

know that Allen interfered with any ballot, because I did not wait to see.

The following persons testified briefly that they voted for Young and Pyper at the election in question: G. F. B. Wells, Thos. W. Sloan, T. G. Webber, James Sharp, M. A. Roundy, John Sheriff, Heber J. Romney, Thomas Webb, H. M. Wells, Charles J. Ross, J. D. Spencer, G. E. Romney, Rulon S. Wells, Joseph Openshaw, Joseph W. Maynes, P. T. Nystrom, James Saville, W. S. Romney, Heber Young, F. W. Simmons, D. W. Owen, James Squires, W. S. Owen, Joseph S. Williams, Thomas McIntyre, Thomas F. Manning, J. S. Wells, Frank D. Taylor, T. N. Olsen, George D. Pyper, David Nielson, Joseph M. Romney, Robert B. Williams, Nephi Y. Scofield, John D. Owen, Louis R. Wells, Alexander Pringle, Henry Puzey, Walter W. Williams, Wm. M. Ottlinger, Wm. M. McCullough, Ira Sainsbury, Thomas Raddon, John Nicholson, jr., William G. Patrick, Thomas Muir, jr., Ortherus P. Pratt, Albert L. Paul, William D. Owen, Charles J. Reynolds, John McCullough.

Mr. Moyle said that although a great number of witnesses had been examined there were quite a number who had been served, but were not present. A few were out of town and two of them were sick. He would therefore ask to have a continuance. The examination was then continued until Friday, Aug. 29th, at 2 p. m.

The examination of W. J. Allen, who is charged with stuffing the ballot box with "Liberal" votes at the school election held in the Fourth precinct on July 14, was resumed before Commissioner Greenman, Friday, August 29. As before, J. H. Moyle, assisted by Mr. Easton, conducted the prosecution, while Colonel Ferguson, assisted by Allen's brother, defended.

Fred. Kesler was called and testified that he was the registration officer for the Fourth precinct, and after the school election in question he took charge of the registration list; he had kept it ever since. Mr. Kesler failed to explain how it was that he took possession of the list in violation of the order of the Utah commission. He had the missing list with him and produced it.

H. F. Ball, the "Liberal" judge of election who served with the defendant at the school election, testified he saw nothing suspicious in Allen's conduct at the election. Allen might have flim-flammed without him noticing it.

A. J. Taysum, Sr., testified that at the election in question he voted for R. W. Young and George D. Pyper. When he handed his ticket to Allen, he crumpled it up in his hand with the intention, the witness believed, of finding out whether it was a "Liberal" or People's ballot.

Joseph W. Rands testified that he voted at the election in question but he refused to state whom he voted for.

George White testified that he voted at the school election, but the

window was so high that he couldn't see whether his ballot was deposited or not.

Josiah Saville, William Timms, Henry Robinson, Thos. Mulholland and James McHenry testified that they voted for the People's candidates, but were unable to see the ballot box.

M. S. Woolley testified—I acted as one of the judges of election at the same poll with the defendant. When he came in the morning, Allen arranged to have the voting done through a window. I opposed, but he carried his point. Before the polls were opened, Mr. Ball folded a lot of Liberal ballots and placed them in envelopes. These ballots were placed on the table by the ballot boxes, and during the day I observed that he frequently handled these tickets. Whenever he went out for a moment he placed a book over the ballot box, and no tickets were placed in the box except by him. I was notified in the morning to look out for crooked work, but my time was so taken up that I could not watch Allen much of the time.

Secretary Sells was called and produced the tally sheet for poll 2 of the fourth precinct for the school election in question. It showed the vote was as follows: Williams, 150; Young, 128.

The following persons all testified that at the election in question they voted for Young and Pyper: W. F. Ne-len, John H. Sanger, John Sharp, jr., T. R. D. Watson, F. O. Webb, Joseph V. Smith, G. H. Snell, Evan Morgan, C. A. F. Orrob, B. S. Wilson, T. F. Thomas, jr., W. and J. Tuddenham, J. F. Smith, E. H. Pierce, W. J. Miles, J. M. Scott, W. A. Rogers, James M. Michelson, Thos. Moss, Wm. Sansom, J. P. Olson, A. J. Oliver, W. R. Pickering, John Starley, John Shephard, William Steers, Thomas Thomas, Robert Rockett, W. C. Squires, George Openshaw, Jr., J. G. Westwood, S. L. Mulhollen, John Mayberry, W. S. Neslen, B. W. Sainsbury, F. R. Snow, F. H. Woodmansee, H. C. Wallace, George White, A. R. Wright, James W. Wright, Alex. Winward, Robert Patrick, A. Pratt, C. L. Rogers, W. O. Ridges, S. P. Tensdel, J. J. Toronto, Peter M. Robinson, John Openshaw, H. T. McEwan, J. Olorenshaw.

One witness, named Thornburg, testified that he was not a "Mormon," but had voted the People's ticket; he handed his ballot to Allen, who took it in his left hand, while holding another ballot in his right hand; witness turned his eyes in another direction for an instant, and then saw Allen deposit in the box the ballot he had in his right hand. Witness afterwards went to O. W. Powers and R. D. Winters and told them that his ballot was not put in the box.

Mr. Moyle stated that several witnesses who had been subpoenaed had failed to appear, and he therefore asked that the examination be continued until Aug. 30 at 10 o'clock, and that attachments be issued for the witnesses. The request was granted and the court then adjourned.

At about half-past ten Saturday, August 30th, the case was resumed. The prosecution placed a number of witnesses on the stand who testified that they voted the People's ticket. The cross-examination was confined to asking each witness if he examined his ballot before voting.

It was proven that there were 282 ballots in the box, and only 279 names on the poll list. One name on the latter, that of George Openshaw, was marked "voted," whereas he did not vote. Thus there were four more ballots in the ballot box than the poll list showed had been cast.

The prosecution rested, and Mr. Ferguson filed a motion to dismiss the complaint on the ground that the prosecution had failed to make out a case. The motion was argued at considerable length, Mr. Moyle making an excellent speech in opposition to it. It was overruled, and the introduction of evidence for the defense was begun.

H. S. McCallum was the first witness. He testified to having visited the poll at which the defendant officiated as an election judge; that there were six or seven People's Party voters in the room where the election judges and challengers were; that they stood around the table upon which was the ballot box, and were there in violation of the rule established by the Utah Commission.

The witness described in detail the interior of the room, etc., but no fact of any importance bearing on the case was elicited on the direct examination.

Cross-examined:

I knew Allen in Leadville. He was a policeman there several years; he was not prosecuted in Leadville or Denver, to my knowledge, for any election fraud; he has been in this city about a year; has been tending bar; don't know of his having engaged in dealing cards. In three precincts piles of ballots lay on the table beside the ballot box; the election judges would hand out ballots to voters.

Prior to the day of election a "Liberal" ticket was sent to each People's Party voter, but no "Liberal" tickets were sent to "Liberal" voters until the day of election.

At the close of McCallum's testimony, at the request of Mr. Ferguson, the case was continued until 2 p. m. Tuesday, September 2nd.

Arrangements have just been completed which will result in the publication of a journal in Cheyenne devoted to the labor interests of the west. The new venture in journalism will be called the *Labor Review* and will be issued weekly or at more frequent intervals, and it is understood will be edited and managed by A. R. Johnson, a pioneer in the newspaper business of Wyoming, and a man who is well equipped for the kind of work he is undertaking. The newspaper ought to be, and we believe it will be, a success.—*Commonwealth*.