70. THE ROBERTS BROTHERS CHRONICLES VI – THE SQUEEZE

We left off with George and Ernest Roberts guilty of conspiracy to deprive John W. Street of his rights under the Homestead Act. The boys have received support from the formidable Mrs. Ella Sophia Williams of Denver, and upon her recommendation have engaged a new, high-powered attorney to appeal for a new trial on grounds that the first trial was not fair.

Sentencing will be postponed until the Motion for a New Trial is adjudicated. So, while that is playing out, let's go take a look at what else the boys have been dishing out to Mr. Street (and others homesteaders) over the years.

The Roberts brothers employed squeeze tactics against homesteaders: In addition to physical harassment and intimidation, they used fraudulent challenges filed by locals,[1] in-laws and/or Asa Sterling's family members to question the validity of homestead filings on technical grounds and/or conflicting mineral claims, all designed to gum up the homestead process. If a homesteader wasn't scared away, he/she/they might be worn down by administrative duress.

The boys often would draft the *Contest* document themselves, shepherd the accomplice to the General Land Office to witness the signature and make sure it got filed. Three of these *Livermorons* testified at the trial for the prosecution: Edward Cooley (1874-1952), one of the defendants; Casper Jacobson (1875-1945), a local blacksmith; Burdette Raymond (1895-1974), former tenant of the Roberts brothers. In addition to being largely incoherent witnesses, Cooley and Jacobson, if not openly hostile, were grudging.

The bureaucratic nature of the *Contest* process coupled with the burden of travel required to attend hearings and file papers, could become a nightmare for a stressed-out homesteader struggling to make a go of it in the middle of nowhere. Sometimes, as things were about to get serious, the boys, for reasons not readily apparent, would persuade their chosen *Livermoron* to withdraw the *Contest*, leaving a pile of paperwork to be cleaned up. Then the boys might demand the money back that they had paid the accomplice to file the *Contest* in the first place(!).

In the case of Mr. Street's homestead, the boys' brother-in-law, Norman Latsch (1880-11959),[2] filed a *Contest* claiming that Street's homestead was on land with valuable minerals – limestone and gypsum – and therefore not suitable for homesteading, but rather for mining.[3] (see newspaper article, opposite, relating John Street's fight to the death battling three *Contests*).

Placer Claims. On at least two occasions, the boys organized *Placer Claim* ventures in anticipation of successful squeeze plays (on both John Street and John Sedgely).[4] The *Pine Grove Placer Claim* may have turned into a real last-minute hot potato that the boys handed off to none other than the son of Mrs. Ella Sophia Williams...

Document Do-Si-Do. In light of the following transactions, it is hard to imagine that some more serious ranygazoo wasn't afoot. The curious exchange took place at Leavenworth Penitentiary on April 25, 1923, two days after George was delivered there by a Federal Marshall. The two brothers signed a Department of the Interior form 4-621, *Relinquishment of Entire Claim* with respect to the *Pine Grove Placer Claim*. (which involved a portion of the Street homestead). This document, and a simultaneously executed Quit Claim Deed to *"J* [for James] *Ben* [for Benjamin] *Williams of 219 Foster Bldg., Denver...to the Pine Grove Placer Mining Claim."*[5] The *Relinquishment* was notarized by John Atwood, Secretary to Warden W. I. Biddle (1868-____). The envelope used to convey the Quit Claim Deed to the Warden's office bears the clumsily hand-written, hand-corrected return as follows: *"~~James~~ Benjamin Williams, ~~1756 Grant~~, Denver, 219 Foster Bldg."*[6] 1756 Grant was the Williams' residential address. 219 Foster Bldg. was his father's insurance agency.[7]

Thanks to DL Roberts for his help with this chapter.

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[1] Generally, semi-literate *'Livermorons'*, whose testimony at the trial ranged from ridiculously contradictory to unintelligible. Testimony given disclosed that the boys offered between $50 and $100 inducement, but only if the contest proved successful(!) together with vague references to possible joint ventures to develop the land when lost by the unfortunate homesteaders

[2] There may be a 'chicken and egg' question here. Did 'the boys' recruit Norman or the other way round? With his position as assistant superintendent of the Fort Collins sugar factory, Norman was in a position to know the value of limestone and possibly influence transactions to his benefit.

[3] An irony is that the alabaster quarries that Evan Roberts developed after 1930 were on what had been the Street homestead, subsequently acquired by the Roberts after Mr. Street's death.

[4] Both *'Pine Grove Placer Claim'* and *'Cedar Grove Placer Claim'* were names of separate *Mineral Entries* that were used by the Roberts brothers in this regard. The *Pine Grove Placer Mining Claim* was on S30, T10N, R69W where the contested Sedgely homestead claim was. Six Roberts relatives were the *Cedar Grove Placer Claim* owners.

[5] 'Heads-up' memo addressed to the Warden from his secretary (with parenthetical sarcasm), dated 4-25-23. George Roberts' Leavenworth prison file.

[6] The prisoner files for George and Ernest from the US Penitentiary at Leavenworth contain all written communication from and pertaining to the prisoners, together with memoranda and notes regarding the particulars of their incarceration.

[7] Queries: Were the boys still up to their homestead hijinks from prison? Was this part of a hasty, last-minute cover-up? What was the son of Ella Williams doing mixed up in a deal with the boys? Was Mrs. Williams involved in this herself? Why did her son, *James Benjamin Williams* (1888-1973) of *1756 Grant, Denver* reidentify as *"J Ben Williams of 219 Foster Bldg., Denver"*, making the changes crudely in pen and ink? What role, if any, did the high-powered lawyer, Horace Hawkins, play in this?

Civil War Veteran Fights Five Years To Hold Homestead

Raymond Richards, in the Denver Post Saturday published the following article in regard to the late John W. Street of this county:

For five years John W. Street, 79 years old, waged a valiant battle to preserve his homestead, near Fort Collins, from the intimidation of neighboring stockmen.

Saturday federal land office officials handed down the final decision—that his battle was won.

But Street is dead.

He died Friday, one day before battle was won, at the home of his granddaughter, Mrs. Nick Manatis, 2443 California street.

The story of Street's battle to protect his homestead is the old story of the feud between the cattleman and the nester. That Street died on the very eve of victory lends the story a touch of pathos that makes it unlike the usual homesteady war.

As an outgrowth of the struggle Ernest and George Roberts, cattlemen, are waiting to be sent to the federal penitentiary to begin serving a two-year sentence for intimidation. The United States circuit court of appeals in September affirmed the decision of the federal district court holding them guilty of intimidating homesteaders.

And Norman Latsch, brother-in-law of the two Robertses, was the loser in the posthumous victory of the aged homesteader. Saturday Miss Martha Spears, register, and C. B. Ford, receiver of the Denver land Latsch and in favor of Street, dismissing the contest brought by Latsch against Street.

More than five years ago Street took up his homestead near Fort Collins. He was warned by the cattlemen that homesteaders weren't wanted in that community. But Mr. Street was a veteran of the Civil war. He knew how to fight. And he showed it.

Five years ago the first contest against his homestead was filed, on the ground that it contained limestone, and hence was not farming, but mineral land.

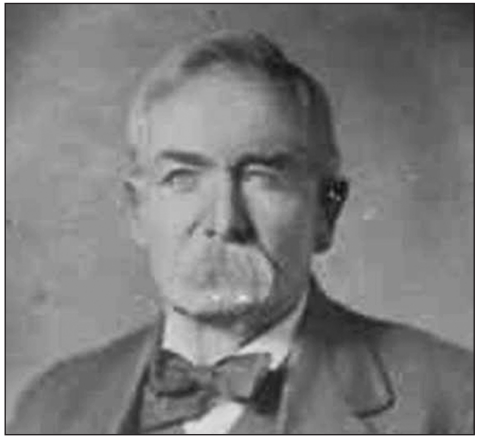
Street fought that contest thru the courts—and won. Then another similar contest was brought. He fought it, and again he won.

Then he filed on an additional forty acres adjoining his homestead. Latsch brought the present contest against this homestead. Saturday Latsch lost. M. D. McEniry, chief of the field division of the United States land office in Denver, opposed the contests and handled the prosecution of the Roberts brothers.

After the favorable decision in the second case, Street, his health broken, went to California. Recently he was notified to be in Denver Dec. 5 for the hearing in the third case. Despite the fact that he was still ill and in no condition to travel, he came to Denver. He attended the hearing. He set forth his side of the case.

Then he went to the home of his granddaughter and collapsed. He died Friday on the eve of his final victory.

The Fort Collins Courier, December 19, 1922, page 7



John W. Street (1842-1922)
familysearch.org