

counties, as many as they had received.

"Where were the returns kept after they had been opened?" was asked by counsel.

Witness replied, in the room where the members of the Commission were at work; they were sorted on a large table in the north west corner of the apartment.

As to whether any precautions were taken in regard to keeping the room locked during this time, Commissioner Sherman replied—There are three doors there, and we were as careful as possible to keep them locked. The question of the security of the papers was talked over, and the Commission, through its chairman, kept the doors locked.

Counsel inquired whether it was a frequent precaution taken by Commissioner Norrell to try from the outside the two doors which were locked with a snap lock inside in order to make sure that they were quite safe.

Witness replied in the affirmative. When Commissioner Sherman again asked when court re-assembled in the afternoon upon the witness-stand. In further answer to Mr. Williams he said his impression was that most of the returns from Sanpete county were delivered to the Secretary. Witness did not know what he did with them, but he presumed they were securely locked up. He also said that the table of figures shown him gave the number of names on the poll list for Mantal as 466; his own memorandum gave the number as 467. He thought that was the only discrepancy.

Mr. Letcher followed Commissioner Sherman on the witness-stand, and in reply to questions put by Attorney P. L. Williams, he stated that the returns from Sanpete were received from Secretary Richards on November 20th. Some of them were in bad condition, the envelopes being torn. All the members of the Commission were present when they were received; George E. Blair and Mr. Parks were the regular clerks of the Commission, but Joseph M. Cohen was employed for some time, his duty being to make out abstracts for the Commission and the canvassing board. The Sanpete returns arrived on the 20th of November, and for two days were kept in the main work room of the Commission. On the 23rd they were placed in the safe of the secretary by Mr. Richards, the secretary's clerk. On December 3rd or 4th they were again returned to the Commission room. Other returns were kept in a closet securely locked. The main room of the Commission was also securely locked at night.

Mr. Williams—Your attention has been called to certain crosses on the poll list from Sanpete, indicating that certain persons had voted, and claimed to have been written in different colored ink? So far as you know, state whether any such marks have been made or the word "voted" written in any of these books or papers since the Commission received them?

"No changes have been made that I know of."

Mr. Zane—The working table in the Commission room, is in the center of the room, isn't it?

"Yes."

"And there were other tables on the room?"

"Yes."

"And Mr. Blair went in there whenever he wanted to?"

"Well, he could go in if he wanted to."

"And you would not have thought anything strange of it?"

"No; but his work was in the front office. He was detailed to the front room at the suggestion of Mr. Sherman."

"And Mr. Sherman also objected to the presence of Joseph M. Cohen in the Commission room?"

"Yes; he didn't want anybody there but the members of the Commission."

"This is the same Cohen that such a row was raised about last fall?"

"He was registrar for Salt Lake county."

Mr. Zane then asked, Who brought the returns up to your office?

Witness—Mr. Blair, Mr. Parke and Mr. Richards.

"And from November 20th to 23rd the Sanpete returns were on a table in the room?"

"Yes."

"Did you see them put in the safe?"

"I saw them after they had been put in."

"During all this time do you know of any one who had a key to the outside office?"

"Well, I generally put the key where the janitor could get it."

"But could anybody could have gone in there?"

"Yes."

"Who first suggested that there were discrepancies in the Sanpete returns?"

"I don't remember."

"Didn't A. E. Hyde say something to you about it?"

"He did say that there were great irregularities in the returns. This was subsequent to his visit Sanpete. Thatcher objected to Tatlock, taking any figures from the returns."

"And at the time he objected didn't you know that he had some other reason for not wanting them to look over the returns except that he was afraid that the figures would be given out?"

"I did not."

"Didn't you know," asked Mr. Zane emphatically, "that the reason Thatcher did not want those figures taken was because he knew the figures as they stood would not be as the figures would be when they came to look at them?"

"No," replied Letcher, angrily; "I did not know that he did anything of the kind."

"You did not?"

"No, I did not," Mr. Letcher answered, and then turning to the court he said: "May I ask, your honor—there are several other attorneys in this case—if it is just as convenient for one of them to conduct this examination. I would prefer to have a gentleman examine me."

Mr. Zane was about to reply, when Judge Powers jumped up and protested in the manner of Mr. Zane's cross-examination.

Judge Barch rapped for order, and suggested that it was time to adjourn.

Judge Powers insisted that the hearing proceed, stating that he desired to introduce the testimony of Mr. Blair, who was resting under serious charges, but Attorney Ogden Hiles said that it would be impossible to conclude with Mr. Letcher, and court adjourned.

Chairman Letcher again took the

stand upon court re-assembling this morning and Attorney John M. Zane resumed his cross-examination of the witness.

"Now on yesterday," said counsel, "at the time of adjournment, I was asking you in regard to the reason why no figures were permitted by Mr. Tatlock or Mr. Sherman to be taken off the lists. Is it not a fact that Mr. Sherman stated that if they did they would keep it a secret and not divulge them?"

Witness—If I recollect, Mr. Sherman's statement was to this effect—that he desired them for his own use.

"And he gave his personal assurance that he would keep them secret, didn't he?"

"Well, I state just that as all I remember about it."

Counsel then proceeded to question the witness in some detail in reference to the recount of the ballots from the various precincts in Sanpete county, with a view of ascertaining the gains or losses of the respective candidates, and in order to learn whether or not any ballot-box "stuffing" had taken place.

George E. Blair, a clerk in the employ of the Utah Commission, testified that the entire record of the Commission had been kept by him; he had also kept the minutes a portion of the time.

"What, if anything," asked Mr. Williams, "have you done in connection with handling or assisting in counting or canvassing the returns from any of the counties and precincts of the Territory at the late election?"

"I helped to sort some of the returns when they first came in. The returns were opened by the Commission and I assisted in the sorting on a portion of the first day."

"Who was present at the time you did that?"

"The entire board."

"Any other clerk?"

"Mr. Parks was in a part of the time, and Mr. Cohen."

Witness also said he assisted for a day or two in counting the poll lists, with Colo. Tatlock.

"Did you ever handle any of the Sanpete returns?"

"I have no remembrance of handling any of them."

"Did you ever go over and personally inspect any of the poll lists or these registration books, or the tally sheets of Sanpete county?"

Witness (emphatically)—No, sir.

"Never at any time?"

"Never at any time."

"When was your attention first called to these cross marks in these books?"

"In court here."

"Did you write the word 'voted' against the name of A. E. Scott in the Mount Pleasant precinct?"

"I did not," answered the witness in a positive manner.

"Did you ever have that book to look it over?"

"No, sir."

"Do you think you ever had it in your possession?"

"Never, except when sorting the returns in the presence of the members of the Commission."

"If the word 'voted' is written there in a handwriting different from the bulk of the writing there or on any of these registry lists, have you any