Bell b.
File.

266.

[Oct - Nov 26, 1890]

Mr Clark Bell presents his compliments to Genl Howard & would be glad to meet him at the opening dinner of the Saturday Night Club on 29th November inst. at 6 30 PM at the Hoffman House. —

No 57 Broadway
Wednesday

AMERICAN PEACE SOCIETY.
Organized 1828.

EDWARD S. TOBBY . . . . . President.
ROBERT C. WINTHROP, JOHN G. WHITTIER, ROBERT TREAT PAINE, ... Vice-Presidents.
ROWLAND B. HOWARD . . . . . Secretary.

NO. 1 SOMERSET STREET,

Boston, Mass., U. S. A., Nov. 26 1890.

Dear Brother Otis

Judson Loss has moved Grandfather & Grandmother Kenards remains to Mothers lot where she had fathers placed – His bill for the vault – box etc is $8.50 – I thought you & Chas would each pay a third $2.83 – perhaps I would send him the $8.50

He writes that you own the two lots next North – I will to buy the one in front of Mr Lathrop to enlarge the

Howard R. B.

We neither bought in that direction & leave it open to the main road, but I learn that it has been sold to another person — Uncle Frank provided the two stones which were moved with the remains by Mr Foss.

Perhaps I can get a lot not far away. It seemed to me well to have one near our fathers & grandfathers graves — I may run down & see to it — I have no lot anywhere yet. All well & hope to have a good though a quiet & rather sparse company at Thanksgiving

all Rowland

Corwin B.R.
File

Ben Blanchard, President
B.R. Corwin, Eastern Manager

Home Office
Hutchinson, Kansas

Paid up Capital Stock $500000.00
Surplus and undivided profits 75251.45

The Empire Loan and Trust Co.

185 Montague Street

Brooklyn, N.Y. 11/26/1890

My dear General Howard

I think you will enjoy your dinner with Thanksgiving tomorrow when I tell you that your efforts to promptly have been successful — I send the enclosed — just rec'd — Please look them & return them & I will call & see you if agreeable to you — on Friday or Saturday. — If you will kindly let me know when you can give me a few moments —

Respectfully Yours & Cordially
B.R. Corwin

Major Genl O.O. Howard U.S.A.

See V & [illegible]

275.

Paris, Texas, November, 18th, 1890.

L. A. Bigger,

Hutchinson, Kansas.

Dear Sir: -

Yours of the 13th. inst. with enclosures at hand. The delay in reply has been unavoidable. Mr Cook turned the matter over with his ideas, and the consultation of all, to make the reply. I have been here, ever since you were here, doing nothing else but work in their interest. And I think you will say that I have not been idle, when you are informed of all that at has been done at this end of the route. Your plan of having the boys removed to Wichita is a very just one, and I hope that you may be successful in carrying the same through at onee. I dont think the boys will be confined more than a month at farthest, but if they could be removed for only a week I think it ould be a very humane thing, say nothing of what they deserve,

I enclose you a part of the affidavits that we have obtained from the jury, and they will explain themselves, and cer tainly will show that they are at least entitleed to the removal at once. Do not let those affidavits made known here, I have promised the jurors that they would not be and I want to be fair with them, and besides things here are red hot, and they are after me, for they think that I am a source of trouble to the officials of the Court. I have already recieved an anonymous letter to leave at once if I wanted to live, but of course it is needless to say to you that I shall stay until all the boys are out, or until I have performed any other duty I may have to do

The Attorney General has sent a special Examiner here on account of charges that I have made against the Courrt in the Dept. of Justice, and he is here now investigating the matter, and I am

L.A.B. #2.

keeping quiet until he makes his report and if he does the riight thing, and I believe he will, there will be no more need for my doing anything. He seems to be a good man, and a bright one, and I believe that he will get at the facts, and if he does there will be no further need of work in this case, for I am in possession of indisputable evidence of enough facts to turn this whole thing over hee and to send the most of the officials to the "pen". All that we surmised was the case, when you aere here, is true, only it was not half the truth. The facts are apalling. As I wired you day before yesterday, push the application for removal, and have it arranged by wire if possible. I also made the same request of Col. Peck as he went to New York the other day, and also wired Ju dge Frease, of the death of the two Federal Prisoners and asked him to urge their removal. Judge Frease was at the time in Washington, and replied yesterday by wire that he had seen the Attorney General, and he said that he would give him a decision in a few days, I presum he is waiting for a reply to Gen. Howards letter, and therefore this letter. I wired you in C.E.Cooks name of the death of the two prisoners, and I think that they application that you have made can be based upon all of the reasons you state in your letter for they are all true, except that they are now confined with "niggers," which is not the case ~~they are all true~~. also add as reasons the facts set forth in the affidavits I enclose: buV the greatest g rounds for removal now is the present dangerous sanitary condition of the jail. The jail is so constructed that ther will never be a cold snap of weather but Zhat there will be more or less pneumonia, for the only manner of heating and ventilation is such that ther of necessity is every degree of temperature in any half hour of the day. the jail is always overcrowded and has been ever sinec I

L. A. B. #3

have been here. Thr two men that died were strong hearty men, much over the average man in vigor apparently, twnty four hours before they died. Pneumomia has a strange fatality here, hardly any one ever re covers, say nothing about a person who has been confined, others are now complaining of colds, &c. Ther are gennerally about 40 to sixty prisoners in the room of two cages of four cells each. There are but two stools in the jail, one in the corridor of each cage, there is no sewewage, there is a straight pipe from each of the stools running down into a catch pan under the jail under which there is a furnace, thos prisoners who are in the "runaround" during the day have to use buckets in which to deposit (feces) excremant, and when the bucket is full empty it down one of the stool pipes, and there are no stools in any ofthe cells- there are from five to eight prisonars to a cell locked in ther every night, and they have ot take a bucket in there with them, and use it also for stooling purposes, and in the morning empty it down the stool pipe. The stool pipes often get shoked up as there is no water apasses through them and nothing to carry the refuseo down ~~off~~ but gravitation, and the pipes fill up and run over, and the buckets go full, about once a week they burn this catch pan under the jail out by means of the furnace under it. And i want to tell you that with the burning of this pan out, the fumes of which, it being under the jail rise right up through it, the emptying of the buckets, the exposure of the buckets, and the stools, and the filling of the pipes, and the running over of the pipes, and the pan that is always under the jail containing the refuse, ther is such a stench all the time that is perfectly indiscribable. It is horrible and in this respect you might truly say that it was as bad as Andersonville if I am correctly informed as to the condition of that place.

. . . . .

L. A. B. #4

I have been very careful in all of my reports not to state anything but what was exactly fair and would bear investigation. The facts are strong enough if understood without any coloring to warrant all that we ask, and that too in the name of humanity's sake. Do not send this letter to Washington for I understand your interest in the matter, and write freely to you. Do not present the subject in such a way that cruel treatment cann be inferred on that part of the officers. For Capt, Gunn and Capt. Baldwin, the sheriff and jailor have been as kind ans as considerate to the boys as they could be or that the facilities of the jail would permit. We can have nothing but praise for them. All you say about the grub does not put it strong enough- it is terrible. The day before your letter came Marshall Dickerson recieved a latter from the Attorney General stating that that he had recieved a letter from Gen. Howard stating that that they boys were being cruelly treated this is wrong and is doing an injustice to the officers in immediate charge, so I denied the statement in a letter written by Dickerson to Attorney General. The papers here got ahold of it and kicked up quite a rumpus and of course it was all layed to me. When you want anything done or looked after write or wire me or one of the boys, don't write to Hodges, as he isn't "on" to the racket. Hoping to see you soon and that the boys will be removed at once I am

Sihcerely

B. O. Johnston

I neglected to enclose this in letter by Express of Yesterday.

B.E.J.

See additional affidavits enclosed

B.E.J.

State of Texas :
County of Lamar : ss

W. A. Duke being first duly sworn according to law, on oath says; I am a resident of Red River County Texas. I am 33 years of age and my occupation is that of a saddle and harness maker. I was empannelled, sworn, and acted as a juror in the trial of the case of the United States vs. Samuel Robinson and 29 others (No. 20) in the Circuit Court of the United States, within and for the Eastern Distrit of Texas, sitting at Paris Texas, in the April term, 1890, of said Court, wherein C. E. Cook, O. J. Cook, Cyrus Frease, J. B. Chamberlain John Jackson, and J. Lawrence were convicted of the murder of John M. Cross. I was present as such juror at all the doings and sessions of the jury in said case, and know all things that took place before said jury as a body.

After hearing all the evidence, arhument of Counsel, and receiving the instructions from Judge David E. Bryant on the same, we retired to the jury room to deliberate upon said case and verdict, in charge of United States Deputy Marshall- Samuel Williams. We stood upon first ballott eight for conviction and four for acquital of all the defendants. The next day we stood 9 for conviction and 3 for acquittal of all the defendants, and the jury so hung for two days. During the trial of said case, and during our deliberation upon the verdict, the jurors were allowed to separate almost at will, and many of the jurors did so absent themselves from the jury room. The three who stood for acquittal were allowed to stay away nights, and did so stay away from the jury room. Each one of whom did stay away from the rest of us one night each while we were deliberating upon a verdict. After the case had been given to us and we had retired to the jury room, and while so away over night they slept with their wives as each so stated upon returning to the jury room. None of the other jurors upon said case

State of Texas :
County of Lamar : as

W. A. Duke being first duly sworn according to law, on oath says; I am a resident of Red River County Texas. I am 55 years of age and my occupation is that of a saddle and harness maker. I was empannelled, sworn, and acted as a juror in the trial of the case of the United States vs. Samuel Robinson and 29 others (No. 20) in the Circuit Court of the United States, within and for the Eastern District of Texas, sitting at Paris Texas, in the April term, 1890, of said Court, wherein C. E. Cook, O. J. Cook, Cyrus Tresse, J. B. Chamberlain John Jackson, and J. Lawrence were convicted of the murder of John M. Cross. I was present as such juror at all the doings and sessions of the jury in said case, and know all things that took place before said jury as a body.

After hearing all the evidence, argument of Counsel, and receiving the instructions from Judge David E. Bryant on the same, we retired to the jury room to deliberate upon said case and verdict, in charge of United States Deputy Marshall- Samuel Williams. We stood upon first ballott eight for conviction and four for acquittal of all the defendants. The next day we stood 9 for conviction and 3 for acquittal of all the defendants, and the jury so hung for two days. During the trial of said case, and during our deliberation upon the verdict, the jurors were allowed to separate almost at will, and many of the jurors did so absent themselves from the jury room. The three who stood for acquittal were allowed to stay away nights, and did so stay away from the jury room. Each one of whom did stay away from the rest of us one night each while we were deliberating upon a verdict. After the case had been given to us and we had retired to the jury room, and while so away over night they slept with their wives as each so stated upon returning to the jury room. None of the other jurors upon said case

were away over night, or with their wives. In the morning of the 3d, day after we (the jury) had retired to deliberate upon our verdict, th the said Deputy Marshall, Samuel Williams, who was officer in charge of us, made the statement before the whole jury and in the hearing of us all in the jury room that " there was quite a stir in town over a report that had got out about us" and some one of us asked him what it was. And he said to usthat they had the report out that the defendants in said case had offerred to some of us jurors $300.00 for any one of us who would vote continually for an acquittal, or $500.00 to any two of us who would hang the jury, or $1000.00 to the jury for an acquittal, and that the arrangement had been made with some of you through your wives. None of the jury had been with their wives except the three who were standing for and insisting upon an acquittal of all of the defendants. After that one of the three of said jurors who were for acquittal said that he was not going to have such a report hanging over his head, so he would vote for conviction, and did thereupon change his vote from acquittal of all the defendants to convictin -n of all of the defendants, and did so return his verdict, saying that he still believed that the defendants were innocent: but that he could not afford to have such a report about him, for if he stuck to his convictions in the case people would think that he had been bribed. The other two jurors who were for acquittal thereupon also changed their vote from acquittal to conviction of all the defendah -ts, giving the same reasons for it, and making substantially the same statements before all of the jurors in said jury room. I am sure that that was the only cause that made those men change their vote,and that the verdict rendered was not the true verdict of those three jurors, who were all the time for acquittal. Other mis-conduct on part of officer in charge, and the jury prevailed throughout its deliberation,While we,(the jury) were out deliberating upon our verdict in

were away over night, or with their wives. In the morning of the 3d, day after we (the jury) had retired to deliberate upon our verdict, th the said Deputy Marshall, Samuel Williams, who was officer in charge of us, made the statement before the whole jury and in the hearing of us all in the jury room that " there was quite a stir in town over a report that had got out about us" and some one of us asked him what it was. And he said to us that they had the report out that the defendants in said case had offered to some of us jurors $500.00 for any one of us who would vote continually for an acquittal, or $500.00 to any two of us who would hang the jury, or $1000.00 to the jury for an acquittal, and that the arrangement had been made with some of you through your wives. None of the jury had been with their wives except the three who were standing for and insisting upon an acquittal of all of the defendants. Either that one of the three of said jurors who were for acquittal said that he was not going to have much a report hanging over his head, so he would vote for conviction, and did thereupon change his vote from acquittal of all the defendants to conviction of all of the defendants, and did so return his verdict, saying that he still believed that the defendants were innocent: but that he could not afford to have such a report about him, for if he stuck to his convictions in the case people would mistake think that he had been bribed. The other two jurors who were for acquittal thereupon also changed their vote from acquittal to conviction of all the defendants, giving the same reasons for it, and making substantially the same statements before all of the jurors in said jury room. I am sure that that was the only course that made those men change their vote, and that the verdict rendered was not the true verdict of those three jurors, who were all the time for acquittal. Other misconduct on part of officer in charge, and the jury prevailed throughout the deliberation, while we, (the jury) were out deliberating upon our verdict in

said case, one man whose name is Alexander, and who was foreman of the Grand- Jury who found the indictment upon which said case was tried, was in the jury room and talked with several of the jurors in said case, and as many as ten other persons, whose names I do not know, were permitted to be present and were present and talked with jurors at different times, one of whom was a witness in the case who brought in some cigars for the jury, I believe from the facts I saw in the jury room that pressure was brought to bear from the outside to cause us to return a verdict of guilty in said case, and that the facts above stated were intended and did have that effect. I make this affidavit voluntarily for the purpose of righting a wrong I believe to have been done the defendants in the trial of said cause, if possible.

W. A. Duke.

Subscribed and sworn to before me, this the 17th, day of October, A.D. 1890. George A. Titterington- Notary Public, Lamar County Texas.

said case, one man whose name is Alexander, and who was foreman of the Grand- Jury who found the indictment upon which said case was tried, was in the jury room and talked with several of the jurors in said case, and as many as ten other persons, whose names I do not know, were permitted to be present and were present and talked with jurors at different times, one of whom was a witness in the case who brought in some objects for the jury. I believe from the facts I saw in the jury room that pressure was brought to bear from the outside to cause us to return a verdict of guilty in said case, and that the facts abov e stated were intended and did have that effect. I make this affidavit voluntarily for the purpose of righting a wrong I believe to have been done the defendants in the trial of said cause, if possible.

W. A. Duke.

Subscribed and sworn to before me,this the 27th, day of October, A.D. 1890. George A. Tittertington- Notary Public, Lamar County Texas.

State of Texas :
County of Fannin : ss.
.....:

Personally appeared before me, the undersigned Notary Public in and for the said County and State, Jno. L. Ballinger who being duly sworn on his oath states, that he is a resident of Fannin County Texas, That he was a member, and Foreman of the jury before whom the case of the United States vs. Samuel Robinson and 29 others (No. 20) was tried, wherein C. E. Cook, O. J. Cook, Cyrus Frease, J.B. Chamberlain, John Jackson, and J. Lawrence were convicted of the murder of John M. Cross, in the April Term, 1890 of the United States Circuit Court, for the Eastern District of Texas, sitting at Paris, Texas. That said jury during said trial was in charge of Samuel Williams- Deputy U. S. Marshall. That during said trial members of the said jury were permitted to separate themselves from the rest oft the jury, and many of the jurors did so absent themselves from the jury room and the rest of the jurors. Some of whom left the jury room and the rest of the jury at night, and it was generally understood, in the jury room that they stayed with their wives. That during the said trial other persons than the jury were permitted to be present in the jury room while the jury was in there, and at different times other persons than jurors did come into the jury room while the jury was in there and talk privately with different members of the jury, separate and apart from the rest of the jury. That whisky and cigars in limited quantity was permitted to be given the jurors during said trial and the jurors did have and use the same in said jury room, and some of said jurors drank with the said officer in charge of them. That after the case had been submitted to the jury, andthey retired to deliberate upon their verdict, and after they had hung and disagreed as to their verdict, and while they could not agree as to their verdict and had been out considering their verdict for two days, and while apart of said jury was voting and insisting upon the acquittal of the Defend

State of Texas :
County of Hunin : ss.
.....:

Personally appeared before me, the undersigned Notary Public in and for the said County and State, Jno. L. Sallinger who being duly sworn on his oath states, that he is a resident of Hunin County Texas, That he was a member, and Foreman of the jury before whom the case of the United States vs. Samuel Robinson and 29 others (No. 29) was tried, wherein C. H. Cook, G. J. Cook, Cyrus Frazee, J.H. Chamberlain, John Jackson, and J. Lawrence were convicted of the murder of John M. Cross, in the April Term, 1890 of the United States Circuit Court, for the Eastern District of Texas, sitting at Paris, Texas. That said jury during said trial was in charge of Samuel Williams- Deputy U. S. Marshall. That during said trial members of the said jury were permitted to separate xxxx themselves from the rest of the jury, and many of the jurors did so absent themselves from the jury room and the rest of the jurors. Some of whom left the jury room and the rest of the jury at night, and it was generally understood, in the jury room that they stayed with their wives. That during the said trial other persons than the jury were permitted to be present in the jury room while the jury was in there, and at different times other persons than jurors did come into the jury room while the jury was in there and talk privately with different members of the jury, separate and apart from the rest of the jury. That whisky and cigars in limited quantity was permitted to be given the jurors during said trial and the jurors did have and use the same in said jury room, and some of said jurors drank with the said officer in charge of them. That after the case had been submitted to the jury, and they retired to deliberate upon their verdict, and after they had hung and disagreed as to their verdict, and while they could not agree as to their verdict and had been out considering their verdict for two days, and while xxxx apart of said jury was voting and inveighing upon the equitiei of the Defend

-ants the said Samuel Williams, officer in charge, told the jury in the presence of all the jurors that the report was all over the city of Paris, that the defendants in said case had made a proposition to some of the jurors to pay them $500.00 for a hung jury, or $1000.00 for an acquittal. The only ones of the jury at this time who were insisting upon an acquittal of the defendants were ones whom it was generally understood in the jury room, and amongst the jurors who had stayed with their wives. Soon after this report the ones standing for acquittal and insisting for acquittal of the defendants voted for conviction, and the jury returned a verdict with the aforesaid results.

Affiant further says that he believes that said report was made to the jurors for the purpose of inducing a verdict of guilty from those who were hanging out, and that it did have an influence to that effect. Further, affiant saith not.

Jno. L. Ballinger.

Subscribed and sworn to before me, this 31st, day of October, A. D. 1890.

B. S. Lovelace- J.P. & Ex Officio Notary Public.
In and for Fannin County, Texas.

-ants the said Samuel Williams, officer in charge, told the jury in the presence of all the jurors that the report was all over the city of Paris, that the defendants in said case had made a proposition to some of the jurors to pay them $500.00 for a hung jury, or $1000.00 for an acquittal. The only ones of the jury at this time who were insisting upon an acquittal of the defendants were ones whom it was generally understood in the jury room, and amongst the jurors who had stayed with their wives. Soon after this report the ones standing for acquittal and insisting for acquittal of the defendants voted for conviction, and the jury returned a verdict with the aforesaid results.

Affiant further says that he believes that said report was made to the jurors for the purpose of inducing a verdict of guilty from those who were hanging out, and that it did have an influence to that effect. Further, affiant saith not.

Jno. L. Dallinger.

Subscribed and sworn to before me, this 31st, day of October, A. D. 1890.

B. S. Lovelace- J.P. & Ex Officio Notary Public.
In and for Franklin County, Texas.

Office of

L. A. BIGGER.

Hutchinson, Kansas, Nov. 13th, 1890.

Col. R. B. Corwin,

185 Montague St.,

Brooklyn, N. Y.

My Dear Sir:-

Your favor received, with the several enclosures of General Howard, Solicitor General, &c. From your letter and enclosures, I gather that the information wantedis the reason why the Cook parties should be removed from Paris Texas, to Wichita, Kansas, pending the conclusion of their case.

1st.- The prisoners are all citizens of Kansas. They were men of good standing and in fact, are the leading men of their community. One of them was a candidate for for congress a few years ago, on the Democratic ticket in this district and stood exceptionally well with both political parties. Another, is a brother of a judge of the Court of Common Pleas in Ohio, who was on the bench for ten years and has always borne an excellent reputation.

I have known part of these men for fifteen years and they hav always ranked among the best and most enterprising citizens of Kansas. I speak of this as an assurance to you that they are not criminals, but rather, unfortunate men in distress. Some of them were men of considerable means before this trouble came upon them but they have expended every cent they have, their families have nothing to live on and have to rely entirely upon the assistance

Office of

L. A. BIGGER.

R.B.C.#2.

Hutchinson, Kansas,

of their friends.

2nd:-These men are innocent, as the sequel will certainly show and were drawn into this present position by a long chain of circumstances over which they had no control and in fact, little to do with, but which it is unnecessary to explain here, as it will all appear in the new trial which will undoubtedly be given them.

3rd:- These prisoners have active and numerous friends in Kansas, who have known them longest and are able and willing to assist them in their defense;but they being eight hundred miles distant, it is practically impossible for their friends to get access to them.

4th:- They are in a section of country where they are entire strangers and in a community strangers to their former good character and standing, besides being in a section not friendly to Kansas men, which deprives them of the sympathy and help needed.

5th:- The most important and urgent reason for their removal however, is that these men were taken from a country which has a high altitude and pure, bracing air, to a climate full of malaria; Paris being situate near the Red River flats where only the acclimatedcan maintain health under the best conditions. These men are confined in the county jail, with [redacted] crimi-
nals of the meanest type known to the entire country; most of them being out-laws from the Indian Territory which lies contiguous.

Office of

L. A. BIGGER.

R.B.C. #3. *Hutchinson, Kansas,*

As a mark of degradation to these men and to ~~assure you that~~ ~~prejudice does exist against them because~~ of their being ~~northern~~ men, I will state that a large negro, who had been convicted of some crime was put at the head of the processionwhen these men were led into court for their sentence last summer, undoubtedly to humiliate their families and friends. The jail in which they are confined is a stone building, enclosed on the inside lower floor with an iron cage, inside of which these prisoners must necessarily stay. The jail was never intended for anything further than a county jail, ~~but it is filled~~ to overflowing with criminals of various kinds, making the air so stifling and foul, that no one can stay there long without permanent injury to their health.

Some of these men are not in good health and it is believed by their friends that they will not survive much longer if some change is not made. The diet of the prisoners is such that they cannot eat it. I do not think a well trained Newfoundland dog would touch it and from the money sent them by their friends, their families cook their provisions outside the jail and send them in to them; so that these prisoners are being taken care of by their friends, while the officers are drawing pay for their subsistence.

It costs the prisoners at least double, to maintain themselves and families and carry on the defense of their case, situate as they are, that it would if confined within their own State where their

R.S.C. #6.

A part of the degradation of these men and to assure you that prejudice does exist against them because of their being northern men, I will state that a large negro, who had been convicted of more crime was put at the head of the prosecutors; these men were led into court for their sentence last summer, undoubtedly to humiliate their families and friends. The jail in which they are confined is a stone building, enclosed on the inside lower floor with an iron cage, cracks of which these prisoners must necessarily stay. The jail was never intended for anything further than a county jail, but it is filled to overflowing with criminals of various kinds, making the air so stifling and foul, that no one can stay there long without permanent injury to their health.

Some of these men are not impaired health and it is believed by their friends that they will not survive much longer if some change is not made. The date of the proceedings is such that I may cause not it. I do not think a well trained Newfoundland dog would touch it and from the money sent them by their friends, their families cook their provisions outside the jail and send them in to them; so that these prisoners are being taken care of by their friends, while the officers are drawing pay for their subsistence.

It costs the prisoners at least double, to maintain themselves and families and carry on the defense of their case, situate as they are, that it would if confined within their own State where their

Office of

L. A. BIGGER.

R.B.C.#4. *Hutchinson, Kansas,*

friends and attorneys could have easy access to them.

I do not wish it understood that the jailer or sheriff of that county is treating these prisoners cruelly, but he has so many Government prisoners it is impossible to give them accommodations which they are entitled to.

Each one of the twelve jurors has signed an instrument recommending an unconditional pardon for these men and expressing a firm belief in their innocence, based on events transpiring subsequent to the trial. For instance, eight of the prosecuting witnesses ~~were~~ (being about all of those who testified to any material facts) it was discovered were very disreputable and low people and unworthy of belief. A fact not shown to the jury during the trial. Different persons had access to the jury while deliberating over the case after they had retired and were deliberating over the verdict. Whisky was handed in to them by the marshals. In addition to this, a number of the jurors were allowed to visit their families over Sunday and many other gross irregularities were permitted

Ispeak of these as only a few of the many damaging things which tended toward the conviction of these men. Their removal to Wichita, or any point within the State would be a clear act of justice and humanity and would better enable the boys to make a full showing of their innocence.

Yours very respectfully,

L A Bigger

friends and attorneys could have easy access to them.

I do not wish it understood that the jailer or sheriff of this county is treating these prisoners cruelly, but he has so many responsibilities, and is so dependent on others for the accommodations which they are entitled to.

Each one of the twelve jurors has signed an instrument recommending an unconditional pardon for these men and expressing a firm belief in their innocence, based on events transpiring subsequent to the trial. For instance, eight of the prosecuting witnesses were (being about all of those who testified to any material facts) it was discovered were very disreputable and low people and unworthy of belief. A fact not shown to the jury during the trial.

Different persons had access to the jury while deliberating over the case after they had retired and were deliberating over the verdict. Efforts were made to influence the jury. In addition to this, a number of the jurors were allowed to visit their families even Sunday and many other gross irregularities were permitted.

I speak of these as only a few of the many damaging things which tended toward the conviction of these men. Their removal to Wichita, or any point within the State would be a clear act of justice and humanity and would better enable the boys to make a full showing of their innocence.

Yours very respectfully,

Office of

L. A. BIGGER.

Hutchinson, Kansas, Nov. 22nd, 1890.

Hon. B.R.Corwin,

185 Montague Street,

Brooklyn, New York.

Dear Sir:-

After writing you on November 13th, (letter enclosed,) I concluded to hold the letter until the evidence reached here to substantiate the statements I had made therein. So I enclose you copies of affidavits of six of the jurors who sat in the case of the Cook parties, which fully corroborate what I said before, that the United States Marshals of the Eastern District of Texas, (the U.S. Marshal and his deputies,) have treated these prisoners cruelly and inhumanly, in tampering with the jury when they were on trial for their lives. See affidavits.

I met all these jurymen in person, last July, shortly after the conviction and they stated to me about the same facts that they now state in their affidavits.

As to the condition of the jail at Paris, Texas, I submit the letter of B.E.Johnston, who is there and has been there since the conviction of these boys and what he says about the jail, no doubt has been verified before this by the Special Agent of the Department of Justice. There must be a distinction made between the County officers in immediate charge of these prisoners and the United States Marshals. The County officers, it seems have treated the boys kindly, but the marshals, it appears, were interested in the

Nov. 22nd, 1930.

Hon. E.E.Corwin,

185 Montague Street,

Brooklyn, New York.

Dear Sir:-

Along writing you on November 11th,(letter enclosed,) I concluded to hold the letter until the evidence needed here to substantiate the statements I had made therein. So I enclose you copies of affidavits of six of the jurors who sat in the case of the Duck matter, which fully corroborate what I said before, that the United States Marshals of the Eastern District of Texas,(the U.S. Marshal and his deputies,) have treated these prisoners cruelly and inhumanly, in tampering with the jury when they were out for their livers. See affidavits.

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Office of

L. A. BIGGER.

B.R.C.#2.

Hutchinson, Kansas,

conviction of these men, because of the immense sum of money spent in their trial, for which they were mostly responsible. $90,000. I understand, will barely cover the amount spent by the Government and from what I gather, the Marshals seemed to think, if the boys were cleared, their official heads would go off, as the unparallelled and unnecessary expenditure would come to light under investigation.

Of course, copies are not evidence; but the original affidavits are in the hands of the attorneys of the Cook parties and can be forwarded immediately if necessary. They are to be used in the Court in the further progress of the trial.

You will note that the jurors and Johnston both, prefer their statements should not go into the newspapers, or be made public, as they do not want to get involved in any feuds, but the truth of all these statements can be easily verified, if the least doubt exists as to their correctness.

The Associated Press agent at Paris, telegraphed and the papers of the country reported that the story about the cruel treatment of the prisoners was slanderous. No one ever alleged that the County officers treatd the prisoners otherwise than kindly; but as to the treatment by the Marshals while on trial and as to the unfit condition of the jail for Federal prisoners, let the evidence enclosed speak for itself.

exculpation of these men, because of the immense sum of money spent in their trial, for which they were morally responsible. $80,000. I understand, will barely cover the amount spent by the Government and from what I gather, the Marshals seemed to think, if the boys were cleared, their official heads would go off, as the unparalleled and unnecessary expenditure would come to light under investigation.

Of course, copies are not evidence; but the original affidavits are in the hands of the attorneys of the Cook parties and can be forwarded immediately if necessary. They are to be used in the Court in the further progress of the trial.

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Office of

L. A. BIGGER.

R.R.C.#3. *Hutchinson, Kansas,*

I am neither attorney nor relative of any of these parties and in no way interested in their case, except sympathy for their condition and simply ask for their removal, in the name of Humanity and Justice.

The enclosed circular, which was passed as I understand, by the Knights of Pythias Lodge of Paris, Texas, will give you an idea of the character of the material witnesses for the prosecution. These Knights were all Texans and strangers to the boys, but learned the facts stated in this circular, subsequent to the trial. As to their truthfulness, I have not the least shadow of a doubt and the Department of Justice can easily verify.

I have written the boys to forward their application for removal to Wichita, direct to you, so that you might have it forwarded to Washington. They will never cease to thank you for the interest you have already taken in their case.

Yours very truly,

L. A. Bigger

P.R.S.Jr.

I am neither attorney nor relative of any of these parties and in no way interested in their case, except sympathy for their condition and simply ask for their rescue, in the name of Humanity and Justice.

The enclosed circular, which was passed as I understand, by the Knights of Pythias Lodge of Paris, Texas, will give you an idea of the character of the material witnesses for the prosecution.

These Knights were all Texans and strangers to the boys, but learned the facts stated in this circular, subsequent to the trial. As to their unfriendliness, I have not the least shadow of a doubt and the Department of Justice can easily verify.

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Yours very truly,

[signature]

File

337.

Committee

PAN REPUBLIC ~~COMMITTEE~~ CONGRESS.

Wm.H. Arnoux, Chairman,
18 Wall St.,N.Y.
Wm.O. McDowell, Secretary,
20 Spruce St.,Newark,N.J.

Newark,N.J. Nov.26th,1890.

My Dear Sir:-

In response to the notice of invitation sent to the members of the committee appointed, we have received a number of very interesting letters that are entitled to publication, and we have decided to request each member of the committee to prepare either an address to be handed to the Secretary at the meeting, or in case you are not able to attend, a letter, these letters and addresses to be published in connection with the proceedings of the meeting. We would thank you, therefore, if you would at your earliest convenience, prepare, and see that it passes into the hands of the Secretary, either an address or a letter.

Sincerely yours,

W O McDowell

Secretary.

public Counter

McDowell W. O.

File

S. S. McCLURE,
TRIBUNE BUILDING,
NEW YORK.

CABLE ADDRESSES: "Aiddecamp, New York." "Editorship, London."

LONDON OFFICE:
2 DEAN'S YARD,
WESTMINSTER, S. W.

321.

Nov. 26, 1890.

My dear General Howard:

I herewith return the "Antonio Azul" article. It does not seem to me to be quite adapted to the Youth's page. I will use the "Montezuma" article.

How is the West Point story coming on?

Very truly yours,

S S McClure

Gen. O. O. Howard,

Governor's Island, N. Y.

S. S. McCLURE
PRESS BUILDING,
NEW YORK.

LONDON OFFICE:
PEARS YARD,
WESTMINSTER, S. W.

Nov. 28, 1899.

My dear General Howard:

I herewith return the "Antonio Azul" article.

It does not seem to me to be quite adapted to the Yosemite page. I will use the "Montezuma" article.

How is the West Point story coming on?

Very truly yours,

S. S. McClure

Gen. O. O. Howard,

Governor's Island, N. Y.

McClure S. S.
File

Dodge W. E.

File

287.

WILLIAM E. DODGE
NEW YORK.

Nov 26/90

11 CLIFF STREET,

Confidential

My Dear Gen. Howard,

I have inquired carefully into the Society of which you wrote me in your note of the 21st inst.

The Mr. Ketchum of whom you speak I understand is not the son of the late Hon. Edgar Ketchum.

I cannot discover anything that makes me feel much sympathy for the peculiar method of

work and yet the Society may be doing good. I hope it is.

I have always felt the same work could be done by the Army Committees of the Young Men's Christian Association, without any cost and without expensive officers and administration -

I do not feel, however, that I have any right to judge without fuller information which it seems difficult to get.

I hope to have a chance to have a chat with you about this after a while.

I am,

My Dear General,

Very Sincerely Yours,

W. E. Dodge

Major General O. O. Howard