



MINNESOTA HISTORICAL SOCIETY

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Nos. 555 & 556.

Board of Pardons
State of Minnesota

In the Matter of the Application
of
Thomas Coleman Younger
and
Jim Nardin Younger.

APPLICATION

To the Board of ~~Pardons~~ MANAGERS,
OF THE ~~STATE OF MINNESOTA~~. State Prison.

The application of THOMAS COLEMAN YOUNGER for parole

shows that his full and true name is Thomas Coleman Younger

His age is Fifty-seven years, and that his birth-place was Jackson County,
Missouri, his parents were

(State nationality of each.)

H. W. & B. S. Younger, both Americans

and that his occupation and residence during the five years next before his conviction of the offense hereinafter stated were as follows: Texas, and Missouri Farmers and Traders,

That on the 20th day of November 1876, he was tried and convicted in the District Court in and for the County of Rice of the crime of Murder

and thereupon sentenced to imprisonment in the Minnesota State Prison

for the term of his natural life

and that he is now imprisoned pursuant to such sentence: that the name and post office address of the judge before whom he was tried is Judge Lord

and of the prosecuting attorney is George L. Baxter,

that he was indicted and convicted under the name of Thomas Coleman Younger

That he has never been known by any alias except

and was never arrested, indicted or convicted for any other offense except Murder

That hereto annexed and made a part hereof is a succinct statement of the evidence adduced at his trial with the endorsement of the

that it is substantially correct. (If such statement or endorsement cannot be furnished, here state the reason.)

Your petitioner asks that a parole be granted to him upon the grounds and for the reasons following: That he has been confined in the Minnesota State Prison for nearly twenty-five years. And for the further reason that he has always obeyed all of the rules of the State Prison, and has shown every evidence of reform. That he has reformed, and is desirous of proving his ability and purpose to live a law abiding life. He believes that the punishment already inflicted ought to satisfy the requirements of justice, and he feels that society cannot be benefitted by longer incarceration.

And for the further reason that he is growing old and desires to prove his fitness to be trusted with his liberty and give proof that he is fully reformed before it is too late to do so.

All of which is respectfully submitted.

Thomas Coleman Younger

Dated at Stillwater this 6th, day of May

A. D. ~~xxx~~ 1901.

No. 555.

APPLICATION

For the Parole of
Thomas Coleman Younger

Filed on the 8th day
of May A. D. 189 1901.

James A. Martin
Clerk.

DISPOSITION.

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APPLICATION

To the Board of ~~Pardons~~ MANAGERS
OF THE ~~STATE OF~~ MINNESOTA. ~~State Prison.~~

The application of Jim Harden Younger for parole

shows that his full and true name is Jim Harden Younger

His age is 53 years, and that his birth-place was Jackson County, Missouri

, his parents were

(State nationality of each.)

H.W. and B. S. Younger, both Americans

and that his occupation and residence during the five years next before his conviction of the offense hereinafter stated were as follows: Texas and Missouri, Farmers and Traders

That on the 20th, day of November 1876, he was tried and convicted in the District Court in and for the County of Rice of the crime of Murder

and thereupon sentenced to imprisonment in the Minnesota State Prison

for the term of His

and that he is now imprisoned pursuant to such sentence: that the name and post office address of the judge before whom he was tried is Judge Lord,

and of the prosecuting

attorney is George L. Baxter,

that he was indicted and convicted under the name of James Younger

That he has never been known by any alias except

and was never arrested, indicted or convicted for any other offense except Murder

That hereto annexed and made a part hereof is a succinct statement of the evidence adduced at his trial with the endorsement of the _____

that it is substantially correct. (If such statement or endorsement cannot be furnished, here state the reason.) _____

Your petitioner asks that a parole be granted to him upon the grounds and for the reasons following: That he has been confined in the Minnesota State Prison for nearly twenty-five years.

And for the further reason that he has always obeyed all of the rules of the State Prison, and has shown every evidence of reform. That he has reformed, and is desirous of proving his ability and purpose to live a law-abiding life. He believes that the punishment already inflicted ought to satisfy the requirements of justice, and he feels that society cannot be benefitted by longer incarceration.

And for the further reason that he is growing old and desires to prove his fitness to be trusted with his liberty and give proof that he is fully reformed before it is too late to do so.

All of which is respectfully submitted.

Jim Harden Younger

Dated at Stillwater, this 6th, day of May

A. D. ~~xxx~~ 1901.

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No. 556

APPLICATION

For the Parole of Jim Harden Younger

Filed on the 8th day of May A. D. 1891

James A. Martin Clerk.

DISPOSITION:

before

TO THE HONORABLE THE BOARD OF PARDONS

STATE OF MINNESOTA.

RESOLUTION.

WHEREAS, Thomas Coleman Younger, a prisoner serving a life sentence in the Minnesota State Prison, has made an application to the Board of Managers of said institution, for a parole; and

WHEREAS, The said Thomas Coleman Younger, has not, to the knowledge of this Board, served a previous sentence in any prison for felony, and this Board is satisfied that his deportment during the entire period of his imprisonment has been as nearly perfect as is possible, and it is believed that there is a strong and reasonable probability that he will live and remain at liberty without violating the law, and that his release will not be incompatible with the welfare of society; and

WHEREAS, The said Thomas Coleman Younger, has now served under his life sentence more than thirty-five years less the diminution which he would have been allowed by law for good conduct had he been sentenced for a term of thirty-five years, and is, in consequence, eligible to parole under Section 7510 of the 1894 General Statutes of the State of Minnesota, as amended. Now, therefore,

RESOLVED, That this Board is favorably inclined to the granting of a parole to the said Thomas Coleman Younger, and that the Secretary be directed to forward to the Honorable Board of Pardons, a copy of this Resolution accompanied by the application of the prisoner, and respectfully requests that the written consent of the members of the Honorable Board of Pardons be given to the paroling of the prisoner Thomas Coleman Younger.

Unanimously adopted by the Board of Managers,

Attest

Henry Weper
Secretary.

B. H. Nelson
President.

TO THE HONORABLE THE BOARD OF PARDONS
STATE OF MINNESOTA.

RESOLUTION.

WHEREAS, Jim Harden Younger, a prisoner serving a life sentence in the Minnesota State Prison, has made an application to the Board of Managers of said institution, for a parole; and

WHEREAS, The said Jim Harden Younger, has not, to the knowledge of this Board, served a previous sentence in any prison for felony, and this Board is satisfied that his deportment during the entire period of his imprisonment has been as nearly perfect as is possible, and it is believed that there is a strong and reasonable probability that he will live and remain at liberty without violating the law, and that his release will not be incompatible with the welfare of society; and

WHEREAS, The said Jim Harden Younger, has now served under his life sentence more than thirty-five years less the diminution which he would have been allowed by law for good conduct had he been sentenced for a term of thirty-five years, and is, in consequence, eligible to parole under Section 7510 of the 1894 General Statutes of the State of Minnesota, as amended. Now, therefore,

RESOLVED, That this Board is favorably inclined to the granting of a parole to the said Jim Harden Younger, and that the Secretary be directed to forward to the Honorable Board of Pardons, a copy of this Resolution accompanied by the application of the prisoner, and respectfully requests that the written consent of the members of the Honorable Board of Pardons be given to the paroling of the prisoner Jim Harden Younger.

Unanimously adopted by the Board of Managers.

Attest

Henry Wolfe
Secretary.

B. J. Kelem
President.

[April 1901]

April 2-1901. Filed with Governor.
" 5 " . Returned to House.
" 9 " . Returned to Governor's Office.
" 11 " . Filed with Secy of State.



State of Minnesota
EXECUTIVE DEPARTMENT.

St. Paul, April 5 1901

Hon. M. J. Dowling,

Speaker of House of Representatives,

S i r :-

Pursuant to your request, I have the honor to herewith return to your Honorable Body, House File No.234, being "A bill for an act to amend section 7510 of the 1894 General Statutes of Minnesota, the same being section 4, of chapter 9, of the General Laws of Minnesota for the year 1893, relating to the parol of prisoners."

Very respectfully,

(Signed) S. R. Van Sant

Governor

St. Paul, April 5th 1901

To His Excellency,

Hon. S. R. Van Sant, Governor,

Sir:-

I herewith return House File 234 which has passed both Houses of the Legislature and submitted to you for approval.

To your inquiry as to its constitutionality, I beg to say:

The act in question authorizes, among other things, the Board of Managers of the Minnesota State Prison to parole convicts who have been sentenced to the State Prison for the period of their natural life, provided, among other conditions, "that no such life convict shall be paroled under the provisions of this act without the unanimous consent, in writing, of the members of the Board of Pardons, & c."

The Board of Pardons was created by an amendment to the Constitution adopted in November, 1896, which empowers such Board, composed of the Governor, the Chief Justice of the Supreme Court and the Attorney General, to grant "pardons and reprieves", to convicts convicted of violations of the penal laws of the State.

Article III of the State Constitution provides, section 1:

"The powers of government shall be divided into three distinct departments, legislative, executive and judicial; and no person or persons belonging to or constituting one of these departments shall exercise any of the powers properly belonging to either of the others, except in the instances expressly provided in this constitution."

The doctrine is universally adhered to that these three departments of government shall, within their appropriate spheres, be supreme, co-ordinate and independent of each other. The reasons therefor and authorities supporting this doctrine, are fully set forth and collated in,

Western Union Co. vs. Myatt, 88 Fed. 335,
 See also, Kilbourn vs. Thompson, 103 U. S. 168,
 8 American Law Register, 513.

The following propositions in our jurisprudence are settled by all the authorities:

1st. That neither the legislature nor executive branch of the government can constitutionally assign to the judiciary any duties but such as are judicial and to be performed in a judicial manner.

Foreman vs. Bd. of Co. Commrs. of Hennepin Co., 64 Minn. 371,
 In the Matter of the Application of the Senate, 10 Minn. 56, (78),
 Rice vs. Austin, 19 Minn. 74 (103),
 State vs. Young, 29 Minn. 474,
 Ex parte Griffith, 118 Ind. 83,
 Kilbourn vs. Thompson, supra.

2nd. That neither judicial powers, the exercise of which is vested in the judiciary, nor executive duties assigned by the Constitution to the Chief Executive (or as in the matter of pardons in Minnesota, to the Board of Pardons), can constitutionally be delegated by the legislature to others.

(See authorities heretofore and hereafter cited).

Aside from the delegation of executive power to the judiciary under the amendment to the Constitution creating a Board of Pardons, the people of the State have never delegated to any member of the judiciary the right to exercise other than judicial powers.

The power to pardon includes the power to condone, terminate, lessen or abridge a sentence. Chief Justice Marshall, whose definition is often quoted, defines a pardon as "an act of grace proceeding from the power intrusted with the execution of

the laws, which exempts the individual on whom it is bestowed from the punishment the law inflicts for a crime he has committed.*

U. S. vs. Wilson, 7 Pet.438.

The question naturally presents itself: Does the power to pardon, in part conferred upon the Chief Justice of the Supreme Court, include the power to parole or assent to the parole of prisoners sentenced to the State Prison for life? If the power to pardon must be deemed to include the power to parole, then the legislative enactment in question is a delegation by the legislature of executive powers to the Board of Prison Managers, which by the Constitution is vested in the Governor, the Chief Justice and the Attorney General. If, on the other hand, the power to pardon is not coextensive with and does not include the power to parole prisoners, it follows the enactment in question assigns to this member of the judiciary duties other than judicial not authorized by the Constitution.

Tested by the rule established by the uniform line of authorities, the enactment in question, in my judgment, is unconstitutional, either for the reason that it assigned to the judiciary other than judicial functions not within the single limitation of the Constitution, or it is a delegation of executive power to the Board of Managers of the State Prison which by Article five of the Constitution as amended, is vested in the Board of Pardons.

The precise ground upon which such legislation will be declared unconstitutional by the courts in Minnesota is problematical. For many years the parole system has been in force in this State unquestioned in the courts. The administrative and legislative construction to the effect that the Board of Prison Managers may exercise this power to the exclusion of the Executive and the Board of Pardons, recognized for a long period of time, has weight.

Upon this important question the authorities in sister states are in direct conflict:

- State ex rel vs. Peters, 43 Oh.St.629,
- People vs.Cummings, 50 N.W.Rep.(Mich) 310,
- Commonwealth vs. Holloway, 42 Pa.St. 446.
- In re Legislative Application, 13 Gray, 618.

In State vs. Peters, supra, the Supreme Court of Ohio, in holding the parole system valid, say:

"It cannot be seriously contended that it is an interference with the judicial functions of the court, * * * neither is it an interference with the executive power vested in the Governor to grant reprieves, commutations and pardons. While on parole the convict remains in the legal custody and under the control of the Board, subject at any time to be taken back within the enclosure of said institution, and with full power to enforce such rules and regulations and to retake and reimprison any convict so on parole. This is not a pardon."

The court placed its determination squarely upon the ground that the power to pardon did not include the authority to parole; otherwise that the enactment would have been invalid.

On the other hand, the Supreme Court of Michigan in People vs.Cummings, supra, held that paroling a prisoner was tantamount to a conditional pardon, and therefore that the act of the Michigan legislature of 1889 authorizing an administrative Board to parole, was in violation of the Constitution, as vesting in said Board judicial and pardoning powers.

In Commonwealth vs. Holloway, supra, the Supreme Court of Pennsylvania held that authority vested in a Board to shorten the term of sentence of a prisoner was void, inasmuch as it purported to grant a right to exercise judicial functions.

In Matter of Legislative Application, supra, the Supreme Court of Massachusetts reached a contrary conclusion.

Bearing generally upon and specifically defining the

powers of the Executive in the matter of pardons, see,
U. S. vs. Wilson, 7 Pet. 150,
Ex parte Wells, 18 How. 307,
Ex parte Garland, 4 Wall.

In view of the conflict of opinion between eminent authorities as to the ground upon which such enactments as the one herewith presented are unconstitutional, I suggest that, for the purpose of permitting the court of last resort in this state to definitely answer the question, Your Excellency approve the act, or inform the friends of the bill of the objections thereto, which may lead to its recall and amendment and the elimination of one of the serious features suggested.

Yours respectfully,

(Signed) W. B. Douglas

Attorney General.

We the undersigned strongly favor
the passage by our Legislature of
the bill to parole life convicts,
known as the Wilson Bill -

- P. F. Renge Mayor City of Fairbault
- Geo W Patchelder City at-Low
- James Hunter Judge of Probate
- B. A. Meatt atty + ex. Probate Judge
- J. W. LeCron County City
- ~~W. W. LeCron~~ ~~ass't atty~~
- E. A. Levens ass't atty Genl Sepm 1895
- X W. W. Coryone
- John Foster Prof of Latin St Marys
- Robert Me Ex co Atty
- M. M. Shields Ed. The Pilot
- Winton Shuman Pastor M E ch.
- W. H. Quinn Atty at-Low.
- E. H. Lybed
- J. M. Rull Presiding Elder St. Paul Dist formerly
of Fairbault.

BOARD OF PARDONS

STATE OF MINNESOTA

AN ACT

CREATING A BOARD OF PARDONS AND
DEFINING ITS DUTIES

APPROVED FEBRUARY 26, 1897.

ST. PAUL, MINN.:
THE PIONEER PRESS COMPANY,
STATE PRINTERS.
1897.

BOARD OF PARDONS

STATE OF MINNESOTA.

AN ACT

CREATING A BOARD OF PARDONS AND DE-
FINING ITS DUTIES.

APPROVED FEBRUARY 26, 1897.

ST. PAUL, MINN.:
THE PIONEER PRESS CO.
STATE PRINTERS.
1897.

AN ACT

RELATING TO THE BOARD OF PARDONS AND PRESCRIBING THE POWERS AND DUTIES THEREOF.

Be it Enacted by the Legislature of the State of Minnesota :

SECTION 1.

There is hereby created a Board of Pardons, which shall consist of the Governor, the Chief Justice of the Supreme Court and the Attorney General; and said board shall have the power to grant pardons and reprieves and to commute the sentence of any person convicted of any offense against the law of the State of Minnesota in the manner and under the conditions and regulations hereinafter prescribed, but not otherwise.

SECTION 2.

Every pardon or commutation of sentence shall be in writing and shall have no force or effect unless the same was granted by an unanimous vote by said board convened as such.

A reprieve in a case where capital punishment has been imposed may be granted by any member of the said board, but for such time only as may be reasonably necessary to secure a meeting of said Board of Pardons for the consideration of an application for the pardon or commutation of the sentence of the person so reprieved. Said board may grant an absolute or a conditional pardon, and any conditional pardon shall state the terms and conditions on which it was granted.

Such Board of Pardons may issue its warrant under the seal of said board to any proper officers to carry into effect such pardon, which warrant shall be obeyed and executed instead of the sentence which was first or originally pronounced.

SECTION 3.

Whenever any convict is pardoned by such board, or his punishment is commuted or a reprieve is granted, the officer to whom the warrant for that purpose is issued, after executing the same, shall make return thereof under his hand, with his doings thereon, to the Governor as soon as may be, and he shall also file with the clerk of the court in which the offender was convicted an attested copy of the warrant and return, a brief abstract of which the clerk shall subjoin to the record of his conviction.

SECTION 4.

The Board of Pardons shall be convened by the Governor within twenty days after the passage of this act, and shall hold at least four regular meetings in each calendar year, and may hold such other meetings as it shall deem expedient.

Such regular meetings shall be held on the second Mondays of January, April, July and October of each year.

All meetings of the said board shall be held in the executive chamber at the State Capitol, or in such other place as may be ordered by said board.

SECTION 5.

Every application for a pardon, reprieve, or commutation of sentence shall be in writing, addressed to the Board of Pardons, and shall be signed by the convict or some person in his behalf.

It shall concisely state the grounds upon which the pardon, reprieve or commutation is sought, and, in addition, shall contain the following facts: First, the name under which the convict was indicted, and every alias by which he has been known; second, the date and terms of sentence and the name of the offense for which it was imposed; third, the name of the trial judge and of the county attorney who participated at the trial of the convict, together with that of the county in which he

was tried; fourth, a succinct statement of the evidence adduced at the trial, with the indorsement of the judge or county attorney who tried the case, that the same is substantially correct (If such statement and indorsement are not furnished the reason thereof shall be stated); fifth, the age, birthplace, parentage, occupation, residence during five years immediately preceding conviction, of convict; sixth, a statement of other arrests, indictments and convictions, if any, of the convict.

The Board of Pardons may adopt such other rules and regulations not inconsistent with the provisions of this act, as may appear to them proper and necessary to carry out the provisions thereof.

SECTION 6.

All applications for pardons, reprieves or commutations of sentence shall be filed with the clerk of the Board of Pardons. The said clerk shall, immediately upon receipt of such application, mail notice thereof, and of the time and place of hearing thereof to the judge of the court wherein the applicant was tried and sentenced, and to the prosecuting attorney who prosecuted the applicant, or his successor in office; provided, that a reprieve in capital cases may be granted as provided in section two (2) without such notice; and provided further, that pardons or commutations

of sentence of persons committed to a county jail or to a workhouse may be granted by said board without notice.

SECTION 7.

The Governor's Private Secretary, or in his absence, the Executive Clerk, shall be and act as the clerk of the Board of Pardons and shall perform the duties herein required of such clerk, and such other duties as may be prescribed by said Board of Pardons, without other or further compensation. The board shall be supplied by the Secretary of State with such books, blanks and stationery as shall be necessary. Said board shall preserve a record of every petition received for a pardon, reprieve or commutation of sentence, and of every pardon, reprieve or commutation of sentence granted or refused and the reasons assigned therefor.

The clerk shall keep such records and perform such duties in relation thereto as shall be prescribed by the board, and all such records and files shall be kept and preserved in the office of the Governor at the State Capitol, and shall be open to the inspection of the public at all reasonable times.

SECTION 8.

The Board of Pardons shall supply itself with a seal, with which every pardon, reprieve or commutation of sentence shall be attested, it may issue process requiring the presence of

any person before it, or the presence of any officer before it, with or without books and papers, in any matter pending before said board, and may take whatever reasonable steps in such matter as it may deem necessary to a proper determination thereof.

Whenever a person is summoned before the board by its authority, he may be allowed such compensation for travel and attendance as the board, in its discretion, may deem reasonable.

SECTION 9.

The sum of three hundred dollars, or so much thereof as may be necessary, is hereby annually appropriated out of any moneys of the state not otherwise appropriated, for the purpose of carrying out and enforcing the provisions of this act.

SECTION 10.

This act shall take effect and be in force from and after its passage.

Approved February 26, 1897.

IN THE MATTER OF THE PAROLE OF COLEMAN AND JAMES
YOUNGER.

Upon principle and judicial authority we are satisfied that Chapter 234 of the Laws of 1901 became a law, although not approved by the Governor. We also recognize that it is the exclusive province of the legislature to extend the parole system to life convicts, and it has done so subject to certain conditions and limitations. We are satisfied that the petitioners in this case have by exceptionally good conduct in prison for a quarter of a century and the evidence they have given of sincere reformation, earned the right to a parole if any life prisoner can do so. The question of the propriety of extending the parole system to life convicts is not for us, but has been determined by the legislature, and we are disposed to give effect to this ~~declared purpose~~ ^{declared purpose.} The evidence ~~presented~~ ^{presented} establishes the fact that the petitioners are entitled to a parole under the provisions of the law. In view of these facts we must either consent to their parole or arbitrarily refuse to give effect to the act.

It is doubtful whether the duty of acting in the matter of paroling prisoners can constitutionally be imposed by the legislature upon the Chief Justice as a member of the Board of Pardons, but in view of the great importance of the question ~~we~~ ^{has} ~~is~~ decided not to raise the question at this time.

Dated July 10 1901.

A. N. Van Sant, Governor
Chas. M. Stark, Chief Justice
Wallace B. Boyles, Attorney General

[undated]

APPENDIX

TO

M. Young
The Youngers.

MIZZOURA PUBLISHING CO.,

Guaranty Loan Building,

Minneapolis, Minn.

"Wissjour"

Respectfully Dedicated

To Those Who Within

"The Shadow"

Await the Hour in Which

Justice Shall

Clasp the Hand

Of Charity.

"A liberal portion of the world are disposed to be lenient with the faults of others, willing to admit an error of judgment when convinced of the mistake, ready to accept well authenticated facts when submitted to them; but many of those who believed themselves true friends of the Youngers had a mistaken idea as to the manner in which that friendship should be displayed, relying upon their own knowledge of favorable facts, the nobility and refinement of character with which these men were naturally endowed, and of the utter untruth of most of the long line of charges made against them, forgot that the world at large, particularly the people of the Northwest, had heard but one side of the story—that which savored of the bold, daring, cruel bandit, without a redeeming trait. Acting upon this theory I gathered many truths, using a portion for this volume, leaving others to follow in the sequel—endeavoring conscientiously to depict the true character of these men as it then was, disburdened of the evil effect of their environments and experiences. Many incidents related in the book, while not specifically verified in the appendix, are nevertheless true, but outside of these authenticated facts I do not attempt to fix the point between fiction and truth, and truth dressed in fiction."

Previous to and for several months after taking up my search I had never met either of the Youngers nor any of their relatives or immediate friends, although I had, no doubt, a hundred opportunities to do so; I certainly had no predisposition in their favor. I looked for light so far as practicable from officers of the Union army serving in Missouri during the Civil War, believing that facts coming from them would more surely not be tainted with undue sympathy.

I find among the acts performed by Coleman Younger, evidencing his true character as man and soldier, was his saving the life of Major Foster, now Secretary of the Board of Public Improvements of St. Louis, Mo., who was in command of the Union forces at the battle of "Lone Jack," Mo., in August, 1862, while he (Cole) was a Confederate lieutenant in Hays' regiment of cavalry. There were \$1,000 upon the persons of Major and Captain Foster when they lay wounded at Lone Jack; instead of appropriating it, as a natural robber would have done, he approved its return to the major's mother. The statement of Major Foster, over his own signature (to be found in this appendix), as to the occurrence will verify the incident practically as it appears in chapter 30 of "Missoura." The Major is now, and all his life has been, a Republican, and was known during the war, in both armies, as one of the hardest and best fighters in Missouri. He would doubtless have earned the title of general but for the terrible wound he received at Lone Jack. In reading his statement it will be observed that he was not an acquaintance of Younger's, nor a friend of his family; Cole only knew him as an enemy whom he had been fighting desperately; but when he fell in battle and was a prisoner, un-

armed, he received not only care and attention, but protection, from the young Confederate at the risk of losing his own life at the hands of maddened ruffians who were determined to kill the Major. A more gallant exhibition of true soldierly and manly qualities was never made in any army than by Lieutenant Younger at Lone Jack. This is the plain, simple truth, testified to by one of the best and bravest officers we had in the Union army, and one of the truest and best citizens of whom we can boast. It is also testified to by Captain Gregg, of Shelby's cavalry, a man of sterling integrity, and now living in Kansas City, who served with Cole in Hays' (later Shank's) regiment, and who was mustered in at the same time by Col. G. W. Thompson, now of Barry, Mo. (See affidavits.)

The battle of Lone Jack was one of the most desperate and bloody of the Civil War, considering the number of men engaged. Brief accounts of it may be found in the United States Rebellion records indexed "Lone Jack," vol. 13, series 1, and also in "Civil War on the Border."

SAVES HON. S. B. ELKINS.

A short time after the battle of Lone Jack, S. B. Elkins was captured by Quantrell's pickets and taken to camp. Lieutenant Cole Younger was on detached duty, detailed to look after the wounded from the battles of Independence and Lone Jack, who were in hidden camps in the timber on the Blues and in the Sny hills, the Confederate troops, including his regiment, having retreated south. Hearing of Mr. Elkins' calamity (for calamity it was), Younger determined to save him if he could, and mounting the few sound men he had, rode rapidly to Quantrell's camp (then on Big Creek), and through strategy and diplomacy succeeded in getting Mr. Elkins out of his trouble, although he knew him to be a strong Union man and Republican. Hon. Stephen B. Elkins is now Republican United States Senator from West Virginia, a gentleman of the highest character and of national reputation. He was chairman of the National Republican Committee during Harrison's campaign. See his letter in the appendix, which refers to the incident related in chapter 43.

Hon. E. G. Bower, of Dallas, Texas, ex-judge and ex-grand master of Masons of Texas, an old comrade in arms of Cole's, testifies also as to his faithful and honorable service as a soldier, as well as to the fact that he was not in Missouri at any time during 1864. The testimony of such men as to the facts within their own personal knowledge cannot be disregarded, and credence given to the loose sensational reports and charges sown broadcast by irresponsible notoriety hunters and dime novel speculators to which we have unconsciously listened and unintentionally given weight. I confess the error for myself, and it is safe to say it extends to the majority. That Cole was an honorable soldier in the regular Confederate service from August 14th, 1862, to the close of the war must be admitted as a fixed fact. No roster of Trans-Mississippi Confederate

robberies in Missouri and other crimes to them, finally drove them into such desperate straits as to culminate in the trip north to make a raise out of their enemies, as they had learned to regard all Yankees (who, it seemed to them, had brought all their woes upon them), with which they intended leaving the country, as many Confederates had done, they not being permitted to live here in peace, where all they had left was land which they could neither sell nor take with them. It seems quite patent, to my mind, that the public at large do not understand or appreciate the condition of affairs in Missouri, and especially on the western border, before, during and after the war; with a proper understanding of it many questions otherwise difficult of solution are easily answered.

The constitution of Missouri, adopted April 8th, 1865, was virtually a war measure, intended to drive ex-Confederates out of the state and making swift vengeance possible in case they remained. Section 9, article 2, virtually prohibits them from practicing any profession, preaching the gospel or acting in the capacity of a deacon in the church under penalty of not less than \$500 fine or imprisonment in county jail not less than six months.

Section 4, article 11, protected and gave amnesty to all for any acts done under authority of the United States government or any order of its officers after January 1st, 1861, but holding all ex-rebels responsible for acts done during the war either as soldiers or citizens acting under official direction.

Section 12, article 11, provides that the legislature may pass a law that indictment, trial and punishment may be had in another county than where the offense was alleged to have been committed. Thus they were in the hands of such men as attempted the murder of Major Foster at the battle of Lone Jack, made more vicious and bloodthirsty by two more years of border warfare.

In the 12th United States statutes at large, page 589, appears the confiscation act passed by congress. Section 13 gives the president power to grant pardon and amnesty to rebels. Chapter 8 of the 14th United States statutes at large January 9th, 1867, repeals the act, and thus takes from the president his power to grant pardon, leaving the unfortunate ex-rebels on the terror-stricken Missouri border to the tender mercies of their foes who had sworn to exterminate them. It is not strange that under such circumstances they and others in like position should not be in haste to throw themselves into the arms of their pursuers; they might as well blow their own brains out without ceremony. They did frequently offer the governor of Missouri that if they were put on the same footing as Union soldiers who also had actively participated in the border warfare, so far as acts done during the war were concerned they would willingly submit to arrest by any posse that was strong enough and which would protect them until they could receive a fair

trial on all or any charges brought against them for acts alleged to have been committed by them since the war; but would not submit to a posse sent out with orders to take them "dead or alive." It seems, however, that "practical politics" stood in the way of acceptance of such tenders.

The war on the Missouri border was unlike the war elsewhere; the conditions there had no counterpart, and the fruits of that terrible local strife was unlike any other fruit. Practically the war on the border began long before 1861 and it was only increased in intensity and broadened by the Civil War proper. It was neighbor against neighbor, family against family, even one member of the family against the others; personal and family as well as neighborhood vendettas of the fiercest character raged not only locally, but between the freebooters and Jayhawkers of Kansas and residents of Missouri. It was by no means ended when Lee surrendered at Appomattox. Lee's and other Eastern and Southern armies could disperse and go to their homes and live in peace, being taken away from the scene of strife and conflict; everything favored their return to peaceful avocations. Not so, however, with the unhappy rebels in Missouri, who had been active or prominent in the war, if they came back to till their farms and earn an honest living, they must accept that legacy of border warfare—the enmity of those freebooters who, when the South laid down its arms, were first to assume the reins of government. The first officers in border counties after Lee surrendered being Kansas freebooters, so-called, it was for a time thought these counties might be held by Kansas. It is beyond cavil that in less than one year after the close of the war these brothers came to their home in Missouri, following the example of the men of Appomattox, accepting the magnanimous terms offered by Grant, taking up the peaceful pursuits of civil life. That they did so and in a quiet and humble manner began the construction of fences and preparation for their crops is a matter well authenticated. So also is the fact that personal enemies (men who were enemies because they feared the consequences of their own acts when civil law should again become supreme) conspired with authorities then in power to wipe from the face of the earth those boys engaged in the peaceful pursuits of civil life; that the attempt was made as planned and that every means known to demoniacal ingenuity was used for the purpose of taking their lives and to drive from their home the rest of the family, is as well a matter of history.

Gen. Grant's magnanimous terms could not vouchsafe to these fatherless boys the privileges of returning to the home of their decrepit mother and to engage in the peaceful pursuits of civil life.

Those terms were magnanimous, but they had no practical operation in Missouri. There prevailed there an unwritten law which demanded "An eye for an eye, a tooth for a tooth. These rebels must die."

that he is now anything but what he seems to be—a noble, genial, kind-hearted person, who counts all mankind as one family, all the members of which share in his kindly thoughts. There are a number of incidents connected with the confinement of the Youngers, more particularly in Jim's case, including the death of their brother Robert, so nearly analogous to that of the "Prisoners of Chillon," I have decided to insert here extracts from the poem. The reader, for the purpose of the perusal of the poem, will kindly assume Jim to be the eldest of the three.

THE CAPTIVE BROTHERS.

(From the "Prisoners of Chillon,")

My hair is gray, but not with years,
 Nor grew it white
 In a single night,
 As men's have grown from sudden fears:
 My limbs are bow'd, though not with toil,
 But rusted with a vile repose,
 For they have been a dungeon's spoil,
 And mine has been the fate of those
 To whom the goodly earth and air
 Are bann'd, and barr'd—*forbidden fare;*
 * * * *

They chained us each to a column stone,
 And we were three—yet, each alone;
 We could not move a single pace,
 We could not see each other's face,
 But with that pale and livid light
 That made us strangers in our sight;
 And thus together—yet apart,
 Fettered in hand, but joined in heart,
 'Twas still some solace, in the dearth
 Of the pure elements of earth,
 To hearken to each other's speech,
 And each turn comforter to each
 With some new hope, or legend old,
 Or song heroically bold;
 But even these at length grew cold.
 Our voices took a dreary tone,
 An echo of the dungeon stone,
 A grating sound, not full and free,
 As they of yore were wont to be:
 It might be fancy, but to me
 They never sounded like our own.

I was the eldest of the three,
 And to uphold and cheer the rest
 I ought to do—and did my best—
 And each did well in his degree.
 The youngest, whom my father loved,
 Because our mother's brow was given
 To him, with eyes as blue as heaven—
 For him my soul was sorely moved;
 And truly might it be distressed
 To see such bird in such a nest;
 For he was beautiful as day—
 (When day was beautiful to me
 As to young eagles, being free)—
 A polar day, which will not see
 A sunset till the summer's gone,
 Its sleepless summer of long light,
 The snow-clad offspring of the sun:
 And thus he was as pure and bright
 And in his natural spirit gay,
 With tears for nought but others' ills,
 And then they flow'd like mountain rills,
 Unless he could assuage the woe
 Which he abhorr'd to view below.
 The other was as pure of mind,
 But form'd to combat with his kind;
 Strong in his frame, and of a mood
 Which 'gainst the world in war had stood,
 And perish'd in the foremost rank
 With joy;—but not in chains to pine:
 His spirit wither'd with their clank,
 I saw it silently decline—
 And so perchance in sooth did mine:
 But yet I forced it on to cheer
 Those relics of a home so dear,
 He was a hunter of the hills,
 Had follow'd there the deer and wolf;
 To him his dungeon was a gulf,
 And fettered feet the worst of ills.
 But he, the favorite and the flower,
 Most cherished since his natal hour,
 His mother's image in fair face,
 The infant love of all his race,
 His martyr'd father's dearest thought

was originally intended and I must close. I wish to say to you, however, that after a careful consideration of all the facts and incidents I have been able to gather concerning Coleman and James Younger, both regarding their true history and character before as well as after their coming to Minnesota, I have no hesitancy in saying that I have reason to believe, and do believe, that the public have been greatly deceived as to the former character and conduct of the men, and that the Youngers were, in the old days, "more sinned against than sinning." They transgressed our law and violated the peace and dignity of the state; they deserved punishment and have received it. But, in consideration of suggestions of mercy as applied to their case, the true, early history should be gone into fairly, especially as none of the old charges of crime were ever in any manner verified.

No indictments even were obtained against them. I have proof of this, by certificates (under seal) of the clerks of the courts of the counties who suffered most from depredations alleged to have been committed by them, which certificates were courteously procured for me by Captain Steve Ragan, of Kansas City.

Having asked the Youngers whether or not the publication of "Mizzoura" was approved by them, I received the following:
To the Readers of "Mizzoura":

We desire to say to you that "Mizzoura" is the only book ever written with our approval, concerning us or in which we appear in any way. Books have been published in which we appear prominently, the author claiming his recitals of alleged incidents to have come from us in personal interviews, while in fact he was a total stranger to us and no one had ever attempted to interview us on account of the book, which was made up mostly of palpable untruths and fairy tales. We feel, however, that any statements of fact or recital of actual occurrences the authoress of "Mizzoura" may make will be absolutely truthful in every respect. Doubtless some facts and true incidents will be found dressed in fiction, and portions here and there will be fiction only. We seek, merely, to verify whatever facts and incidents she presents as true. The authoress is in possession of many facts concerning us. She may use them as she deems proper in her book. We only ask a just presentation, which we know she will give us.

Coleman Younger,

Jim Younger

Is it possible that to release the "Youngers" from prison would be

dangerous to society, that it would have a tendency to encourage the young who are possessed of criminal inclination, to follow their example?

If this question had been asked during the early years of their imprisonment it might have been properly raised and possibly by many thinking persons answered in the affirmative; however true that may be, the only answer now is: No. They are now serving their twenty-third year on a life sentence. Statistics show that prisoners under life sentence serve twenty years, and when they do they are a warning to the world and cease to be a warning to

In England, where merit most of our law, the prisoner who has passed his twentieth year under life sentence is dismissed as a matter of course, the law regarding him as virtually dead, and that his re-appearance in the world of men in his broken and forlorn condition operates as a standing warning to youth and manhood alike; in this respect he surely becomes valuable to society instead of a menace. Old England does not do this out of the excessive tenderness, or maudlin sentimentality of the English people, for it is well known their punishment of offenders is and always has been more severe than our own. It is done because from long experience the results have proven to be salutary.

To keep men like the Youngers shut behind prison doors more than twenty years voices a vicious desire of torturing persons for personal gratification. So far as physical punishment is concerned, these men have suffered more than a dozen deaths could bring to them; especially is this true of James Younger, the roof of his mouth and a portion of his upper jaw having been torn away by a gun-shot and the wound never having healed, he is never for a moment without pain; even now there are pieces of bone occasionally taken from his jaw. Pardon cannot relieve him from this condition; he must suffer on to the end of his life whether in or out of prison. If out of prison have we a sane man or boy in Minnesota who could or would feel an ambition to follow his example and repeat his bitter experiences or those of his brother; clearly not; there is everything in and about the situation to cause it to operate directly to the contrary.

Would the pardoning of these men unsettle the faith of our people in the proper administration of our laws? This question is well answered by the fact that the record shows life convicts, many of whom committed the actual deed of murder (which these men did not), some even wife murder, have been pardoned during past years who had been in prison less than ten years, and again, others pardoned who had been in prison less than twenty years. Now if these pardons have not unsettled the faith of our people, why would the pardon of two

OFFICE OF THE PRESIDENT
OF THE
BOARD OF PUBLIC IMPROVEMENTS,
ST. LOUIS.

St. Louis, Mo., May 7, 1898.

Hon. Geo. M. Bennett.

Dear Sir:—In response to yours of the 2nd inst. I submit the following statement of the obligation conferred upon me by Cole Younger in 1862:

On August 15 of that year I was placed in command of about 740 Federal Soldiers sent by Gen'l Jas. Totten to check a Confederate force supposed to be 1,600 strong and located near Lone Jack, in Jackson County, Mo. I was ordered to attack this force wherever I might find it, and hold it until Gen'l Warren, moving from Clinton, Henry County, Mo., could join me.

I was at that time major of the 7th Cavalry, Missouri State Militia. Ten regiments, so designated, were mustered into the U. S. service on the same footing as volunteers. I marched from Lexington at sunrise, and struck the Confederates half a mile south of Lone Jack, about 9 o'clock on the evening of the same day—August 15. The Confederate force was scattered, but I learned from prisoners captured that another and larger force of Confederates, under Col. Cockerell, was encamped about three miles northwest of Lone Jack. Expecting that Gen. Warren would join me that night, or early next morning, I ordered my men to sleep in line in Lone Jack. About 3 o'clock on the morning of August 16 my pickets came in, reporting that 3,000 Confederates were marching on Lone Jack. I awaited them, and about 40 minutes after my pickets had been driven in, they attacked us. The battle continued over five hours, most of the time across a village street, not more than sixty feet wide. During the progress of the fight my attention was called to a young Confederate riding in front of the Confederate line, distributing ammunition to the men from what seemed to be a "splint basket." He rode along under a most galling fire from our side the entire length of the Confederate lines, and when he at last disappeared our boys recognized his gallantry in ringing cheers. I was told by some of our men from the western border of the state that they recognized the daring young rider as Cole Younger. About 9:30 a. m. Confederates captured our artillery—two pieces. I led a charge, recaptured the guns, and was shot down. The Confederates at this time ceased firing, and soon after were in retreat. The wounded of both forces were gathered up (among them myself, with my brother, both supposed to be mortally wounded), and were placed in houses. My brother and I were

placed in the same bed, in a small house in the southern part of Lone Jack. Many others were in the same room badly wounded. About an hour after the Confederates had left the field, the officer who by means of his rank took command of the Federals when I became unconscious, gathered his men together and returned to Lexington. Soon after the Confederates returned. The first man who entered my room was John ——, a guerilla, followed by a dozen or more men, who seemed to obey him. He was personally known to me, and had been my enemy from before the war. He said he and his men had just shot a lieutenant of a Cass county company whom they found wounded, and that he would shoot me and my brother. While he was standing over us threatening us with his drawn pistol, the young man I had seen distributing ammunition along the front of the Confederate line rushed into the room from the west door, and, seizing the fellow, thrust him out of the room. Several Confederates followed the young Confederate into the room, and I heard them call him Cole Younger. He (Younger) sent for Col. Cockerell (in command of the Confederate forces), and stated the case to him. He also called the young man Cole Younger, and directed him to guard the house, which he did. My brother had with him about \$300, and I had about \$700. This money and our revolvers were, with the knowledge and approval of Cole Younger, placed in safe hands, and were finally delivered to my mother in Warrensburg, Mo. Cole Younger was then certainly a high type of manhood, and every inch a soldier, who risked his own life to protect that of wounded and disabled enemies. I believe he still retains those qualities and would prove himself as good a citizen as we have among us if set free, and would fight for the Stars and Stripes as fearlessly as he did for the Southern flag. I have never seen him since the battle of Lone Jack. I know much of the conditions and circumstances under which the Youngers were placed after the war, and, knowing this, I have great sympathy for them. Many men, now prominent and useful citizens of Missouri, were, like the Youngers, unable to return to their homes until some fortunate accident threw them with men they had known before the war, who had influence enough to make easy their return to peace and usefulness. If this had occurred to the Youngers they would have good homes in Missouri. I owe my life and that of my brother to Cole Younger, and I hope this statement may help to set him free. Give him my best love when you see him.

Very truly yours,

Emory S. Foster

Kansas City, Mo., April 9, 1898.

Geo. M. Bennett, Esq., Minneapolis, Minn.

My Dear Sir: In answer to your favor concerning Younger Bros., now in Stillwater prison, would say that I knew Cole and Jim Younger in the Confederate army, two as brave, chivalrous soldiers as the Confederate (or any other) army had. Cole Younger and I were sworn into the Confederate service at Widow Ingraham's farm, Jackson county, Mo., about the 14th day of August, 1862, by Col. Gid. Thompson for three years, or during the war. Cole was in Hayes' regiment, fought in the battle of Lone Jack, in which battle Maj. Emory Foster, commander of Union troops, was severely wounded and captured, and except for the bravery and firm stand of Cole Younger, would certainly have been murdered by ruffians. Early in 1864, there being a reorganization of the troops, Cole Younger, who had for some months been acting as captain, was, in my presence, mustered in as a lieutenant and assigned to duty in Elliott's or McDonald's battalion, soon after which he was ordered and did report to Lieut.-Gen. E. Kirby Smith, then in command of Trans-Mississippi department, for secret service, and was ordered to the Mississippi river in Louisiana, where he saw some very severe service. About May, 1864, Cole Younger, with his command, was ordered to Bonham, Texas, from whence he was sent with Col. Geo. S. Jackson on an expedition through old Mexico to the Pacific coast and into California, where he remained (still in the Confederate secret service), and did not return to Missouri until the fall of 1865. He did not, nor could not have been in the raid into Missouri in 1864, and did not, nor could not have taken part in battles on the Blues, or anywhere else in the state, in the year 1864. No man, conversant with the facts, ever truthfully charged Cole Younger while in the service of conduct unbecoming a soldier or gentleman. He was strict in orders, and there may be found men whom he was compelled to punish, and who might say unkind things of Cole, which is liable to be the case with officers of any army, but I find the real soldiers of either army have a warm place in their hearts for Cole Younger, many of those conceding they owe their lives to his bravery and big-heartedness. I was captain of Company H, Shank's regiment, Shelby's cavalry.

Wm. H. Hagg

Subscribed and sworn to before me this 9th day of April, 1898.

JNO. H. THOMPSON, Clerk Crim. Ct.

By W. E. HAGAN, Deputy Clerk.

(Seal)

STATE OF MISSOURI,
County of Clay.

Gideon W. Thompson, an old and reputable citizen of Barry, in the county of Platte and state of Missouri, upon his oath says: I left Little Rock, Ark., on or about the 5th of July, 1862, under orders of Maj.-Gen. Hindman, to come to Missouri on recruiting service, with a colonel's commission in my possession in the Confederate states army. I proceeded at once to the northern part of the state of Arkansas and there enlisted one hundred Missourians and started for the Missouri river and arrived in Jackson county, Missouri, on the 8th day of August, 1862, and commenced recruiting at once. Recruited within the next ten days nine hundred men and organized them. Among the number was Colman Younger, whom I swore into the Confederate service as a private soldier on the 11th day of August, 1862, and assigned to duty. I left Jackson county, Missouri, about the 20th of August, and reported to Gen. Hindman in the northern part of Arkansas. And further the affiant saith nothing.

Dated at Barry this 5th day of March, 1898.

G. W. Thompson

Subscribed and sworn to before me, a notary public in and for Clay county, this 5th day of March, 1898. My term expires January 10th, 1902.

J. B. JOHNSON,
Notary Public.

(Seal)

COUNTY OF DALLAS.

Dallas, Texas, April 25, 1898.

George M. Bennett, Esq.,
Minneapolis,
Minnesota.

Dear Sir:—

I know that Cole Younger was not in Missouri in the year 1864 at any time. In the latter part of 1863, while Shelby's Brigade of Missouri Cavalry, C. S. A., were in winter quarters on the Ouachita River near Camden, Ark., a part of Co. G, Gordon's Regt., who were Califor-

nians and whose term had expired, left the command and went to Bonham, Tex. These men came from Cal. with Gen'l Albert Sidney Johnston at the beginning of the war and were determined to return to the place from whence they came. Among them was my Brother, Capt. W. R. Bower. I never saw them afterwards until long after the war. Capt. Cole Younger went with them, as I understood it, to engage in some movement in Southern California in the interest of the C. S. A. They left Western Texas in the Spring of 1864 and proceeded in a southwest direction through Texas to the Rio Grande river, thence through Old Mexico to Guaymas on the Pacific Coast and thence north into California.

This was the route agreed upon before they started, and I learned years afterwards from Cole Younger and also from my Brother that it was the route traveled by them. Cole returned after the war, and in 1868, probably, came to Dallas County, Texas, with his brothers, Jim, John and Bob, and their then little sister, Henrietta. We met and the friendship and intimacy of former years were renewed. I was then a young practicing lawyer and on his frequent visits to the town, Cole usually slept in a room adjoining my office. No man stood higher in the estimation of the citizens of the county who knew him than Capt. Cole Younger, until during his absence from the county his brother John, while under the influence of liquor, killed Col. Charles Nichols, a deputy sheriff and an old soldier comrade and friend of Cole's. This was a sad blow to Cole Younger and shortly afterwards he left the country and I have never seen him since. I know that he was a Confederate Soldier and a good one; that in 1863 he was in command of one or two companies of Confederate soldiers near Bonham, Texas; that he was sent to the Mississippi River in Northern La. under Gen'l E. Kirby Smith, then returned to Bonham, Texas, in the Spring of 1864, and went on the California trip.

I was in the same regiment and a messmate with Cole, when we were under Gen'l Joe Shelby and knew him as well as any man could, knew his kindly nature, his warm friendships, his entire truthfulness and heroic gallantry; on the battle-field, he is as calm, thoughtful, sober, cool and intrepid as any man that ever lived. There was never a charge of wrong-doing in Texas against him, he was on the side of law and order. The boys were often called on by the Sheriff to assist in the arrest of desperate characters and always responded. Jim and Bob sang in the choir of the Baptist church; and they assisted in taking the scholastic census of Dallas in 1870.

Should it be regarded a matter of interest as to who I am, I was District Attorney of the 14th District of Texas, counties of Dallas, Ellis & Tarrant, from 1874 to 1876; was County Judge of Dallas County from November, 1884, to November, 1892; was Chairman of Democratic Executive Committee of Texas, 1878 to 1880; was Grand Master

of Masons in Texas, 1879-80, and Grand Commander of Knights Templar, 1875-76.

If there is any further information I possess, I will gladly furnish it, believing that these unfortunate friends of mine may be trusted to take their places among us and carry their part as good and true citizens.

E. J. Dora

STATE OF MISSOURI,

ss.

County of Jackson.

I, Marshall P. Wright, being duly sworn and on oath depose and say: I am forty years of age, most of my life having been spent in the State of Missouri, and am now established in mining in old Mexico. My father was judge of the Circuit Court, living at Clinton, Missouri, during these years. In 1873 I was living at Clinton, Mo., and was there at the time,—about July 21st of that year—when a railroad train was robbed in Iowa west of Des Moines. The Younger brothers, including Coleman and James, were charged with the robbery, the newspapers spreading the reports to that effect. I knew all of the boys well and had known them for years. On the day after said robbery, early in the morning, I met the boys at Monegaw Springs, St. Clair County, Missouri. I had with me a copy of the early morning paper giving an account of the robbery. Cole and Jim Younger were both there and read the newspaper containing the account of the aforesaid train robbery attributing the act to the Younger brothers. I read the article to the boys and remarked their ability to be in so many places at the same time. The place where the robbery was committed, at Adair, Iowa, was more than two hundred and fifty (250) miles from where I found them in St. Clair County, Missouri, which distance (if guilty) they must traverse in much less than twenty-four hours on horseback. It was then stated by people living there whom I knew that the Youngers had not been away. There were no cross lines of railroad making it possible for them to cover the distance by rail.

I have every reason to believe, and do believe, that the charges of

that robbery to the Youngers was the work of their enemies who were seeking to drive them out of Missouri.

And further deponent saith not.

MARSHALL P. WRIGHT.

STATE OF MISSOURI,
County of Jackson.

The foregoing affidavit was subscribed and sworn to before me this 6th day of August, 1898.

JOHN BAYHA,
Notary Public.

My commission expires Feby. 15th, 1900.

TESTIMONIALS.

Kansas City (Mo.) Star.

"Tons of yellow-backed novels have been written about the deeds of the Youngers, and their reputed exploits are familiar to all who read that class of fiction. However, it has remained for a Kansas City woman to describe their lives in fiction that professes some dignity. Around some of the incidents the authoress has woven a story of Cole Younger's sweetheart, and his chivalry as a man. The incidents, such as are of prominence, are asserted to be traditionally correct.

Stillwater (Minn.) Journal.

"The idea in the mind of the author seems to be to give to the world such an idea of the better part of these men's lives as shall in some measure soften the judgment of the world, not to the crimes which they committed—there is no thought of that expressed—but to the men who committed the crimes. The first judgment of the book is that the Youngers are kept too much in the background to plead their cause adequately, but a closer study will not fail to reveal that it is the writer's idea to show the estimation in which these men were held by the best people in the community in which they lived."

Springfield (Ohio) Democrat.

"The scene is laid in Missouri in the sixties, and unfolds love and tragedy, war and home life in the South. Woven into the web of fiction are many incidents and events in the lives of the famous Younger brothers, now in Stillwater, Minn. The authoress relates many tragic and thrilling events and incidents from a personal knowledge, gained by being the daughter of Dr. D. C. McNeil, the first surgeon general of the G. A. R. of the United States. The book is indorsed by the Younger brothers, and contains letters from United States Senator

S. B. Elkins, of West Virginia; Mayor Emory S. Foster, commander of the Union forces at the battle of Lone Jack, Mo., and many others."

Mankato (Minn.) Review.

"Mizzoura, an interesting little volume of fiction and fact, the scenes of which are located in Missouri during and after the rebellion. Its character and scenes are all southern, and are portrayed in that earnest, hearty manner peculiar to Southern life and customs."

Minneapolis (Minn.) Times.

"Constance Lee, the girl whom the elder of the Youngers is in love with, is by far the best drawn character in the book. Dr. Guthria is also much more than an average character. The drawing of the latter is another reminder that the characters of old physicians in story telling is a remarkable credit to the profession.* As it stands to-day, 'Mizzoura,' is said by those who are in a position to know, to be the most faithful picture of the true story of the Youngers that has been written."

* The darkies in the story are happily-chosen types, and the situations managed admirably.

Humansville (Mo.) Star-Leader.

"Last week's mail brought to this office a neat little book bound in gray entitled 'Mizzoura.' Its interest is possessed of a thrilling current of fact so interwoven with delightful fiction that the mind is at once riveted to the subject-matter in such a manner that one can hardly lay the book aside until it has been finished. The whole book is a romance of unusual interest, both on account of the peculiar and unique literary features and that most of its foundation is fact. The fine old face of Dr. Guthria will be recognized by many of our citizens as that of Dr. D. C. McNeil. Other pictures can be recognized by those who were residents of this part of the country during the decade following the war. A fine engraving of each of the Younger boys can be seen in the book, together with a fac simile of their hand-writing in a joint letter to the readers of 'Mizzoura.'"

Kansas City (Mo.) M. and K. Farmer.

"Among the most notable books recently received we have 'Mizzoura,' a very interesting and pleasing work of fiction, yet containing much historical and biographical matter by a Kansas City woman, a daughter of the late Dr. D. C. McNeil. The characters are all well drawn, particularly Colonel Lee and his daughter Constance, in whom especial interest centers. Dr. Guthria also is an interesting personage, he having actually been the receiver and faithful guardian of family secrets, and thus in the course of his practice came into possession of important information pertaining to the Younger brothers, as well