71. THE ROBERTS BROTHERS CHRONICLES VII – NEW TRIAL MOTION

Motion for a New Trial. Mr. Hawkins represented the boys in the *Motion for a New Trial*. The twenty-one affidavits that Mrs. Williams had gathered attesting the boys were "*...honest and law-abiding citizens, and that such reputation is and has at all times, been good.*" were offset by the nineteen affidavits obtained by the prosecution swearing the opposite concerning the reputation of the boys: "*...that such reputation is and at all times has been bad.*"

Throwing "Judge" Stow under the bus. The affidavits supporting the *Motion for a New Trial* of Mrs. Williams and Mr. Hawkins,cast aspersions (politely) on the competence of Mr. Stow as a criminal defense attorney.

The boys' lengthy affidavit said, among other things, that they had not had a fair trial because, in large part, secure in the knowledge of their innocence, they had not taken the charges seriously(!). By their own fault, they had been inadequately represented by their lawyer, Fred "Judge" Stow, who had advised them to hire experienced criminal representation, but they had persuaded "Judge" Stow to represent them because of their long association with him. But now they understood the seriousness of the proceedings and had hired a really good lawyer (Mr. Horace N. Hawkins) and if they were granted a new trial, they would mount a real bang-up defense and prove their innocence beyond doubt.

In his dismissive comments on the above arguments, Judge Lewis[1] went out of his way to comment on the lengthy experience and temperament of Mr. Stow.[2] "*He is what might be called a mild-mannered man in temperament. He does not storm the jury. ...whether or not the course he took in that respect would not be more persuasive to an intelligent jury than the manner frequently adopted by those who claim to be specially skilled in the criminal practice.*" – a red hot swipe at the hot-shot, Mr. Hawkins.[3]

The threat. For Judge Lewis, the core issue was the charge made by Mr. Hawkins in his affidavit in support of the *Motion for a New Trial*, that Mr. Tedrow (the prosecutor) had threatened "Judge" Stow (the defendants' attorney) that if Sydney '*young*' Cooley, of the '*big red cow*' incident (Chapter 68), testified for the boys he would be indicted for perjury.

If there had been a threat made by Mr. Tedrow that caused the defense to not call Cooley, then the defense might have been deprived of crucial testimony.

Judge Lewis was determined to get to the bottom of it. He interrogated "Judge" Stow, Mr. Hawkins, Mr. Tedrow and Gardner Cushing (1880-1949)[4] under oath and determined that, even though "Judge" Stow did not call '*young*' Cooley, the bruhaha over the 'threat' had not had consequential effect on the trial.

The 'threat' seemed to have originated during a break in the original trial with a gossip rumor proffered outside the courtroom by none other than Mrs. Williams' husband, James Williams (1852-1925), who, unlike his bride, did attend the trial).[5] That matter put to rest to his satisfaction, Judge Lewis curtly denied the *Motion for a New Trial*. If an appeal was an option, Mr. Hawkins and the boys did not pursue it.[6]

Thanks to DL Roberts and Lori Vanagunas for their kind help with this chapter.

[1] Judge Robert E. Lewis (1857-1941). Named to the District Court by Theodore Roosevelt in 1906, had been the Republican candidate for Governor of Missouri in 1896 (unsuccessful). (See chapter 69 for photo.)

[2] Fred W. "Judge" Stow, was very highly regarded. When he died at the untimely age of fifty-three in 1931, the Larimer County Court House was closed. All the law offices and schools in Fort Collins were closed for the day of his funeral. Several Colorado Supreme Court justices came up from Denver for the funeral. "Judge" Stow was never a judge. He earned the nickname from an Elks Club charity benefit where he had played a buffoon character judge, with lasting comic effect. He served as referee in Water Districts 5 and 6 and as Fort Collins City Attorney. His only elected office was a sixteen-year stint on the Fort Collins School Board. (See chapter 69 for photo.)

[3] Besides the fact that Mr. Hawkins constantly interrupted Judge Lewis during the proceedings on the *Motion for a New Trial*, the animus evidenced toward him by Judge Lewis may be partly explained by the political atmosphere of the time. Mr. Hawkins was a Democrat, Judge Lewis a Republican. Judge Lewis must have found it distasteful that Mr. Hawkins had been a notorious and successful legal representative of the *United Mine Workers of America* in the aftermath of the *Colorado Coalfield Wars* and the *Ludlow Massacre*. The labor movement had even less Republican sympathy in those days than it enjoys currently. (See chapter 69 for photo.)

[4] Gardner Cushing was the United States Commissioner, a judicial support position serving the federal court system in Fort Collins. He was a personal friend of the Roberts brothers. It was Cushing who conveyed the 'threat' rumor to Mr. Stow as if it were a real confidence.

[5] James (aka Jensen) Williams, originally from England, arrived in Denver in 1880 to enter the insurance business and went on to become a behind-the-curtain 'kingmaker' in Colorado Republican politics. He and Ella Sophia Parrish were married in 1886 (see opposite).

[6] It seems that Mr. Hawkins was representing one or more of the Roberts family some twenty years later, around the end of World War II. DL Roberts recalls accompanying his father, Evan, to the office of Mr. Horace Hawkins in Denver when he was about twelve (~1945).

JAMES WILLIAMS, G. O. P. LEADER, DIES

Heart Attack Proves Fatal to Member of Board of Capitol Managers.

James Williams, a member of the state board of capitol managers and a power in Republican circles for many years, died at his home, 815 St. Paul street at 7 o'clock last night after a long illness with heart disease. His death came just forty years to the hour from the time of his marriage, June 15, 1885, to Miss Ella S. Parish, who survives him.

Mr. Williams had been in ill health for several months but it was not until last Saturday that his condition became alarming. Death came quietly while members of his family were at his bedside.

Born in Shropshire, England, Dec. 14, 1852, he came to the United States when 18, settling at St. Louis, Mo., where he entered the insurance business with his brother, Benjamin Williams.

In 1880 he came to Denver and became identified with the old firm of the Cobb-Wynne Insurance company. For the past thirty-five years he had been engaged in the general insurance business with his brother-in-law, James O. Parish, maintaining offices in the Equitable building.

Being a keen student of politics, Mr. Williams, soon after his arrival in Denver, became a figure in state Republican circles. For more than thirty-five years he had been a power in politics, his counsel eagerly sought and valued by those high in office, altho he never held public office himself, except the position on the board of capitol managers, a non-salaried post that he held for more than twenty years.

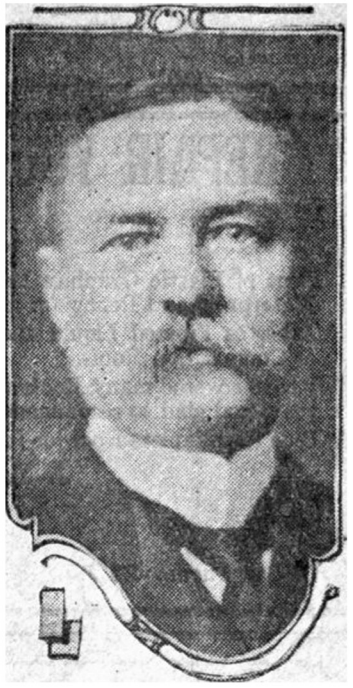
Intimate With Pioneers.

His was the quiet type of politician, powerful yet rarely in the public eye.

He was an intimate friend of such pioneer builders of the state as David Moffat, Walter Cheesman, Col. George Randolph and William G. Evans, enjoying their confidence as well as the confidence of others who figured largely in the political life of the state thru many years.

In addition to his wife, Mr. Williams is survived by one son, Benjamin Williams, who is engaged in the fire insurance business, being head of the Williams agency.

Funeral arrangements have not been completed.



A Power in State Politics.

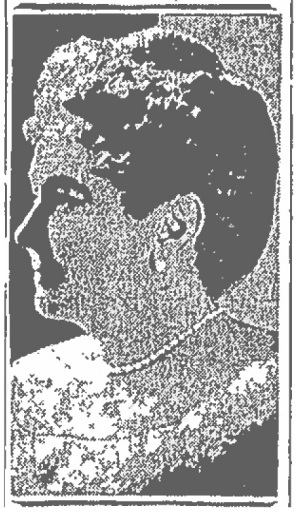
The name of James Williams did not appear often in the public prints and people who were not intimately interested in politics knew him only as a successful business man who wielded an influence in the fire insurance world, yet he was a potent factor for a full generation in the political affairs of his state, advisory council and wise man for leaders in the Republican party, the right-hand man of the late William G. Evans for all of that time. He preferred to remain in the background.

In the formative period of the state big business and politics were closely allied and men of affairs like Messrs. Moffat and Cheesman looked to him to protect their interests, and he was the liaison officer between business and politics and a better one could not have been had. His word was his bond as politicians appreciated and he was discreet and silent when silence was best. He was a rare judge of human character and he had hundreds of active politicians diagnosed to a nicety in his mental card-index. Very often he had the last word on the party "slate" and in his quiet way made and unmade men prominent in the politics of Colorado. He sought no office for himself, but the honorary one which he held at his death and he gave to it fully of his time and knowledge of public affairs. His pride was in keeping spick and span the capitol grounds and buildings.

Rocky Mountain News, June 16, 1925

Rocky Mountain News, June 17, 1925

Death Takes Aged Charity Worker



MRS. ELLA S. WILLIAMS,
For many years a leading charity worker and clubwoman here, who died Tuesday night.

VETERAN DENVER CHARITY WORKER DIES AT AGE OF 74

Mrs. Ella S. Williams Was Founder of Jacob Downing Home for Aged.

Death ended Tuesday night the useful and philanthropic career of Mrs. Ella S. Williams, 74, one of Colorado's most widely-known charity workers and clubwomen. She died at her home at 1458 Viné street, after a long illness which had made her an invalid.

Mrs. Williams was born in Genesee county, New York. She came to Colorado in 1884 and since then had been identified with a number of social and charitable organizations, including the Old Ladies home, the Children's hospital, the State Home for Mental Defectives in Ridge, Colo., and the state board of charities. She was the founder and life president of the Jacob Downing Home for the Aged.

She served several terms as president of the Old Ladies home and was a member of the Colorado chapter of the D. A. R. and of the Mayflower society. Her husband, the late James Williams, was a Colorado Republican leader many years.

She is survived by one son, J. Ben Williams, Denver insurance man.

Funeral services will be held at the Hartford mortuary at 2 p. m. Thursday. Interment will be in Fairmount cemetery.

Denver Post, October 11, 1933

WIDOW OF G. O. P. LEADER DIES HERE

Mrs. James Williams Expires at Age of 74

Mrs. James Williams, 74, widow of the late James Williams, Republican leader in Colorado, died at her home, 1456 Vine st., late last night. Mrs. Williams had lived in Colorado since 1884, and had devoted most of her life to philanthropic work.

She was born in New York state. After coming to Colorado she was active in organizing various charity and state homes. She was the founder and life-president of the Jacob Downing Home for the Aged, and was largely responsible for the founding of a State Home for Mental Defectives at Grand Junction.

She was a member of the Colorado Chapter of D. A. R., and of the Mayflower Society.

At various times she was president of the Old Ladies' Home, Children's Hospital, and the State Board of Charities.

She is survived by a son, J. Ben Williams, prominent Denver insurance man, and one brother, James O. Parrish.

The Hartford Mortuary will have charge of funeral services.

Rocky Mountain News, October 11, 1933