

tion. One set of judges had been appointed by the Utah Commission, and on the morning of August 4, with the registration list and ballot box, they began to conduct the election, as provided by law. At about 11 a.m. commissions for judges of election were received by the registrar, S. L. Gillespie, and shortly afterward the judges acting were confronted by three others, appointed to supersede the former appointees. There was a muddle. The judges who had begun the election insisted on maintaining possession of the registration list and ballot box, so the new judges secured another ballot box, and proceeded without any registration list. There had been quite a number of names stricken off the list, and these were not allowed to vote at one poll, but they did vote at the other. The voters would go to one box, cast their ballots, then go to the other and do likewise. Thus it was that one set of returns showed more votes than the other, with respect to both parties.

Mr. Riter—The minority vote is about the same on both returns.

Mr. Smith—Well, it may be, but the other is not. And both sets of returns show more votes cast than there are names on the registration list.

Chairman Sells—That must be a mistake. We have not the returns of the list at hand, but the vote is less than was the registration last year, and there must surely be more registered voters this year. The total vote here is 269, while last year's registration list shows 273 voters in the precinct.

Mr. Smith—The list this year was reduced by striking off names. With that done there are more votes cast than there are names on the list. There must be a hundred illegal votes, which were cast by those whose names were stricken off by the registrar. I say this board cannot tell which set of returns to accept. They cannot say from their face which is the legal return, and as they have no judicial powers, they must throw out the whole precinct.

Mr. Smith then read a long list of authorities to show that the canvassing board had only ministerial powers; he also argued that it had judicial power sufficient to say that neither of the returns showed on its face that it was the proper one, and therefore that there was no election in Box Elder precinct. He insisted that the whole precinct should be thrown out, and the remainder of the precincts counted without it, and on that result the vote of the county be announced.

Then Mr. Smith closed on that point. Just here it may be suggested that the throwing out of the entire Brigham City vote is wanted in order to change the result in the county; whereas the People have a clear majority when all of the votes are counted. Mr. Smith next stated that his reason for saying that the returns showed more votes cast than there were names on the registry list was that the registrar had stricken off 194 names. Turning

to Col. Robertson he asked: "He did it in your presence, did he not?"

Col. Robertson—No, sir; he had stricken that number of names off, but we instructed him to replace them under our circular of July 21. He said he would, but that they were disqualified and he would strike them off for another cause. I don't know what he did then.

Mr. Riter—He had two striking off pluries did he?

Mr. Smith—He got them off another way.

Mr. Brown—He would get them off anyway.

Mr. Smith—That is the information, which I believe correct, on which I base my statement that there were more votes cast than there are registered voters.

Chairman Sells—But less than there were on the list a year ago; how is that?

Col. Robertson—The Registrar struck off 194 names, and we ordered him to proceed to restate them in harmony with our circular of instructions of July 21. He said he would restore those illegally stricken off. He said that about that number could be legally stricken off, and he would get at it another way. That is how it was.

Chairman Sells—Would you tell us, Col. Robertson, how this came about and how there were two sets of judges?

Col. Robertson—On the Saturday preceding the election we received word that the temporary registrar of Box Elder precinct, Judge Heed—he was not the registrar, and was not appointed by us, but was temporarily acting for the registrar S. L. Gillespie, to hear objections to voters—that he was striking off a large number of names from the registration list without authority of law. Judge Williams and myself were instructed by the Commission to investigate and we went up to Brigham City. We found that Judge Heed had stricken off those names illegally, and he admitted having done so. He promised to replace the names thus taken off, but said some of the men were disqualified and would strike them off for another cause. This matter of challenging we left to the judges of election. We then went to the registrar, Mr. Gillespie, who told us that the judges of election, J. M. Coombs, W. N. Booth, Jr., and J. D. Peters, were all candidates for office. It was contrary to the rule to have men act where they were thus interested, so we told the registrar we would replace them.

Mr. Riter—Was it contrary to law for them to act?

Col. Robertson—Oh, no; there is no statute on the subject, but we thought it not proper. Mr. Gillespie said he would get new judges, so we came to Salt Lake, and sent up the commissions by the 5 p. m. Sunday train. When they got to him I do not know. It appears that on Monday the former judges opened the election with ballot boxes and registration list. Some time later the new judges opened another poll in the same building, without a registration list.

Mr. Riter—Both in the same building?

Col. Robertson—Yes, in different rooms in the court house.

Chairman Sells—Did you fill in the commissions you sent? Were the names on them?

Col. Robertson—No, they were in blank, for the registrar to make the appointments, which I suppose he did.

On motion of Mr. Riter the returns of Box Elder precinct were laid over for the present, and the counting of other precincts of Box Elder County were proceeded with.

The judges of election who were appointed by the registrar, and who conducted the poll last opened, were Brigham Wright, A. H. Snow and L. A. Snow.

The board fixed the canvassing of the returns of Salt Lake County for Tuesday next, and of Weber for the following Thursday.

Aug. 16 the Board of Canvassers was again in session. Box Elder County was laid over for future consideration. Upon further examination it was found unnecessary to send for the ballot boxes from Beaver County. The following counties were completed:

BEAVER COUNTY.

For Selectman—Benjamin Bennett 199; John Robinson 158; scattering 4.

County Clerk—Henry Emerson 286; W. H. Farnsworth 38; scattering 10.

Assessor and Collector—S. N. Slaughter 188; Wm. Lowe 129; F. R. Clayton 43.

County Prosecuting Attorney—O. A. Murdock 189; R. R. Tanner 165; scattering 1.

Coroner—John T. Tyler 210; Joseph Ash 184.

Recorder—C. C. Harris 345; W. H. Farnsworth 9; scattering 2.

Sheriff—Jesse Baldwin 212; Thomas Low 111; Orson Blackner 29; scattering 3.

Surveyor—C. C. Harris 227; Wm. Hurst 132.

Treasurer—C. R. Bird 306; James Low 37; scattering 5.

CACHE COUNTY.

Selectman—Willard D. Cranney 937; James B. Shorten, 76; scattering, 9.

County Clerk—C. D. W. Fullmer 936; Wm. J. Goodwin 87; scattering 16.

Assessor and Collector—A. G. Barber 980; Frederick Larsen, 85.

County Prosecuting Attorney—I. C. Thorsen 946; Wm. H. Snelling 88; scattering, 26.

Coroner—Alexander Lewis 985; E. R. Hanks 81.

Recorder—Wm. G. Farrell 968; T. O. Griffiths 89; scattering 1.

Sheriff—Don Kimball 952; E. N. Rowland 87; scattering 28.

Surveyor—Edward Hanson 976.

Treasurer—G. W. Thatcher, Jr., 976; W. R. Stover 87; scattering 1.

DAVIS COUNTY.

Selectman—E. P. Ellison 461; A. L. Burnham 46; scattering, 2.

Clerk of County Court—James H. Wilcox 430; John B. Meredith 70; scattering 7.