

he reiterated his declaration of his innocence. On that occasion he chose shooting as the mode of execution, and the Judge named Friday, June 13, 1884, between 10 a. m. and 2 p. m., as the time when the execution should take place.

For the third time an appeal was taken to the Supreme Court of the Territory, and for the third time that court approved the decision of the trial court. Another appeal was had to the United States Supreme Court, and on June 2nd, an application was made in the Third District Court to stay the execution of the judgment pending the decision of the

COURT OF LAST RESORT.

Twice before had a similar application been granted, but on this occasion Judge Hunter refused it. Hopt was to be executed pending his appeal to a higher court. His attorneys took the matter before the Territorial Supreme Court, composed of Judges Hunter, Emerson and Twiss, and were again met by a refusal.

Hon. A. L. Thomas, then acting-Governor, was applied to, to grant Hopt a reprieve, but he replied that the matter was with the courts, and must be settled there. Several leading members of the bar again brought the subject before the Supreme Court, urging that the application be granted, as its refusal would be nothing less than a judicial murder. But the court was obdurate, and it was freely stated that this course was followed because another reversal of the court's action in the case was feared from the United States Supreme Court, and on account of the

POPULAR CLAMOR

for the enforcement of the law against the murderer.

At this juncture another appeal was made to acting-Governor Thomas. The leading men of the community and the newspapers unanimously declared that "Hopt must be executed lawfully or not at all, notwithstanding his guilt is perfectly clear. He deserves an ignominious death, but he is still in the hands of the law, and the law must be vindicated in every particular or it will be legal murder." The decision of the Territorial Supreme Court was given on June 12th, the day before the execution was to have taken place, and was denounced as "execrable" by thinking people.

A rumor having been started on the morning of June 13th that acting-Governor Thomas would reprieve Hopt until such time as the United States Supreme Court should determine the appeal,

A MASS MEETING

was held in the Opera House, at which an attempt was made to so arouse the popular fury that Governor Thomas would not dare take the course that commonsense and law dictated. At this meeting the several speakers took opposite sides. Sheriff Turner was present and stated that he would stand by the action of Governor Thomas, whatever that might be. A resolution was passed asking the Governor to deny any application for a reprieve on the ground that to grant it "would be prejudicial to the welfare of society and the good order of the community."

The popular excitement was running rather high as the time set for the execution drew near, but Governor Thomas promptly came to the front and granted the reprieve asked for. The result of the appeal was that the action of the lower courts was reversed, and on September 10, 1885, the case was sent back, owing to errors in procedure by the district court, for

EXPECTED TO BE SHOT.

But for the interposition of acting-Governor Thomas, Hopt would have been executed on the 13th of June, 1884. He fully expected to meet his doom on that date. Not only had the U. S. Marshal made all the necessary arrangements, but the condemned man himself had made minute preparations. So particular was he in this regard that he dampened the part of his shirt immediately over the region of his heart to prevent the possibility of a bullet glancing on the smoothly-ironed surface. He also made a rosette to place over the same spot as a mark for the executioners.

THE FOURTH TRIAL.

This was held in September, 1885, from the 21st to the 28th. Chief Justice Zane was on the bench of the Third District Court at the time, and the defense was conducted by Ben Sheeks and P. L. Williams. Assistant District Attorney C. S. Varian prosecuted. The following were the trial jury:

- B. F. Fitzgerald, John G. Labrun, Orson Wilkin, L. A. Scoville, Amos Gabbott, Joseph Pixon, Richard Carlisle, J. B. Bringham, A. G. Adamson, Elmer Peebles, J. P. Maybey, Hiram Schill.

On this trial the legal battle was closely contested at every point. The defendant Hopt was apparently

MORE CONCERNED

than at any of the other trials, but his face and actions betrayed but little apparent uneasiness.

The evidence of the witnesses was substantially the same as at the third trial, the chief interest centering in the testimony of Jack Emerson and the defendant himself. The first named told his story in the same frank and undeviating manner that marked him from the beginning. Hopt gave his evidence in a careful, deliberate way

and neither varied from their former versions.

At the conclusion of the evidence, exhaustive arguments were made to the jury, who, on Sept. 28th, after being out an hour and a half, returned with a verdict, it being for the fourth and last time, guilty of

MURDER IN THE FIRST DEGREE.

On the 13th day of October, Hopt stood before Judge Zane to receive sentence. Having elected to be shot, the court ordered that its decree to that effect be carried out on Tuesday, Nov. 24, 1885.

Again was the case taken to the superior courts. The result in the United States Supreme Court was different to that in former appeals, and on June 22, 1887, official notice was received that the action of the Third District Court was affirmed.

This closed forever all hopes for further delay in the courts, and on June 24, Hopt was brought in from the penitentiary, and Judge Zane fixed as the

TIME FOR HIS EXECUTION.

Thursday, August 11th, 1887, between the hours of 10 a. m. and 2 p. m.

During the past few weeks efforts have been made to induce Governor West to commute the sentence to imprisonment for life. A counter-petition was circulated and numerous signed, requesting the Governor not to interfere with the execution of the law. His Excellency decided that he would take no action in the premises, either looking to a temporary respite or to commutation of the sentence, but would let the law take its course.

THE EXECUTION.

For several days preparatious had been in progress to execute the mandate of the law in Hopt's case. Nearly everything was in readiness the evening before, and early this morning Marshal Dyer was on the ground superintending the necessary business that remained to be done inside of the penitentiary, where the execution was to take place.

There were about fifty persons present by invitation of the Marshal, in addition to the regular force at the penitentiary. Among these were Deputy Marshals Vandercook, Pratt and Cannon, Drs. Hall, Bower and Klag, Judge Hoge, F. E. James, C. H. Withney, N. Thompson, Register Webb, Wm. Carroll, Jos. A. Jennings, Henry Newell, H. E. Dyer, Elbridge Tufts, John Acomb, City Marshal Solomon, Judge E. A. Smith, Mark McKimmans, Alfale Young, Jack Sieriff, Dr. A. C. Young, M. Gerraty, Sheriff Allison, of Summit County, John Pickett, Marshal Kescel, of Park City, Prosecuting Attorney Allison, of Summit County, A. C. Brixen, David Evans, W. H. Brown, A. O. Smoot, Jr., J. E. Talmage, B. A. Springer, Deputy Sheriff Fowler, of Utah County, Sheriff Burt, of Salt Lake County, Dr. J. S. Richards, Dr. Hamilton, Sheriff Belnap, of Weber County, Dr. Pike, and representatives of the press.

Sheriff Turner, the father of Hopt's victim, had expressed a wish to be present, but Marshal Dyer deemed it proper to decline permission. The sheriff therefore occupied a seat in a carriage outside of the gate.

About 7 a. m. Hopt bade goodbye to his fellow prisoners, and the Catholic priest in attendance administered the sacrament of his church, and continued with the prisoner in prayer and exhortation.

Shortly before 10 a. m. Father Kelly, Catholic priest, and, by Hopt's request, R. B. Young, went in to the doomed man's cell, and conversed with him until the time of the execution.

At 10:15 a hack drove up to the doors of the prison, and five men alighted. They immediately passed into a room out of sight. This party were the executioners, and were closely masked, having on oil cloth coats and hoods of the same material, which completely covered their faces, except the holes for eyes, nose and mouth.

At 11 o'clock Undertaker Skewes' wagon drove into the enclosure. It contained the coffin, which was plain and neat, of stained wood, and had six silver-plated handles.

The demeanor of the prisoner during the whole of the proceedings, from his arrest to the present, has been a theme of public comment. Up to the last he maintained an appearance of

STOLID INDIFFERENCE

as to the fate which awaited him. Once on being asked by a friend how it was that he had so little feeling, he replied, "I feel it just as keenly as you do, but I am going to take my medicine like a man. No one shall say Fred. Hopt flinched to meet death."

This morning, and for the past few days, he appeared more quiet than formerly, but further than this no change was apparent. To-day he coolly conversed with those who were permitted to enter his apartment. Once he laughed heartily.

As the fatal hour approached, Hopt asked Marshal Dyer the exact time at which the killing would be done, and remarked, "I ate

VERY LITTLE BREAKFAST

this morning, and would like some dinner. I also have a few words to say to my friends if I have time." The Marshal replied that he was willing to give any accommodation he consistently could, and postponed the shooting to 12:30 p. m.

At 12 his dinner was carried to him. It consisted of bread, potatoes, cabbage, green corn, meat and bread

pudding. He ate it with evident relish. During the last half hour the officers and others who had assembled gathered into the small enclosure in front of the inner gates, and conversation was carried on in undertones, as a feeling of suspense began to be experienced by nearly all.

At 12:20 officers Pratt and Cannon carried into the prison the weapons that were to be used, which were Winchester rifles. Hopt looked at the death-dealing implements, smiled and continued to converse as if nothing unusual was going on.

At 12:25 all visitors were directed to take their places on the wall, where they could obtain a full view of all that went on.

At 12:32 the executioners took their places in a square tent put up a little east of the centre of the penitentiary enclosure, and a little north and east of bunk house No. 3. The party were accompanied by Marshal Dyer and Deputy Vandercook. The tent in which they were placed was about 12 by 14 feet. On the north side were five apertures, through which the death-dealing weapons were to be placed.

All of the other prisoners had been shut in the bunk houses, the doors locked and windows covered with blankets.

At 12:35, the doomed man, accompanied by Marshal Dyer and Father Kelly, walked to the chair. His step was firm and elastic, and his form erect. He had a lighted cigar in his hand, and placing it in his mouth, took his seat.

Marshal Dyer said a few words to him in an undertone, when he arose to his feet, threw his cigar away, took off his hat and

BEGAN TO SPEAK.

His voice was low, but not a tremor could be observed. He waived his hand and said:

"Gentlemen—I stand before you prepared to meet my doom. But if justice had been done me, and I had had as fair a trial the first time as I did the last, I should not have been in this position. I have no feelings against any man on earth. I am prepared to meet my fate and commend my soul to God. I wish you all good bye."

He then took his seat in the chair facing the tent in which were the executioners. Dr. Hamilton, who, with Drs. J. S. Richards and Lorin Hall, was in attendance, carefully pluned a circular piece of white paper, about two and a half inches in diameter, over his heart. Hopt shook hands with the Marshal and Dr. Hamilton, and was then left alone.

All of the spectators now gazed upon the scene in

BREATHLESS SUSPENSE.

Hopt was dressed in a suit of black and wore a black hat. His hands were folded across his lap, and he looked steadily at the muzzles of the guns as they were pointed toward him. Four guns protruded through the canvas about 18 inches, but the fifth could hardly be seen.

Marshal Dyer, who had exhibited commendable nerve throughout all the unpleasant proceedings, and who had arranged matters so perfectly that everything moved without a hitch, stepped to the corner of the tent and tapped gently on the frame. The guns were raised to position, and his orders were strictly obeyed as, in a clear, calm voice, he gave the command:

"READY—AIM—FIRE!"

The sharp crack of the rifles rang out so close together that it could hardly be discerned that more than one shot had been fired. For an instant—and only an instant—Hopt's body remained motionless. His head bowed slightly forward, and body, chair and all, began to fall over backward. It went down steadily to the ground, and so quietly that Hopt's hat remained on his head, the rim being caught at the back of his neck.

The terrible ordeal was over. Marshal Dyer, Father Kelly, the physicians and two or three others who were in the enclosure stepped forward. The chair was removed, and the body fell out straight, the hands by the side, and the feet about 18 inches apart. Dr. Hamilton put his head down to the heart, and announced that

HOPT WAS DEAD,

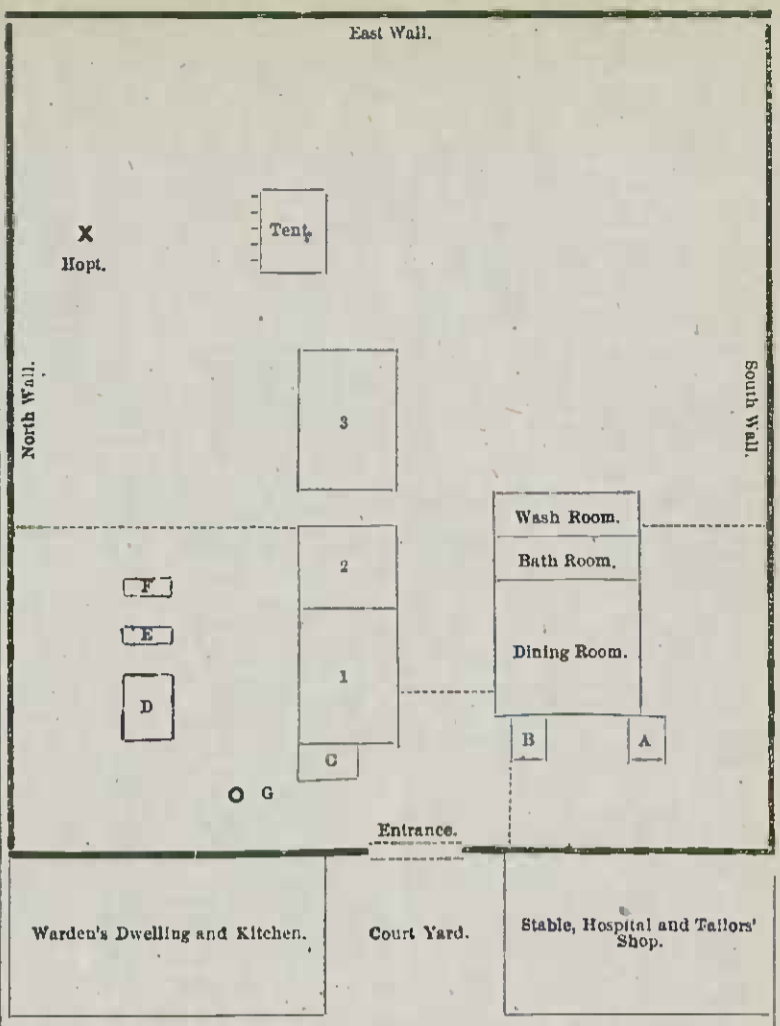
and death had been instantaneous. The party then stood gazing at the body for a few minutes, while a guard kept the files off with a fan. There was a quivering of the chin, and the mouth opened once and closed again. Then all was still. Soon the blood began to ooze from between the lips; it also flowed from the wounds in the breast, and down on the bosom of his white shirt. Water was brought, and the crimson stream was washed from the face. The paper

TARGET WAS PIERCED

by only two balls, one being on the upper and one on the lower edge. Two other bullets had entered the body, one below and one above the paper, but all quite close. The four balls went clear through the body and entered the wall, from which two were picked out a few minutes later.

At 12:50 the coffin was brought in and the body carefully placed in it. Sheriff Turner had been permitted to enter the yard, and took a look at the lifeless form and then turned away. At 1 o'clock the coffin, the lid of which had been fastened down, was carried outside of the penitentiary walls.

The remains will be given into the charge of the officials of the Roman Catholic Church, by whom it will be interred.



The heavy lines in the accompanying diagram represent the walls of the Penitentiary. The dotted lines within the enclosure are wires stretched across, known as "dead lines," beyond which prisoners are not allowed to pass without permission from the guard on the wall. 1, 2 and 3 are the bunk houses. A. The cell in which Hopt was confined for over two years. B. The guards' bedroom which Hopt was formerly allowed to occupy in the daytime. C. Guards' room. D. Cell for solitary confinement. E and F. Sweat boxes. G. The well. The relative positions of the executioners and Hopt are plainly defined on the diagram.

NATIVITY AND EARLY LIFE.

Fred. Hopt was born in New York in April, 1859. His parents went to Germany when he was quite young, and on returning a few months later, located at Milwaukee. Two or three years after his father and mother separated, and the latter married again. Hopt was not treated properly by his stepfather, so he says, and being of a passionate nature, he could brook no restraint. When he was twelve years old he ran away from home, and got to Council Bluffs by riding on a brake beam. From there he wandered over various parts of Kansas, Nebraska, Wyoming, Montana, Idaho, Colorado, New Mexico, Arizona, California and Nevada, and finally came as a miner to Frisco, Utah. His training was received in some of the worst mining camps in the west, and even while a boy he was noted as a "tough."

His time was spent knocking about from place to place, doing little or no work, and generally receiving kicks and curses among those with whom he associated. As he grew to manhood his highest idea of pleasure was drunkenness and other low vices, and he was generally, to use his own words, "full of h—l." During the short period of his stay in Utah before the murder he was several times arrested for violating the laws, the charge against him on one occasion being grand larceny. After his arrest in 1880 his sister, who is a dressmaker in a town in Montana, was the only one of his family who would have anything to do with him. He has two brothers engaged in farming and stockraising in Oregon. His father died a few months ago, but his mother is said to be still living with his stepfather in Milwaukee. The only money he has received outside of that which he has earned by making bridges, etc., was from his sister, who sent him \$15 with which to buy a suit to be buried. His mother wrote one letter to him in 1880, after his arrest.

NOTES.

At the time Hopt was confined in the city jail, he prepared a desperate project to escape the clutches of the law. John Aird, at that time janitor, requested officers Andrew Smith and William Salmon to accompany him to Hopt's cell and aid him in examining the prisoner's irons, as he had reason to believe that he had been tampering with them. The three officers proceeded to the cell and informed Hopt of their intention. He became enraged, used profane language and expressed his determination not to permit the examination of the manacles. The officers were equally determined they should and on seeing resistance was useless, Hopt, who was in a sitting posture, seized his irons, instantly took them off his ankles and leaped to his feet with a piece in each hand. "Come in; come in," he exclaimed,

"and I'll show you how I was going to break away." Salmon and Aird went with him to the rear of the cell, but Andrew Smith stayed by the door. It is well he did, as Hopt left the two men who had entered with him and came toward him with two pieces of an iron bedstead in his hand, again inviting him to enter. His object was to get all three inside and then escape, otherwise to kill Mr. Smith. The latter told him not to advance another step, having his pistol ready to use in case Hopt made an advance movement. Seeing the officer had the advantage of him he gave up. Not long since he admitted to a person with whom he was on friendly terms, that when he approached Andrew Smith it was his determination to kill him in order to get away, and he would have done so, but for the watchfulness of that officer. He had not only severed his irons, but had taken his iron bedstead to pieces, with the intention of using the slats as weapons.

In the penitentiary, before he was separated from the other convicts, Hopt manifested a remarkable disposition for vindictiveness and mischief. One day he was making a bridge, and for this purpose was using a pair of scissors. A few angry words passed between him and W. H. Hallway. Suddenly he sprang upon the latter with the ferocity of a tiger, and used the scissors on him with great rapidity and damaging effect, cutting several gashes in his head.

He was connected with several plots to escape. One of these was to disarm the inside guards, murder whoever might stand in the way, and get out. The plan was for some of the convicts to engage in a sham fight in bunk house number two, and when the officers entered, as was their custom when a quarrel started, in order to quell the disturbance, to overpower them. The Warden had, however, been apprised of the scheme, so the guards, having been duly instructed, looked calmly through the bars at the struggling convicts, upon whom the fact soon dawned that their game had been given away. For a long time afterwards the guards on duty in the enclosure carried no arms.

By some means Hopt, while in the penitentiary, got possession of a Colt's six-shooting revolver. This weapon he concluded to give up to the Warden and did so. It was a somewhat old and rusty weapon, but had been carefully oiled. It was, however, so much out of repair that it would not revolve, and it was therefore practically useless. Whether this was the reason for his surrendering it does not appear, but there is room for suspicion that such was the case.

Hopt was a man of at least average intelligence, and some little education. He was a mechanical genius, some of the specimens of his handiwork produced during his long imprisonment showing much taste and skill.