

The votes cast in poll 3, Bingham precinct, were 39 for Allen, 1 for Ferguson, and one blank ballot. The box of the poll mentioned was opened and the votes found to be as stated.

The examination of the Bingham witnesses was then resumed.

Mr. Reaver, one of the judges of election of poll number three testified: I recognize the register and poll lists by my signature on the back.

Mr. Brown—Who marked the word "voted" opposite the name of those who voted?

Witness—Mr. Scott, one of the judges of election.

Mr. Brown—Are you acquainted with A. Holbrook, of Bingham?

Witness—Have known him slightly for three or four years.

Mr. Brown—Who voted in the name of Mr. Holbrook?

Witness—A stranger. I believe he is a prospector by profession.

Mr. Brown—Why did you allow him to vote when he was not the man whose name was on the list?

Witness—He represented himself as Mr. Holbrook, and I had no right to contradict him.

Mr. Brown—So you let him vote, did you?

Witness—Yes, sir.

Mr. Brown—Did a man by the name of R. Hunter vote at the polls of the precinct where you were judge, on the fourth of August?

Witness—He did.

Mr. Brown—You are acquainted with him, are you not?

Witness—Slightly.

Mr. Brown—Well, who was the man who personated the name of Mr. Hunter?

Witness—A stranger personally to me.

Mr. Brown—Are you acquainted with W. C. Allen, of Bingham?

Witness—I know a little of him.

Mr. Brown—Who voted his name?

Witness—A stranger personally to me?

Mr. Brown—And you didn't object?

Witness—No, sir.

Mr. Brown—Why didn't you?

Witness—Because he said his name was Allen.

Mr. Brown—Do you know a man named H. D. Jones, of Bingham, whose name is the eighth one on the registration list?

Witness—I used to.

Mr. Brown—Who voted for him?

Witness (sarcastically)—Why, H. D. Jones.

Mr. Brown—Was it the H. D. Jones that you used to know?

Witness—No, sir.

Mr. Brown—Who was it then?

Witness—A stranger personally to me.

Mr. Brown—You are also acquainted with a John O. Jones of Bingham are you not?

Witness—I was, a little.

Mr. Brown—Who voted his name?

Witness, confusedly—Why, John O. Jones.

Mr. Brown—Are you sure that this was the real John O. Jones, did you know him?

Witness—No sir, he was a stran-

ger personally to me. I used to know him a long time ago but did not know him then.

Mr. Brown—Did you know Wm. Pierce?

Witness—No, sir.

Mr. Brown—Who voted his name?

Witness—W. E. Long, a stranger personally to me.

Mr. Brown—I see that W. E. Long seventeenth on the voting list voted. Do you know him?

Witness—No, sir.

Mr. Brown—Don't you know that Mr. Long is a druggist and has lived in this city for a year past, but went to Bingham to vote at the election in question?

Witness—No, sir.

Mr. Brown—Who voted Mr. Long's name?

Witness—A stranger to me personally.

Mr. Brown—Is it not a fact, Mr. Beaver, that this man whom you persist in calling a stranger to you personally cast all of the thirteen votes that we intend to prove to be illegal?

Witness—No, sir.

D. McCarty, Charles Burnett, Jos. Fryer, Pat Messay, R. P. Dayton, and a number of other names, thirteen in all, were read to him by Mr. Brown, some of which were familiar to the witness and others not.

Mr. Brown—Were you not paid \$28 on or about election day or two dollars for each illegal vote?

Witness—No, sir, I only received half of that, and it was for canvassing.

Horace D. Jones testified—I was absent from Bingham for three years prior to August 4th of this year. Never knew a man by the same name. Had there been one I should have known it.

Joseph Fryer testified—He had lived in Bingham, but had not done so for five months prior to the election of last August. He was in Eureka on election day and did not return to Bingham until after election. Did not know any person of the same name.

Pat. Pheland, a merchant, testified:—Live in Bingham; have done so for several years. I know W. C. Hall, W. J. Nolan, John O. Jones, H. D. Jones, W. E. Long, F. D. Jerome, Chas. Burnett, Jos. Fryer, Pat. Merick, R. P. Dayton and R. P. Norton. They are miners; do not think any of them had lived in Bingham for some time previous to August 4th, and do not think they were there on that date. They had previously lived in Bingham, but had moved away.

A. Holbrook testified—I was absent from Bingham for seven years prior to August 4 of the present year.

W. J. Nolan testified that six years ago he lived in Bingham; was a registered voter at that time, but not since. Did not know anyone at Bingham by the same name.

Barney Quinn testified—I have lived in Bingham for several years; was Postmaster at that place for four years. I do not think Chas. Burnett, R. Hunter, N. C. Allen, W. J. Nolan, or in fact any of the 13, were there on August 4th. I think I should have known it had they been there. Had a talk with

Mr. Beaver the Saturday before election, and told him he had better be careful not to transgress the election laws of the Territory or he might get into the penitentiary.

Mr. Brown—What led to this conversation?

Judge Loofborough—We object. The Court—He may answer.

Witness—Well, he had been taking whisky, tobacco and cigars to the boys at the Brooklyn mine.

At two o'clock Nov. 6th the taking of testimony was resumed and Mr. W. W. Goorich, who acted as one of the judges with Mr. Beaver, testified as to unknown parties voting the names of the men heretofore mentioned.

The testimony of the two judges was fearfully and wonderfully damaging to themselves.

One by one the men who had had been personated were put on the witness stand and testified that they were absent from Bingham on the fourth of August last. This testimony confirmed what had been said on the witness-stand by Barney Irwin, who had been postmaster at Bingham, and Pat Pheland, who is now a merchant at that place.

Albert Fryer, who had been personated, testified: I was not in Bingham in August last; at that time I resided in Alta and voted there.

W. C. Borlund, whose vote had been counted in Bingham, said: I have been in the employ of the Rio Grande Western for two years and was not out of this city during the summer months.

Mr. Beaver, the election judge of poll number three, was recalled, but failed to respond. It was discovered that he had suddenly left the court room. Search was instituted but he could not be found about the building. The fact that he had so unceremoniously vanished excited suspicion, and a deputy marshal was dispatched to hunt for him. The officer had been absent about an hour when he returned with the witness, having accidentally met the latter on the street. When questioned by the court as to why he had left without permission, witness replied that he did not know it was necessary for him to remain after having been excused from the witness-stand.

The Court—Are you not aware, Mr. Beaver, that when your fees were paid you, that your services were due the court for that amount?

Witness—I thought you were done with me.

The Court (reprovingly)—You are required to be in attendance until you are notified that you are discharged. Where were you and what did you intend doing?

Witness—I was going to a funeral and was not a block away any of the time.

The Court—What you say may be true, but in my opinion you should be fined. (Addressing counsel for complainant.) What is the customary fine under such circumstances?

Mr. Brown—Usually the witness' fees are forfeited, or witness is com-