

## 68. THE ROBERTS BROTHERS CHRONICLES IV – TRIAL

**Indictment.** In 1919, a Federal Grand Jury in Pueblo, Colorado, handed down an indictment against George Roberts, Ernest Roberts and their neighbor/employee, Edward Cooley (1874-1952) for “...willfully, wickedly, unlawfully and feloniously... conspiring, combining, confederating and agreeing together to injure, oppress, threaten and intimidate John W. Street, Casper Zimmerman, John Sedgley, Frank E. Widmann [four Livermore area homesteaders] and...other divers citizens of the United States (whose names are to the Grand Jurors unknown)...by force and arms, and cutting, tearing down and destroying fences and improvements...milling, worrying, injuring and driving therefrom livestock...” and more...

Arrest warrants were issued for George F. Roberts, Ernest W. Roberts and Edward Cooley. Bail was set at \$3,000, each (about \$166,000 in 2023 dollars).

**Trial.** The ensuing trial pertained only to injuries to one of the homesteaders named in the grand jury indictment: John W. Street (1845-1922), a Civil War veteran, age 76.<sup>1</sup> Even then, the incidents of harassment were so numerous and detailed that the transcripts for the trial and appeal run to some 600 pages.

Twenty-two subpoenas to testify were issued by the Court – twenty-one were served. Witnesses were allowed \$3.00 per diem and reimbursed for travel at the rate of five-cents per mile. The trial began at 9:00am, June 7, 1920 in United States District Court in Denver.

The judge was Robert E. Lewis; Harry B. Tedrow (~1875-1921) was the United States Attorney; Fred W. “Judge” Stow (1877-1931), of Fort Collins, was the lead attorney for the defendants.

**Testimony of John W. Street.** Mr. Street testified that the fence he built around his homestead had been “*torn down*” about fifty times over a three-year

period – wires cut, staples pulled, barbed wire laid off to one side and allowed to coil up into a snarl, posts broken or pulled out, gates ripped out – and his livestock frequently run off, sometimes night after night.

Street had rented out his homestead to different parties, all of whom testified to fence destruction, harassment and threats by the Roberts brothers and Cooley.

At the beginning of May 1919, a down-and-out William Forshey (1860-1935) began moving his family and twenty-eight cattle on to the Street homestead he had rented from Mr. Street.

William Forshey and John Street had just finished their first day’s work repairing the torn down fence to get ready for Forshey’s cows, when George Roberts and Cooley’s son, Sydney (1903-1987), rode up. George demanded that the freshly repaired fence be removed. He said he had cut the fence down the year before and would cut it down again. In fact, Roberts and Cooley had just cut the freshly repaired fence both as they rode down to the Street house and again at another spot as they rode out.

Mrs. Forshey (Lida – 1872-1951) had six children plus the cows to milk. She made up to seventy pounds of butter every week, which Mr. Forshey took into Fort Collins to sell.<sup>2</sup> The rest of the time Mr. Forshey hired out when and where he could.

**Testimony of Nettie Forshey.** Nettie (1905-1972), fifteen – the oldest of the six children – was responsible for keeping track of the cattle and repairing the damage the Roberts brothers routinely did to the fence when her father was away. She rode the boundary fence line on horseback morning and night, repairing fresh breaks, before and after riding to school and back with her younger siblings.<sup>3</sup>

She testified to intimidating run ins with the Roberts brothers and the Cooleys (father and son). One day, Nettie and her mother happened to be watching from separate vantage points as George and the younger Cooley chased their “*big red cow*” by

whirling their ropes, whipping her into a frenzy. Nettie testified indignantly “...*she was a gentle cow and they got her all excited...*” so the cow crashed over a barbed wire gate on Street’s north line, the other cattle running after her through the broken fence with George chasing them down into and over the North Poudre ditch to the north.

Popping up from her cover in the brush, Nellie testified that she “...*began to holler at Mr. Roberts...What right do you have in chasing these cattle?*” Caught out of school, George offered lamely, “*I am just giving them a fresh drink.*”

“*Did you know we was watching you...my mother is watching on the hill, too...Mr. Roberts, you make Cooley come and get these cattle.*”

Apparently not used to being caught red-handed (let alone by an indignant fifteen-year-old girl<sup>4</sup>) or facing a corroborating witness, George complied with Nettie’s demand. Nettie and her mother were left to repair the fence as George and Sydney rode off with their tails between their legs.

(to be continued)

<sup>1</sup> At the age of 76, Mr. Street must have seemed a promising target the Roberts Brothers brand of hounding and harassment. They clearly bit off more than they could chew.

<sup>2</sup> I am familiar with the trials of making butter in the home kitchen (we had family milk cows for 35 years). Making butter in this quantity is an unimaginable job by today’s standards. In addition to being labor intensive, it requires knowing how to age the cream, controlling the temperature, patience as the butter is coaxed to ‘come’ in the churn, careful preparation of the fresh butter for keeping and transport and all the cleaning up in a tarpaper homestead shack with no refrigeration, no running water, a coal stove and six kids. Care to try?

<sup>3</sup> Probably the school at Owl Canyon.

<sup>4</sup> The transcript of Nettie’s trial testimony indicates that she was afflicted with a learning disability, but that didn’t stop her from standing up to the wealthy ‘cattle baron’ and giving him ‘what for’.



**D.L. Roberts showing off the saddle his grandfather used on a daily basis for 50 years until taking a serious fall from his horse in his 70s.**

*“George Roberts was born in 1863 and died in 1966. At eighteen he worked for the Union Cattle Company in Deadwood, South Dakota. He said it took him more than his year’s wages to buy the saddle – but it had a nickel plated horn. He always rode in a trot which he said was a horse’s natural gate. For balance he placed his right hand on the pommel as he was left handed. This allowed him to use his left hand for roping. You can see where his hand wore through four layers of leather.”*

- D.L. Roberts