

missibility or competency of said evidence. The following are the names of said witnesses:

Here follow the names of over 140 men who voted the People's ticket at the poll in question. Mr. Reilly objected to the admission of the evidence described in the stipulation, claiming that the same was not competent, and made a prolonged argument in support of his objection. The court overruled his objection, and the evidence went in.

R. W. Young was called and testified that on the day of the election in question, he noticed a pile of ballots on the table near the ballot box; by holding the ballots to the light, it was easy to distinguish the Liberal from the People's tickets.

George E. Blair testified: I was at the polls during the school election in the Fourth municipal ward on July 14, as checker for the People. I was present when Henry Puzy came up and handed his ballot to Mr. Allen. He was challenged and Allen put his ballot down by the box. The challenge was withdrawn and Allen then picked another ballot—not the one handed in by Mr. Puzy, and deposited it in the box. In two other similar cases I saw Allen change the ballots. I mentioned this to Mr. Jacobs and Judge Pyper, and also told R. W. Young that I thought there was something wrong.

M. S. Woolley testified—I was one of the judges of election at the election in question. Mr. Allen presided at our poll. He received all ballots and deposited them in the box. Early in the morning some gentlemen folded a lot of "Liberal" tickets and placed them on the table near the ballot box. I believe Mr. Allen and Mr. Ball assisted in this. From Allen's conduct, I suspected that he would do something crooked if he got a chance, and I watched him as well as I could, but being busy myself, I could not watch him much of the time.

The witness was handed the list of voters who testified before Commissioner Greenman that they voted for Mr. Young, and he stated that they were all reputed to be members of the People's party.

G. M. Ottinger testified that he voted at the election in question, but was unable to say whether the ballot he handed Mr. Allen went into the box or not.

W. G. Phillips—I voted at the election in question. I gave Allen my ballot and he held it over the box until the checker said "voted" and got between me and the ballot box so that I could not see whether my vote went in or not.

George Romney, Jr.—I voted at the election in question. When I went to the poll Mr. Allen had a ballot in one hand and took mine in the other. I couldn't tell which one he put in the box.

Isaac Smith—I voted at the election in question. When I gave Allen my ballot he got between me and the box, so that I could not see what he did with my ballot.

B. F. Thornberg—I voted at the election in question. When I went to the poll, Allen had a ticket in his

right hand and took mine with his left. After the checker said all right, he deposited the ticket which he held in his right hand into the box. He could not have deposited the ticket I gave him.

James McHenry—I voted at the election in question. When I gave Allen my ballot, he turned around so that I would not see what he did with my ballot.

Thomas Muir, Jr.—I gave Allen my ballot at the election in question, but he obstructed the view so that I couldn't see whether he deposited it in the box or not.

Here court adjourned until 10 a. m. September 15th.

Monday, Sept. 15 the trial of the school election contest was continued before Judge Zane, the court sitting in the office of District Attorney Varian.

Junius F. Wells was placed on the stand by the plaintiff: I voted at poll 2; as I handed Allen my ballot he took it in his right hand, and at the same time held another ballot in his left hand which rested upon the ballot box; between the ballot box and window sill there lay a pile of ballots which persons in the room could not see; I could not tell whether Allen put in the ballot box the ballot I gave him, or the one he held in his left hand; have been in doubt about that matter ever since.

The plaintiff rested, and the defense placed Henry Ball, the election judge, on the stand, who testified—M. S. Woolley, after the close of the voting, in the evening, congratulated Mr. Allen on the latter's fairness in conducting the election. The witness then illustrated the position of the ballot box, etc.

Don't think Allen assisted in placing ballots in envelopes in the morning, but I did; there were tickets handed out of the window to voters but I objected to it; both kinds of tickets lay upon the table near the ballot box; didn't see Allen change any tickets; did not think anything of that kind was going to occur, and was not on the look out for it.

Cross-examined by Mr. Rawlins—did not have anything to do with placing ballots on the table near the ballot box; "Liberal" tickets were placed in envelopes in the morning, but were not brought into the room.

Frank H. Griswold was sworn for the defense. I was the "Liberal" checker; there was a perfect view of the ballot box from the window all day; I saw nothing wrong; did not pay much attention to what the election judges were doing; I had a list of People's party men I was to challenge; did not see Allen change any tickets.

Cross-examined: I was not watching Allen at all; had no occasion to; my duties occupied my attention.

W. J. Allen was sworn in behalf of the defense: I was one of the election judges; there were no ballots exchanged that I know of; there were ballots of both parties lying on the table by the ballot box to be handed out of the window to voters; I had nothing to do with placing them there.

Witness explained the position of

the ballot box, where he sat, etc., and continued: I could not get between the ballot box and the window; if the other side saw anything wrong they should have spoken of it then and there; Mr. Woolley congratulated me on my fairness in conducting the election.

Cross-examined by Mr. Rawlins—Have been bar-keeper at the Crystal Saloon since February: came to this city in December last; have been in several different places in Colorado; was born in Illinois; in Dixon, Ill.; I was known as Dick Murphy; my step-father's name was Murphy; when I used to travel as a foot racer, I assumed different names; could not state the names I have gone under; have gone under the name of Allen about three years; could not state when I took the name of Allen; went by the name of Allen in Leadville; the day before the school election, Mr. McCallum came to me and said Mr. Greenman, one of the "Liberal" election judges, would not be able to attend, and if I could serve he would like it; I consented; I had known McCallum about twelve years; during that time he might have known that I bore different names; he knew I was a foot racer and a bar tender; I went under my own name except at times when I was interested in foot racing; my father's name was Patrick Allen; my mother's name was Murphy before she was married, and her second husband's name was Murphy.

There were election envelopes on the table near the ballot box, supposed to contain tickets of both parties: could not say who placed them there; saw men bring the tickets there; they said the tickets were to be given to voters; Mr. Ball did not object to the tickets being placed there; I handed out a number of tickets to voters; knew "Liberal" from People's tickets because I had been told; the man who left the "Liberal" tickets there told me to give them to voters who might ask for them; the voter was supposed to look at the ticket he was voting; did not handle the "Liberal" tickets except to hand them out to voters; I handed out People's tickets too.

Mr. Rawlins, sarcastically—I have no doubt you did.

Witness—Fred Kessler appointed me election judge; was offered no reward for so acting; met Mr. McCallum in front of the Crystal saloon; I had just taken the ballot box to the Utah Commission; it was on the night of the election; he went in the saloon with me; I had just left the ballot box at the office of the Utah Commission; McCallum was seeing that the ballot boxes were being promptly delivered; did not meet McCallum that night by appointment.

Mr. Rawlins led the witness back to his personal history and he testified he could not tell any of the names he had gone by, and admitted having been arrested in Denver on a charge of fraud connected with an election, but was discharged.

The witness testified positively that he had never taken the regis-