

The Honorable, The Board of Pardons, State of Utah.  
Re Application Commutation Sentence,  
George Gardner, Death Penalty.

What is insanity, as meant by Utah Statute? I take it that this is a question of law, and that the question of law, as well as other matters, is before the Board of Pardons.

The laws of the State creating the Board of Pardons, named the chief law officers of the State on the Board, evidently, if necessary, to resolve questions of law arising before the Board.

The affidavits on file, and the report of the Board appointed to examine his mental condition, as well as the act itself, show that George Gardner was insane on April 15, 1922.

From the psychological standpoint, the insanity Board, appointed, says that he was not, and is not now insane. But the alienists do not pass on the question of legal insanity that will excuse crime, or that will exempt from execution of sentence.

Dr. Snoddy, who I am informed is the most highly qualified alienist in the State, says, in the report, that his mentality, when excited, is that of a boy 9 or 10 years old, and when in normal condition, is that of a boy 12 years old.

The affidavits, that will not be disputed by any unprejudiced mind that has known and observed the mental status of George Gardner, as well as the Board appointed to examine him, establish the fact that he is insane in the eye of the law.

Some well intentioned folks, but who are not familiar with the facts, appeal to this Board to let the law take its course. The trouble is that the course of the law was somewhat erratic in this case. The channel was much clogged, and was not cleared. As a result, an insane unfortunate was convicted. Every mile post along the path of this man's predestined life points to insanity; the scarlet fever when a child, the most treacherous of all known human afflictions in the experience of medical authorities, practitioners of medicine, and common knowledge and experience left him much crippled physically and mentally; a severe case of typhoid fever, and injury by a horse; domestic misfortune; unnatural lust and betrayal of his step child; partnership troubles on the ranch, maybe, largely due to his deranged mind; his manner and acts at the time of the killing, and immediately after; his stunned <sup>be wildered brain</sup> ~~mind~~, and inability to