



MINNESOTA HISTORICAL SOCIETY

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[July 12, 1897]

To the Board of Pardons,
Of the State of Minnesota,
S t. P a u l.

In view of the proposed attempt to be made to secure the release of the Younger brothers now under life sentences at Stillwater prison I feel constrained to say a few words in their behalf; although I do not know the men, nor have I ever to my knowledge seen either of them. I was living in St. Paul at the time of the Northfield affair and have been a resident of Minnesota ever since 1865. When previous attempts have been made to secure the pardon for these men I have in common with many others opposed anything short of the carrying out of the life sentence, believing that the efforts of those grand noble souls, Ex-Governor Sibley and Marshall to secure release were to say the least ill-timed. The case as it now appears, however, seems to present some features not heretofore clearly brought out, which certainly call for our careful, candid and fair consideration. If the statements of Cole Younger, now for the first time probably made over his own signature, are true, it is certain that neither he nor Jim had any hand in the killing of Cashier Heywood. That neither were in the bank at anytime during the fracas, and that instead of trying to shed blood their shots were intended only to frighten people off the street and enable them to get away safely with their party, and booty if any had been secured; that it was part of the pre-arranged program that nobody was to be harmed except in the case of dire necessity in order to save their own lives; booty being their only object; also that during the retreat of the raiders the Youngers saved the life of a farmer near Mankato, insisting on his release, (thus greatly increasing the danger of their own capture) when others of the party proposed shooting him.

Now what is there of facts within our knowledge and of the circumstances surrounding that bloody encounter, or found elsewhere to confirm Cole's statements; we cannot accept them as true without something to confirm them. First we have the statement of the book-keeper in the Bank, made directly after the raid, that none of these prisoners shot Heywood, and that Charley Pitts, who was killed at the capture near Madelia, wounded him, Bunker. Take a glance at the situation. Here in the street as soon as the alarm sounded, stood or rode five (5) heavily armed dead shots, none of them cowards, James, Clel Miller, Chadwell, Cole and Jim Younger. Miller and Chadwell were killed and all the Youngers seriously wounded. Now can we for an instant believe that anything less than the stand taken by Cole Younger as leader of that band, backed by his brothers, that no one should be hurt, saved the people of Northfield from losing more of their citizens than poor Heywood.

The saving of the life of the farmer near Mankato, when others in the party, not the Youngers, proposed to kill him, is confirmed by the statement of the farmer himself made at the time.

In newspapers of that date.
Let us ask, where do we find any other evidence of a general disposition on the part of these men to respect the lives of others. In the year 1867, and several times subsequent thereto, I have had occasion to visit Kansas City and that portion of Missouri lying immediately about "Monigau Springs" where the Youngers made their headquarters much of the time; and from close friends who went into that country and to Kansas City from my boyhood's home in the Eastern States, before and immediately after the close of the War, I learned much of the characteristics of the Youngers, and more or less as to the James Brothers. About the time of the

attempt to secure a pardon ten (10) years ago, during a conversation with a friend in Kansas City, Judge ^{Wilson} Cobban, ex-Chief Justice of the Supreme Court of Kansas, he said, "It is my opinion that you have in Minnesota thousands of people outside of your prisons who are no better citizens than the Youngers would be if released. They never were really bad men at heart. The Younger family are of good stock. Their situation has been brought about largely by circumstances. Few men would be better if thrown into the same conditions and environments. No man who was not on this unhappy border in person immediately before, during and after the war, is capable of judging these men fairly. I have been a heavy sufferer myself from depredations by such men as they and in person. possibly by them. I was living at Lawrence and lost all I had but saved my life, being on the bench that day at Topeka. there at the time they raided us, ^ They should be punished severely and I think they have been. I believe that if they are now released they will become thoroughly good citizens and will earn the confidence of any community in which they might live."

Another Eastern man, an old time friend, living almost under the shadow of the Monigau timber near the Springs, speaking of Cole said, "He was a quiet gentlemanly fellow, and considerate in his way; one could talk with, argue and disagree with him without there being a row or anybody getting hurt, which is saying a good deal for him considering the condition of affairs here after the close of the war." On one occasion when a bounty had been offered for the Youngers, a party went out from Appleton City, near Monigau Springs, to take them in dead or alive. The tables were quickly turned however, and the Youngers and companions captured the entire party, ran them into camp and gave them a desperate scare, subjecting them to numerous punishments and indignities; among other things each captive had to dance for the amusement

of his captors. It was "Dance or die," and so they danced with one exception. One of the party, I have forgotten his name, positively refused to dance, saying they might kill him if they liked, but he would not submit to any such indignities. There were those among the captors who were ready to carry out their threat and were about to do so, when Cole came quickly to the front and called a halt, declaring that he was too brave a man to be slaughtered. The entire party were finally allowed to return to Appleton safely. Numerous other cases were cited going to show that ^{if} he (Cole) was reckless and desperate in many ways, he carried under it all a kind heart that rebelled against unnecessary cruelty and bloodshed. I refer to these foregoing remarks and incidents merely as of peculiar value from the fact that they all came to me, not from the Youngers' friends, whose statements would be colored in their favor, but from their natural enemies, the "Yankees."

We must concede that Cole, as well as his brothers, went into the Northfield affair for money only, with no desire to shed blood, but determined on the contrary to prevent its being done by others. They did attempt to rob the bank, but had no hand in any attempt to kill or hurt anybody.

Had Cole permitted Miller to shoot Dr. Wheeler and others as they appeared on the ground, as he wanted to, they (the raiders) could no doubt have succeeded in getting out of town safely, but instead of permitting this to be done, he stood firmly on his stand taken, that his party should be guilty of no bloodshed, and we know the result. All of us who were here at the time of the Northfield affair well know that these men, owing to excitement then prevailing, could not have secured a fair trial had they pleaded not guilty. A conviction was absolutely de-

manded. The public then demanded their execution, and it would surely have followed conviction. There was no shadow of doubt about it. We all felt that way, there is no use denying it. They therefore pleaded guilty to the act of another as their only chance. They have now been in prison about twenty-one years. They same length of time required for man to grow from birth to maturity and possess himself of citizenship and full manhood, and it is my belief that they have grown up to a new manhood over the ruins of the old, and if discharged will conduct themselves as good and useful members of society and atone as far as possible for past evil deeds. The prison records show them both without a discredit during all these weary bitter years, a fact greatly to their credit, and a record I believe without an equal in the prison history of the country. The ends of justice have been served. The two great objects of imprisonment have been accomplished; to-wit, protection of society by the detention of others from committing similar crimes, and the reformation of the prisoner. What further object can there be in detaining these men except to satisfy the depraved thirst for vengeance that still seems to lurk in the breasts of a few.

The pardoning board are representatives of the entire state and not of any particular city or town. It was the "Peace and dignity of the State of Minnesota" that was disturbed and violated by the acts of these men, and that dignity was amply protected by a prompt assertion and exercise of its authority. It was the privilege given this State to put an end to farther acts of lawlessness of these men and others associated with them. Now if every object of their imprisonment has been accomplished it is her privilege as well as duty to release their bonds and permit them to live out the remainder of their days as useful citizens

giving to the world a grand example of the practicability of prison reforms. Frank James who was a member of the gang at Northfield, has been at large for many years, and no complaints are made as to his conduct. Those who know all these men best will look with confidence for still better reports from the Youngers if released.

Much has been said in the newspapers about acts alleged to have been committed by these men during the war. It must be admitted that the border counties of Missouri and sometimes of Kansas were the scenes of bloodshed and violence, and common honesty compells us to concede on the side of the North, that none can tell on which side the greatest brutality was practiced. Missouri guerrillas understood it to be their duty to kill Yankees. Kansas Jayhawkers understood it to be their duty to kill Rebels. If we are to hold the Youngers in prison for what it is reported they then were guilty of what were we to do with those among us who were as deep in that game as they. I can walk into our churches here on Sunday morning and point my bony finger at more than one who was engaged in that unholy business, on our side of the cause. Not less than one being among our divines. We do not hold them responsible for their acts committed in those times nor should we. They are good, respectable, reputable citizens, and that chapter of their lives we ought to consider a closed book, but they have no more right to our charity or consideration than their opponents in those bloody times, the Youngers.

July 12th 1897

Geo W Darnell
415 Grand Ave
Minneapolis

State of Minnesota
County of Ramsey

Geo W. Bennett being first duly sworn says
that all of the statutes, and acts by him made
in the foregoing communication are true except
as to such if any as are stated otherwise
and as to those matters he believes them to be true

Geo W. Bennett

Subscribed and sworn to
before me this 12th day of July
1899

Andrew Turner

Notary Public

Ramsey County, Minnesota



Recommended
Mr. Bennett

Board of Sordons.
No. 55+56

Affidavit of Geo
H. Bennett
Filed this 12th day of July 1897
[Signature]
Clerk.

New

3.—*From Hon. Ignatius Donnelly, Ex-Member of Congress.*

St. Paul, Minn., July 18th, 1889

To His Excellency, Gov. Merriam:

Dear Sir:

I remember an incident which occurred when the Northfield robbers were seeking to escape from this state. In the woods, not far from Mankato, they were encountered by a citizen—a German, I think—who was looking for his cattle. The fugitives perceived that he recognized them. The two associates of the Youngers, who afterward escaped from the states proposed that, for their own safety they should kill the man. To this the Youngers strenuously objected. It was then suggested that he be gagged and tied to a tree in the depths of the forest, and left there. The Youngers replied that this would be more cruel than to kill him outright, as he might starve to death before he was discovered by those who might save him. Upon this question the Youngers quarreled with their two associates in crime and separated. The Youngers gave the man his life, but swore him not to reveal the fact that he had met them. He did not keep his oath. I always thought there was something heroic in this action of these fugitives from justice, at a time when the woods swarmed with their pursuers, they were ready to risk their own lives rather than take the life of that stranger. It manifested a noble humanity when every circumstance of their desperate situation incited them to cruelty and bloodshed. Now, I am told the youngest of these brothers, then a mere boy in years, lies at the point of death. It seems to me that you can now justly remember that act of humanity performed years ago in the woods of Blue Earth County, and permit this poor criminal to die outside the shadow of the penitentiary, and in the midst of those who love him. I believe that such an exercise of your executive clemency will be justified by every humane heart in the state. I have the honor to be with great respect,

Very Truly Yours,

IGNATIUS DONNELLY.

From J. C. Wise, Editor, &c., Mankato.

Mankato, Minn., July 12, 1889.

Hon. W. R. Merriam:

Sir:

Believing that the ends of justice have been well satisfied and vindicated by the long imprisonment of the Younger Brothers. I desire to join in the petition for their pardon. I was a resident of this city at the time of the Northfield raid, and the pursuit and capture of the Younger boys, and I am well satisfied were they the blood thirsty men represented there were many opportunities during their pursuit when they could have killed or wounded their pursuers, but it was not done. One instance I remember when they captured a German farm laborer in this vicinity and sought to get information about the roads. The man could not give it, and they were somewhat perplexed as to what to do with him, fearing that if he was released he might give to their pursuers information that would lead to their capture. Some one of the party proposed that they should kill him, but Coleman Younger interposed a strenuous objection, insisted that the man should not be harmed, and largely through his efforts he was released unharmed and returned to his family. If, however, in your judgment, you are not fully convinced of the wisdom of pardoning the three at this time, in view of the severe and fatal illness of Bob Younger, every dictate of humanity pleads that clemency may be extended to him, and that he may be permitted to return to his relatives and friends for the care and attention that they alone can bestow.

Yours &c.,

JOHN C. WISE.

From Geo. W. Batchelder, Lawyer, Ex-State Senator, &c., Faribault.

Faribault, Minn., June 22, 1889.

Hon. Wm. R. Merriam, Gov. of Minn.:

Three gentlemen from the state of Wisconsin have called upon me in the interest of the Younger Brothers and have asked me to write you giving my opinion as to the propriety of granting them a pardon. I am willing to express myself on that subject as I have often done for the last two or three years. I know the crime they committed, that they were guilty of the crime of an attempt with others to rob the Northfield bank. I do not believe they were guilty of or intended to assist in the crime of murder. I know too that they have been punished long and severely and believe that the ends of justice would be fully met if they should now be set at liberty. I believe from my personal acquaintance with the men and their conduct during their thirteen years imprisonment that no one can reasonably doubt that if set at liberty they would become good citizens. I candidly believe that their punishment has accomplished all which can be accomplished by a continuance of the same punishment, and so far as I can judge, this is the opinion of a large majority in the community where I live. With regard to Robert Younger I have a word to say in particular. I understand he is afflicted with an incurable disease and is rapidly hastening towards death. This must be known to your honor and the state authorities generally, and I believe it would be unmerciful in the highest degree to continue his punishment down to death's door. I see nothing that the state can gain by prolonging his punishment, and nothing that it can lose by permitting him to return to his home to die with his friends which is only a poor privilege at best.

With much respect, I am yours very truly and sincerely,

G. W. BATCHELDER.

From Capt. J. A. Reed, Ex-Warden State Prison.

Hon. Wm. R. Merriam Gov. of Minn.

I was warden of the Minnesota State Prison at the time the Younger Bros. were convicted and for ten years thereafter, and I cheerfully testify to their good conduct during that time. I never had occasion to even reprimand them for they were always obedient and gentlemanly, they have now served more than an average length of time for a Life Prisoners. Believing as I do that the ends of justice do not require longer imprisonment, and that they would settle down to be good citizens if liberated, and that long imprisonment is telling on them as it will upon all long term prisoners, and that mercy is not strained in asking for the release of those that are worthy but rather that humanity requires it. I join with their friends in petitioning your excellency to grant clemency and pardon them.

Very Respectfully,

J. A. REED.

*From Horace W. Pratt, Ex-President State Agricultural Society, &c.,
Minneapolis.*

Minneapolis, Minn., June 26, 1889.

To His Excellency, Gov. W. R. Merriam:

Dear Sir:

I desire to add my testimony to what I believe to be a growing sentiment of the people of this state. That in the case of the Younger Brothers that the law has been vindicated and that mercy should now actuate you in considering their application for the exercise of the pardoning power on your part. I think that such pardon would be received by the people as a just and merciful act, and I most earnestly ask that you pardon them. Thirteen years of most exemplary prison conduct should bear its reward. I sincerely hope you will be able to see your way to do this act of mercy.

Yours Very Truly,

HORACE W. PRATT.

From Dr. Clark of Stillwater.

Stillwater, Minn., June 24th, 1889.

Dear Sir:

I have known Robert Younger ever since he has been confined in the Minnesota State's Prison and have examined him repeatedly during that time especially during the last few months. I have no hesitancy in stating that it is my professional opinion that he is in the last stage of Acute Phthisis (quick consumption) and has but a comparatively few days to live, while he may possibly live sixty days he is liable to die at any moment from heart failure. His release from Prison would not prolong his life, but would no doubt add to the comfort of his few remaining days. I most heartily wish that you would exercise your prerogative in his behalf and allow him to die among his friends.

Respectfully Yours,

To His Excellency Gov. Wm. R. Merriam.

T. C. CLARK.

From B. G. Yates, one of the Captors of the Younger Brothers.

HON. GOVERNOR W. R. MERRIAM,
State Capitol, St. Paul, Minn.:

ST. PAUL, MINN., JULY 15, 1889.

DEAR SIR:

Perhaps I ought to beg pardon in advance, for a second time addressing you on this subject, but my deep interest in the matter, and a feeling after a visit to the prison, that I have not done all that I might do to secure the release of Bob Younger, at least, is my excuse.

It is usual, I believe to grant some days of grace for good behavior to the worst criminals and set them free before their sentence has fully expired, this it would seem, is all that can now be done for this man Robert. I am well aware of the unreasoning prejudice in some quarters against clemency for these men, but is it not a fact that they are now in prison because of crimes *rumor* has it they committed in other states and in other times of which they are probably innocent; at least these things have never been proved against them, and I envy not the man whose heart is so calloused to all the better instincts of humanity, who would begrudge Bob Younger the few days of life probably left to him. And believe Mr. Governor, while I went out with horse, guns and clerks (closing my place of business) after these men, none of us having the slightest intention of bringing them in alive, I would now rather take a pardon from your excellency to them, especially to Bob, than have a present of One Thousand Dollars.

Very respectfully,
B. G. YATES.

From M. D. Flower, formerly Adjutant General of Minnesota.

TO HIS EXCELLENCY, W. R. MERRIAM:
Governor of Minnesota:

ST. PAUL, MINN., JULY 17, 1889.

Believing, as I do, that the ends of justice have been fully sustained in the incarceration for the past thirteen years, of the Younger Brothers in our state prison, and further believing that the object and intent of the law in punishing malefactors is to correct and restrain criminal action, and being fully convinced that in the case of the Younger Brothers who have been punished by imprisonment in our penitentiary for so many years that the majesty of the law has been fully vindicated and that no further good in the form of precedent can be attained by further punishment. I most unhesitatingly urge that you will feel fully justified in exercising the executive clemency which the law authorizes, and that you may feel justified in pardoning the three brothers, which I am fully convinced the people of Minnesota by a large majority would gladly endorse, if opportunity were afforded.

I am convinced that no citizen of this state believes for a moment that these men if liberated, will live other than correct lives for the remainder of their days. I am sure no interest of the state, nor of society, nor of humanity can be subserved by further punishment of these men—this being true they may well be permitted to end their lives outside of our prison. I trust you may see this matter in the light herein indicated and grant the pardon sought.

Sincerely,
M. D. FLOWER.

From Hon. D. M. Sabin, Ex-Senator of the United States.

TO HIS EXCELLENCY GOV. MERRIAM:

STILLWATER, MINN., JUNE 24th, 1889.

DEAR SIR:

My observation of the conduct of the Younger Brothers during their confinement last thirteen years, leads me to the conclusion that the ends of justice in their case have been fully met, and their further confinement can in no way benefit the public generally, either in this state or elsewhere.

I have no hesitancy in placing myself on record in recommending unqualifiedly their pardon, and sincerely trust your excellency may see your way clear to grant their prayer.

Very respectfully,
D. M. SABIN.

From W. M. Campbell, United States Marshal.

To His Excellency,
The Governor of Minnesota,

ST. PAUL, MINN., JULY 3d, 1889.

DEAR SIR :

Having been requested to join with the many of the worthy citizens of our state in recommending to your Excellency the exercise of the gubernatorial prerogative in extending clemency to the Younger Brothers now confined in the state penitentiary at Stillwater, and having given the matter as close and conscientious a consideration as is possible for me to do, I have reached the conclusion to join with Ex-Governor W. R. Marshall and the many other worthy gentlemen who are now urgently recommending such action on your part, and for the following among other reasons: That upon the theory that confinement in prison is for the punishment of crime, then these men have been sufficiently punished. They have been confined until they are utterly broken down, both in health and spirit, and one of them, Robert, whom I saw three weeks ago, is surely dying. He can not possibly survive many months, probably not many weeks. Upon the theory that confinement is for the protection of society, then no additional good can be accomplished by further confinement, for in their present diseased and broken condition, it would be impossible for them to re-engage in the habits of their early life, even if they would otherwise be inclined to do so, while it is well established that they would now abhor such a thought as much as any good citizen. And if upon, to my mind the better theory, that punishment by imprisonment is not only for the purposes above referred to, but more especially with a view to effect the reformation of offenders, then the perfect good conduct of the Youngers from the first day of their incarceration, their genuine sorrow and repentance for their crime, and their undoubted determination to lead good lives for the time left them, whether in or out of prison, as testified to by all who have had charge of them, and by all who have given the matter their attention, leaves no room to doubt that so far as the reformation of these men is concerned, that nothing more can be expected or desired.

I therefore respectfully submit, that under these circumstances the exercise of your prerogative to relieve them from the extreme penalty of their sentence, will be a proper recognition of the principle of tempering justice with mercy, and that good conduct, sincere repentance for wrong done, and positive reformation should be encouraged and rewarded.

Very respectfully yours,
W. M. CAMPBELL.

From G. M. Seymour, of Stillwater.

STILLWATER, MINN., JUNE 24th, 1889.

TO HIS EXCELLENCY, GOV. W. R. MERRIAM :

DEAR SIR :

I understand that an effort is being made to secure a pardon for the Younger Brothers. I have been acquainted with them during their term of imprisonment and have always found them reliable in every way. Most of the time were in the employ of our company. I have good reason to believe that if now pardoned they would lead honorable lives, and that their long term of imprisonment would seem to satisfy the ends of justice and would therefore respectfully ask that they be pardoned if your excellency could consistently grant the petition.

Very respectfully, your obedient servant,
G. M. SEYMOUR.

From General H. H. Sibley, Ex-Governor, &c.

ST. PAUL, JULY 8TH, 1889.

His Excellency Wm. R. Merriam,
State Capitol, City.

Governor:

I feel it to be my duty to join in the appeal for pardon to the three convicts, known as the Younger Brothers, who have been incarcerated in the State prison at Stillwater for the past thirteen years. In so doing, I depart from the rule which has governed me, not to interfere with the course of justice, except under very exceptional circumstances.

Believing the ends of justice to have been fully answered by the long and severe punishment inflicted upon the convicts mentioned, and taking into consideration the excellent record made by them during their confinement, I am persuaded that their release from further punishment, would be favorably regarded by a majority of the people of the state, as an exercise of that comity towards a sister state, which has appealed to your Excellency, through many of her high officials and other representative citizens, to pardon these young men and restore them to their friends, guaranteeing that in such event, they will prove to be law abiding citizens.

Minnesota has shown her power to punish malefactors, let her now manifest her magnanimity, by opening the prison doors to the men who have so long suffered for a violation of her laws, and bid them "go and sin no more."

Respectfully submitted,

HENRY H. SIBLEY.

From Mayor Smith, of St. Paul.

ST. PAUL, MINN., JULY 17, 1889.

TO HIS EXCELLENCY, W. R. MERRIAM:

Governor of Minnesota:

SIR:

I desire to add my voice to the appeal now being so generally made for the pardon and liberation of the Younger Brothers, at present undergoing sentence in the State penitentiary at Stillwater. While feeling that nothing can be urged in mitigation of the crime for which they were convicted, I believe that the thirteen years incarceration they have undergone; the uniform good conduct credited to them since and during their confinement; the evidences of genuine sorrow and regret the brothers have repeatedly given for the crime and the conditions of youth, associations and influences which made them criminals; together with the fact that one of the brothers is now at the point of death, will warrant that exercise of clemency at your hands which will give these men an opportunity to pass the remainder of their lives among their fellow men and, as free men, endeavour to retrieve in some measure their natural inheritance—the right to freedom—which they sacrificed upon the altar of youthful indiscretion, ignorance and passion.

I am assured that competent aid and intelligence in abundance stands ready to place and keep these men in a position to demonstrate their sincerity and determination to do all that human beings can do to prove their worthiness of the pardon which is so earnestly craved at your hands and, which I feel myself constrained to supplicate for them.

I am Sir, with the highest esteem,

Very respectfully, etc.,

ROBERT A. SMITH,

Mayor.

From Harold I. Cleveland, Editorial writer on Pioneer Press.

St. Paul, July 13, 1889.

To His Excellency, the Gov. of Minnesota:

Sir:

I have been asked to be one of the many who are soliciting the pardon of the Younger brothers at your hand. I was present at Madelia when they were captured and have had a personal acquaintance with them ever since. I sincerely believe that they should be pardoned. I know that their prison record is the best and that in all the ways possible for them now to do so that they have given evidence of their capacity to lead correct lives. It has been but recently that the principles of humanity have gained any considerable foothold in the prisons of the world. Society is just accepting the new doctrine that the power to punish is not possessed by it and that the powers of correction and restraint are the only true ones that it can exercise in the control of criminals. Believing as I do that it has never been possible for the state of Minnesota to punish the Younger brothers but that it has restrained them until they are now competent to be restored to citizenship, I sign this appeal most cheerfully. Especially do I ask you to consider the case of Robert Younger, who standing on the threshold of death, deserves by every principle of mercy the clemency you can extend.

Yours respectfully,

HAROLD I. CLEVELAND.

From John Bressett, Capt. of Police.

St. Paul, July 18, 1889.

His Excellency Wm. R. Merriam.

I desire to add my voice to the appeal for the pardon and liberation of the Younger brothers, now under sentence in the Penitentiary at Stillwater. Respectfully,

JOHN B. BRESSETT,

Capt. of Police.

From Chief of Police, Clark.

St. Paul, July 18, 1889.

His Excellency, Wm. R. Merriam:

I desire to add my voice to the appeal now being made for pardon and liberation of the Younger Bros., now under sentence in the penitentiary at Stillwater. I am, with respect, &c.,

JOHN CLARK,

Chief of Police.

From Mayor Durant, of Stillwater.

STILLWATER, MINN., JUNE 24th, 1889.

HON. W. R. MERRIAM,

GOVERNOR :

Prominent citizens of the State of Missouri called upon me today, requesting that I should address you relative to Cole, Robert and James Younger, now confined in the State Prison. The history of these men is one with which the entire state is familiar. The crime committed, the conviction that followed. Thirteen years has elapsed since then.

The subjects of this letter have been in confinement in accordance with the sentence imposed. Lapse of time coupled with a record of good conduct and the example set by them to others in confinement has won the friendship and respect of the state officers in whose custody they have been placed. I think punishment to be effective should be salutary. The liberation of the Younger Brothers granted on account of their good conduct during confinement will certainly stimulate convicts to conduct themselves in such manner as may conduce to lessen the term of imprisonment imposed on conviction.

I believe that ordinarily it is best that persons under sentence for a long term should have reasons to hope that by fully observing the regulations of prison discipline and uniform, proper demeanor toward officers, guards and overseers of the prison, the term for which they were sentenced may be shortened by executive clemency.

The conduct of the Younger Brothers during the long time they have been inmates of the prison has been not only of material advantage to the inmates of the prison, but has added a feeling of security to the prison management. The only question to be considered, in my opinion is this: Has the law been sufficiently vindicated? Can any good be attained by a longer period of imprisonment of these men? Will not the fact that (in case) executive clemency is exercised in their behalf on account of the reasons adduced above, act as an incentive to others in confinement for violation of law.

I think the community of Stillwater who are fully conversant with the history of crime committed and the conduct of the Younger Brothers during confinement feel, that the punishment, viz: Thirteen years confinement within prison walls, considering the disposition on their part to atone for the crime committed by thirteen years confinement and a life of good conduct without a parallel in the prison's history has been sufficient.

Many prominent men in our state feel and have so expressed themselves, that it would be proper to extend to these men a pardon. This feeling is based on the belief that these men will by their future lives set an example more valuable than police surveillance in any community in which they may make their future homes provided, they are restored to the right of citizenship.

Very respectfully,

E. W. DURANT.

From Liberty Hall, formerly Editor of Glencoe Register, Minn., and

State Prison Inspector.

Gov. W. R. Merriam,

KANSAS CITY MO., JUNE 24, 1889.

St. Paul, Minn. :

MY DEAR SIR :

I read in yesterday's Kansas City "Times" a dispatch from Stillwater, Minn., stating that a special effort was being made to secure the pardon of Robert Younger. I write simply to say that from what I learned of Bob's personal character as a man and his record as a prisoner while acting as inspector of that State's Prison, and also from what I have learned of his history as a boy since I came to this state, from his old neighbors and schoolmates, I sincerely believe that justice and humanity both demand his release. But you will hear all the arguments in his favor better than I can state them. If I held the pardoning power, I should consider, first, the fact that he was only a good-sized infant at the time of the Northfield raid; second, that he has already served a life convict's life-time—nearly thirteen years—without a scratch to blot the record of his good conduct; and, third, the condition of his health and the almost absolute certainty that, if retained in prison, he cannot live but a few months; together with the probability that, if liberated now, he will have but a little time to remain with his friends.

Yours truly,

LIBERTY HALL.

From Rev. J. H. Albert, Protestant Chaplain State Prison.

Stillwater, Minn., June 24, 1889.

To the Hon. Wm. R. Merriam, Gov. of the state of Minn.

Sir:

In as much as a petition is about to be presented to your excellency praying the pardon of the Younger brothers, Coleman, James and Robert, I desire to be one of those so praying, and for the following reasons: I believe the past has been fully atoned for, that no interest of society or justice will be conserved by their further punishment, and that if released they will be honorable, law-abiding and useful citizens.

I am, respectfully,

J. H. ALBERT.

Protestant Chaplain Minnesota State Prison.

From Capt. Ara Barton, Sheriff of Rice County.

Morristown, June 21, 1889.

Hon. Wm. R. Merriam, Gov. of Minn.

Dear Sir:

I take the liberty of writing you a line asking you to pardon the three Younger brothers now confined in the prison at Stillwater, from what I know of them I am sure they would be good christian citizens if they had their liberty. I think for Minnesota to capture the boys and keep them and make good men of them and return them to their friends and state, would be a great feather in the cap of Minnesota and of its governor that dare to do right though the heavens fall and will be the governor that the people will stand by. From what I know of the feeling of the people of the state I think they are of the opinion that the boys ought to have their liberty. If you cannot see it in that light, for God's sake pardon Robert and let his aunt and sister take him home to be with his friends what few days he has to stay on earth.

Yours truly,

ARA BARTON.

From Rev. Father Murphy, Chaplain of the Prison.

To His Excellency, W. R. Merriam, Gov. state Minn.

My dear Gov.:

Asked by the friends of the Younger boys to express to your excellency my opinion as to the advisability of extending to them an act of clemency in the matter of their pardon. I most gladly take this occasion to say that such an act is well merited by a model prison life of more than a dozen years. I do not imagine that their pardon will in any way defeat justice, and I am not of the opinion that we should pursue the wrong doer in a spirit of vengeance. I have the honor to sign myself.

Your excellency's most humble servant.

Stillwater, Minn., June 29, 1889.

M. E. MURPHY.

From A. K. Doe, Prison Inspector, Stillwater.

Stillwater, Minn., June 24, 1889.

Hon. Wm. R. Merriam, Gov.

Sir;

It is a well known fact which I need not assume to inform you of, that at least criminal laws are created and enforced for the protection of society, and so soon as such enforcement has consummated the end of such laws they should be suspended in relation to individual convicts suffering under them, by executive clemency or other agencies that will insure a freedom of persecution from such laws. I am persuaded that the crimes for which Messrs. Cole, James and Robert Younger are now, in my opinion, being persecuted, were the result of circumstances rather than, at any stage of their career, of confirmed criminals. Personally and officially I have known these men not less than ten years, and it needs no assurance of mine to you, that while they have been inmates of the State Prison here their deportment has been faultless. I am willing to place myself on record for an unequivocal pardon for these men, feeling absolutely certain that the ends of justice in reference to them has been fulfilled. I hope executive clemency will follow and that these men may receive an absolute pardon. I believe the cause of humanity demands this, and that thinking people will endorse your favorable action.

I am, very respectfully,

A. K. DOE.

From Hon. Wm. Warner, Ex-member of Congress, Kansas City, Missouri.

(NOTE.—Maj. Warner was to have joined Col. E. F. Rogers and other gentlemen from Missouri in a personal appeal to the governor for the pardon of the Younger brothers, but his public duties as commissioner with Gen. Crook and Ex-Gov. Foster of Ohio, to treat with the Sioux, prevented his coming to St. Paul. Maj. Warner was elected at the last National encampment commander in chief of the G. A. R.)

Crow Creek Agency, Dak., July 8, 1889.

Dear Colonel Rogers:

Your favor of 28th June did not reach me until this morning, after the time you requested me to meet you at St. Paul. But if I had received it in time it would have been impossible for me to have left my work here. You will please say that I am deeply interested in the success of your mission * * *

Your friend,

WM. WARNER.

From Ex-Gov. T. T. Crittenden of Missouri.

[Extracts from letter to Ex-Gov. W. R. Marshall.]

Kansas City, Mo., June 5, 1889.

My dear sir:

However pleasant it would be for me to go to St. Paul, at this time it is impossible * * * I sincerely hope that Robert Younger will be pardoned, for when God lays his hand upon a man, then we should remove ours. In fact I sincerely hope that the others will be pardoned also * * * I wish that I could be associated with you in securing the release of these men (no one has had a fiercer struggle with outlawry than myself, it is today an absolute thing of the past in Mo.)

Very truly yours,

THOS. T. CRITTENDEN.

From David Day, of St. Paul.

“ *William Lee,* “

ST. PAUL, MINN., JULY 2d, 1889.

HON. W. R. MERRIAM, GOVERNOR :

MY DEAR SIR :

At the time of the incarceration of the Younger Brothers in the state prison at Stillwater, I was an officer of that institution, and necessarily became acquainted with them, and have since that time inquired diligently into their history, and the circumstances connected with the crime committed by them and their confederates at Northfield.

The result of these inquiries is to convince me that at this time, the ends of justice have been accomplished upon them, in the wounds they have received in their capture, and their imprisonment, and that to detain them longer in confinement is simply wreaking vengeance upon men who have been peculiarly unfortunate in their lives from circumstances over which they have never had control.

I am absolutely certain that if they are restored to liberty they will hereafter make good citizens, and live a life of quiet usefulness. Their case is one of the last remaining reminders of the late war between the states, and it seems to me that it is a great privilege to you, as the Governor of Minnesota to make this contribution to the settlement of one of the most lamentable phases that that struggle left to the American people, by granting them the pardon the law invests you with.

Should you desire I should be pleased to give you in detail the reasons why I think that in their case the ends of justice have been accomplished, and that they are now entitled to that mercy which the law invests in the executive of our state. Doubtless they have grievously sinned, but doubtlessly they have grievously suffered for it, and are entitled to that mercy that we all hope to receive for our transgressions.

I am now glad to be counted, as one who publicly advocates, and desires to be known as an advocate of the pardon of the Younger Brothers.

Very truly yours,

DAVID DAY.

I fully endorse the views expressed by Dr. Day in the above letter.

WILLIAM LEE.

From Judge Butts, former Prison Inspector, &c.

STILLWATER, MINN., JUNE 24th, 1889.

HIS EXCELLENCY, W. R. MERRIAM :

I most cheerfully join in the request for a full and free pardon of the Younger Brothers, now confined in our state prison.

From an intimate acquaintance with the boys ever since their confinement I can say, I have no doubt but that they would make good and law abiding citizens if restored to liberty. They have been punished long enough. To neglect to give them an opportunity to redeem their former conduct looks like vindictive punishment.

I believe the better sentiment of the state will sustain you on an act of clemency in their behalf.

Very truly Yours,

E. G. BUTTS.

Board of Gardens.

No. 55+86

Old papers filed
during previous years

Filed this 12th day of July 1897

A. Hartley

Clk

[ca. July 12, 1897]

THE WESTERN UNION TELEGRAPH COMPANY.

INCORPORATED

21,000 OFFICES IN AMERICA. CABLE SERVICE TO ALL THE WORLD.

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This is an **UNREPEATED MESSAGE**, and is delivered by request of the sender, under the conditions named above.

THOS. T. ECKERT, President and General Manager.

RECEIVED at Fourth and Robert Streets, St. Paul, Minn.

529

Standard Time.

603 CHEEWI 34 Paid 49Ex

Kansas City MO 12

Gov Clough Chairman State Board Pardons St Paul Minn

The undersigned officials of Jackson county Missouri most earnestly pray for the pardon of the younger brothers, that they may come back home to die in peace and freedom May justice be tempered with mercy

T T Crittenden Jr County Clerk

J W Mc Curdy County Collector, H M Stonestret Clerk Circuit Court, Jno W Henry Judge of Circuit Court, T F Brady County treasr

John W Wofford Criminal Judge, Jno H Thomas Clk Criminal Ct
Robert S Stone Sheriff Jackson County, Thomas F Callahan County
Surveyor Sam Chiles County Marshal

155P

CABLE OFFICE**NEVER CLOSED.**

Board of Pardons.

No. 85486

Recommendation of
Jackson Co. Chs. Officials
Filed this 12th day of July 1897

.....
Clerk.

THE WESTERN UNION TELEGRAPH COMPANY.

INCORPORATED
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This is an **UNREPEATED MESSAGE**, and is delivered by request of the sender, under the conditions named above.

THOS. T. ECKERT, President and General Manager.

NUMBER	SENT BY	REC'D BY	CHECK
W 18	Ca	JR 91 Oh 17 Ex	555

RECEIVED at Fourth and Robert Streets, St. Paul, Minn. *2 19 pm* *7/12 1897*
M. Standard Time.

Dated *Kansas City Mo 12* via *Stellwater Minn 12*

To *The Hon Board of pardons St Paul Minn*

We assure ex-federal soldiers white black no matter what political party he does or may have belonged to remain in prison long in the state for them there is always exercised a special charity & mercy every ex-confederate soldier in Missouri stands with head uncovered awaiting the decision of your honorable board today we supplicate our splendid sister state Minnesota to extend to us that mercy which we to others show = (John J. Biss, Democratic member of Missouri legislature & the friend of every American ex-soldier living or dead)

Board of Pardons.

No. 85+86

Recommendation of
John S. Crisp of Mo.,
Filed this 12th day of July 1897

Clark.

THE WESTERN UNION TELEGRAPH COMPANY.

INCORPORATED

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This is an UNREPEATED MESSAGE, and is delivered by request of the sender, under the conditions named above.

THOS. T. ECKERT, President and General Manager.

RECEIVED at Fourth and Robert Streets. St. Paul. Minn.

Standard Time.

783

CH 444 YF X 9:45pm. 18Paid.

Union Depot, Hannibal Mo July 13-97

Governor of Minnesota.

St. Paul, Minn.

A friend in need is a
friend indeed. Please pardon
those boys you will do
a righteous act.

CABLE OFFICE

A Friend.

NEVER CLOSED.

Board of Pardons.

No. 85486

A. Missouri June

did this 12th day of July 1897

Clerk.

961708

J. N. ROGERS,
ATTORNEY AT LAW,
36 EAST THIRD ST.

PRINCETON, MINN.

[1]
~~ST. PAUL~~ July 13th 1887

Hon. Wm. Clough.
St. Paul

Dear Governor.

In the hurry
of business I hardly know
how to address this
note.

I merely want to say
I am strongly in favor
of the pardon of the Young-
er Brothers.

Could go into this

[2]
Board of Pardons.

No. 85 + 86

Recommendation of
J. N. Rogers of Princeton.
Filed this 12th day of July, 1887
Roland V. Hartley
Clerk.

thing in extent so sent
for leave.

I am in favor of their
pardon.

Yours truly
J. N. Rogers

WARDEN'S OFFICE
MINNESOTA STATE PRISON,

Henry Wöller, Warden.
F. H. Simon, Deputy.
George Bisby, Clerk.
H. E. Benner, Steward.

Stillwater, Minn.

July 22nd, '97.

Roland H. Hartley, Esq.,
Sec'y. Board of Pardons,
St. Paul, Minn.

My Dear Sir:- Enclosed herewith I hand you letters and petition in behalf of the Younger Bros. pardon. These papers were sent to me with a request that I file them, but they were mislaid in my office among other papers and I just came across them yesterday.

Please file them with balance of papers in your office, and greatly oblige

Very truly yours,

Henry Wöller
Warden.

(Enc.)

Letters of Nicholas A. Nelson, Dr. W. H. Pratt and
H. A. Jones and petition of members of the 37th
General Assembly of Missouri, addressed to
Gov. Nelson.

Board of Pardons.

No. 85+86

Letter of Warden
Wolfer

Filed this 22nd day of July 1897

Richard H. Hartley
Chk.

Roland H. Hartley, Sec'y.

Sec'y. Board of Pardons,

St. Paul, Minn.

William H. ...

July 23rd, '97.

MINNESOTA STATE PRISON

Received of ...
The ...
...

July 23rd 1897
Wolfer

W. H. PRATT, M. D.

OFFICE: 110 SOUTH MAIN STREET.
OVER KING BROS. DRUG STORE.

Stillwater, Minn., July 3rd 1897

To the Honorable members of the Board of Pardons
of the State of Minnesota
Gentlemen,

This afternoon while thinking over the efforts being made to secure a pardon for Cole and James Younger, my thoughts went back to a cold winter night, when the buildings of the Minnesota State Prison were practically burned to the ground, and to some incidents connected with that fire that probably ~~are~~ ^{are} not known to any person excepting myself - I spent the entire night with the prisoners and had the opportunity to observe them closely. The convicts were kept in their cells as long as the smoke was not dense enough to injure them, and there was any possibility of saving the cell building, when it became necessary to take them out they were arranged in double file, and if I am not very much mistaken Cole was at the right of the procession; when everything was ready, Deputy Warden Hall, brought out handcuffs for part of them, seeing this Cole asked Mr. Hall, "if he thought it necessary to put them in irons," Mr. Hall replied, that he disliked to do so, but the

Stillwater, Minn., 189

Yard was full of smoke, and the gates frozen open; Cole then said "Mr Hall I give you my word of honor that if you will leave them off neither I nor my brother will give you the least trouble, and I do not think any one else will; we will do all in our power to help you" Mr Hall replied "Well, I will trust you." With the gates wide open, the yard full of smoke, and very few guards the convicts were marched down to the foundry where they remained during the night. I was with them until morning, and can say that Cole Younger did much to keep the men quiet and keep down any insubordination.

At the time Bob Younger was sick and going to die, we (the officers of the Prison) tried hard to get him pardoned so that he might die with his friends around him, and Cole and James told me if Bob was allowed to go home to die, they would never ask for a pardon for themselves.

Whatever the part of their lives has been, since they entered the Minnesota State Prison, they have acted the part of men, and proven by their conduct

W. H. PRATT, M. D.

OFFICE: 110 SOUTH MAIN STREET.
OVER KING BROS. DRUG STORE.

Stillwater, Minn., _____ 189

that if once free, they will become good citizens.
As far as it is possible for mortals to do so, in this
life, they have expiated their crimes, and with the
present reformatory plans of our penal institutions
a little hope of mercy should be extended to all;
it is in accordance with the higher law of the
Supreme ruler of the Universe -

Respectfully yours
W. H. Pratt.

Board of Pardons.

No. 85+86

Recommendation of

Dr. W. H. Pratt

Filed this 22nd day of July 1897

Robert H. Hartley
Clerk.

LAW OFFICE OF
H. A. JONES.
PLEASANT HILL, MO.

NOTARY IN OFFICE.

July 1st 1897.

Hon. Henry Weller,
Stillwater, Minn.

Dear Sir:-Yours of 29th June just to hand and replying to same will say that I am of the opinion that your idea of allowing the papers to have their say is alright. I have been thinking for some time that that would be the proeprt course to persue, and I am glad that you have determined to have it done. All the papers in the matter are in the hands of Cap Bronough, except the one petition herewith enclosed which I find I have I though until I began to look that I had several of our letters and other papers but I find that I have leit them with Cap Bronough, but I have written him by this mail to send every thing to you at once which he will do. We will be there on the morning of the 7th.

Respectfully, *H. A. Jones*

Board of Pardons.

No. 85+86

Letter of S. A. Jones

Filed this 22nd day of July 1897

Richard V. Parling
Clerk.

Respectfully,

R. V. Parling

To His Excellency,

The Hon. Knute Nelson

Governor of the State of Minnesota.

Sir:

We, the undersigned members of the 37th General Assembly of Missouri, most respectfully ask at your hands the pardon of Coleman Younger, James Younger, now confined in the State's prison at Stillwater.

We do this for the following reasons:

1st. They have now been in the penitentiary very nearly seventeen years.

2nd. During this entire period their behavior has been so excellent as to win not alone the respect but the perfect confidence of the prison authorities.

3rd. Every intention of the law has been fulfilled in this that the punishment for the violation of it has been ample and complete.

4th. If restored again to freedom almost the entire population of this state would stand security as a mass to their becoming law-abiding, peaceful, upright and worthy citizens.

5th. To a certain extent they are the last victims of the civil war, having been so unfortunate as to live upon the border at a time when bad blood was hottest and evil passions most fully aroused.

6th. Despite whatever may have been said to the contrary, those of the three who were in the Confederate army were always merciful in combat and also in victory. If they could be reached hundreds of gallant Federal soldiers would speak out to-day and bear generous testimony to the truth of the declarations herein made.

7th. Your petitioners are of all politics, and of either military service. They simply come to you as one united whole asking for their pardon in the name of mercy and humanity. In so doing your petitioners will ever pray for your health, happiness and high future. (Members of the Senate)

Name	Li-gov. No.	Senator	District
J. B. O'Connell			
H. M. Sedgwick		13 th	District
John Gaggart	11	4	"
J. W. Betree	11	8	"
D. K. Korman	"	12 th	"
L. D. Starks	"	14 th	"
M. Hendrickson	"	28 th	
T. H. Gash	"	3-9	"
N. M. Baskett	"	9 th	"
Charles E. Yeater	"	15 th	"
R. P. Colby	"	18	"
Thos H. Dwyer		32	"
V. M. Hines	"	22 nd	"
R. A. Lora	"	5	"
W. B. Dannel	"	19	"
C. F. Cochran		2	"
J. W. Bradley	"	14	"
Peter R. Mansley	"	31 st	"
CR. Stephens	"	6	"
W. S. Whitte		13	
J. B. Harrison	"	27	"
Robert J. ...	"	21 st	"
C. F. Stone	"	30 th	
Samuel J. Weeks	"	10	

F. R. Newberry Senator 24 Dist

Jasper N. Burks 26th Dist

G. J. Durm 11 " "

Ray T. Adams 23 " "

Chas. F. Busche 33rd 4

W. F. Clark

Board of Pardons.

No. 85486

Pardon of Missouri
Legislature 37th Assembly

Filed this 22nd day of July 1897

Isaac H. Harley
Clerk.

UNITED STATES SENATE.

Washington, D. C.,

June 6, 1898.

Gov. David B. Clough,

St. Paul, Minnesota.

Dear Sir:--

I learn there is a movement on foot to secure the pardon of Cole Younger and his brother, who are now confined in your State Penitentiary. I need not make any reference to the time he has served or to his good conduct as a convict. I knew Cole Younger when a boy, and his family before him. He came of good stock, and it was a matter of surprise that he should have done what he did. I feel especially indebted to him, because during the war I fell into the hands of the enemy and Cole Younger, I think, saved my life, and for this and his good character when I knew him, and the standing of his family, I feel I can take the liberty of asking such executive clemency as could be extended under the circumstances.

Very truly yours,

J. B. Elkins

*Received for record
J. B. Elkins
June 6, 1898*

Board of Pardons

No. 85-6

Recommendation of
Sen. S. D. Eskins of Penn.

Filed this 9th day of June 1898

Dear Sir:--

I feel that he should have done what he did. I feel
the same of 'Good Stock', and it was a matter of sur-
prise to me when a boy, and his family before him,
served or to his 'Good conduct' as a convict. I knew
I need not make any reference to the time he has
and now confined in your State Penitentiary.
I secure the pardon of Cole Younger and his brother,
I learn there is a movement on foot to

circumstances.

Very truly yours,

S. D. Eskins

Gov. David B. Clough,

Harrisburg, Pa.

June 8, 1898.

Washington, D. C.

UNITED STATES SENATE.