical Society.)

Calaveras County Superior Court only to that final robbery. Judge C.V. Gottschalk sentenced him to six years in San Quentin Prison, but he was paroled on January 21, 1888, after serving only four years and two months. Many observers believed he received the light sentence and was released early because after his capture, he led Wells Fargo agents to a hidden cache of loot.

Stage robbery again turned deadly when on the evening of March 24, 1899, two gunmen attempted to rob the Valley Springs-Angels Camp stage a mile north of Altaville. For some time, Wells Fargo had been putting two messengers on its more important runs. On that night Fred Jackson and R.E. McConnell, who had given up driving to become a Wells Fargo guard, were riding inside the stage.

When two men, Bob Murphy, 19, and a 20-year-old accomplice named Westfall, ordered stage driver Fred Washburn to toss down the box, McConnell raised his shotgun, but it misfired. At the same instant, Jackson fired his rifle through the stage curtains, hitting Murphy in the chest. The bandits

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## ROBBERY, cont. from pg. 33

fired a shot which did not take effect, and Westfall fled. Westfall was arrested the next day, and after several weeks, Murphy finally recovered. Both men were sentenced to state prison.<sup>9</sup>

By the late 1880's stage robberies were rapidly diminishing in frequency. Mining was tailing off and Wells Fargo express boxes in many areas no longer held large gold shipments. Occasional stage robberies did occur into the early 1900's, and famed Wells Fargo messenger Mike Tovey fell to a bandit's gun near Jackson, in 1893. But, Wells Fargo's James Hume summed up the stage robbery situation when near the end of the century, he said: "There is no longer sufficient inducement for the higher grade criminal talent to engage in the business."

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## MEMBERSHIP FEE TO RISE

Due to inflation, which includes increased cost of handling and mailing Las Calaveras, Calaveras County Historical Society directors find themselves forced to increase the society's annual membership fees, as of July 1.

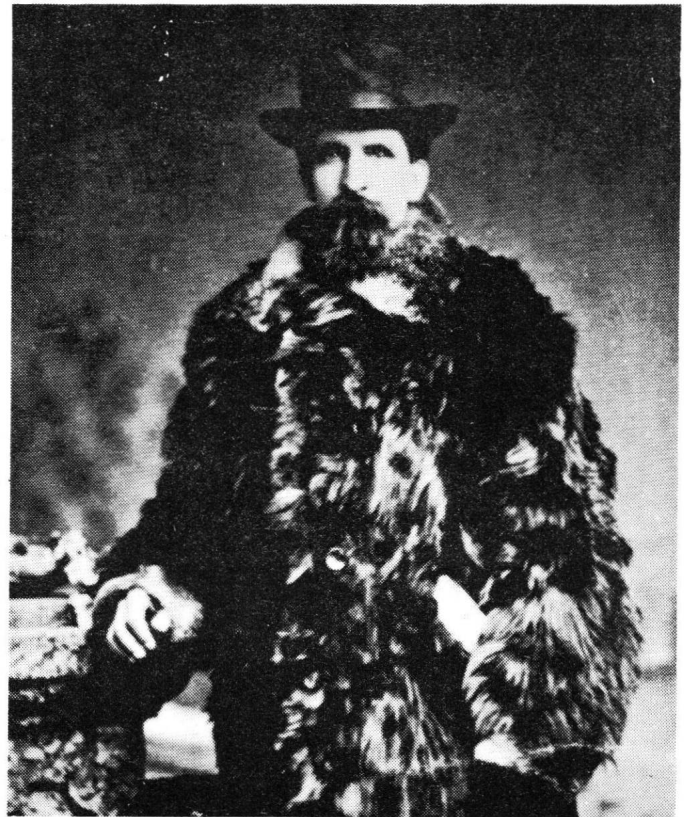
As of that date, individual memberships will rise from \$6 to \$8; family memberships from \$8 to \$10, junior memberships from \$2 to \$4, and library memberships, from \$5 to \$7.

## STAGE GUARD'S SLAYING STILL REMAINS A MYSTERY

On June 15, 1893, Wells Fargo messenger Mike Tovey, known from Calaveras County to Bodie and the tough mining camps of western Nevada, was killed near Jackson by a highwayman's bullet.

Although the slaying occurred in Amador County, Calaveras County quickly found itself deeply involved. And, before the case finally would be laid to rest, it would create a lasting rift in the 20-year friendship of Calaveras Sheriff Ben Thorn and Wells Fargo Detective Chief James Hume. A suspected killer was arrested and eventually sent to prison, but most Wells Fargo officials continued to regard Tovey's murder as unsolved.

The killing occurred shortly before 5 p.m., as the stage from Ione<sup>1</sup> to Jackson, carrying five passengers and an express box, neared the crest of Stoney Ridge, about four miles west of Jackson. Stage driver Clint Radcliffe was at the reins and Tovey, holding a shotgun, was beside him when a man stepped from behind a buckeye tree and without



Wells Fargo Messenger Mike Tovey  
(Courtesy, Amador Co. Archives)



warning, raised a rifle and fired.

The bullet pierced Tovey's heart, killing him almost instantly. Frightened by the report of the rifle, the six-horse team leaped forward and broke into a gallop, nearly throwing Tovey off the coach. Radcliffe, however, holding the lines in one hand, managed with the help of passenger W.M. Shallenberger, of Jackson, who was also riding on top, to keep the dying messenger from falling.

Meanwhile, the gunman stayed beside the tree and continued firing. A bullet creased Radcliffe's shoulder, then the bandit turned his gun on the horses, fired twice more, wounding an animal with each shot. Despite their wounds, the horses traveled more than a hundred yards before Radcliffe could bring them under control.

The rifleman continued to stand beside the tree, but, as a buggy carrying C.A. Swain and the secretary of the Ione Coal and Iron Company arrived, he turned and walked down the hill into the cover of brush and trees. Radcliff then stopped the stage, turned the wounded horses into a field and continued into Jackson with his passengers, two of whom were women, and the body of Tovey.

Mike Tovey, about 45 years of age at the time of his death, was a native of Canada. He had arrived in California's gold country around 1870 and after a short stint in the mines, went to work for Wells Fargo as a shotgun guard in 1873. Standing six-feet-six and weighing some 230 pounds, "Big Mike" quickly established a reputation for fearlessness and cool, calm action in the face of emergency.

On several occasions his shotgun thwarted stage hold-ups and he aided in the capture of stage bandits. Then in 1879, with the robberies of gold shipments sharply increasing along the eastern side of the Sierra around such mining camps as Virginia City, Bodie, Aurora and Candeleria, Wells Fargo moved Tovey and other trusted messengers from the Mother Lode to that area.

Within weeks, Tovey was involved in a shoot-out on the Bodie-Aurora run in which he killed stage robber W.C. Jones and he, himself, was wounded in the arm. Jones' partner, veteran hold-up-man Milton Sharp, escaped only to be arrested some days later. During his trial at which he was convicted and sentenced to 20 years in prison, Sharp vowed to avenge Jones' Death.

As the mining boom along the California-Nevada border slowed, Tovey was transferred back to the Mother Lode. On the morning of April 30, 1892, Mike Tovey was riding shotgun with stage driver Babe Raggio with the Sheep Ranch Mine Payroll aboard, when a gunman shooting from ambush, fired two blasts of buckshot into the stage. Fifteen-year-old



**Concord stagecoach near Valley Springs**

*(Calaveras Co. Historical Society)*

Johanna Rodesino, a passenger on the stage, was killed, Raggio was critically wounded and Tovey again was hit in the arm.

The bandit fled without any attempt to rob the stage. He was tracked by Sheriff Thorn, and C.W. Getchell and his father, but finally, the trail was lost. No one was ever prosecuted for the crime.

As soon as his wounded arm healed, Tovey returned to riding messenger on Calaveras and Amador County stages. He was only a year away from his own death and it was during that period he received at least one warning that he was a marked man. Some months before the fatal shooting, Tovey reportedly showed a friend, W.W. Scott, a threatening note which had been left for him at a Jackson hotel. The note, enclosed in an envelope, had been handed to the hotel clerk for Tovey. Written in a scrawled hand were the words: "WARNING! If you want to live, quit Wells Fargo immediately, leave the state and never come back."

Tovey may have thought of the threat made against him long ago in Bodie by Milton Sharp, but more likely he simply considered it the work of a crank. At any rate he took no heed of the warning, and in fact, there is no evidence that the note was in any way connected with his slaying.

Tovey's death on June 15th stirred local law enforcement agencies into instant action. Within 24 hours, James Hume and his assistant, Johnathan Thacker arrived from San Francisco.

Sharp, who had by then been released from prison, became an immediate suspect. He was located in Red Bluff and picked up for questioning. However, he was able to supply Hume with names of reliable witnesses who verified that he had been in the Red Bluff area at the time of Tovey's slaying.

Hume, by early July, was at a dead end for new leads in the search for Tovey's killer. He had

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**TOVEY, cont. from pg. 35**

questioned and discarded several suspects, including former stage robber and ex-convict John Marshall, picked up at Mud Springs.

Then on July 12th Calaveras Sheriff Ben Thorn arrested a William Evans at Frank Rooks' ranch, near Cat Camp, on the Mokelumne River and charged him with Mike Tovey's murder.

Evans, small, apparently easily intimidated and not overly bright, was lodged in Calaveras County Jail. He already had a criminal record, having served terms in state prison for a theft and burglary.

Thorn, on August 1st, announced that Evans had confessed to the Tovey killing. And, speaking in the bay area as a Wells Fargo employee, Thacker said: "we have been working on him for three weeks and I think we have the right man."

Actually, Thacker had not even talked to Evans. Above all, he was not speaking for Wells Fargo and certainly not, for James Hume.

Hume believed Evans innocent. He had met Thorn in Burson during the hunt for Evans and at that time, expressed his doubts about the man's guilt. He told Thorn he had already checked on Evans, "and I know he is not the man. I questioned Frank and Lou Rooks who are friends of Evans, and found that he was with them on the day Tovey was killed."

Thorn refused to believe the Rooks and pointed out that Evans had been using the name "Gordon," at the time of his arrest.

Although he admitted that Evans was not exactly a shining character, that "he is a petty larceny thief, pretty worthless all around, and that use of the assumed name will work against him at his trial," Hume continued to defend Evans' innocence in the Tovey slaying.

Hume pointed out that Evans' confession, which had taken several weeks for Thorn to drag out of him, could have been given by anyone, had they been asked enough leading questions. Hume was not surprised when, on August 8th, before the start of his trial, Evans repudiated his confession. Amador County District Attorney Richard Rust told Hume at that time that he, too, felt Evans was innocent.

Nevertheless, as October arrived, the District Attorney prepared to try Evans for the first degree murder of Mike Tovey. Jim Hume was affronted. During a bitter argument with Rust, Hume told him: "I will not stand by and see an innocent man railroaded to the gallows."

When the trial opened in Jackson, Hume was seated at the defense table and instantly incurred the wrath of Prosecutor Rust. Rust asked sarcastically if Hume appointed himself assistant defense council. When Hume attempted to answer, Judge F.D. Davis silenced him. He informed Hume that only an



**Sheriff Ben Thorn**  
*(Calaveras Co. Historical Society)*

attorney was allowed to address the court. Defense lawyer Divol B. Spagnoli offered to address the court on Hume's behalf, but angry and embarrassed Hume left the courtroom and returned to San Francisco.

Back in San Francisco, a still angry James Hume departed from ordinary procedure and decided to "try the case in the newspapers." On October 25th he told reporters that Sheriff Thorn had obtained Evans' confession by plying him with opium and whiskey. After bringing a blacksmith into Evans' cell to rivet leg irons on him, the sheriff provided him with all the whiskey and opium he wanted, although Evans had not previously been an opium user. Thorn also used a fellow prisoner to try to pump Evans for incriminating information. When that failed, said Hume, Thorn brought in Constable Masterson, posing as a jailed woodchopper, to try to get Evans to talk. Then according to the Wells Fargo detective, Thorn forged a letter from Annie Rooks and showed Evans faked clippings from the Amador Ledger to convince him that the Rooks had named him as Tovey's killer.

Drunk, and angry at the Rooks, believing they had implicated him in a crime he had not committed, Evans, according to Hume, confessed the murder in order to drag them into the case. He said Thorn had assured Evans that if he would sign the confession

he would never hang.

"I am not taking Evans' word for this," said Hume. "The sheriff told me these facts himself, and seemed very proud of them as specimens of the sharp work he had done to get the confession. I was, of course, much surprised when I heard that Evans had confessed to the murder. However, when I learned how the confession was obtained, I was sure there was no truth to it."

Hume went on to say that Thorn offered the Rooks \$500 if they would swear that Evans had not been at their home the day of Tovey's murder. He said when they refused, Thorn arrested them as accomplices in Tovey's death, but was forced to drop the charges for lack of evidence. District Attorney Rust, during the Evans trial, admitted to jurors and the court that Thorn had offered the Rooks and other potential witnesses money for their testimony, "but only for the truth."

One of the things that made Wells Fargo investigators sure Evans' confession was false was a statement attributed to him that he had burned grass around the tree from where the shots were fired, in order to hide his tracks. The grass, Hume told reporters, was burned by law enforcement officers after the shooting, in their search for spent cartridge cases from the slayer's rifle.

Trial opened on October 16th and Judge John H. Davis threw out Evans' confession, declaring it "unreliable". Then, when two jurors became ill, he declared a mistrial and a new trial did not start until March, 1894.

The Rooks were among the few defense witnesses who testified on behalf of Evans. They said Evans had been hoeing corn on their ranch and was there at the time of Tovey's shooting.

Despite the testimony of Rooks, his wife and their daughter, Annie, and facts brought out in the press by Wells Fargo, jurors on March 18, 1894, required only three hours to find Evans guilty of the murder of Mike Tovey. Judge Davis sentenced him to life imprisonment.

James Hume was not surprised at the verdict. He had stated earlier he believed Evans would be found guilty, "since Sheriff Thorn is virtually conducting the prosecution and has a host of friends who will take his side in the case, while Evans has none."

Ben Thorn did not immediately answer Hume, but on May 25, 1894, in the *Calaveras Weekly Citizen*, he defended his action and condemned Hume for his "low, contemptible cunning." He labeled Hume's charges "venomous lies", and said he never promised Evans he would not hang if he signed the confession. However, he was forced to admit the other accusations, including sneaking the constable



**Mike Tovey lies in Jackson's Protestant Cemetery. (Calaveras Co. Historical Society)**

into Evans' cell, supplying Evans whiskey and opium, forging the Rooks' letter and drafting the false newspaper clippings. He said, however, he gave Evans "only a little whiskey and opium."

The rift between Thorn and Hume never really healed. Eventually, the dispute ended in 1909 in a victory for Hume, but he died in 1906 and did not get to enjoy it.

In December 1909, after Judge Davis declared that new evidence proved conclusively, Evans had been wrongly convicted, he was released from prison. Evans did not live long to enjoy his freedom. He was killed in a Los Angeles streetcar accident on March 23, 1910.

And, despite a search by Wells Fargo that continued for many years, the real slayer of shotgun messenger Mike Tovey was never found.

## Calaveras County Historical Society

30 Main Street • P. O. Box 721  
San Andreas, California 95249

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**Las Calaveras** is published quarterly by the Calaveras County Historical Society. Individual memberships (\$8.00 a year), Family (\$10.00), Junior (\$4.00) and Library memberships (\$7.00), include subscription to **Las Calaveras**. Non-members may obtain copies of **Las Calaveras** from the secretary. The original historical material in this bulletin is not copy-righted and anyone is invited to use it. Mention of the source will be appreciated.

The Calaveras County Historical Society, a non-profit corporation, meets on the fourth Thursday of each month in various communities throughout the county, locations of which are announced in advance. Dinner meetings also are announced in advance.

The Society's office is open Monday through Friday from 8 AM to 4 PM. The telephone number is (209) 754-1058. Visitors are welcome.

## MEETING SCHEDULE

This month's meeting of the Calaveras County Historical Society, on April 18th, will honor winners of the society's annual students' historical essay contest. A potluck supper will be served at 7 p.m. in the Metropolitan, in San Andreas. Following the dinner, students will read their essays.

May 23: Dinner meeting, 7 p.m. at Kautz Winery on Six-Mile Road, in Murphys. Guest Speaker, Liz Millier, a local wine producer.

June 25: Dinner meeting, 7 p.m., in Old Calaveras County Courtyard, 30 North Main Street, San Andreas. Guest Speaker, County Archivist Lorraine Kennedy, "History of Old Calaveras Courthouse, Part II."

### IN MEMORIAM

Ruth Lemue, Angels Camp, Dec. 8, 1990

## NEW MEMBERS

Calaveras County Historical Society welcomes the following new members:

Lester & Betty Queirolo, Murphys.  
Richard & Connie Rynearson, Angels Camp.  
Ken & Joni Strom, Valley Springs  
Gladys Sanders, Murphys.  
John M. Mandella, Simi Valley  
Susan Marrone, San Andreas.  
Rebecca Sue Watson, Murphys  
Mr. & Mrs. Daniel Freeman, Murphys  
Thomas & Barbara Powell, Newman.  
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Dale Howard, Fremont.  
Running Deer Ranch, Mokelumne Hill.  
Steve & Judith Daus, Dorrington.  
Lea Silva, Copperopolis.  
Lewis Dane, Mokelumne Hill  
G.L. & Lorraine Morrison, Valley Springs.  
Beulah M. Mills, San Andreas.  
Lee C. Price, Avery.  
Betty L. Hillman, Mountain Ranch.  
Scott & Melissa Johnson, Foresthill.  
Glen M. Johnson, Greenwood  
Geri E. Harris, Covina.  
Myrtle S. Wudell, Mokelumne Hill.  
Harold & Genella Williamson, Belmont.  
Grace Radbe, San Andreas.  
Katherine V. Cuslidge, Stockton.  
Daniel & Helen Guerrero, San Andreas.

## MUSEUM DONATIONS

Calaveras County Historical Society thanks the following persons who have donated these artifacts and materials to the Calaveras County Museum.

John Cornell, San Andreas: Old photographs  
Mary Matzek, Murphys: Early-day photographs.  
Betty Snyder, Valley Springs: Victorian lap desk;  
child's wooden peg toy, old Calaveras  
County property deeds.  
Rosemary Bosse Faulkner, Rail Road Flat: Early-  
day photographs.  
Doris Barger, Murphys: Calaveras jumping frog  
pins, antique handbags and purses on  
display in museum.  
Guemann family, of Virginia: Grand piano,  
belonging to the Manuel family, early-day  
Calaveras pioneers.