

MICHAEL JOHN BROUTHERS,

who had been brought in on an attachment, testified—I live in Salt Lake, and do almost anything; worked at Garfield Beach on the 24th, for one day; was there when W. J. Ryan was shot, on July 12; the shooting took place about 2:30 a. m.; never saw Ryan before; there had been a fight near the tank; the sheriff came along, and I followed through curiosity; I was outside of the car, on the foot board, when the shot was fired; McBride had a lantern, and came in from the mountain side; the sheriff came in on the same side; McCarty came in on the lake side; McCarty took hold of Ryan, who was asleep; Ryan raised his head and De La Mare shot; the sheriff then said he had done it accidentally; I told the people to give the man some air; Gordon was holding his head; Gordon was not in the car at the time of the shooting; I saw no pistol in Ryan's hand; did not see any weapon at all on him.

To Mr. Rawlins—I was outside of the car, at the end of the second seat; the sheriff had no lantern when he was in the car; I am positive of that; he did not hold up a lantern in his left hand; McBride had the lantern; I saw Gordon on the platform; he came up with the sheriff; there were five or six of the party; there were railroad men with lantern, on the platform; I did not know Gordon then; never saw McCarty before that day; there was a woman between McBride and Ryan when the shot was fired; McBride did not have hold of Ryan when he was shot, nor was he shaking him; Ryan had his eyes open; I could not see his hands; he was shot just as he raised up; I talked with McCarty and Cantlon this morning about the attachment and fine on me; they said they would see Kennelly about it; I talked with Cantlon about the murder—I don't think it was a murder; I think it was accidental—and he said I would be subpoenaed; I did not talk with Louis Schilling; have not spoken to Sheriff De La Mare; was subpoenaed on the 17th; was not at Garfield that day; I think I was there next day; did not meet the sheriff there; did not offer to shake hands with him; I have made a mistake; it was on the 17th that I went to Garfield, and spoke to the sheriff there; I did not say to him, "I don't know what that d—d Cantlon had me subpoenaed for, because I don't know a thing against you," I said "I don't want to appear against you;" the sheriff drew his pistol and fired quickly; I thought it was accidental; he had no lantern; I thought he pulled it too quick; he seemed excited, and his exclamation indicated to me that it was accidental; before then I heard the sheriff say a man had slapped a woman in the face.

JOSHUA M. DAVIS

testified—I reside in Provo; am traveling for Studebaker Bros.; was at Garfield Beach, at the time of the shooting of W. J. Ryan; was in

the car at the time, alongside of Mr. De La Mare; he had a lantern in his hand; there were a man and a woman sitting side by side; the sheriff went in facing them; the man Ryan had his head dropped slightly forward; the sheriff said, "You are my prisoner," and he and his two men sprang toward Ryan; there was no seat between the sheriff and Ryan; when the three went forward the shot was fired; saw the pistol afterward; Ryan raised just as he was shot; it was all done inside of a few seconds; after the shot, De La Mare said he did not mean to kill him; there were three men in the car; De La Mare was between Ryan and I; saw no one hold of Ryan; there were two men in the same seat, coming toward him; I had heard that the sheriff was going to arrest a man for threatening to shoot, and I went through curiosity; Mr. Gordon was in the car at the time of shooting; there was another man with him; I saw no pistol in Ryan's hand; I told the lady I thought the man who was shot would not recover; I was not at the coroner's inquest.

To Mr. Rawlins—I was looking in at the opening on the north side of the car; the sheriff did not get in at the south side; McBride and Gordon came in at the south side; the first thing said was by the sheriff, "You are my prisoner," and the sheriff, Gordon and McBride jumped for him; I could not tell whether Ryan had a pistol or not; the sheriff may have been in the next aisle to Ryan; the sheriff shot when the men jumped; McBride held Ryan's head after the shot; Gordon was right there and may have picked a pistol up; there were only the two deputies, the sheriff, Ryan, the woman and myself in the west end of the car when the shot was fired; I could not have seen Ryan raise his pistol; it was too dark; Ryan straightened up when the sheriff said, "You are my prisoner;" his eyes were wide open, and he was fully awake; he looked before then as if he had been thinking.

To Mr. Varian—He could not have been asleep with his head as erect as it was; I looked at him for two or three seconds; Cantlon and McCarty were not in the car at the time of the shooting; Cantlon was on the platform, right behind me, when the shot was fired; he made an exclamation about the shooting; the men who have said they were in the car were not there; Cantlon could not see either Ryan or the sheriff.

To Mr. Rawlins—I was reared in the Territory.

To Mr. Varian—I never was in court before in my life.

To Mr. Rawlins—I know McCarty was not in the car when the shot was fired; there was no one between me and him.

To Mr. Varian—The sheriff had a lantern; I remember Cantlon being behind me because he spoke. (Cantlon and McCarty were brought in and Mr. Davis identified Cantlon as the man who stood behind him. He again declared that McCarty was not in the car until after the shooting.)

To Mr. Rawlins—I have said very little about this matter; talked to Mr. Judd, at the office where I work; I was subpoenaed yesterday morning.

EDWARD M'CARTY

was recalled and testified—I am living at the same house as John Ryan, brother of the man who was shot; have been at the same place with him ever since I came from Garfield, the day after the shooting.

District Attorney Varian said he was through with his case.

Mr. Rawlins said the prosecution should call the eye witnesses to the shooting. It had failed to do this.

Mr. Varian refused to call them, as he would not be able to cross examine them.

R. H. ROSE

was called for the defense. He testified—I reside at Omaha; am a journalist; was at Garfield on the day Ryan was killed; saw him at the Beach; Mr. Jacob H. Mood, of Philadelphia, was with me; there were a number of ladies there; we were introduced to several, among them Mrs. Duncan and Mrs. Gililand; during the evening there was a difficulty between Ryan and Wood; Ryan came up and ordered Mrs. Duncan to go with him; I tried to pacify him, and went and took a drink; he was grieved because Mrs. Duncan did not want to go home with him; he had no cause of aggression against Mr. Wood; I told him to settle it with Mrs. Duncan next day, and he seemed satisfied; on our return Ryan made a pass at Mr. Wood, to strike him; Wood did not resent, and Ryan seized a stone a little larger than his fist to hit Wood, and I interfered; before we got on the car there was a difficulty with Ryan and Mrs. Duncan, which I did not see; afterwards Ryan tried to pull Mrs. Duncan off the car; he soon came into the car, from the direction of the bar-room; I do not know where he had been; he came in and spoke to Mrs. Duncan, then turned to Wood and began to talk to him; I heard Mr. Wood say he wanted no trouble, and was in no way interested with Mrs. Duncan; Ryan used some bad language to Mrs. Duncan; he also slapped her in the mouth; he then turned to Wood and told him if he took it up he would have it out with him; he then struck at Wood with his cane and drew his pistol saying, "—d— you, get out of here;" he kicked Wood off the car, and the people began to get off through fear; the matter quieted then for a time, and I took the train for home; Ryan and Mrs. Duncan were left alone in a car on the other train; he told Mrs. Duncan she would go home with him, and there were not enough people at Garfield to prevent it; he told me substantially the same thing; he said he would have his own way if he had to clear the car out; this was when he drew the pistol, and it caused the people to jump from the car; he was violent in his manner, but it did not seem to be from drink; when he