

Monday, Dec. 23, Gilmore was out with his shotgun. He says he was out hunting rabbits. Mr. DeMott's young son was out with some of his father's sheep, and they went on to Gilmore's farm. The latter had his little girl with him, and proceeded to drive the sheep to his corral. The boy DeMott and his dog tried to prevent this, but Gilmore shot at the dog, and the boy ran home.

Shortly afterward, Joseph Walkey came from Mr. DeMott's residence, armed with a Winchester rifle. Gilmore says that when about forty rods away Walkey fired at him, the bullet passing between him and his little girl; that when Walkey came up close he (Gilmore) asked why the shot had been fired, and that Walkey raised his rifle, at which Gilmore took aim and fired, the charge taking effect in Walkey's breast, killing him instantly. The deceased was known as a quiet young man, and his friends do not believe Gilmore's account of the affair.

Another account says that the two shots were fired almost simultaneously, but the only witnesses are Mr. Gilmore and family, and their statement is substantially as first given.

After the shooting, Gilmore came to town and consulted with an attorney, after which he gave himself up.

Deputy Marshals Franks and Springer went out to the scene of the shooting some three or four hours after it had occurred, and there found the body of young Walkey lying where it had fallen. His rifle was within a few feet. Later in the day his body was taken home, as his parents reside near by, and today an inquest was held.

The examination of Mr. Gilmore was set for 10 o'clock December 24, before U. S. Commissioner Greenman, but up to that hour the prosecuting attorney had received no information of the case, and the hearing was postponed till a later hour. It was then taken up, and after hearing Mrs. Gilmore's statement, bail was fixed at \$10,000, and the examination continued till Friday, December 27th.

An inquest was held before the precinct justice of the peace, Wm. E. Langford, Dec. 23d. The first witness was Mrs. Sarah Gilmore, wife of Charles Gilmore. She testified that deceased fired two shots before Gilmore fired at him. At the time Walkey fired the shots he was three or four hundred yards distant from Gilmore's house. Several of the Gilmore family were out near the house, corraling the sheep; witness supposed that Walkey fired at all of them. No conversation with Walkey occurred until, as he came within speaking distance, Gilmore demanded to know why he had shot at them. Walkey made no answer, but instantly both men raised their guns. Gilmore fired first, killing Walkey instantly.

Bergen De Mott testified—Witness was milking his cows about seven or eight o'clock in the morning, when he sent his son, about twelve

years old, after his sheep. The boy soon returned, saying Gilmore had kicked and abused him, killed one of his dogs and taken the sheep from him. Walkey then started after the sheep without having any conversation with witness. When next witness saw him he was lying dead; this was between 8 and 9 o'clock that morning.

Leon Lully testified—Witness was working about one-fourth of a mile east of Gilmore's house; heard the first shot fired, and about two minutes later heard another shot, and the yelp of a dog, as if it had been shot. Heard only two shots; would have heard more, if more had been fired.

Stephen Hansen testified: Was half a mile from the sheep; heard two shots and soon after saw the sheep come over the hill. Three or four persons were driving them. I then saw Walkey leaving De Mott's and going towards Gilmore's house. When within one-fourth of a mile of Gilmore he fired one shot; could not tell in what direction. Walkey then went on towards Gilmore's house. When Walkey was nearly to the house witness heard another shot, and looking up saw a man shoot at a dog; saw the dog run a short distance and lie down. Witness supposed that the shot fired just before the one which hit the dog was the one which killed Walkey.

The verdict is as follows:

TERRITORY OF UTAH, } ss.  
County of Salt Lake.

An inquisition holden at the residence of Bergen DeMott in the North Point Precinct of Salt Lake City, on the twenty-fourth day of December, A. D. 1889, before Wm. E. Langford, Justice of the Peace, upon the body of Joseph Walkey there lying dead, by the jurors whose names are hereunto subscribed.

The said jurors on their oaths do say, from the evidence presented, that he died near the residence of Charles Gilmore, at North Point, in Salt Lake County, U. T., between the hours of 8 and 9 a. m., December 23rd, A. D. 1889, from the effects of a gunshot wound inflicted by a weapon in the hands of one Charles Gilmore. Said jurors also find, from the evidence received, that said act was done without just provocation.

In testimony whereof the said jurors have hereunto set their hands the day and year first above written.

WILLIAM E. LANGFORD,  
Justice of the Peace,

WALTER W. KIDDLE,  
ALBERT J. DAVIS,  
DAVID W. WHITTAKER,  
Jurors.

In the Gilmore case, which came up before United States Commissioner Greenman at 12 o'clock Dec. 27th, the prosecution was represented by Judge McKay and C. W. Morris, and the defendant by Col. M. M. Kaighn.

The first witness called was Mrs. Sarah Gilmore, who testified—I am the defendant's wife; have known Joseph Walkey about two years; was present last Monday when he was

killed; it was between 9 and 10 in the morning; the shooting took place at the west side of our house, which is at North Point, within the limits of this city. I got up first; and after awhile my husband went out to dig a rabbit out of a hole; where it had gone the night before; my husband had a gun; he came back about half-past 9, driving some sheep; my son was with him; they had seven or eight hundred sheep; the flock had been grazing on our land; my husband and boy brought them home, and put them in the enclosure; Joseph Walkey came up while they were bringing the sheep; I first saw him about a quarter of a mile away; when he was about 300 yards from the sheep he fired at me and my smallest boy; I was then helping to drive the sheep; I heard the bullet pass my little boy, and he called that he was shot; I am sure it passed over the boy's arm, not more than an inch away; then Walkey came up about 80 yards, and fired again, this time at my husband and little girl; I heard no conversation; I saw the second bullet strike near my husband, and within a foot of my little girl; I found the bullet afterwards; after the second shot, Walkey came up to my husband, who said, "What do you mean by shooting at my little Nellie?" we did not give up the sheep; I was determined he should not have the sheep, if he dropped me; my husband told little Nellie to go home lest she would get hurt; Walkey came up to about a rod and a half from my husband; I was about four rods to one side; my boy Frankie was behind his father, and Ed. was between me and him; Walkey was bringing his gun up, and my husband brought his up first; Walkey lost time by squaring it to his shoulder; it was a question of who was quickest; my husband had a double-barreled breach loading shotgun; he had it in a sling; he uses it frequently; has killed about 200 ducks this fall; he used his right arm formerly, before it was taken off; I never heard of any one shooting at a dog; I never looked at Walkey's body; it laid where it fell till nine o'clock the evening after the shooting; it was about four rods from our house; it lay in front of the door all day; I watched it till the deputies came; my husband came to the city about twenty minutes after the shooting; we did not speak of the matter before he went; he only told me to hitch the horse; Col. Kaighn, Deputies Franks and Springer and Mr. Goodwin came from town; they looked at the body and handled the gun; Franks searched Walkey's pockets; it was past noon when the deputies came; they brought Walkey's gun in the house; De Mott had come up for his sheep, and I would not let them go till the damage was paid; Col. Kaighn and Deputies Franks and Springer assessed the damage at \$4, and De Mott agreed to pay it; no one touched Walkey's body till the officers came; I talked with De Mott a little; Walkey was in charge of the sheep; I was at the inquest in De Mott's house; it was held by Mr.