

## THE HAYES CASE.

Hanging is a poor business at the best, and for the victim of it is often very dangerous.

It does more harm than good, and always did.

It is an inhumanizing, unchristian-like practice, born out of man's imagined necessities at a time when he was steeped in barbarism and saturated with superstition.

Its frequent recurrence in a community has the effect, as we of Utah have already observed, of indurating the conscience, warping the instincts and weakening the soulfulness of mankind, without in the slightest returning a compensating good; on the contrary, the practice gives by what it feeds on; the more hangings the more occasion for them. Is it not so? As the poem says of another evil:

Vice is a monster of such frightful mien  
As to be despised needs but to be seen.  
Yet seen too oft, familiar with her face,  
We first endure, then pity, then embrace.

But it is doubtless an article regarding Harry Hayes and not a homily on the subject of hanging that you want, although the two theses are quite compatible, relating as they do to the same general outcome.

In a cell probably ten feet square every way, being doubtless comfortable enough at this time of the year, but which must be somewhat oppressive during the summer months, is the man spoken of, who, unless the board of pardons shall intervene, will pass into eternity at the end of a rope on the 22nd of next month. The cell is steel, and all around and about it, reaching quite to the ceiling, is a strong transverse grating of the same material. The interstices are just wide enough for an ordinary hand to be thrust through, but if they were so large that the prisoner himself could effect an exit through them, it would do him no good at all, as the death watch on the floor below has the cell if not the inmate in full view all the time, day and night. In order to obtain an interview with him the sheriff of Utah county, Mr. Brown—a very affable and efficient officer, by the by—must first be interviewed, and he is also a silent and patient participant in the other interview.

The way it all came about was this: In Salt Lake City is a more or less mythical society called the "Anarchist club." It has meetings at street corners and in the Knutsford rotunda; I never knew of one being held elsewhere. One evening recently, at the latter place, the subject of Hayes's impending doom came up and the conclusion was immediately and unanimously reached that, in view of the double fact that there are grave doubts regarding the man's guilt and we have had about our quota of executions during the last few months, an effort should be made to save—not altogether the person, but the State—from the ignominy involved in the execution of a man because, as alleged, he was not properly defended. The undersigned was delegated to visit the condemned for the purpose of examining, cross-examining and otherwise obtaining, if possible, any new light on the subject. Candor compels me to say I did not get very much that was absolutely

new, but the little that was got may lead to something else and in itself is worthy of consideration.

The sheriff led the way through the jail door, past the eating room and up a short flight of iron steps; arriving at a landing we found ourselves almost in front of the door of Hayes' cell, which was open. He was in his underclothes, sitting on his bed engaged in reading; on being called he immediately adjusted his raiment and came into the open space through the center of which runs the grating spoke of and through which the talking was done. Hayes is some what above the average height and slender: he has a light beard and scattering greyish hair; he gives his age as 42, but he looks older. When he talks—which he does freely and entirely without vehemence or passion—he shows a double row of teeth that are not, except in a certain abstract sense, the work of nature. A series of questioning elicited from him the interesting statement that his suspicions rested upon one Gus Slade together with Ole Holmstead and the latter's son, as knows more of the Pelican Point tragedy than the prisoner ever did or could, their knowledge being, according to Hayes, the result of participation while his was purely and wholly hearsay. The prisoner's wife (he himself has recently found out, as is claimed, that the other parties named were at the point before the killing and were heard to make threats against the boys; some young men named Cedarstrom were there at the time, and the boys who were subsequently slain were told that if they didn't get away from there they "would get something else after them.") This may seem little or considerable; the public or that portion of it familiar with the evidence as given at the trial, can weigh it in that connection, and decide accordingly. But if it be a fact, as claimed, that such language was used in a threatening tone, or at all, toward the victims, and that it was not previously known, then it is entitled to the greatest consideration. Add to this the claim of the prisoner, fortified by evidence apart from his own, that on the night of the 16th of February, 1895, the date on which the killing is considered to have occurred, and for several days before and after, he was not at his ranch near Pelican Point at all, but in the town of Eureka engaged in honest labor, and there is not much chance to escape the conclusion that it is best to call a halt ere it is eternally too late.

Let me here for a short space use Hayes's own language as it was given to me: "I was in Eureka at the time of the killing, having learned afterwards of the date. Mrs. Hayes was at the ranch till the night of the 11th of February, and came to Eureka. On the 22nd of February she went to Provo and returned on the night of the 28th to Eureka. The day after Albert was found Mrs. Rasmussen, who lives near there, was at our house and said, 'Poor mother, it is too bad! It was not Albert they wanted to kill, but Hayer.' The first I learned that the boys were missing was by letter from Ole Cedarstrom dated about the 7th of March after the murder, and first heard that they were dead about the 14th of

April after that, by a telegram from Lehl." And then he went on to give some names and addresses as nearly as he could of those by whom these statements could be proved, as follows: Mrs. Keeney, Salt Lake; John Morley, Salt Lake; Robert G. Wilson, Eureka hotel, Eureka; Judge Pierce, city clerk, Eureka.

Resuming the details he said: "I worked for James Tucker, of the Hatfield house now, but who was owner of a store kept by Joseph Simon, at the time spoken of. Was engaged in working around generally. On the evening of the 13th or 14th of February [just before the killing] some two or three loads of hay came for the house, which I unloaded, and a day or two after that [about the time of the killing] was put to work regularly. The pants I now have on were bought from Bernard Rich at Eureka on the 16th of February [the date of the killing.] The witnesses to this are John Hennefin, who is probably now in Eureka, and his brother. My attorney made no effort, so far as I know or was shown, to get this evidence. He went to Eureka, I believe, but came back without it, and I would be very glad if you would go there and see my wife. She knows more of the details than I do, because since my arrest she has had better opportunities of course. She will assist in getting the other evidence. The night of the killing I was in Morley's place at Eureka playing cards; and Charles Hyde, of Spring City, Sanpete county, saw me that night paying a bill in Simon's store, Eureka. Perhaps Mrs. Hayes would have been more active in getting this evidence, but she said she had no idea I would be convicted because she knew I was not guilty."

And there you are, this not being all that can be or has been obtained in the case by any means. There is enough in it, however, so far as it goes, to cause the more judicious and thoughtful in the community to take a deep interest in the subject. I am very well aware that efforts of this kind are not very popular, in place, partly for the reason that our civilization is at best but skin deep, and beneath it is the same old barbarian that used to execute fantastic dances around the impaled heads of his captives, that later burned men and women at the stake as a religious rite, and still later strung men up by the neck and strangled them to death, without form of law and frequently without a hearing, because they were charged with horse stealing. Already have I observed in one or two country papers the old familiar "maudlin sympathy" used in connection with a mention of the efforts in behalf of Hayer; like "our esteemed cotemporary," that hackneyed phrase has been laid on the shelf by the metropolitan press, but still does duty in the rural districts. When no argument can be advanced it is doubtless a handy thing to have in the house; but what if it is maudlin sympathy? If it tends to arouse inquiry and cause investigation when what seems to be a great wrong is threatened, is it not as effectual and beneficial as though it were the most genuine of all the impulses which