

## 67. THE ROBERTS BROTHERS CHRONICLES III – WHAT WERE THEY THINKING?

Why were George and Ernest Roberts so driven in their war on homesteaders and other settlers? It started as early as 1898 and ran for more than twenty years before the boys were hauled up on federal charges.<sup>1</sup> A case can be made that the energies they expended must have been counterproductive to building a cohesive agricultural enterprise. All that night-riding, harassment and fence cutting can really take it out of a guy – makes it hard to keep your eye on the ball.

Be that as it may, George and Ernest appear to have had some success at discouraging homesteaders.

Susie R. Lincoln (1861-\_\_\_\_) and Stillman M. Lincoln (1857-1918) purchased<sup>2</sup> land near the Roberts brothers when they were married in 1898. Her sworn affidavit states that they suffered destruction of their domestic water source and fences “...and upon Mr. Lincoln rebuilding the fence Mr. George Roberts approached Mr. Lincoln in a threatening manner in my presence, and saying he would do him bodily harm and used very obscene language and brandishing a hammer...The intimidation of Ernest and George Roberts was such that we were forced to leave the country.”

With respect to Susie Lincoln’s account, the sworn affidavit of a neighboring rancher, Fred L. Maxwell (1877-1956 - born at Virginia Dale),<sup>3</sup> stated: “Several years ago [~ 1900], Ernest Roberts requested me to join several men and go to the house and home of Samuel [sic] Lincoln and make a demonstration with a view to making him leave the country...I refused to accompany the men. However, a bunch of them went to Mr. Lincoln’s home but what they did I don’t know. Mr. Lincoln moved away from his land shortly afterward and Roberts Brothers are said to own a part of the land now.”<sup>4</sup>

The ever popular ‘burning out’ of homesteaders even makes an appearance: Testimony by affidavit was

given that George Ripple (1857-1912) had told of seeing George Roberts “riding off to the northwest” (toward Livermore) in 1910 as the homestead tent of John Sedgely (1861-\_\_\_\_) burned to the ground.

The Roberts’ hooliganism wandered off script sometimes: An affidavit sworn by Lawrence O. Smith (1882-1956) stated that in 1911, while objecting to the rounding up and removal of his own [Smith’s] cattle by George and Ernest, “...George Roberts took his rope and made strenuous efforts to lasso [Smith] and that to protect himself [Smith] struck the said George Roberts over the head with a clubbed rifle; that [Smith] then turned the cattle and drove them back to their [Smith’s] pasture.”<sup>5</sup>

The affidavit of Russell W. Fleming (1879-1923), DA for the 8th Judicial District, notes his investigations of “...various and sundry...complaints against George and Ernest Roberts for acts of violence and lawlessness against settlers...so continuous that such acts were [in the opinion of the DA] part of a continuing plan, or at least a common practice...of intimidating homesteaders and other settlers...”

Casper Zimmerman (Chapter 64) testified that Ernest threatened they would ‘break’ Casper: “You will find that you will come out of this thing broke, like Doc.Gamon<sup>6</sup> did. We broke him.”

Part and parcel to their depredations of Zimmerman, Sedgely, ‘Doc’ Gamon and others, were fights over roads that escalated into conflict with Larimer County, resulting in criminal charges against the boys for tearing out County right of way fences, to which they entered a plea of *nolo contendere*.

To answer the question posed earlier, after pondering the trial transcript, it is hard to avoid the conclusion that the boys suffered from a delusion of entitlement – being above the law – coupled with a real mean streak.

(to be continued)

Thanks to DL Roberts for his contribution to this installment.

<sup>1</sup> The United States of America vs. George F. Roberts, Ernest W. Roberts, Edward Cooley, et al. June, 1920.

<sup>2</sup> Mrs. Lincoln’s reference in her affidavit to ‘purchased’ as opposed to ‘homesteaded’, is likely a mis-choice of words, but it could be reference to a purchase from the UP Railroad; a *Pre-emption* Act purchase at \$1.25 per acre (Chapter 6); or the ‘work around’ cash shortcut of some Homestead Law requirements under the *Commutation Clause*, also at \$1.25 per acre; or common (though technically illegal) was the purchase of another homesteader’s voluntary *Relinquishment* of their claim. Whatever the transaction, it may have failed, as I was unable to find a public record.

<sup>3</sup> Fred Maxwell is remembered for donating the fine ranch he put together on upper Stonewall Creek to Colorado A & M nka Colorado State University.

<sup>4</sup> Larimer County public records do not provide a trail for homesteaders who did not ‘prove up’ on their homesteads (receive a Patent from the Federal Government). In the case of Stillman and Susie Lincoln, when they fled their homestead, no record was created in the Larimer County courthouse, so I don’t know where their abandoned claim was. This creates a conundrum, as the critical piece of information needed to trace the records in the National Archives is the legal description of the property(!)

<sup>5</sup> No further mention of George’s injury appears in the trial testimony. DL Roberts says that his grandfather, George, died with a steel plate installed in his skull, but that was from a later misadventure – he took a fall from his horse when he was in his late 70s, which left him largely crippled for the last twenty-five years of his life.

<sup>6</sup> Possibly John Gamon (1862-1941, homestead location unknown). Here, again, it is quite difficult to trace a homestead location by the name of the homesteader. Based on testimony given by DA Fleming, there were likely a number of settlers who were driven off by the boys, whose identities are not known nor the locations of their homesteads. For instance, DL Roberts remembers his grandfather (George) referring to a location on the Roberts Ranch as the “Rose Place”, an abandoned homestead near *Slab Canyon Wash*. However, the name does not show up on Patents in the public records in that area.

(Waiting for picture.)