

ed by their votes. Unless they could cast a ballot which should be purely their own, and untrammeled, they might just as well live in Russia or China; for it was better to be ruled over at the sweet will of one man than to have a mere pretense of self-government. Against the midnight thug a man could protect himself if on his guard, but against the insinuations of perjury committed behind one's back, against a conspiracy to deprive people of their votes, a person could scarcely do so. The history of elections in this country proved this where corruption had been allowed to hold its sway. This was a case, therefore, in which the jury should have the greatest consideration for the safety of the commonwealth. If Allen was guilty, it was of vital importance that he should not escape; if innocent, of course he must go. Counsel insisted the evidence clearly proved that the defendant did change certain of the ballots handed to him by voters, and pointed to the ease with which he could distinguish through the envelope the difference between the "Liberal" and the People's Party ticket. There could be no doubt of this after the test made yesterday, while Mr. R. W. Young was on the witness stand. That gentleman was able to pick out the ballots every time when the envelopes were held up to the light. Mr. Winters had testified to having actually seen Allen change two of the ballots, and then again there were the damaging admissions made to him by the defendant himself and his colleague, McCallum. It had been sought by the defense to show that Winters had turned round upon the "Liberal" party out of revenge—because he was not nominated for the office of county attorney; that he therefore gave them a "black eye." No person could possibly credit such a story. It was said that Allen was a moral man, and that McCallum chose him as a judge of election for that very reason. That story was a trifle thin. Let them do Allen justice by all means; but, he asked, were there not in the Fourth precinct plenty of intelligent and competent voters from among whom a judge could have been selected? Instead of this, however, McCallum had to go about, like the philosopher of old, seeking an honest man! McCallum knew this man to be a "racer" and that he traveled under different aliases? It was unanswerable and ridiculous to suppose that Allen should have been hunted for simply because he was an honest man. Anxious to obtain some one who, as a judge of election—a most important office—would reflect credit on the Liberal party at the poll, and in face of a number of respectable citizens, McCallum went into the Crystal saloon and engaged a bar tender who had only been here some six months, to fill that office. Yes, just because he was honest! "We, as a Liberal party," continued counsel, "have assumed to set up something better than we have ever had before. We have continually harped, and justly so, at that which existed under the old regime in this city. Ever since we have attempted to get a "Liberal" administration in Salt Lake City

we have been pleading for pure politics. We want an American state of things. Therefore we should be all the more careful to protect the ballots cast in this city and the rights of the people; and if a crime has been committed let us punish it with an unsparing hand." Witnesses had been called to character; but we hardly ever heard anything said even about a thief till he got caught. Mr. Stephens urged the jury, if they believed from the evidence that the charge had been proved, to find the defendant guilty, and let him be punished as he deserved. He asked them to give the testimony of Mr. Winters due weight and credence, and watch cautiously the attempt made by the defense to break that testimony down.

Attorney Dickson followed for the defense. He admitted that a crime against the ballot box was one of the greatest of crimes in a representative government, because it struck at its very foundation. If the ballot box was not protected from fraud and corruption, the liberties of the people would be very insecure. It was a greater crime, however, to convict a man of a felony when the evidence was insufficient to carry conviction to the minds of all reasonable men. There was no evidence in this case, he contended, sufficient to excite even a suspicion except the testimony of "that whitened sepulchre, that despicable hypocrite, that wretched creature Uriah Heap Winters." Winters stood here contradicted by the defendant, Mr. Griswold, and Mr. Henry McCallum. He inquired, then, were the jury going to believe the statements of this Judas Iscariot, as against the testimony of a number of respectable men? Looking at the faces of these witnesses, he himself would far rather accept the unsworn statements of those gentlemen whom he had named than the sworn evidence of "Uriah Heap Winters." Mr. Dickson next dealt with the bearing of Mr. Winters after what he had alleged to have seen in the exchanging of the ballots, and remarked that a man who would see a crime committed and not protest against it was unworthy of trust. Upon his testimony the prosecution rested entirely. If his statements were true, then, by his concealment of the evidences of a crime, he was a *particeps criminis*, an accessory after the fact. What motive was there for Allen committing such an act as that for which he was indicted? What was at stake at this election? There were no offices with emoluments in view. It was merely an election of school trustees. Under these circumstances was there any reason for a man to commit a felony and so open the doors of the penitentiary for himself? Mr. Dickson went through the evidence of the principal witnesses and asked the jury to say that there was not even ground for suspicion against the conduct of his client.

Judge Powers came next and said he regarded addresses for the defense in this case as almost a work of supererogation. He, too, devoted a considerable portion of his remarks to an attack upon the witness Winters, saying the managers of the Liberal party must feel pained that they had been compelled to open their doors for such a recruit. His

motives were apparent. His prototype was to be found in history. Upon the witness-stand he sat "cold as a fish," hypocrite as he was, seemingly the actual prosecutor in this case. Winters would never have been seen on the witness-stand giving evidence in this matter if the Liberal party had so far forgotten itself as to have nominated him for the post of county attorney instead of Walter Murphy. He had no love for any man who was shown to be one who would cover up a crime so long as his own interests were at stake, and then play the hypocrite in order that he might give vent to some private feeling of revenge or pique. Judge Powers then handled the opaque envelope question, and maintained that the evidence on this portion of the case simply amounted to nothing. He laid stress upon the admitted good character of the defendant, and protested against the way in which Attorney Stephens had introduced the name of Henry McCallum, in asserting that the latter appointed Allen to serve improper ends. This was, he said, an unjust and cruel insinuation, and counsel must have been hypnotized at the time he said what he did. Mr. Stephens had not been himself from the time this trial began; he was not himself now!

The testimony proved that he (Judge Powers) was defending an innocent man. This case arose out of mere suspicion, that suspicion increased through public talk, and there was nothing now in it. The worst that could be said of Allen was that he had been a foot racer and a bar tender, and he was now the victim of a large conspiracy.

Judge Powers also said parenthetically and with a look of innocence—I do not believe in conducting elections dishonestly; and whatever may be said of me, I have a clear conscience on that score!!!

Court then took a recess until two o'clock.

Upon the court reassembling in the afternoon, Mr. Critchlow commenced his closing argument for the prosecution. He began by urging the jury to throw aside all political prejudice which they might have and consider the whole case fairly and impartially. The prosecution was simply attempting to do its duty and no more. There could be no question but that Allen was put on the board of election judges in the interest of the "Liberal" party. There was no question but that on the day of election there were a lot of "Liberal" ballots on the table, by the ballot-box. It was shown that all through the day there were rumors that every thing was not right at poll 2, and Mr. Winters went to Judge Hoge in the morning and made a complaint to him. Then there was the positive testimony of Messrs. Winters, Blair and Thornberg that they saw Allen change ballots. Mr. Dickson's whole argument, said Mr. Critchlow, was simply an attack upon Mr. Winters, and he spent the whole time in heaping abuse upon that gentleman. The "Liberal" party was not on trial in the case. When Mr. Dickson called Winters a Judas Iscariot he implied a great deal. It was implied that he had been guilty of treachery to