

John D. Lee, Second Trial

John D. Lee Death Sentence

**RS****Boreman**

[*Death sentence of John D. Lee; undated; October 10, 1876*]

[*1 page, both sides; first side is numbered 3; verso has no page number*]

[*Jacob S. Boreman, Sentence of John D. Lee, October 10, 1876, Jacob S. Boreman Collection, Huntington Library. A note on the document wrapper states that it is "In the handwriting of Judge Boreman."*]

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 SOME 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

<p><b>[3] YET BOTH TRIALS TAKEN TOGETHER SHOW TT OTHERS &amp; SOME HIGH IN AUTHORITY INAUGURATED &amp; DECIDED UPON THE WHOLESALE SLAGHTER OF THE EMIGRANTS {THAT SLAUGHTER TOOK PLACE 19 YR AGO FM THAT TIME DOWN TO THE PRESENT TERM OF COURT}¹ THER HAS BEN</b></p>	<p>AID IN PLANNING <sup>[[2]]</sup> 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 ENDEOVERING TO REACH THE BOTTOM OF THE WHOLE AFFAIR, WILL NOT CONFINE ITSELF TO THE EVIDENCE 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 EMIGRANTS 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 <sup>[[3]]</sup> TIME TO THE PRESENT TERM OF COURT THERE HAS BEEN</p>
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<p><b>THROUGHOUT THE TERRY A PERSISTENT &amp; DETERMINED OPPOSN TO AN INVESTIGATI OF THE MASS SHORTLY AFTER THE SLGHTER JUDGE CRADLEBAUGH SOUGHT TO HV IT INVESTGATED BUT HE FOR HIS EFFORTS IN THAT DIRCTION WAS VILIFID BEYOND MEASURE AS&amp; THE RULG POWER AMNG THE PEOPLE CAUSD J CRADLEBAUGH EFFORTS TO BE ENTIRLY UNAVAILING</b> <i>[the remainder of the document is in ink shorthand]</i> THE SAME POLICIES HAS THWARTED EVERY EFFORT FROM THAT DAY TO THIS TO BRING GUILTY TO JUSTICE. AT THE PRIOR TRIAL LAST YEAR THE WHOLE POWER AND INFLUENCE OF THOSE WHO ARE SUPPOSED TO HAVE SOMETHING TO DO WITH DREADFUL CRIME WERE AGAINST YOUR CONVICTION. THIS OPPOSITION TO INVESTIGATION WAS IN STRICT ACCORDANCE WITH THEIR SETTLED POLICY OF HOSTILITY PUTTING THE BLAME OF THIS CRIME WHERE IT BELONGS. BUT THEIR EFFORTS TO SMOTHER AND CRUSH OUT INVESTIGATION WERE FOUND TO ASSIST THEM AVAIL THEM NO LONGER IT WAS IMPOSSIBLE LONGER DELAY THE DAY WHEN THE INSIDE <i>FACTS[?]</i> 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</p>	<p>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 NO[W] TO BE CONSENTING TO YOUR DEATH. I DO NOT COMPREHEND WHY THIS IS SO, UNLESS THEY HAVE HOPED BY YOUR CONVICTION TO APPEASE</p>
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THE PUBLIC INDIGNATION THROUGHOUT COUNTRY AND THAT YOUR CONVICTION AND DEATH WOULD END THE FURTHER INVESTIGATION OF THE MATTER BUT IN THIS THEY ARE GREATLY MISTAKEN. THIS DREAD CRIME WILL NOT DOWN IN YOUR CONVICTION IS BUT THE BEGINNING OF THE END. THE DEMANDS OF JUSTICE WILL NOT BE SATISFIED UNTIL THE GUILTY LEADERS IN PLAN AND EXECUTE THAT CRIME ARE KNOWN AND BROUGHT BAR OF JUSTICE AND THEIR ACTS INVESTIGATED *[space]* IN THE COURTS AND PASSED UPON BY AN IMPARTIAL JURY. IT GIVES ME NO PLEASURE TO SAY ANYTHING SN-S[?] AWFUL DEED IN WHICH YOU —/WAS[?] A WILLING PARTICIPANT. YOU AND ALL THOSE WHO PLOTTED THIS DEED OF BLOOD OR PARTICIPATED WILLINGLY THEREIN ARE NO DOUBT GUILTY OF A GREAT CRIME. AND THE INOFFENSIVE VICTIMS 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 SHOWN KNOWN AND THE GUILTY CAN'T AVOID THAT TRIBUNAL. *[space]* THE WORLD HAS NO SYMPATHY FOR PERPETUATORS OF SO DASTARDLY AND CRUEL BUTCHERY AND THE CHRISTIAN CIVILIZATION OF OUR DAY STANDS AGHAST AT THE LONG AND PERSISTENT EFFORT TO PREVENT THE GUILTY FROM BEING BROUGHT

THE PUBLIC INDIGNATION THROUGHOUT THE COUNTRY, AND THAT YOUR CONVICTION AND DEATH <sup>[[4]]</sup> 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 INVESTIGATED 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 DASTARDLY 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 INTO EXECUTION THIS CRIME CONTROLLED AND STILL CONTROL THE PUBLIC WILL AND PUBLIC SENTIMENT IN THIS TERRITORY. THERE IS A SYMPATHY FOR YOU AMONG SOME PEOPLE GROW OUT OF BELIEF THAT YOU HAVE BEEN DESERTED BY THE PARTIES AND THE PLOTTERS OF THE CRIME AND ALLOWED TO BE SACRIFICED BUT YET ALL GOOD MEN FEEL THAT YOUR CONVICTION IS BUT THE PROPER EXECUTION OF THE LAW. [space] IT IS PAINFUL THAT ANY HUMAN BEING SHOULD SUFFER DEATH FOR ANY REASON BUT OUTRAGED JUSTICE REQUIRES IT [space] BUT NO ONE THAT I KNOW OF CONNECTED JURISDICTION[?] OF THE LAW TAKES ANY PLEASURE IN YOUR DEATH NOR IN THE DEATH OF ANY ONE. IT IS A SETTLED DUTY WHICH DEVOLVES UPON THEM IN THIS MATTER AND THEY CAN'T AVOID IT. IN ACCORDANCE WITH VERDICT OF THE JURY AND THE LAW IT BECOMES MY DUTY PASS SENTENCE OF DEATH UPON YOU AND IN DOING THIS THE STATUTE REQUIRES THAT YOU MAY HAVE A CHOICE IF YOU DESIRE OF THREE DIFFERENT MODES OF EXECUTION NAMELY THAT BY HANGING BY SHOOTING OR BEHEADING. IF YOU HAVE ANY CHOICE OR DESIRE IN THIS RESPECT YOU CAN NOW EXPRESS IT. [space] HERE THE PRISONER ASKED TO BE

TO JUSTICE. AND THE LONG DELAY CAN ONLY BE <sup>[[5]]</sup> 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 SACRIFICED. 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, ~~TO WIT~~, NAMELY, BY HANGING, BY SHOOTING OR BY BEHEADING. IF YOU HAVE ANY CHOICE OR DESIRE IN THIS RESPECT, YOU CAN NOW EXPRESS IT.”

**RS**

**Boreman**

<p>EXECUTED BY SHOT [<i>space</i>] LEE SAID I WOULD RATHER BE SHOT. AS YOU HAVE MADE A CHOICE AND EXPRESSED A DESIRE THAT YOU BE EXECUTED BY BEING SHOT IT FOLLOWS THAT SUCH SHALL BE THE JUDGMENT OF THE COURT IS THEREFORE THAT YOU BE TAKEN HENCE TO A PLACE OF CONFINEMENT WITHIN THIS TERRITORY AND THAT YOU THERE BE SAFELY KEPT IN CONFINEMENT UNTIL FRIDAY 26 DAY JANUARY 1877 THAT BETWEEN HOURS OF TEN O’CLOCK IN FORENOON AND THREE O’CLOCK IN AFTERNOON OF THAT DAY YOU BE TAKEN FROM YOUR PLACE OF CONFINEMENT AND ANESTHETIZED BY PUBLIC SHOT UNTIL YOU ARE DEAD AND MAY ALMIGHTY GOD HAVE MERCY UPON YOUR SOUL</p>	<p>LEE—(THE PRISONER)—“I PREFER TO BE SHOT.” THE COURT: “AS YOU HAVE MADE CHOICE AND EXPRESSED <sup>ll6ll</sup> 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 CONFINEMENT WITHIN THIS TERRITORY, THAT YOU THERE BE SAFELY KEPT IN CONFINEMENT UNTIL FRIDAY, THE 26<sup>th</sup> DAY OF JANUARY 1877; THAT BETWEEN THE HOURS OF 10 O’CLOCK A.M. 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.”</p>
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