

drew his pistol I tried to stop him, but he ordered me to leave him alone, and the look he gave me convinced me that it would be better for me to let him go; after Wood left the car Ryan put his pistol back in his breast pocket.

To Mr. Varian—Ryan did not pursue Woods out of the car; he was trying to have his own way with Mrs. Duncan; Wood and Mrs. Duncan had been out swimming together; Woods was put off the car by Ryan less than half an hour before I came in; I was a witness at the coroner's inquest.

CHARLES R. M'BRIDE

testified—I reside at Tooele; am in the sheep business; was sheriff for six years; was acting as deputy to Sheriff De La Mare on the day Ryan was shot; about 2 a. m. a man named Wood came to the sheriff and told him a man had drawn a gun on him and kicked him off the train; this man had also knocked a woman down; Wood further said, "He is a bad man, look out for him;" the sheriff asked me to go; I inquired if he was armed, and he said he had a small pistol; we went to the office for handcuffs, and the train pulled out for the Y; we waited for it to come back; the night watchman, Cantlon, was called on, and also said McCarty would help him; Cantlon said the man we were looking for was not in the last car; the sheriff looked in and said he was; Gordon and I went around to the mountain side, and the sheriff came in on the lake side; I passed the woman toward Ryan; the sheriff came in alone, Cantlon having failed; the sheriff said "You are my prisoner;" Ryan raised his pistol and I sprang for him; a shot was fired at that instant; I thought it was from Ryan's pistol; then Cantlon and another man came in; Cantlon said "What's the matter?" and the other man said, "Ryan's shot;" "Who did it?" said Cantlon; "I did," was the sheriff's reply; then I first understood it was not Ryan who fired; Wheeler the brakeman then came in with a light; Ryan dropped his pistol and Gordon picked it up; McCarty may have come in when the crowd did, but I did not see him; he was not there before; Ryan was not asleep; when the sheriff said "You are my prisoner," Ryan raised his hands up; there was no lantern in the car till after the shooting; when Wheeler came in; I could not even see where Ryan was shot, though I was holding his head, till after the light came; (identifying a revolver) this is the weapon Ryan had; it was pointing at the sheriff when the shot was fired; when Gordon picked up Ryan's pistol I told him to take care of it; I gave Ryan a little brandy; De La Mare came to town and gave himself up; Ryan lived till we were nearly to the Jordan; Mrs. Duncan moved out of the seat when I went in.

To Mr. Varian—I was asked by the sheriff to assist him that day; we understood Ryan had drawn a weapon and kicked a man off the

train; that is what we were after him for; there was no light in the car, but there were lamps on the platform; the sheriff told me which was the man; I took his arm just at the instant the shot was fired; the pistol was in his hands; both hands were together; he raised up when the sheriff said "you are my prisoner;" we had no light; from the time the sheriff spoke Ryan had time to raise up and shoot; it was my intention to prevent his shooting; I did not notice the sheriff say it was an accident; I said it was too bad that such a thing had occurred; I did not say it was unnecessary; I had some apprehensions about the man; I went down with a police club, because I could get no other weapon; when I saw Ryan I anticipated trouble, and jumped for him.

To Mr. Rawlins—When I saw that Ryan had his pistol I expected him to shoot; the sheriff was in the greatest peril, as the pistol was pointing directly at him; we had been warned several times that the man we was looking for was a desperate man; I did not know who the man was till afterward.

To Mr. Varian—Mr. Wood told us the man was desperate; Wood was sober, and I could not find a gun on the Beach, or I would have armed myself; I feared trouble from him.

JOHN B. GORDON

testified—I am deputy sheriff of Tooele County; was at Garfield Beach on duty on July 11th; heard of the disturbance there; the sheriff told me a man had drawn a revolver and been threatening to shoot; he described him to me as the man who was with Libbie Musser, and that he was a tough character; I knew the man from the description; the train moved off, and I went to a row in the saloon and it quieted down; when I went to go away, Capt. Douris said he thought there was going to be trouble; when the train came in, the sheriff, Mr. McBride and myself discovered the man we wanted, and went into the car to arrest him; the sheriff came in on one side and McBride and I on the other; the sheriff said, "You are my prisoner;" Ryan raised his revolver and a shot was fired; I thought at first that it was him, but when he fell back I knew he was shot; I picked up his pistol, and McBride told me to take care of it; I got it from between Ryan's feet; I afterwards gave the pistol to Sheriff Burt.

To Mr. Varian—I know that is the pistol, because I examined it carefully; it is a Colt's 41-caliber; it was loaded when I got it, all but one chamber; Ryan raised the weapon and had it pointed at the sheriff when the shot was fired; he did not throw it out with one hand; he held it in both hands; I saw Ryan from the outside of the car; he was then erect; when we went in the car his head was bent slightly forward; he raised his head when the sheriff spoke; he also raised his hands, and then I saw his pistol for the first time; I was looking straight at Ryan; was not looking at the sheriff; he was directly in front of

Ryan; I thought at first that it was Ryan's pistol that was discharged; I saw him raise it, and I naturally supposed he meant to do something; I expected him to make a fight; I had only a club, but I thought De La Mare and McBride were armed; I went to arrest him because it was my duty; I expected trouble in taking him; the sheriff said "You are my prisoner;" there was a brief space of time, and the shot followed; the sheriff had told me the man we wanted was a tough citizen; knew Ryan by sight; I read the testimony of yesterday's examination as published in the News; I have been De La Mare's deputy for several months; I am also in business with him; am not a relative of De La Mare or McBride; McBride is not in business with or related to De La Mare.

L. J. SHILLING

testified—I am an engineer; was at Garfield Beach on July 11; I saw the man who wanted Ryan arrested; I saw Ryan and a lady in the car, and told Wood who had the trouble; Gordon and McBride went up to the train with the sheriff; there was no one else in the immediate party; when I saw Ryan in the car he looked at me and smiled; that was not more than five minutes before the shooting; when I heard the shot I went to the car; Gordon, McBride and Mrs. Duncan were there, as well as the sheriff and Ryan, whose face was bleeding; Mike Brouters was at Garfield on the 17th; he spoke to Sheriff De La Mare; he said he was going to leave town as he did not want to testify; he said to the sheriff, "I don't see why Cantlon had me subpoenaed, as I don't know a thing against you."

To Mr. Varian—I am working at Garfield; was not personally acquainted with Ryan; I heard him speaking rudely to Mrs. Duncan; there was no light in the car at the time I saw Ryan in the car; have seen Mrs. Duncan at the Beach frequently; I don't know that Ryan smiled at me; he was smiling when he looked towards me; he had a sandy mustache, but no beard; I had heard that Ryan was to be arrested for drawing a revolver and driving a man out of the car; I thought he was a bad man.

W. C. WHEELER

testified—I am a train man on the Utah & Nevada Railway; was at Garfield Beach when Ryan was shot; was conductor on the train; was about ten feet from where the shot was fired at the time; I had a lantern; in the car there were the sheriff, Gordon, McBride, Ryan and Mrs. Duncan; there were some parties at the other end of the car; when I saw Ryan his right arm was across his body, and the sheriff was right in front of him; I saw the flash from the pistol, and immediately jumped into the car with my lantern; I held the light up to Ryan's face; Gordon was right there, and so was McBride; one was each side of Ryan; De La Mare was in front and I jumped in alongside of him; I saw a pistol at Ryan's feet; Gordon picked it up and put it