

ment; too anxious to "make their stake," and then squander it or carry it out of the country. Well, all men have a right to choose their own path, so no one need worry about other people's "stakes" or mistakes.

A canal is now being surveyed which will be eighty miles long, from 60 to 30 feet wide in the bottom, and 7 feet deep, to run 6 feet depth of water. It is taken from the Gila River and has about 300,000 acres of good land beneath it. It is expected to be completed in about fifteen months. SANTIAGO.

GILA BEND, Maricopa County, A. T., May 10, 1889.

[The numbers of the WEEKLY are not trimmed before being mailed, as our correspondent suggests, for the reason that they are designed to be bound, when they would have to be trimmed again, which would make the margin too narrow. Ed.]

THE HALE CASE.

In the First District Court at Ogden, the whole of the time on May 18 was taken up in the trial of Ezra Hale, for the shooting of James Hendry, in 1871. A large number of witnesses were examined in the case. For the prosecution, the mother of the deceased testified as follows: I remember the shooting of my son; I saw James Hale and Ezra Hale; the old man fired first and the son second; as the boy passed he stooped, put his gun to his head and fired; that was the shot that killed him; I saw him stoop; the old man went first, the boy followed after the shot as he passed; we were on a visit to Mrs. Lowe; we came home; James was putting up his team, I went into the house; as soon as I got the lamp lighted I heard him say, "Who is that at the house?" I saw the old man on one side, the boy on the other; I saw the old man point the gun and I cried, "Oh, Jim, Jim;" the old man then fired first, the boy second, the father third and the boy last; Jim died next morning.

Ezra Hale, the defendant, was also a witness, and testified—My name is Ezra J. Hale; I am 36 years of age; my father's name was James Hale; I lived in early boyhood on the Weber; I lived in Hooperville; was acquainted with James Hendry; knew him in 1871; I had five sisters at the time, Martha, Jane, Lucy, Louisa and Caroline; had one brother, named Alvin; during September, 1871, James Hendry had some conversation with me; we had a conversation at Thomas Wadsworth's store; I went from home to get something at the store; as I came out he met me at the gate and pushed me back, at the same time pulling a revolver around in front of him. He said: "I understand that your G—d—d—dad is going to kill me. I told him that I did not think so, but if "he (dad) said it, it is best for you to get out of his way, for he will surely do it." He said: "I won't go; I seduced your sister, and I'll do it again" (the literal language used by Hendry, as given by witness, is

too vile to be repeated in print); a few days before I saw Hendry at old man Hull's house; he told me that he had seduced my sister and defied the whole Hale family to prevent him; "Me and Mike are heeled for you and if you bother us we will blow the tops of your heads off," he said; Mike was his brother; up to this time I had never gone to school; before the settlement started I was engaged in grubbing sagebrush and boiling salt; afterwards I took a farm; Hendry had used words of similar import at various times, three times to which I can swear, and other times which I can not define; whenever I passed he would taunt me with the same words; the first time occurred a week before the shooting; the second soon afterwards and the third on the same day of the shooting or the day before; he had spoken in a similar way to others about the same time; in the afternoon of Sept. 25, 1871, I was cutting corn on the farm; saw my father; he came to me in the field; he rode up, got off his horse and stood for a moment; he then said, "saddle your horse;" I said, "Where are you going, father?" "None of your business," he answered; "saddle your horse and follow me and ask no questions;" I did so and followed him to the house; he there gave me a shotgun, double-barreled; it was already loaded—at least he did not load it before me; he had a similar gun; he jumped on his horse and told me to follow him. Witness then described the route they took to Hendry's house. He continued: We got off our horses and hitched them in the field; I did not know at that time what was our errand; father got off, tied his horse, and told me to do the same; we took up the lane until opposite the house; we then heard the rattle of a wagon; father said: "That's Hendry, isn't it?" I said "Yes," for I recognized by his voice that it was James Hendry; he then instructed me what to do; gave me instructions to go to the southwest corner of the house and watch that Mike didn't get the drop on him, but I was not to shoot unless he ordered me; by this time Hendry had drove in, and his mother jumped off and went in the house; we then ran up to the house; I never saw father after that until after the shot was fired; father fired the first shot; Hendry was then unhooking his team; when the shot was fired Hendry started to run; father ran out and shot again; he then hallooed "Shoot;" he called no name; only said "Shoot;" I shot; Hendry fell; father was following him up; at the last shot he was pretty close to him; he was running, but fell as I threw the gun to my face; I took no aim, but if I had hit him it would have been, as near as I can judge, in the left side; I am satisfied that he fell before I shot, and that I did not shoot him; I was running past him, and would have kept running but father ordered me to stop and give him the other load; I was several rods past him when ordered to stop; I turned and fired; don't think I hit him; he was lying face downwards; I was very ex-

cited; it was something I had never seen before; I became excited as soon as father began to talk about it; father's treatment to me was very harsh whenever I did not do as he said.

The witness then detailed his father's treatment of him, which went to show that when the elder Hale was in a passion he was a very severe man. The defendant also related his travels during the past 17 years, most of the time being spent in Southern Utah, though for a time he was in Oregon.

On cross-examination, the witness said: When I met Hendry a week before the shooting he did all the talking, and hollered to me what he had done; it was in a neighborhood well populated; it made me terribly mad, but I was afraid of the man and said nothing about it; the second conversation was at old man Hull's place; the third conversation was with Thomas Wadsworth; the first was at Thomas Jones'; at Hull's place he said the same thing; I kept it to myself; I thought he was saying enough about it without my spreading it abroad; I am satisfied I saw Hendry on the day of the shooting; do not know he was in Ogden that day; I saw him, to the best of my knowledge, at Hooper either on the day of or the day before the shooting; never talked with my father about it until we reached the fence on the night of the shooting; father then told me that Hendry had seduced my sister, and he would kill him for it; he did not say that Hendry had refused to marry her, and he would kill him for that; my sister had been married to Wm. Lowe at Springville, but had parted from him; at one time Hendry paid attention to my sister, though father objected to it; my sister objected to it after he began scandalizing her; never talked to father about Hendry marrying my sister; did not think he would marry her.

Henry Davis was also a witness and testified—I lived at Hooper in 1871; became acquainted with James Hendry at the threshing machine that fall; knew James and Ezra Hale; had never heard Hendry give Ezra any message for his father; heard Hendry holla to Ezra at the time we were at Jones'; it was just before the shooting; the words were vulgar and referred to the seduction of Hale's sister; saw Hendry early, before work, on the morning after the shooting; he did not speak; I was at Hull's one time when defendant and Hendry were present; it might have been a week, ten days or two weeks before the shooting; had heard Hendry talk at different times in the presence and hearing of Ezra about his sister Jane; it was vulgar talk, same as that before given; this occurred at almost every fresh job on the machine.

Other witnesses corroborated Mr. Davis' testimony.

It was 11:32 p.m. on Saturday when the case was given to the jury. Next morning a verdict of manslaughter was rendered.