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WHICH DEATH WOULD YOU PREFER?



In Utah Shooting Has Been Much Preferred Over Hanging, and Now Nevada Will Give Her Condemned Prisoners the Same Choice of Execution

SUPPOSE, what we hope will never come true, that you had been neatly convicted of a capital crime. The jury had done its part and the judge his. Yet, when the death sentence had been pronounced, you were allowed your choice between hanging and shooting.

Which death would you prefer? Shooting, in all probability. In the history of Utah, where the condemned criminal has for a good many years been allowed to name the manner of his taking off, only one has deliberately chosen the noose.

Now, in Nevada, the matter is to be

still further tested, because that state has followed in the lead of Utah. Recently a law was passed which legalized both hanging and shooting, at the option of the prisoner.

And there is even a movement to permit a still wider choice. If it should succeed, any person whose death the state demands may have the further privilege of taking himself off by the quick, and probably painless, route which is provided by cyanide of potassium.

A matter, this is, which is practically new to the rest of the Union. Yet it is one which, in the next few years, is likely to come in for widespread consideration.

THREE of the four persons who have been hanged in Utah had no choice in the matter. Two of them were Indians.

In the early days any way to get rid of an Indian was good enough. Another time the judge forgot that the law permitted a choice, and the condemned man swung without further ado. Probably he is just as well off now.

Since they began keeping track of executions, in the territorial days of 1855, fourteen persons have paid the extreme penalty of the law, and as only one of them decided to swing, it shows that shooting is by far the more popular form of death when the fearful alternative is forced upon a man.

At first there was a third method permissible—beheading. But no one ever chose it, and when Utah became a state in 1896 it was dropped from the new laws.

Most of this, as the saying goes, is news to the rest of the country. With its Mormon exclusiveness, Utah has never paraded its system of legal execution. So that, in the present article, which gives a complete review of the workings of this system, there is plenty of material for study.

To begin at the beginning, in the territorial days it was customary to execute a condemned man at the scene of his crime. Then the United States marshal was in charge of the affair, assisted by the sheriff of the county. Often a squad of soldiers did the shooting.

But, in common with other states that have found it advisable to conduct these grim ceremonies with as much dispatch and as little publicity as possible, all executions are now conducted in the yard of the state penitentiary at Salt Lake City.

When a prisoner is to be shot, he is taken to one side of the prison, where there is a black-

smith shop. For the occasion the everyday character of the building is concealed by a cloth hung over the doorway.

In this cloth are five holes, just large enough for the firing squad to poke the noses of their rifles through and sight over them.

Only twenty feet away is a chair, in which the prisoner is strapped, usually against a wooden background. When he has been made fast, the attending physician locates his heart, and over it pins a small piece of cloth or paper.

Next the sheriff blindfolds the man. After that the proceedings are mercifully short. Usually stepping slightly to the right, the sheriff says in a half-whisper to the firing squad:

"Ready! Aim! Fire!"

The rifles speak, there is a quiver and it is all over. The distance is so short and the marksmen so well chosen that there is hardly a chance for a slip, as there frequently is in hangings. And, in order that the feelings of the men hidden behind the guns shall be spared as much as possible, only four of the five rifles are loaded. Thus each man who is handed a weapon is privileged to suppose that he received the unloaded gun. Certainly no one can gainsay him, for no one knows.

In marked contrast to this short, business-like method were the early executions, whether shootings or hangings. The first white man to pay the death penalty in Utah was Thomas H. Ferguson, who, while intoxicated, shot and killed his employer, Alexander Carpenter, on September 17, 1859. A little more than a month later, on October 28, he was executed in public on a rude scaffold erected for the occasion. He happened to be the one who, through the judge's oversight, was not allowed a choice of death, and his last words from the scaffold were in the fol-

EXECUTIONS IN UTAH

- 1855—Two Indians were hanged at Cedar Valley, thirty miles southwest of Salt Lake City, for the murder of William and Warren Weeks, sons of Mormon Bishop Weeks, August 8, 1855.
- 1859—Thomas H. Ferguson hanged October 28 a block east of the old observation tower on the north bench, Salt Lake City, for the murder of his employer, Alexander Carpenter, September 17, 1859.
- 1861—William Cockroft shot in the county courthouse inclosure, Salt Lake City, September 21, for the murder of Robert Brown.
- 1862—Jason Luce shot in Salt Lake City for killing his friend on Main street.
- 1862—A man was shot in the county jail yard at Tooele for murder.
- 1869—Chauncey W. Millard shot in the Provo City jail yard, January 28, for the willful murder of a stranger riding in a wagon along the west side of Utah lake. He shot his victim for the "fun of the thing."
- 1877—John D. Lee shot March 28 at the scene of the Mountain Meadows massacre for his part in that awful crime.
- 1878—Wallace Wilkerson shot May 18 in the county jail yard at Provo for the murder of a stockman named Baxter on the shore of Utah lake.
- 1887—Frederick Hopt shot August 11 at the state penitentiary seven years after he had murdered John F. Turner, son of the Utah county sheriff. His crime was committed July 3, 1880.
- 1894—Enoch Davis shot September 14 in Dry Hollow canyon, near Lehi, for wife murder.
- 1896—Charles Thiede hanged August 7 in the county jail inclosure, Salt Lake City, for having murdered his wife in Murray.
- 1896—Patrick Coughlin shot December 15, three miles north of Woodruff, Rich county, for the murder of ex-Marshal Dawes, of Wyoming, and Constable Stagg, of Echo, Summit county, Utah.
- 1902—Peter Mortensen shot November 30 at the state penitentiary, Salt Lake City, for the murder of James R. Hay, December 16, 1901, at Forest Dale.
- 1904—Frank P. Rose shot April 22 at the state penitentiary for the murder of his wife in Salt Lake City.

lowing denunciation:
"I was tried by the statute of Utah territory, which gives every doomed man the privilege of being shot, beheaded or hanged. But was it given me? It was not. All Judge Sinclair wanted was to sentence some one to be hanged. Then he was willing to leave the territory; and he had too much whisky in his head to know the day he sentenced me to be executed on [referring to the fact that the judge had at first set a date which fell on Sunday], and would not have known it had it not been for the people of Utah laughing at him. It would have been on a Sunday. A nice judge to send a man to any country!"

Not until 1896, when Charles Thiede chose the noose as the manner in which he should pay the penalty for wife murder, was there another hanging in Utah; since then there has been none. The first legal shooting occurred in the county courthouse yard, Salt Lake City, Saturday afternoon, September 21, 1861. William Cockroft was the victim. He quarreled with Robert Brown over the use of water for irrigation purposes, a subject that caused much bitter feeling in the early days of the west and still is a troublesome bone of contention. Brown was ambushed and shot in the back.

Cockroft was calm as he was placed in a chair and prepared for the end. His executioners, it is supposed, did their work well; there is no record to the contrary. Just before the next man was shot he made a speech, in which he said that he hoped the shedding of his blood would atone for his wickedness and prove an object lesson for others. He was a young man named Jason Luce. He came from a good family, but fell in with a wayward crowd and longed for a wild life on the range, where the law had few restrictions. So he got an outfit and went to the Aldergulch country, then a mecca for roving toughs. In one of his many fights he was beaten and could never get over the sting of his humiliation.

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