

He died in a few seconds—ten or fifteen; there were five shots fired, in rapid succession; it is possible there were but four, but I think there were five. I saw some empty cartridge shells on the sidewalk.

To Mr. Dickson—A pistol was found in Romaine's pocket. I noticed the crowd just before the shots were fired. There were three or four men together, as near as I could judge from the distance. I saw Hughes go around the corner. He hesitated as he went past the corner of the building.

#### DEPUTY FRANKS

testified—I was at McCoy's livery stable at the time of the shooting; heard five shots, as I judged; there may have been only four, but I think there were five. I got to the scene of the shooting, and learned which way the man who did the shooting had gone. I went around the corner and met Hughes with his pistol. He said, "I am the man who did the shooting," and gave me his pistol. (Identified the weapon.) There were two empty cartridges but no wads in it; there were three empty chambers. The empty shells can be thrown out easily and quickly. Hughes asked me to get the gun from Romaine. Policeman Cummock and I went with Hughes to where Romaine was, and I found a pistol on him. Romaine's gun had four loads and one empty chamber, as I remember it. There may have been only two; that my memory is not clear on.

To Mr. Dickson—Hughes gave himself up to me as soon as we met, and requested me to get Romaine's gun.

#### JOHN W. SHARP

testified—I was a policeman at the time of the shooting. I received two pistols from Mr. Franks when Hughes was brought to the City Hall. One pistol, said to be Romaine's, had in it two loads and three empty chambers; the one claimed by Hughes had two empty shells and three empty chambers. (Identified the weapons.)

To Mr. Dickson—I made no marks on the pistols or the shells.

To Mr. Varian—The cartridges in Romaine's pistol had passed the hammer; they were on the right side.

#### POLICEMAN ANDREW M. SMITH

testified—I have had the custody of the pistols. In Romaine's pistol the cartridges were just past the hammer; if the pistol had been snapped in that position no shot would have been fired, as the hammer would have come down on an empty chamber.

#### FRANK M. PINNEO

testified—I am a printer; am employed at the *Tribune*; knew Romaine and Hughes; just before the shooting I was standing in the entrance to the *Tribune* hallway; with me were Romaine, Burlingame and Joe Arthur; it was about 2 p.m.; Arthur was farthest east; then came Romaine, and I was next, and Burlingame next; we were waiting for a paper, and I stepped out to the sidewalk, and saw Hughes and Daniels up by the Opera House; they were

coming down street at an ordinary gait; the next time I looked at Hughes was when he was quite close and he said "come out here and fight you s—b—". You had the drop on me last night, but now I am healed." He was across the gutter then, and drew a pistol which he raised above his head and then put it back in his pocket. I did not know at first who the remark was addressed to. Romaine said, "Go on with your shooting. Ha! ha! ha!" There was no mirth in the laugh; it was more of a sneer. Hughes said "Come out and fight like a man." He was in the street, walking backwards and sideways. Then he stopped almost in front of the entrance. He started on again and I went toward him. He was excited. I never spoke to him. His pistol was then in his pocket, and his hands were by his side. As I walked towards him he moved his head from side to side, looking at some one behind me. I turned to see who it was, and saw Romaine with his pistol pointing towards Hughes. I moved out from between them pretty quick. As I jumped aside, the shooting began. I heard four shots, and saw Hughes as he was firing. There may have been five shots. Romaine had raised his left arm as if to guard himself, and would swing his body as each shot was fired. When the shooting stopped, I said to Romaine, "You're not hit, are you?" and he said "Yes." I said "Where?" and he replied "Here, in the stomach." He looked for a place to lie down; Arthur and I helped him down on to the sidewalk. Hughes went west and around the corner. I saw the pistol taken from Romaine; it was in his overcoat pocket; I don't know when it was put there.

At this point the court took recess for an hour and a half, when the cross-examination of Mr. Pinneo was continued.

In the Hughes trial yesterday afternoon the witnesses following Mr. Pinneo were J. B. Cummock, J. M. Goolwin, R. J. Jessup, Joseph Arthur, E. D. Burlingame, George R. Cushing, V. V. Daniels, and B. R. Reed; the two latter for the defense. Their statements agreed with those of Mr. Pinneo, published yesterday, as did also those of Hughes himself, in regard to the shooting. This morning, in continuation of the case,

#### TANDY M. HUGHES,

the defendant, testified—I am in my 34th year; am a compositor by trade; have worked in Iowa, Kansas, Illinois, Tennessee and other places; came to Utah in August, 1889; worked on the *Herald* and *Tribune*; had been at the latter place most of the time I was in town, prior to the shooting; became acquainted with Romaine there; on Sunday, Nov. 3, I attended a meeting of the Printers' Union; at that meeting there was some agitation about girls being employed at less wages than men; there was an impression that any one employed at the *Tribune* who took

part in the work assigned to a committee, appointed to see the management, endangered their situations; several had declined, and Romaine was appointed; he also declined, and at this juncture I jokingly offered a resolution that the committee be provided with masks, so that the manager would not know them. I heard that Romaine was offended, and I went to him and stated that I had no reference to him; he said he paid no attention to any fool, but if a man did that to him he would call him down; he said he attributed it to my ignorance; I said he was quite complimentary; he said I could take it as I pleased; I asked Mr. Daniels to inquire what I had done, and Romaine said he referred to my resolution; I asked if my apology had not been sufficient; he was abusive, and said if I wanted a knife or gun fight he would accommodate me, as he was an expert with either. I told him I wanted nothing to do with him. He carried a pistol, and a day or two afterward Mr. Snider asked him why he did so. He said some one might pull a knife on him and he would put a hole through him. On Saturday, Nov. 15, some of us attended a funeral; when we got back to the office those of us who had been to the funeral were short of a kind of type, and the foreman gave us some; we took it, and Romaine asked if it was gone; Mr. Stenhouse said yes; Romaine came to my case and made an uncomplimentary remark to me; later he obstructed me when I went to go in the wash room; I waited a while, but he would not let me in; I started away, and he tried to run against me; neither of us spoke. About 3:30 Sunday morning we quit work; I was the first one out, and went to the press-room, waiting for a paper. The press was broke, so I came out on to West Temple Street; I went to the corner and turned west across the street; then turned north toward the *Herald* building, which is half a block east of where I was rooming. As I left the *Tribune* corner I heard voices behind me; I looked back and saw Romaine following me; I walked as fast as I could; he took the cut off and walked past, getting ahead of me; I slowed up, and he did so; at the skating rink building he stopped; when I came up to him I stopped, because I saw a revolver in his hand; he called me a very vile name; I told him I did not want any trouble; he told me to get my gun out; I told him I had none; he said "You will need one before I get through with you;" he pointed his pistol at me and called me many vile names; I tried to talk him out of the difficulty, and told him I had given him no occasion to act so; he struck at me with the pistol, and I dodged; he said I had no fight in me; I told him I did not want to fight a man with a gun; he said "I will fight you without one, even in my weak physical condition;" he pretended to lay his gun down; I told him he could not get any fight out of me; he said he would make me fight, and I tried to