

a train and get a haul like this and whack up, but if I could have got into the express car I would have done it," he then said, "Boys, I will be back to see you again in just three weeks;" we then got back on the engine and pulled out pretty quick, the men wore masks made out of dark cloth, with holes cut in them for the eyes; I didn't observe their six-shooters very closely, but I know they were cocked and looked pretty large; I am not able to say positively that these defendants are the men who held us up, but I think the larger man is one of them; when we were going through the cars the night the train was held up, the little man said, "I have not killed a man for three weeks, and I am boiling to kill someone tonight."

THOMAS BEAN

testified—I am the fireman on the R. G. Western and was on the train that was held up near Thompson's Springs; there were two of the robbers; one of them was a tall, well-built man, while the other was considerably smaller; when the large man got on to the engine he covered the engineer and myself with his guns, and told the engineer that he wanted him to stop at the third bridge, and if we made any bad break he would kill us both; the engineer stopped the train at the place indicated, and we all got off; the smaller man was on the end of the tender, and when we got off he rolled a tie over and took up a Winchester; the smaller man seemed to be directing the matter; he went down to the express car and ordered the messenger to open up; as the messenger did not reply, he shot out all the windows and then ordered me to get an axe and cut through the door; I did so, and after striking the door a few times they called us off, and going a short distance away they riddled the car with bullets; the little man then made the engineer take a sack and go through the train with him; while they were gone I had a conversation with the big man; I told him that they wouldn't get anything out of the express car, as there was only baggage in it; then he wanted to know why the messenger didn't open up, and I said I guessed he was asleep; he said he would wake him up, and fired more shots into the car; when the little man came back I asked him to whack up, but he replied that he didn't get much and couldn't do it; they wore cloth masks which came down to their breasts; the larger of the two robbers was about the same size and build as the larger of these defendants; the smaller robber, it seems to me, was not as large a man as the smaller of these two men; my eyes were on the guns that night and I did not examine the robbers very closely.

ISAAC STIEN

testified—I am Pullman conductor on the train which was held up at Thompson's Springs; when the train stopped I was in the rear end of the sleeper and heard shooting outside; I went through the car and tried to find a revolver, but there was only

one 22-calibre in the car; shortly after one of the robbers and the engineer entered the car and the robber told me to "dig up;" I gave him a few dollars and he said he wanted bills and if he didn't get them he would shoot a hole through me and I gave him a \$10 bill; he went on to the berths and I got a glimpse of his face; they went out the same way they came in, and I saw no more of them: the robber wore a black mask, and this had become disarranged; I saw that he wore a moustache; he wore a broad brimmed cowboy hat and was in his shirt sleeves; my best judgment is that Rumrill is the man who was in the car that night.

To Mr. McEnamy—I was somewhat frightened when the robbery occurred it was light in the car; I cannot describe the pistols carried by the robber: he wore a cartridge belt.

G. W. SCHENCK

testified—I live in Denver; have heard the testimony in regard to the train robbery at Thompson Springs; was a passenger on the train; when the train was stopped I heard some shooting, and soon after the conductor rushed into the car and changed his hat; I put my pocket book in my stocking, and after a couple of shots had been fired into our car the engineer and one of the robbers entered and made the passengers shell out; I offered him \$4, saying this was all I had, and that I had a family to support; the robber handed the money back; I saw the robber's eyes; they were light blue; the robber was of about the same size and build as Rumrill, but I could not recognize him positively; Rumrill's voice is very similar to that of the robber.

At this point an adjournment was taken until this morning, when the first witness called was

MR. TAMMANY,

conductor on the train that was robbed. He testified—We had four passenger cars and an express car; left Thompson Springs at 9:40 p.m.; about four miles west of the Springs we stopped at a bridge; the brakeman was in the first coach; I was in the second; we went forward to see what was the matter; I saw a man with a revolver jump from the engine tender; the engineer and fireman came from the cab, with their hands up, and a man behind, with two drawn revolvers; I ran back to the first coach and stopped; heard a pounding on the express car door; then heard some shooting; then the pounding at the express car door went on; I notified the passengers that probably the robbers would come after them; on my return, as I entered the second coach, I saw the engineer, followed by a man with two revolvers; he fired two shots into the roof of the car, and ordered the passengers to hold up their hands; the first man robbed there was an eastern conductor; his watch was taken; then the thief made me give up my money; he demanded my watch and I said I needed it to get to Salt Lake; he let me keep it; I followed to the back of the car; there was an

old man there who said he had a family and had but little means; he let him keep his money; in the next car was a Jew who wanted to keep a silver watch, which he said he had got from his grandfather; the train robber said, "Throw it in the sack you s— b—; I'm fond of relics;" they then went through the train, and returned to the express car; one of them said, "If I had my dynamite gun, I'd fetch him out," referring to the messenger; the lighter built man went through the train; he had a cowboy hat on, and was in his shirt sleeves; his face was masked to below the chin, and back of his ears; his eyes were gray or dark blue; I cannot positively identify the defendant Rumrill as the man who went through the car; it is my opinion he is the person; I could tell if I heard him speak; his eyes and general appearance are similar; the train was detained 45 minutes; the nearest telegraph station was 25 miles away. (Three pistols taken from the prisoners were produced.) The witness thought one of them was like the weapon in the possession of the robber, but the others were not.

To Mr. McEnamy—I think the smaller man, Rumrill, is the one who went through the train; I judge from his general appearance; he had not that coat and vest on; I did not pay much attention to anything but his head and hands.

J. G. JONES

testified—I was on the train that was robbed; am from Akron, Ohio; came to Utah to invest in property; was in the second coach when the robber came.

Mr. Varian—"What did he do?"

Mr. Jones—He fired two shots into the roof of the car, and took up a collection.

"Did you contribute?"

"Voluntarily?"

"Under the circumstances."

"What inducements did he offer?"

"He invited me to drop what I had into the sack."

"Did you do it?"

"Well, yes. I gave \$2.50."

"Why did you give it?"

"He had a revolver in each hand."

"Do you recognize the smaller man (pointing to Rumrill) as the robber?"

"He was about that size."

"Is he the man? Take it from your judgment as to what you saw then, not considering the fact that he is under arrest. Is he the one who went through the train?"

"I can't say that he is."

"Did you see the other man?"

"Yes, but I was not close enough to distinguish him."

S. C. ARBAUGH,

the brakeman, testified—When the train stopped I ran forward; when I got up they ordered me to hold up my hands; I thought I had no business there, so ran back, met the conductor and said, "The train's held up;" then I warned the passenger; I went forward again; the big man covered the fire-