

of that box, be brought in. Who was it?

Col. Sells—It was J. W. Skinner. Judge Smith—Here is the tally sheet that the judges failed to send in. It shows 77 for Toronto. The other tally sheet shows 77, but is counted as only 71 on the abstract.

Col. Stone—It will be a contested election.

C. E. Allen—It may be the other side that took the ballots.

Mr. Brown—No difference. The ballots are gone, and somebody should be made to account for it.

Judge Judd—I move we accept the result in this poll as shown by our count.

Judge Smith—I second that. Chairman Sells put the motion, which was carried unanimously.

The count in this poll showed Gallagher 182, Toronto 76. The count of the judges of election was Gallagher 185, Toronto 77. This gives Toronto two votes more than Gallagher for the office of treasurer of Salt Lake County.

There was considerable excitement among the attorneys and candidates in attendance when the result was announced, and the judges were severely condemned for the blundering way in which they had done the work. The abstracts and tally sheets showed a total of 263 votes cast, while but 259 ballots were found in the box.

The returns were then footed up for all the candidates except those for recorder, the figures being the same as those published in the News, with the exception of the change made in the poll counted today, where Toronto was given the majority, instead of a tie.

The board signed the return, and Secretary Sells immediately made out certificates of election for A. J. Burt for sheriff; J. B. Toronto, treasurer; J. P. Cahoon, selectman; C. E. Allen, county clerk; W. J. Lynch assessor; Walter Murphy, prosecuting attorney; J. E. Harris, coroner, and C. P. Brooks, surveyor.

A summary given by today's canvass is as follows:

Selectman—	
Lushington.....	3723
Cahoon.....	3794
Cahoon's majority.....	71
County Clerk—	
Ferguson.....	3740
Allen.....	3755
Allen's majority.....	15
Assessor—	
Clivo.....	3706
Lynch.....	3623
Lynch's majority.....	117
Prosecuting Attorney—	
Kenner.....	3085
Hard.....	627
Murphy.....	3793
Murphy's majority.....	81
Coroner—	
Cracrott.....	3740
Harris.....	3798
Harris' majority.....	58
Sheriff—	
Burt.....	3849
Barnes.....	3648
Burt's majority.....	201
Surveyor—	
Burton.....	3715
Brooks.....	3846
Brooks' majority.....	91
Treasurer—	
Toronto.....	3769
Gallagher.....	3787
Toronto's majority.....	2

As Mr. Hiles' application for a writ of mandate directing the board

to count the ballots in certain precincts at Ogden was denied, the Weber County returns were certified to.

The Board of Canvassers, having completed all but the count for recorder in Salt Lake County, which is to be considered in court August 28th, adjourned to meet at the call of the chairman.

In the District Court of the Third Judicial District of Utah Territory, County of Salt Lake.

Henry Page, plaintiff, vs. Elijah Sells, J. W. Judd, Hugh Anderson, W. W. Riter and Elias A. Smith, defendants. Answer of said defendants, constituting board of canvassers.

Now come the said defendants, the board of canvassers at the county election held August 4, 1890, and answer the alternative writ of mandamus served in this case; and the said board alleges:

That each of the members of the said Board was duly appointed and qualified as a member of said Board of Canvassers of Salt Lake County, and all the other counties of said Territory; and, as such, they proceeded to canvass the votes of the several precincts of Salt Lake County, containing 41 polls. That among other polls was found by the said Board the return from Poll No. 1 of Precinct No. 1, Salt Lake County, Utah, for said election in certified copy of which is annexed to the answer in this case, and to which this Board in this return and answer refer, and make it a part of their answer.) That upon examining said return the Board found it to contain a discrepancy between that return and the other returns from the various precincts in Salt Lake County. From the other returns it appeared that the vote for County Recorder was for Henry Page and for John H. Rumel, Jr., and not for H. Page, nor for John H. Rumel, nor for J. H. Rumel. That, in the opinion of this board, the variance between these different polls and precincts stated constituted a discrepancy or irregularity affecting the result of the election for the said office, and of each of the said candidates. That the number of votes cast in the said poll of Precinct No. 1 was such as to affect the result of the election of said candidate; and therefore, in the judgment of said board of canvassers, it was voted to examine the ballot boxes of said poll and said precinct, and such other ballot boxes as the returns show contain similar discrepancies. That the returns of the other precincts referred to in the said alternative writ of mandamus are annexed to and made a part of this answer, and the same discrepancy exists in East Mill Creek and Butler precincts.

That the Board had not yet determined whether they would or would not open the ballot boxes of the said other two precincts.

This Board further return that one of their number, J. W. Judd, incorporated his views in an opinion filed with the said Board, which, by way of answer in his behalf, and in

behalf of a majority of the Board, is added and appended to this return, and made a part hereof. That the said majority of the Board based their action upon the opinion so filed.

And the board further answering, return: That they had not completed the canvass of said Salt Lake County at the time of the service of said alternative writ of mandamus; that they had not determined the election of either John H. Rumel, Jr., or of Henry Page, or of any other person; and that what conclusion this board of canvassers would, or will, arrive at, it was impossible to determine at that date. That they were preparing at that date to examine the said returns, and the said ballot box, and would have done so had it not been for the service of the said writ. That the said alternative writ was served as an injunction upon these defendants, and has prevented the fulfillment of their duties as officers of election, and the completion of their labor as a canvassing board.

That as to the specific allegations in the alternative writ of mandamus contained, the majority of the board return that they have no knowledge, information or belief sufficient to enable them to answer as to the fact whether J. H. Rumel or John H. Rumel and John H. Rumel, Jr., were in fact different persons, each residing in said county, and therefore deny the same, for the purposes of this action; that the whole knowledge on the said subject is derived from the returns, which have been heretofore specifically set forth, and the legal presumptions arising therefrom.

That the opinion of the majority of the Board is fully set forth in the opinion of J. W. Judd, hereto annexed; but as to the fact as to whether in truth they are different persons, the Board has no knowledge, information and belief.

That the only persons claiming to be candidates, and to have been voted for, for said office of County Recorder, are the said Henry Page and John H. Rumel, Jr., and the two members of the board, W. W. Riter and Elias A. Smith, answering for themselves, specially deny that the said John H. Rumel and John H. Rumel, Jr., are two different persons; but allege that they are one and the same, and that the said votes cast at the said poll No. 1 of precinct No. 1, and at all other polls in said county, were for John H. Rumel, Jr., which were cast for any Rumel whatsoever.

And the last named defendants allege, on information and belief, that the said ballots contained in the ballot box of poll No. 1, precinct No. 1, and East Mill Creek and Butler Precincts, will be found, when opened, to all have been cast for John H. Rumel, Jr., and not for J. H. Rumel at all.

That the majority of the said Board deny that the returns from the polling precincts in said county, which are now before said Board, are duly certified by the precinct officers who conducted said election, and deny that the return from poll No. 1,