

THE LAST OF HOPT.

Shot Dead Within the Walls of the Penitentiary To-day.

RETRIBUTION AFTER MORE THAN SEVEN YEARS.

Fifty Spectators Admitted.

A HISTORY OF THE CASE.

FULL DETAILS OF THE EXECUTION.

In consequence of the murder of John F. Turner, for the commission of which Fred Hopt, alias Welcome, was executed at the penitentiary to-day, being one of the most celebrated cases that has ever occurred in the United States, as full particulars are within immediate reach are presented.

THE MURDERED MAN.

Fred Hopt's victim, John Franklin Turner, was a native of Provo City, Utah County, and was the son of Sheriff John W. Turner. He was born January 9, 1836. He was a young man of good character, and was not known to have a single enemy. He followed the business of farmer and teamster, and on the 28th day of June, 1880, left his home at Provo, for Park City, to obtain work. This was the last time his parents and friends saw him alive. On the 10th of July following, the body of a murdered man was found in Echo Cañon, but it was not until July 19th, when Sheriff Turner received a dispatch stating that one of his son's teams had been sold at Piedmont, by an unknown man, that the sheriff suspected that his son had met with foul play.

HISTORY OF THE CRIME.

John F. Turner arrived at Park City on the 30th of June. He had with him two teams, and made his camp on the edge of the town. He spent a day or two seeking employment, during which time he met with Fred Hopt, or Welcome, as he was then known. The latter was considered a "hard citizen," and had several times been in the custody of Sheriff Turner for various offenses. He had been heard to state that he would be revenged on the Turner family, and on one occasion he said that John F. Turner had purchased a horse, saddle and revolver from him and had not paid for them as he agreed to. In telling of this occurrence he exclaimed to H. S. Wisner, at Provo, in reference to J. F. Turner, "By G—,

I'LL KILL HIM

if it is ten years from now; I'll follow him to his grave!" Nothing was thought of these threats, and when Hopt and young Turner got together at the Park, the former ingratiated himself into the latter's good graces by some means, and on the evening of the 3rd of July went to his camp. There was a third party there, whom the witnesses at the trial believed to be Jack Emerson.

Precisely what occurred at Turner's camp on the night of July 3rd has never been made public. Emerson declared that he was not there, and as Hopt told a story

ACCUSING EMERSON

of the crime, in order to shield himself, no reliance can be placed on the details. One thing is certain, John F. Turner was never seen alive after that time. From all the circumstances and subsequent developments, it is probable that, after young Turner had got into bed, Hopt took his opportunity to wreak a terrible revenge on the unsuspecting man. There was an axe in Turner's wagon, and this was doubtless the weapon used in the commission of the atrocious crime. Turner's skull was crushed in on the left side of the head, and the left jaw was broken.

The blood that spurted from the wound when the

FATAL BLOW

was given, spattered Hopt's clothing. The blow had evidently been given from behind, and from an axe in the hands of a left-handed person, as Hopt was. After the murder had been committed, the body was rolled up in the tent and placed under some grain sacks in one of the wagons. Hopt then went to a saloon in Park City, where he spent the remainder of the night.

Next morning, July 4th, Hopt was met by a man named Akoff, who noticed blood on his shirt sleeve and bosom, and on his coat. When asked if he had been hurt, Hopt's reply was "No; some s— of a b— has got away with his man." In a dance at a burdy house the night before a man named Bates had also noticed the blood stains, and on his inquiring what had made them Hopt said "I hit a s— of a b—, and hit him hard, too, and then choked him."

THE FOURTH

being on Sunday, the holiday was celebrated in Park City on Monday. Hopt had endeavored to get Emerson to go along with him to Mon-

tana, and drive one of the two teams which he said he had, but Emerson would not go until after the holiday. He was drunk all that and the following day, as when he and Hopt started out they took a supply of whisky along.

Early on the morning of the 6th of July, Hopt and Emerson started out, the former driving the lead wagon, in which was secreted Turner's body. Sheriff Allison, of Summit County, met them shortly after the start was made, on the road to Wanship. At the latter place, the same day, Hopt sold two sacks of chopped barley to Charles Reynolds, but was very particular to get the empty sacks back. That night

HOPT AND EMERSON

camped in Echo Cañon, about seven miles above Echo City.

On the evening of the 6th David Moore, of Castle Rock, was riding along in the cañon when he came upon the camp. Hopt went out and spoke to him, and offered to sell him one team, but Moore did not wish to buy. Emerson was at this time in bed. Hopt remained up for some hours later, and the presumption is that he then

REMOVED THE BODY

from his wagon. It was taken behind the rock, into some brush, and there left, rolled up in the tent, with rocks thrown loosely on it.

On the morning of the 7th a start was made without breakfast. On the 8th they reached Piedmont, Wyoming, and on the 9th they went into a store there, where they met W. H. Moss. Hopt, who did all the business, asked Mr. Moss about getting work, and the latter offered him \$5.00 per day for a man and team. Hopt was not anxious to take this, however, and finally sold one of the teams—horses, wagon and harness, complete—to Mr. Moss, who paid \$200 for the outfit and received a

BILL OF SALE

signed by "Fred H. Welcome and John Emerson," and witnessed by a justice of the peace, C. Gill.

At Hilliard a stop was made, and while Hopt was rummaging about in the wagon, he took some articles of clothing out and threw them to Emerson, saying he had better wear them, as they were too small for him. They were doctored by Emerson, a boy who was in the vicinity at the time being a witness of this incident. The articles were the property of the

MURDERED MAN,

and were upon the person of Emerson at the time he gave himself up to the officers, and he was brought to Utah wearing them.

On reaching Green River Hopt sold the remaining part of the outfit to a named Hall.

While in Green River, he met with Geo. P. Campbell and had several conversations with him. His mind was uneasy and he told Campbell that he had not rested well for several nights. He claimed to be afraid of Emerson. In one of these conversations he said to Mr. Campbell, "I never killed a man," then added, hesitatingly, "Yes, I have. I have killed a young, innocent man

IN COLD BLOOD."

From Green River Hopt went on eastward, finally arriving at Cheyenne, where he was captured, of which the details appear further on.

He had left Emerson at Green River and the latter having no money, hunted for employment, and worked several days, hauling grain for a sheriff in that part of the country. He then proceeded to Carbon, Wyoming, where he obtained employment in the coal mines.

The body of young Turner was found in Echo Cañon, seven miles from Echo City, by a passing teamster, on the 10th of July, 1880. Richard Wickel, justice of the peace, impaneled a jury on the 12th and, after hearing all the attainable evidence, the jurors found a verdict stating that the deceased was unknown, and had been murdered.

About the 15th, Sheriff Turner received a dispatch from Echo about his team having been sold by a man who seemed willing to let it go for anything he could get; in the meantime, he had read accounts of the mysterious murder and noted well all the descriptions given. Putting the details together he no longer had a doubt that his son

WAS THE VICTIM

and on the 20th he started for Echo, where the body had been fully identified by Deputy Sheriff Fowler. Sheriff Turner sent to this city for a coffin, and had the remains forwarded to and buried at Provo. He went thence to Piedmont in quest of the murderer or murderers, thence to Green River, and so on in the trail of the fleeing fugitives recognizing his property as he went along, and finally arriving at Cheyenne, where he met with T. Jeff Carr, a detective for the Union Pacific Railway, with whom the Sheriff had previously communicated by wire. A few minutes after his arrival he looked through the car window and saw a man whom he at once recognized as Hopt—or Welcome, as he was generally known at that time. Hopt was immediately arrested by Sheriff Allison and Detective Carr, and taken to the Cheyenne jail for safe keeping. While in custody he made

A PARTIAL CONFESSION

to Detective Carr. On the way to the jail he remarked "I think I shall swing for this." "What have you done?"

inquired Mr. Carr. The reply given by Hopt was to the effect that he had killed Sheriff Turner's son. The prisoner then went on to say that the body had been hidden near Echo, in the cañon. He said that Mr. Turner had had him in jail for some time, and had not treated him properly; he had been worked without being allowed anything for it; he was broke, and thought it would be a good

CHANCE TO GET EVEN

with the family and make a raise. During another conversation with the detective the same afternoon, Hopt said he had not done all the work himself; he had a partner whose name was Emerson, and who did the killing. Hopt admitted that he was as guilty as if he had done it himself, as he stood by and saw it done and shared in the spoils.

The next day the officers started home with their prisoner. On the train Sheriff Allison talked with Hopt about the crime. The latter said "I will tell you how it came about. I was arrested once in Provo on a charge and I got clear of that. I got into a little more trouble, and Johnny was the cause of the re-arrest. I concluded I would get even with the Turner family."

HOPT'S STORY OF THE KILLING

was to the effect that Emerson and Turner had disagreed over going to Montana; that Emerson had said he would kill him, and immediately went over and struck Turner two blows on the head with a board, then came back and told Hopt what he had done. They then put him into the wagon, covered him with grain sacks, and went to the town, where they got some liquor. They had been drinking considerably for several days prior to the murder. They had then left on the morning of July 6th, as already narrated.

The prisoner was brought on to Salt Lake, arriving there on Sunday evening, July 25, and was at once taken to the city jail and placed in solitary confinement. The next morning he was taken before U. S. Commissioner Sprague, when he waived examination and was remanded to await the action of the grand jury.

Two days after Hopt had been committed—on July 28—Sheriff Turner again turned his attention to the work of hunting down the guilty, and he passed through Salt Lake en route east in quest of Jack Emerson, upon whose shoulders Hopt had thrown the entire burden of the crime. On the 2d of August a telegram was received at this office from the Sheriff, dated Bryan, Wyoming, in which it was stated that the mission

HAD BEEN SUCCESSFUL

and he was then returning with his prisoner. They arrived the same evening, and Emerson was at once taken to the City Jail. Emerson had practically surrendered, as the following dispatch which had been sent by him shows:

CARBON, Wyo., July 29, 1880.

To Mr. Moore, Deputy Sheriff:

I see by the papers that I am accused of murdering John Turner. I can be found here at any time.

JACK EMERSON.

The officer acted upon this telegram and found his man and arrested him without difficulty, Emerson merely saying when told he was wanted—"All right; I will go with you."

On October 20th, 1881, Emerson was put on trial for complicity in the crime. On the 25th he was found guilty by the jury, and on Jan. 15, 1882, he was sentenced to imprisonment for life in the Utah penitentiary. On March 20, 1886, he was pardoned by the Governor, circumstances having developed pointing to the strong probability of his innocence.

IN THE COURTS.

On the 14th of December, 1880, the grand jury of the Third Judicial District, filed twenty indictments in court. One of these read as follows:

Territory of Utah, In the Third Judicial District Court.

The People of the Territory of Utah

vs.

Fred. Welcome and Jack Emerson.

Murder in the First Degree.

Fred. Welcome and Jack Emerson are accused by the grand jury of this court, by this indictment, of the crime of murder in the first degree, committed as follows: The said Fred. Welcome and Jack Emerson, on the 31st of July, 1880, at the county of Summit, in the said Territory, with force and arms, and with some deadly instruments and weapons to the grand jury unknown, feloniously, wilfully, deliberately, of their malice aforethought and premeditatedly, did make an assault on and upon one John F. Turner, and with said deadly instruments and weapons, did then and there feloniously, wilfully, deliberately, premeditatedly, and of their malice aforethought, mortally wound said John F. Turner on and upon the side of his head and face, from which said wound the said John F. Turner did then and there die, and the grand jury aforesaid do say and charge that the said Fred. Welcome and Jack Emerson, in the manner and form aforesaid, feloniously, wilfully, deliberately, and premeditatedly and of their malice aforethought, did kill and murder the said John F. Turner, contrary to the form of the statutes of said Territory, in such cases made and provided, and against the peace and dignity of the people aforesaid.

(Signed) JOHN C. CUNNINGTON, Foreman of the Grand Jury. JAS. H. BEATTIE, U. S. Attorney.

Three days later, December 17, the two men were arraigned, pleaded not guilty, and demanded separate trials. This demand was acceded to by the court. Fred. Welcome, as he was named in the indictment, stated that his true name was Frederick Hopt. Emerson gave his name as John McConnell. The two were confined in the penitentiary, without bail. On Jan. 25th, 1881, they were brought into court and John A. Marshall and L. J. Sharp were appointed by the court as counsel to defend Hopt, E. D. Hoge and H. F. Williams being appointed for Emerson.

On the 9th of February, counsel for Hopt moved for a continuance of the case till the next term, but Judge Emerson, who was on the bench, overruled the motion, and February 16 was set as the date for

THE FIRST TRIAL

of this memorable case. On the first day of the trial, the attorneys for the defense renewed the motion for a postponement, on the ground that important witnesses could not be secured at that term of the court. Judge Emerson also denied this motion.

The case was one of intense interest to the public, and the large court room was crowded almost to suffocation. District Attorney P. T. Van Zile and his assistant J. H. Beattie, prosecuted, the defense being conducted by Messrs. John A. Marshall and Lee J. Sharp. After a vigorous contest the following jurors were accepted and sworn:

N. Desenberg,	Wm. Schade,
Chas. W. Mann,	George Marriot,
Edward T. Ashton,	F. G. S. Lyngberg,
Wm. A. Pitts,	J. H. Nounnan,
Fred. Bolwinkel,	Thomas Goodman.

Up to the time of the opening of the testimony, Hopt displayed that utter absence of interest in the proceedings that has characterized his course throughout the seven years of his imprisonment. His

STEEL GRAY EYES

were expressionless, and not a shadow crossed his face, nor was the east semblance of faltering manifest. During the recital by the witnesses of the various chapters in the awful tragedy that went to form links in the chain that was to bind him to death, he never betrayed the slightest emotion, though in the first trial he listened more attentively than on subsequent occasions.

The first witness placed upon the stand was Sheriff John Turner, whose son had been so cruelly murdered just as he was merging into manhood's estate. The brave officer told how, on July 28, 1880, his son had left home for Park City in search of employment; that no word had been received from him and the family became uneasy; and how, on hearing of the finding of the dead body of a young man in Echo Cañon and learning of the sale of one of his teams, the dark suspicion arose that he had met with some terrible fate. The sheriff then told the story, while laboring under the most intense feeling, of how he had accomplished the difficult task of hunting down to the

MURDERER OF HIS CHILD,

resting neither night nor day until he found him, and then, as an officer, leaving the law to take its course, turned him over to the proper authorities. Several times during the giving of his evidence, the sheriff was moved to tears when referring to "Johnny," as the boy was familiarly named.

Thomas Fowler, Silas Alfred, W. H. Moss, Wm. Carroll, Charles Jones, George Akoff, Cyrus B. Hawley, Chas. E. Bates, Almon Clyde, E. M. Allison, Charles Reynolds, Leonard Phillips, David Moore, J. M. Benedict, George P. Campbell, Hector S. Wisner and T. Jeff Carr were the witnesses for the prosecution. The defense offered no testimony, and the case was submitted on the arguments of Messrs. Beattie and Van Zile for the people and Mr. Sharp for the defense. After being out an hour and fifteen minutes, the jury returned a verdict of

GUILTY OF MURDER

in the first degree. The announcement was received by the prisoner with perfect stolidity. His attorneys were allowed till March 12 to file a statement on motion for a new trial. Further delays were had to March 22, when a new trial was denied.

On the 4th of April, Hopt was brought into court to receive sentence. When the Judge asked him whether he had anything to say why judgment of death should not be pronounced, he replied, "Yes, sir, I have. I am not guilty; I am not guilty." When told he could have his choice as to whether he would be shot or hanged, he said "I prefer to be shot." He was then sentenced to be shot on the 20th day of May, 1881, between the hours of 10 a. m. and 3 p. m.

On April 28th, an appeal was taken to the Territorial Supreme Court, where the judgment of the Third District Court was affirmed. The case was then taken to the Supreme Court of the United States, and on September 28th of the following year, 1882, an order was received reversing the action of the inferior courts, and ordering that Hopt be given a new trial, owing to errors having been made by the court on the first hearing of the case.

THE SECOND TRIAL.

The case had lost none of its interest in the public mind, and on March 2, 1883, the opening day of the second trial, a large number of people assembled to observe the proceedings. Judge Hunter was on the bench. Judge

E. T. Sprague and Arthur Brown prosecuted, while the same attorneys as at the first trial, Messrs. Sharp and Marshall, appeared for Hopt. By March 7th a jury was empaneled and the prosecution introduced the same witnesses as before, and followed the same line of proof. In addition to the evidence at the first trial, a boy named Fred. Simons, of Park City, testified that he saw Hopt and young Turner at the latter's camp on the night of July 3d, shortly before the murder was committed. At that time Turner was in the act of

GETTING INTO BED.

A man named Reese, who was a convict, also testified that Hopt confessed to him that he had killed John Turner. An important feature of the trial was that Emerson appeared as a witness, and related how he had been engaged by Hopt and had traveled with him until they reached Wyoming, but he had never seen anything of young Turner. At this trial the jury were out two hours, and returned a verdict of guilty of murder in the first degree against Hopt.

April 2nd, 1883, Hopt appeared in court for the second time to receive

SENTENCE OF DEATH.

When asked by Judge Hunter what mode he preferred, shooting or hanging, he coolly requested a few minutes in which to consider the matter. After a quarter of an hour's delay, he stated that he would choose death by hanging. The court accordingly ordered that the sentence be carried into effect on June 1st, 1883, between 10 a. m. and 2 p. m.

The usual proceedings on appeal were taken, and in the Territorial Supreme Court the action of the District Court was sustained. On a hearing before the Supreme Court of the United States, however, this decision was reversed, and on April 5, 1884, a remittitur, ordering another trial, was filed in the Third District Court. On the commencement of preparations for

THE THIRD TRIAL,

counsel for Hopt on the former occasions withdrew and attorneys S. H. Snider and W. G. Van Horne were appointed by the court. District Attorney Dickson and S. R. Thurman prosecuted.

On the 28th of April a motion by the defense for a continuance was denied by the court, and the following jurors were secured after three days' work:

A. J. Pendleton,	John Gillespie,
Geo. W. Richmond,	Charles Gillmore,
George Kaybould,	David Archibald,
Thomas Sappington,	Fred. Simon,
M. W. Davis,	John Willoughby,
G. M. Forbes,	Moroni Gillespie.

The interest manifested by the public in the case had, by the commencement of the third trial, deepened into intense excitement on the part of a vast many, and rumors of an intended attempt at lynching were rife among a portion of the populace. Hopt was therefore kept carefully guarded by the United States Marshal. The third trial extended over a period of eight days, and the attorneys on both sides did their utmost to snatch the victory from their opponents.

The web that was woven around the prisoner by the prosecution was even stronger than at former trials.

THE SKULL

of the murdered man was exhumed and brought into court, creating a sensation. The left side had been crushed in, evidently by a blow from an axe, and the left jawbone was broken off.

Up to this time not a witness had been introduced in behalf of the defense, but on this trial Hopt himself took the stand. He admitted having seen and talked with young Turner, but claimed to have no knowledge of how he came to his death, or in fact that he had been killed at all. He declared that on the night of the 3d of July, 1880, at which time the evidence showed the killing to have been done, he was not at Turner's camp at all after nightfall. The burden of his testimony was an effort to shift the crime on to Jack Emerson.

Hopt bore up under the crucial test of cross-examination by Mr. Dickson with

REMARKABLE SHREWDNESS.

Only with a few answers did he hesitate, and every effort to lead him into making a confession was futile. He was perfectly cool and deliberate throughout.

For the third time a jury, after an hour's absence, returned a verdict of guilty as charged in the indictment, and the announcement was received with tremendous cheers by the immense throng that had gathered in and around the court house. The crowd was evidently in no humor to longer brook the delays of the law. Cries of "Lynch him!" were heard, and a negro was discovered in the court room, with a rope under his overcoat. Sheriff Turner, consistent with the manly and honorable course he had followed throughout, made a speech to the crowd, exhorting them to peaceably disperse and let the law take its course. His action had the effect of quieting the multitude, and Hopt was returned to the penitentiary under

A STRONG GUARD.

Hopt made his next appearance in court five days later, on May 9th. When called for sentence by Judge Hunter