

perate character; after the shooting somebody said, "Ryan is shot;" someone else asked, "Who did it?" and the sheriff replied, "I did;" when I saw Ryan, as we learned the man's name was, straighten up, I expected him to shoot, and jumped at him; the deputy sheriff, John B. Gordon, also came in to assist us; I think De La Mare would have been shot the next instant; he had to either shoot or be killed; I think I would have shot under similar circumstances; Mr. Gordon, the deputy sheriff, picked up Ryan's pistol when it dropped; saw the woman, Libbie Duncan, whom Ryan had slapped, was about three seats ahead, in the car, after the shooting; Ryan never spoke after he was shot; I had no weapon on me; I don't think Ryan was conscious after he was shot; there was no light in the car, but the light from the platform shone in on the seat where Ryan was; I think the woman was in the same seat as Ryan when the shot was fired, and moved out; I think she moved out when I got in to the seat; there were not many people there at the time as most of them had gone to town; Ryan had a Colt's self-acting revolver, and was ready to use it, and it was pointing directly at the sheriff; the shot was fired just as Ryan raised up; I jumped at the same time, to prevent Ryan from shooting; De La Mare has been sheriff nearly a year, and had been a deputy before then; he was employed by Tooele County to keep the peace at Garfield; Wood said to De La Mare, when he first came, "You want to be very careful, or you will get killed, for he is a desperate man;" while the train was turning on the Y, Wood warned us several times to be careful or we would be shot; we saw the man from the outside, just before we entered the car; I heard the sheriff speak, when he was in the seat in front of Ryan, but I never took my eyes off the latter; when the sheriff said "You are my prisoner," Ryan raised up, his pistol pointing toward the sheriff; just then the shot was fired, and I thought it was Ryan. The sheriff is a penceable, quiet man.

JACOB H. WOOD

was the next witness and testified—At 7 p.m. I met Mrs. Duncan, who had just come out; after I had a bath, we dined, and a gentleman asked her to dance; she let go of my arm and went; about an hour afterward, Mrs. Duncan and I were chatting, when the man came up and I was introduced to him as Mr. Ryan; he asked us to take a drink and we went; I took ginger ale, and they took beer; I saw Mrs. Duncan later in the evening; when the time came to leave, Mrs. Duncan took Ryan's arm, and they went to the train; I went on the car and paid no attention to them; before getting to the train I saw him snatch her ticket from her; he went away, and the next time I saw him he caught her and pushed her down; he then turned and struck at me, and used some bad language; he went away again, and we got on the car; in the car

he began to use the vilest of language to her I had ever heard; she tried to pacify him; he said he wanted to talk to me, and I said I did not want to quarrel; he turned to her and slapped her; then he drew his pistol, and ordered me out of the car; as I was going he kicked me; I then went to the officer and told him what had been done; the brakeman pointed the officer out to me; I asked for Ryan's arrest, and cautioned the officer a number of times; I did not go in the car when the officers did, for fear Ryan would shoot me; I saw no gun till Ryan raised up to me; I had not spoken to him; he said "You ——— s ——— b ———, get out of here;" I never spoke to Ryan before last night; met Mrs. Duncan once before; she was short, dark complexioned; I reside in Philadelphia; intended going away this morning; Mr. Rose was with me when Ryan assaulted me.

JOHN B. GORDON

testified: I am deputy sheriff of Tooele County; was present this morning when the shooting occurred; I know of no additional facts to those given by Mr. McBride; his statement is correct; I saw Ryan rise up, and was watching him closely, for I expected to see him shoot; heard the sheriff say to Ryan, "You are my prisoner;" Ryan straightened up and raised his pistol, pointing it directly at the sheriff; at this instant the shot was fired; here is the pistol; (the weapon, a 41-caliber Colt, self-acting, was exhibited; five chambers were loaded, and one empty); the sheriff called me to assist him, and said he understood the man was a tough citizen; I supposed at first that it was Ryan who fired the shot; he lived about an hour; the sheriff was justified in shooting; Ryan evidently intended to shoot him; I think I would have shot Ryan under the same circumstances; wouldn't like to be in the same fix as he was then.

E. A. FRANKS,

deputy marshal, testified—I knew Wm. J. Ryan, the deceased; arrested him on a charge of highway robbery, four or five months ago; he was afterward indicted and was put under bonds; he had not been tried for the offense.

R. H. ROSE

testified—I reside at Omaha; was an eye witness to the circumstances detailed by Mr. Wood; his statement is true; I was not in the car at the time of the shooting; when Ryan struck Wood, I tried to pacify the former; saw Ryan draw his pistol on Wood; he said to the woman, "You ride with me alone, or I'll clear the whole ——— d ——— car out;" I tried to pacify him, and he said "Rose, this is my funeral, and leave me alone;" he had not been drinking to any extent; I had spoken to him many times, and was quite friendly with him; if he had been threatening me I would have been afraid of him; he was very angry; we were all in bathing; Ryan remained with Mrs. Duncan in her

dressing room till she was dressed; they came out of the water together; when he used bad language she tried to pacify him; he had his revolver in his breast pocket.

MR. WOOD

was recalled and said—I heard Ryan say there were not men enough on the train to prevent him going home with the woman; I was impressed with the idea that he would shoot, and told the sheriff so three or four times.

MRS. DUNCAN

was not present at the inquest, so the jury went to a house east of the Metropolitan Hotel. This is not her home, which is near the corner of Third South and West Temple Streets, but is the same house in which Ryan was lodging. There she was found, confined to her bed. She was sworn, and made the following statement—I was at Garfield last evening; came back on the last train, early this morning; went out with Mrs. Galliland; met Ryan, Rose, Wood and others there; was present at the time of the shooting; my mind is clear at present, but I am nervous; I remember what took place; heard Ryan use severe language to Wood; the latter was quiet; he gave no provocation to Ryan; Ryan struck me, outside of the car; he knocked me down; I was not hurt badly then, though he hit me hard; he pulled me off the train after that, and struck me in the eye; he was very angry; I thought he had been drinking; he again struck me, after we got on the car; Mr. Wood was present at this time; Ryan spoke to him; Wood said he wanted no trouble; Ryan struck Wood, drew a gun, and then kicked Wood out of the train; Ryan pulled me off the train, and asked me to have a drink, but I refused; he made me get on the train again, and we sat on the same seat, at the back of the car; I told him I would not have him disgrace me before my friends; he said he knew he was a fool when he was drinking; while we were in the seat the officers came in; I made room for them to pass; I did not have time to explain anything before the shot was fired; heard Sheriff De La Mare say, "My God, boys, I have shot him, but I didn't mean to;" I was not looking at Ryan when the officers came in, so did not see his revolver then; I moved out when the officers came in; did not hear anything said; did not hear the sheriff say "You are my prisoner;" I was too disgusted with Ryan to watch what he was doing; I know the officers well; saw McBride grab Ryan just as the shot was fired; I think De La Mare also made a grab at Ryan; Gordon was between Ryan and I; De La Mare was immediately in front of Ryan, on the next seat; I went to a seat farther ahead; McBride remained with Ryan till we got to the city; heard Ryan say that there were not enough men on the train to prevent him going home with me; he said he would clear out the train; said so much I cannot remember