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# *Sherburne Antiques and Fine Art, Inc.*

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## **The LESCHI Murder Trial as Transcribed from the Official Court Ledger, 2nd Judicial District, Wash. Terr., 1856 - 1858.**

Few historical events in the early years of Washington Territory are more controversial and perhaps better documented than the trial and hanging of the Indian LESCHI.

On November 13, 1856, Leschi, a Puget Sound Indian, surrendered himself to W.T. authorities for the alleged murder of A. Benton Moses, a white settler whom Leschi and others considered a casualty of the on-going Indian wars of the time. The authorities thought differently, however, and indicted and tried Leschi for murder shortly after his surrender. The Jury that was convened in the Pierce County Judicial District at that time was unable to agree on a verdict and was discharged.

A second trial was held in the Second Judicial District Court in Olympia on March 18, 1857. This Jury found the Defendant, Leschi, guilty as charged and sentenced him to "hang by the neck until you are Dead".

After a series of appeals and an Executive Clemency request failed, Leschi was sentenced for the third time on February 6, 1858, and died on the Gallows at the North end of Lake Steilacoom on February 19, 1858.

The official Court Proceedings of the second and third sentencing are recorded in the official Court Ledger for the 2nd Judicial District, Olympia, Thurston County, W.T., from which the following transcription has been taken. The Ledger picks up the Trial action on March 18, 1857.

### Selected reference:

SNOWDEN, Clinton A. 1909. History of Washington. Vol. 4: pp 3 - 11.

Prepared on this day, March 1, 2001 by  
Sherburne F. Cook, Jr.

**LESCHI MURDER TRIAL, pp 157, 176, 181, 189, 194, 249, 249 - 251**

(P.157, March 9, 1857). Ordered by the Court that a Writ of Mandamas issue to John CHAPMAN, late Clerk of the District Court for the County of Pierce, commanding him to produce without delay in the Court, two indictments found by the Grand Jury of Pierce County against an Indian name LESCHI, together with all other indictments and papers in his hands by virtue of his late office as Clerk of the District Court for Pierce County.

(P.176, March 16, 1857). Ordered by the Court that the Sheriff of Pierce County bring instanter before this Court, LESCHI, an Indian, if he be found in this County.

(P.181, March 18, 1857). Terr. of Wash. vs LESCHI, an Indian. Indictment, Murder.

This day comes B.F. KENDALL who prosecutes in this behalf and the Defendant LESCHI, an Indian, in his own proper person comes also and being arraigned to answer to the charge in the indictment therein for plea thereto says he is not guilty as charged therein. And therefore comes a Jury of twelve good and lawful men, duly elected, tried, empaneled and sworn to wit: Turner R. ROUNDTREE, William WOODBRIDGE, John HENNING, Joseph WALBARON, Edwin MARCH, George HAYWOOD, Josephus T. ECKLER, Benjamine HARNARD, Sevi SHELTON, Thomas DEAN, James TULLIS and John B. DICKESSON on their oaths do say we the Jury find the Defendant, LESCHI, guilty as charged in the indictment and that he suffer Death. And thereupon Defendant gives notice of a motion for a new trial herein.

(P.189, March 20, 1857). Terr. of Wash. vs. LESCHI. Indictment, Murder

Comes now Benjamine F. KENDALL who prosecutes in this behalf and the Defendant in his own proper person comes also and files his affidavit and causes for a new trial [here insert] and thereupon moves the Court that a new trial be granted. Which motion the Court do over rule. To which ruling the Defendant excepts. Thereupon the Defendant LESCHI files his causes for arrest of judgement [here insert], and moves the Court that judgement be arrested herein, which motion the Court do over rule; to which ruling of the Court Defendant excepts and files his Bill of Exceptions herein [here insert], and the Defendant saying nothing why judgement should not be pronounced against him. It is considered by the Court now here, that the Defendant be taken to Steilacoom in Pierce County on Wednesday, the 10th day of June, 1857, and there, on said day between the hours of 10 o'clock in the forenoon and 4 o'clock in the afternoon, be hung by the neck until dead. (Signed) Edward LANDER (p193).

And on Sat., March 21, 1857, Court adjourned til next regular term, February 1, 1858.

(P.249, Feb. 5, 1858). Be it remembered that at special Term of the Justice Court for the U.S. for the Second Judicial District in the T. of W., begun and held at Olympia in the County of Thurston on the 5th day of February, 1857.

The following business was done and transacted before the Hon. Francis A. CHENOWITH, Associate Justice, Terr. of Wash., present and presiding.

Isaac HAYS, Sheriff of Thurston County, by Wm. MITCHELL, Deputy in pursuance to the Writ of Procedendo (?) issued by order of the Supreme Court in the Case of that of W.T. vs. LESCHI, an Indian, remanding the Defendant to the custody of the District Court, executed service by bringing the prisoner into Court.

Comes now the prisoner by his Council Wm. WALLACE, Esquire, and asks that til tomorrow morning be allowed the time to prepare a demurer to the jurisdiction of the Court, which request was therefore granted by the Court. Court adjourned.

(p.250 - 251, February 6, 1858). Terr. of Wash. vs LESCHI, an Indian. Murder.

Comes now the prisoner by his Council, Wm. WALLACE, Esq. and enters a demurer to the jurisdiction of the Court. Which demurer was over ruled.

The Court proceeded to pass sentence upon the prisoner in the following words: Prisoner at the Bar. For reasons which may not be understood by this Court, the sentence pronounced by the Supreme Court in December last had not been carried into effect. You yet live and again appear at the Bar for sentence. You have had the benefit of a trial by a jury of twelve men who after hearing all the evidence and the arguments of Council in your behalf, say you are guilty.

Your case has been reviewed by the Supreme Court and no substantial error has been found. The Executive Clemency has been appealed to, which though not bound by the inflexible rules of law, yet finds no reason why you should not suffer the penalty of law.

Whatever may be said of the probability or possibility of your innocence, one thing is quite certain (: You have had the benefit of all (that the Law can provide) in a trial for murder. Your case has had lengthy and deliberate considerations. You have had much time to prepare for death unlike those...with whose murder you are charged. The law is not vindictive. Punishments are instituted for the protection of society. And for this purpose and at this late period, are not called upon to review the order of this Court in your case. It is therefore considered by the Court that you be deemed and adjudged and murderer and that you be hanged by the neck until you are dead. That the Sheriff of Thurston County with his Deputy cause execution to be done upon you in the premises on Friday the [19th] nineteenth day of February, at or near Steilacoom in Pierce County between the hours of 10 o'clock in the forenoon and 2 o'clock in the afternoon of said day, and that you now be taken by said Sheriff with his Deputy to the Military Post near Steilacoom or some other secure place of confinement within the District and from thence on the day of execution appended as foresaid, you be hanged by the neck until your are dead---"and may God have mercy on your soul". (Signed) F.A. CHENOWITH, Judge