The People vs. John D. Lee : Sentence of John D. Lee in the 2nd District Court of Utah : Jacob Smith Boreman,

Judge [2nd trial] - Subsidiary Papers

[Oct. 10]
[Beaver City, Utah]

HM 16912

Box 2 (14)

Note: In the handwriting of Jacob Smith Boreman

Includes corrected proof and typescript

Sentence of John D. Lee in the Second District Court of Intul: Just S. Boseman, Judge: The court sarel: John D. Lee have your anything to say why the sentener of death shall not now be pronounced against you?" Lei _ I have not." The court: - you, John D. Lee, pris over at the bar have by the verdiet of a jusy been found quilty of murder in the frist degree. from the widerer before them, the just Could not have done otterwise than to find you fully. The proof was clear and positive. This is your second trail of the trail last year, the widenes of quilt were plain, cause were than for your acquitted. The tostmony addiced on the present tral is mainly from witnesses who could not then be obtained. But this evidence, for some cause, has been unsealed and The witnesses found ready me your case to tell what part you played in the great Crime. Hey will hereafter have opportunities

of telling what others did to aid in planning

not brought out on this trial to criminate some other leaders, does not show that such evidence does not ejest. much of such testimony came out on the fromer trul and the public in endeovering to reach the bottom of the whole affair, will not confine trey to the evidence brought out on this trul alone. The Derdan at both that will be considered Togetter. And according ore seems to have been the rout of a oust conspiracy efterding from Salt Luce aty to the bloody frield. And the emigrant were all along their line of travel and no where were the atizers per = mitted to give or sell them anything to sustain life either in man or animal, although they were in great need thereof And the man who actually participated in the deed were not the only guitty ones. Although the evidence stows plainly that you were a willing participant in the massace get both trials taken together slow that atters and some high in authority mangurated and decided upon the wholesale Slaughter of the emegrant. That slaughter took place nineten years ago. From that

time to the present term of court there has been throughout the Territory a persistent and determined opposition to any inwith:

gation of the massacre. Shortly after the slaughter fudge Cradlebaugh saught to have it investigates but he for his efforts in that direction, was villiped beyond measure, and the ruling provers among the people caused his efforts to be certified unavailing. The caused holicy has the mater every effort from that day to this to bring the guilty to protect.

AT your fromer trial last your nearly the Whole power and influence of those who were supposed to have had something to do with the Crime were against your conviction. This officition to moestigation was in Street accordance with their settled policy of hoatility to placing the guilt where it belongs. But their offats to smother and couch out moestigation were found to avail them no longer. It was impresable to longer delay the day when the inside facts of the conspinacy started by brought out, and they Lave suddenly changed then policy and seem no to be consorting to your death. I do not comprehend why this is so unless they have loped by your conviction to affease the public indignation throughout the Country, and that your conviction and death

would and the further mostigation of the matter. But in these things they are greatly mistaken. This dread crime will not down and your conviction is but the beginning of the end. The domands of fustice will not be satisfied until the quilty leaders in planning or executing Hat downe are known and brought to the ban of justice and their cases mustifuled in the Courts and passed upon by impartal jusies. It gives me no pleasure to day anything in reference to this awful deed in which you were a willing participant. you and all those who plotte this deed of blood or willingly participated therein are no doubt quily of a great crime and their unoffending victims, though their months are closed in this world, will meet and confront you all at the bur y Almyly god, when the secret of all Least shallbe made Known. And the quilly count avoid Has trolunul. The world his no sympathy for perfectutors of such dustardly and cruel butteries, and The Christian Civilization of our day stands

aghust at the long and persustant efforts to prevent the guilty from being brought to justice. and the Kong delay Can only be (2 Shet of Sentence of John D. See)

accounted for upon the Sufficient that the guilty Leaders in plotting and carrying out this crime, controlly and still control the public Sentiment in this Territory.

Here is a sympathy for you among some people growing out of the belief that gas have been deserted by the parties to and the plotters of the Crime, and allowed to be succeepied. But yet all good man feel that your Conviction is but the proper execution of the land. It is pain: but the proper execution of the land. It is pain: but to think that any human being should suffer death for any reason, but outraged juster demands it. But no one that I know of connection with the administration of the lands takes any pleasure in your death nor the death of any one, It is a said duty which devolves upon thou in this matter and they cannot avoid.

In accordance with the our dies of the justy and the law, it becomes my duty to have the Sentance of death upon you, and in doing this the stable regimes that you may have a choice, if you desire, of their modes of execution, toward, by language, by stoothing or by beheading. If you have any choice or desire in this respect, you can now a process. It fresh is "Lee - [the prisoner] - I prefer to be stat."

The Court: As you have much choice and I present

it follows that you be executed by being stot of it follows that such shall be the judgment of the court therefore is that you be taken hence to a place of compinion ment within this territary, that you there be sufely kept in confinement until Friday, the 26th day of formany 1877; that between the Lours of 100° clock a min in the fremom and three or click in the afternoon of that day, you be taken from your place of confinement and in this district publicly shot until you are dead, and may almighty God lane mercy upon your down!

THE SENTENCE OF JOHN D. LEE, IN THE SECOND DISTRICT COURT OF UTAH: JACOB S. BOREMAN. JUDGE:

THE COURT SAID:

"John D. Lee, have you anything to say why the sentence of death shall not now be pronounced against you?"

Lee .- "I have not."

The Court: - "You, John D. Lee, prisoner at the bar, have, by the verdict of a jury, been found guilty of murder in the first degree. From the evidence before them, the jury could not have done otherwise than to find you guilty. The proof was clear and positive.

This is your second trial. At the trial last year, the evidences of guilt were plain, but three fourths of the

jury, from same cause, were then for your acquittal.

The testimony adduced on the present trial is mainly from witnesses who could not then be obtained. But this evidence for some cause, has been unsealed and the witnesses found ready in your case to tell what part you played in the great crime. They will hereafter have opportunities of telling what others did to aid in planning and executing it. The fact that the evidence was not brought out on this trial to criminate some other leaders, does not show that such evidence does not exist. Much of such testimony came out on the former trial and the public in endeavoring to reach the botton of the whole affair, will not confine itself to the exidence brought out on this trial alone. The evidence at both trials will be considered together. And according to the evidence on the former trial the massacre seems to have been the result of a vast conspiracy extending from Salt Lake City to the bloody field. And the amigrants were all along their line of travel and no where were the citizens permitted to give or sell them anything to sustain life, either in man or animal, although they were in great need thereof. And the men who actually participated in the deed were not the only guilty ones. Although the evidence shows plainly that you were a willing participant in the massacre, yet both trials taken together show that others and some high in authority, inaugurated and decided upon the wholesale slaughter of the emigrants. That slaughter took place nineteen years ago. From that time to the present term of Court there has been throughout the Territory, a persistent and determined opposition to any investigation of the massacre. Shortly after the slaughter, Judge Cradlebaugh saught to have it investigated, but he. for his efforts in that direction, was villified beyond measure, and the ruling powers among the people caused his efforts to be entirely unavailing. The same policy has thwarted every effort from that day to this to bring the guilty to justice.

At your former trial, last year, nearly the whole power and influence of those who were supposed to have had

something to do with the crime were against your conviction. This opposition to investigation was in strict accordance with their settled policy of hostility to placing the guilt where it belongs. But their efforts to smother and crush out investigation were found to avail them no longer. It was impossible to longer delay the day when the inside facts of the conspiracy should be brought out, and they have suddenly changed their policy and seem now to be consenting to your death. I do not comprehend why this is so, unless they have hoped by your conviction to appease the public indignation throughout the country, and that your conviction and death would end the further investigation of the matter. But in these things they are greatly mistaken. This dread crime will not down and your conviction is but the beginning of the end. The demands of justice will not be satisfied until the guilty leaders in planning or executing that crime are known and brought to the bar of justice and their cases in-vestigated in the courts and passed upon by impartial juries. It gives me no pleasure to say anything in reference to this awful deed in which you were a willing participant. You and all those who plotted this deed of blood or willingly participated therein, are no doubt guilty of a great crime and their unoffending victims, though their mouths are closed in this world, will meet and confront you all at the bar of Almighty God, where the secrets of all hearts shall be made known. And the guilty cannot avoid that tribunal.

The world has no sympathy for perpetrators of such destardly and cruel butcheries, and the Christian Civilization of our day stands aghast at the long and persistent efforts to prevent the guilty from being brought to justice. And the long delay can only be accounted for upon the supposition that the guilty leaders in plotting and carrying out this crime, controlled and still control the public sentiment

in this Territory.

There is a sympathy for you among some people, growing out of the belief that you have been deserted by the parties to and the plotters of the crime, and allowed to be sacraficed. But yet all good men feel that your conviction is but the proper execution of the law. It is painful to think that any human being should suffer death for any reason, but outraged justice demands it. But no one that I know of, connected with the administration of the laws, takes any pleasure in your death, nor the death of any one. It is a sad duty which devolves upon them in this matter and they cannot avoid.

In accordance with the verdict of the jury and the law, it becomes my duty to pass the sentence of death upon you, and in doing this the statute requires that you may have a choice, if you desire, of three modes of execution, namely: by hanging, by shooting, or by beheading. If you have any choice or desire in this respect, you can now express it."

Lee-(The prisoner) - "I prefer to be shot."

The Court: - "As you have made choice and expressed a desire that you be executed by being shot, it follows that such shall be the judgment of the Court. The judgment of the Court therefore is that you be taken hence to a place of confine ment within this Territory, that you there be safely kept in

confinement until Friday, the 26th day of January, 1877; that between the hours of 10 o'clock in the forenoon and three o'clock in the afternoon of that day, you be taken from your place of confinement and in this district publicly shot until you are dead, and may Almighty God have mercy upon your soul."

Tho Shiten to been as will appen being corrected by me.

Judge Boreman's Address to John D. Lee. John D. Lee have you anything to say why the sentence of death shall not be pronounced against you? Lee-I have not. dread crime will not down and You, John D. Lee, prisoner at your conviction is but the beginthe bar, have, by the verdict of a until ning of the end. The demands of jury, been found guilty of murder in justice will not be satisfied till the guilty leaders in planning and exethe first degree. From the evidence before them cuting that crime are known and brought to the bar of justice. It gives me no pleasure to say anyand Their Cases the jury could not have done otherwise than to find you guilty. The investigated in the thing in reference to this awful deed proof was clear and positive. This Courts and passed upon in which any one was a willing par l is your second trial. At the 100 ticipant. You and all these who, plotted this deed of blood or will by amportal prings trial before this, the evidences of guilt were plain, but three-fourths ingly participated therein, are no of the jury, from some cause, were doubt guilty of a great crime. And the unoffending victims, though their mouths are closed in this world then for your acquittal. (a) The testimony adduced on the present trial is mainly from witw meet and confront you at the bar of Almigdty God, where the secrets of all hearts shall be made nesses who could not then be obtained. But this evidence, for known. And the guilty cannot some cause, has been unsealed and avoid that tribunal. the witnesses found ready in your The world has no sympathy for perpetrators of such dastardly and case to tell what part you played in the bloody crime. They will cruel butcheries. The Christian civhereafter have opportunities of telilization of our day stands aghast at the wang and persistant efforts to ling what others did to aid you in prevent the guilty from being planning and executing it. The brought to justice. And the long fact that the evidence was not delay can only be accounted for on brought out on this trial to crimithe supposition that the guilty leadnate other leaders, does not show ers in plotting and carrying out this that such evidence does not exist. crime control and still control the Much of such testimony came out popular will in this Territory. There is a sympathy for you on the former trial and the public howe among some people, growing out in trying to reach the bottom of of the belief that you had been dethe whole affair, will not confine itself to the evidence in this trial serted by the plotters of the crime and allowed to be sacrificed. But alone. The evidence of both trials all good people feel that your conwill be considered together and acthe viction is but a proper execution of cording to the evidence of the the law. It is painful that any former trial the massacre seems to to thrust human being should suffer death have been the result of a vast confor any reason, but outraged jusspiracy extending from Salt Lake tice demands it. But no person City to the bloody field. And the I lenow gomested with the Emigrants had all along this line of travel been denied provisions for Ministration of the law takes any pleasure in your death, nor the themselves and no where were the citizens permitted to sell them the death of any one. It is a sad duty which devolves upon them in this same, although they were in great matter and they cannot avoid it. And the men who actually par-In accordance with the verdict of ticipated in the deed, were not the the jury and the law, it becomes only guilty ones although the evmy duty to pass the sentence of idence shows plainly that you was death upon you, and in doing this a willing participent in the masthe statute requires that you can sacre. Yet, both trials taken together show that others and, avea have choice, if you desire, of three different kinds of executions, viz: some high in authority inaugurated and decided upon the wholeby hanging, by shooting or beheadsale slaughter of the imigrants. ing. If you have any choice or That slaughter took place 19 years modes desire in this respect, you can now ago. From then to the present express it. time there has been throughout the Lee-I prefer to be shot. Territory, a persistant determination to hinder the investigation of As you have made choice that the massacre. Shortly after the you be executed by being shot, it Judge Cradelbaugh slaughter, follows that such shall be the judgsought to have it investigated, but ment of the Court. The judgehe for his efforts was villified bement of the Court therefore is youd measure, and the ruling powwithin that you be taken hence to a place ers among the people caused his efof confinement in this Territory, forts to be unavailing. The same has thwarted every effort from that that you there be safely kept in day to this to bring the guilty to confinement till the 26th day of January, 1877, at between the At the former trial the whole hours of 10 o'clock a. m. and 3 power and influence of those who o'clock p. m. of that day, you be were supposed to have had sometaken from your place of confinething to do with the crime were ment and in this district publicly against your conviction. This opposition to the investigation shot till you are dead, and may Alon as to your guilt was in accormighty God have mercy on your dance with their opposition, placing the guilt where it belongs. But their efforts to smother and crush out the investigation has availed them nothing. It was imwere found to avail possible to delay the day when the inside facts of the conspiracy should be brought out. And they have suddenly changed their policy and seem now to be consenting to your death. I do not comprehend why The findle indignation this is so unless they have hoped by your conviction to appease the country. And that your conviction and Thoughout ! death will end further investigation of the matter. But in these things - would they are greatly mistaken. This

a