

## THE KILLING OF RYAN.

The preliminary examination of Sheriff John De La Mare, of Tooele County, on a charge of killing Wm. J. Ryan, began before Commissioner Norrell, July 25. Mike Cantlon and Edward McCarty, who claimed to have been witnesses of the shooting, and who turned up as such after the coroner's inquest, were examined. Cantlon testified that the sheriff shot Ryan while the latter was being held by two men, but his testimony was confused and contradictory.

McCarty testified that he went into the car to help arrest Ryan; that the latter was asleep; that he shook him, and as he awakened, the sheriff fired the fatal shot. His testimony conflicted with Cantlon's, and was contradictory and unreasonable.

On July 26 the following took place before Commissioner Norrell:

JOHN G. BECHTOL

testified—I was at Garfield the night Ryan was shot; I know the defendant and also Mr. Ryan; I saw the latter about 1:30, when he came to me to borrow \$5; he also wanted to borrow a pistol, but I told him I did not have one; this was between 2 and 3 in the morning; I saw him several times before that evening; I was not there at the time of the shooting, but saw Ryan immediately after; I remarked at the time that he was either dead then or would be before he reached the city; after the shooting I saw De La Mare, but he said nothing about the affair; I know Mrs. Duncan by sight, and I know Woods also; the latter was talking to the sheriff, and told him that Ryan was a bad man and that he had better look out for him; he kept insisting that Ryan be arrested.

To Mr. Rawlins—Ryan did not say what he wanted to do with the pistol and I did not ask him; I heard afterwards that Ryan had drawn a pistol on Woods and threatened to shoot him; Woods told the sheriff that Ryan had drawn a pistol on him, and kicked him off the car and slapped a woman in the face; after the shooting, sometime, I looked into the car; there was a candle in the rear end; I knew the defendant had been acting as sheriff for some time, and that Gordon was his deputy; also, that McBride was employed at Garfield; Woods warned them all that Ryan was a bad man and that they had better look out for him.

To Mr. Varian—I would not be positive; there might have been more than one light; Ryan would weigh probably 175 pounds, and was about 5 feet 7 inches in height.

EDWARD McCARTY

was re-called at the request of Mr. Rawlins and testified—When I came to Salt Lake it was from Minneapolis, which place I left about three months ago; I stopped off at Helena, Butte and Pocatello; I remained about two weeks at both Butte and Helena, and at Pocatello one day and one night.

Mr. Rawlins then led him around

to the various places in the country which he had been in, and his occupation while at each of them. His answers indicated that he was considerable of a tramp.

Witness—I am not much of a sporting man, but a kind of a one; I am not a prize fighter, but fight when anybody bothers me; I have met some men in the ring who were prize fighters; I could not say how many; I have never had a fight—I don't say fight—I mean putting on the gloves for fun; I came into Salt Lake the night after the shooting because I wanted to, and went to see Kennelly; I wanted to see him on particular business—on my own business; the business had nothing to do with the case; I brought in a note from Cantlon to Kennelly in order to get work; I do not remember when Cantlon gave me the letter, and I don't think it is any of your business; it was a couple of days before Ryan was killed; I did not present the note to Kennelly; I tore it up and threw it away; I tore up the note because I didn't think it was necessary to present it.

MRS. LIBBIE DUNCAN

testified—I knew Ryan, and was with him on the evening he was shot; I met him at the lake; I went out at 6:15; he at 2:45; I do not think he had been drinking when I got there; I should judge it was about four o'clock on Friday morning when we started home; he had been drinking some by that time, but I could not say whether he was under the influence of liquor or not; we had words before we got into the car; he was very angry, and when I took hold of his arm to quiet him, he pushed me down; afterwards, when we were in the car, he slapped me in the face; we first started to come home at 1:15, but finally waited until the next train; there were other people in the car. Woods was among them. A difficulty arose between Ryan and Woods. They were sitting in the front seat, and I heard them having words. Ryan told Woods to get out of the car, threatening that if he didn't go he would put him off, at the same time drawing a gun on him. Woods was in his seat at the time. Ryan and I did not go in bathing together. This was about one and a half hours before he was killed. The quarrel between the two men originated over me. Ryan was not my escort; neither was Woods. After that I went up to the saloon with Ryan, where we remained until the train returned from the Y, when we again boarded it, taking the last seat on the car. I did not see his pistol again that night. I suppose we were in the car about 30 minutes before he was shot; two men passed me, coming in from the south side of the car; I believe one was Mr. Gordon; on the other side, McBride came in; The first I saw of De La Mare he was standing in front of Ryan; McBride took hold of Ryan; he had not spoken to me for about ten minutes; the car was in darkness; he might have been asleep; I believe De La Mare had a

light—but I am not positive; the shooting was done so quickly that I hardly know how; I recognize McCarty as being one of those who came in; I heard the report of the gun, but did not see who fired it; Deputy Gordon was among those who came in to arrest Ryan. No words passed between the officials and Ryan. I did not see his hands before the shooting occurred, but afterwards I saw them lying in his lap; I testified before the coroner's jury, and have now told all I know about it; I met Woods at the lake, where I was introduced to him; I do not know what Ryan's temper was; he struck me twice; the shooting took place about 2 o'clock.

To Mr. Rawlins—Have known the defendant about twelve years and Gordon the same length of time; I saw Gordon in the car immediately after the shooting; he came into the car from the south side; during the last ten minutes before his death I paid no attention to Ryan whatever; I went out on the lake with Mrs. Gilliland; it was my intention to return on the same train with her and her party, but Ryan objected, saying there wasn't enough men on the train to keep him from going home with me; when he drew his pistol, he pointed it at Woods and called him a— of a b—; he then took hold of me, made me get off the car, and appeared to be quite enraged; he took me along the track to prevent me from going home with the other party; Woods said nothing to provoke Ryan that I knew of; he did not use any vile language towards Ryan, but on the contrary told Ryan that he did not want to have any trouble with him; Ryan asked me if I was going home with Woods, and I told him no; that I did not come out with any escort and was going home without one; he insisted that I should go home with him and demanded my ticket, which I gave him; he then turned on Woods and asked him what he was doing there; Woods said he had as much right there as anyone; Rose and Ryan had a conversation aside from the others and when Ryan came back he picked up a stone from the ground and endeavored to strike Woods, but failed; before that time he had pushed me down; immediately after the shot was fired, De La Mare said: "My God, boys, I've shot him, but I didn't mean to," and McBride said, "This is awful!" Gordon was there at that time; it may have been that De La Mare said he "didn't want" to shoot him; I do not know whether Gordon picked up a pistol from the floor or not; just as the officers put their hands on Ryan, the shot was fired; there was considerable talk soon after the shot was fired; I heard some one say anybody who would shoot a man that way is a coward and a murderer; I do not know McCarty, but saw him at the lake the first day of the shooting. An adjournment was then taken till 9:30 next morning, when

J. K. GILLESPIE

was called, but knew nothing about the case, and was excused.