

*"Guilty," Verdict
in the Land Case*

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Courtesy of History Nebraska



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Against Richards,
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Charge of Con-
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FACTS ABOUT THE PROSECUTION:

- Cost of case will aggregate \$50,000.
- Jury was out two hours and five minutes.
- Thirteen months spent by secret service men in making investigations and in getting evidence.
- Affidavits were taken from 600 witnesses.
- Subpoenas were issued for 165 witnesses; 132 offered evidence at the trial.

Guilty is the verdict returned Thursday afternoon by the federal jury against Bartlett Richards, Will G. Comstock, Charles C. Jamison and Aquilla Triplett. They are convicted of conspiracy to defraud the government of public land in Cherry and Sheridan counties by means of false and fictitious homestead entries. On every one of the thirty-five counts of the indictment they were found guilty.

The penalty for such an offence is imprisonment not exceeding two years or a fine of not exceeding \$10,000, or both. While each count of the indictment constitutes a separate offence, the custom is to regard the whole conspiracy as one offence. It is rarely that a defendant is sentenced on each count of which he is found guilty.

Two hours and five minutes was the time required for the federal jury to return a verdict in a case which had required thirty-eight days of trial. The officers of the Nebraska Land and Feeding company, Bartlett Richards, president; Will G. Comstock, vice president, and Charles C. Jamison, secretary, were adjudged guilty of conspiracy to defraud the government. The company incorporated by them in Wyoming is reputed to be one of the wealthiest cattle companies in the west.

It is no question but that they will be put to enormous expense in their defense. The cost of the case as it now stands, including attorneys' fees, the taking of testimony and attendant expenses, reaches approximately \$50,000. It is estimated that \$30,000 is already due for services of counsel and the costs of the case follows the judgment.

The case went to the jury at 12:05 Thursday afternoon and at 2:50 the jury was ready to report. Forty minutes of the time the jurors were out was given to luncheon. Therefore, they spent but two hours and five minutes in actual consideration of the question given them to decide, but it was 3 o'clock before the court received the verdict.

R. S. Hall, chief counsel for the defense, accompanied by Mr. Comstock, arrived in the court room before the others. Mr. Hall expressed his willingness to waive the appearance of the other defendants, but District Attorney Goss demurred to what he considered irregularity of procedure.

(Continued on Seventh Page.)

DEFENDANT COMSTOCK TALKS.

"When this case reaches the circuit court of appeals," said Mr. Comstock last evening, "we will then see how the conduct of this jury is to be regarded. The indictment was about 500 pages long. Did the jury read it? Could any jury read that indictment and know what was in it in a space of two hours and five minutes? I say it is not a physical possibility. Again, there were the instructions of the court. It required forty-five minutes for Judge Munger to read those instructions, and he read them fast. Well, how was the jury to go over those instructions and read that indictment in the space they needed to return a verdict? What do the facts indicate?"

Mr. Comstock was asked if he and Mr. Richards cattled business and leave their holdings.

"No," he replied, "too much property is tied up. Our cattle raising will go on, even under these discouraging conditions. And they are disheartening in the extreme. Any ranchman in Cherry county will tell you this fact—that since the beginning of these prosecutions the amount of taxable property has decreased 40 per cent in that county. What does it mean? It means that the people can no longer conduct their cattle business, and they are moving out. They have to do it. The game is up."

This talk from Mr. Comstock was concurred in by Mr. Jamison. Neither of them cared to add anything to what was said by Mr. Comstock.

Continued on Seventh Page

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"Well," Mr. Hall replied, as he unbuckled his overcoat and then buttoned it up again, "we'd like to get that verdict recorded, get permission to file a motion for a new trial and then go home."

Apparently he understood well what the contents of the verdict would be, for he said to the newspaper men:

"Trial a Farce."

"This trial was an utter farce. The government was seeking to make an example of these defendants and this is the result."

"Maybe it's not as bad as you think," someone suggested.

"Don't tell me I know what it is," he replied. "From the very outset we were expecting this. It was to be read in the faces of the jury. As a matter of fact it should never have gone to the jury. There was not the slightest proof to support it—not the slightest."

A short time later Attorney Hall and Special District Attorney Rush began a fresh discussion of the case in the office of the United States marshal. Their voices rose in heated argument as though the trial were still in progress. So presently Mr. Comstock thrust his head into the room, smiled blandly and quietly asked:

"Don't you lawyers know the game is over?"

In the meantime the marshal's force was out in search of Aquilla Triplett, who was said to be doing his Christmas shopping with Mrs. Triplett. All the department establishments were searched and while the deputies were still out Mr. Triplett came loitering into the court room in search of one of the Modisett

brothers. He was then invited to stay to the reception and graciously accepted the invitation.

In the case of each defendant a separate verdict had been prepared and was read aloud by Clerk Hoyt. The reading of the verdicts apparently had no more effect upon the defendants than though a bit of ancient history were being read to them.

Immediately after this phase of the procedure Mr. Hall asked leave to file a motion for a new trial and was given until February 4 to do it.

District Attorney Goss, a short time afterward, gave expression as to what he thought of the result of the trial.

"The verdict of the jury," he said, "completely confirms our judgment in presenting the evidence to the grand jury; it justifies the indictment found last June by the grand jury and responds to the indictment and the evidence, line upon line, and precedent upon precedent. The defendants had a fair trial by a jury of their peers, and were ably defended by most astute counsel. It was the facts and the law which made their conviction possible."

Special District Attorney Rush had a similar thing to say:

"Exactly as I had hoped, the government has been vindicated. Under the evidence, the jury could not have acted differently. The evidence was simply so overwhelming that it completely established the guilt of the defendants. We would rightly have been greatly surprised if the jury had acted differently."

History of the Case.

At the time that President Roosevelt was dissatisfied with District Attorney Baxter for the "perfunctory prosecution" of Richards and Comstock, the same defendants in the land fencing case in November, 1905, Mr. Rush prophesied that another prosecution would be brought against Richards and Comstock for a graver offence.

Shortly afterward Mr. Baxter was summarily dismissed from office, and Mr.

Rush, especially appointed to prosecute the land cases, was retained. With the able assistance of L. C. Wheeler, a secret service operator, and the agent in charge of the Nebraska district, began to make further investigation into the land holdings of the Nebraska Land and Feeding company.

The department of justice and the department of the interior was anxious to make an example of the men who had escaped with what was considered an easy penalty; for when Richards and Comstock pleaded guilty to the charge of unlawfully inclosing the public domain, each of them was fined \$300 and sentenced to six hours in the custody of the United States marshal. The newspapers learned that the defendants were permitted to go with their attorney to the Omaha club for dinner; a sensational report followed, and in a short time Marshal Mathews was summarily removed from office.

The activities of Mr. Wheeler were one of the potential features of the Richards-Comstock prosecution. It was under his direction that the evidence was prepared. It was he who defined the inclosures of the Nebraska Land & Feeding company, and he it was who directed the surveys. For thirteen months he and the men under him have been occupied chiefly with this case, which is probably considered to be the most important government prosecution ever brought in Nebraska.

The secret service men interviewed and took affidavits from 600 witnesses. Of that number 165 were subpoenaed, but only 132 used upon the stand. The work of the secret service men was supplemented by the work of Special Agents Nixon, Axline and Scott. Mr. Wheeler was assisted by these secret service men:

Robert Hobbs, Thomas R. McMannus, N. C. Dolan and R. L. Jervis.

Part of the time there was a corps of fifteen men assisting in the investigation of the Richards and Comstock lands.



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Mr. Comstock was asked if he and Mr. Richards intended to retire from the cattle business and lease their holdings.

"No," he replied, "too much property is tied up. We can't go out of business. Our cattle raising will go on, even under these discouraging conditions. And they are disheartening in the extreme. Any ranchman in Cherry county will tell you this fact - - that since the beginning of these prosecutions the amount of taxable property has decreased 40 per cent in that county. What does it mean? It means that the people can no longer conduct their cattle business, and they are moving out. They have to do it. The game is up."

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