

A REPORT OF EMIGRANT JUSTICE ON THE CALIFORNIA TRAIL

Prepared by Don Buck

While camping on Goose Creek in northeastern Nevada on July 31, 1859, John McTurk Gibson recounted an incident in his diary of emigrant justice that he had heard involving a murder on the Hudspeth Cutoff which he incorrectly called "Sublett's Cut-off." The Hudspeth Cutoff is located in present southeastern Idaho and connected with the main California Trail as it neared City of Rocks. Gibson's "report" follows:

"Report has it that a fracas occurred a few days ago on Sublett's Cut-off, between the members of two families which resulted in one man getting shot dead. The company being probably afraid of doing any thing with the murderer, suffered him to run at-large. Happening a few days after to visit a large train further ahead, they mentioned the circumstance to him lamenting the unfortunate issue of the affair – "Yes," said he, "I am the man that killed him and I shall shoot two or three more of them too, before I get through." They immediately nabbed him, waited till the other train came up, formed Court, empaneled a jury of twelve men, examined witnesses, argued the case from dark till daylight, found him guilty and sentenced him to death. A scaffold was made by elevating two wagon tongues, on which he was hung like a dog. I suppose from all I can hear he had as fair a trial as ever a man had, and the proceedings throughout were orderly in the extreme, stern necessity in such cases, on such a trip requires just such action, all the legal fraternity to the contrary notwithstanding."