

did change tickets and the People's Party men knew he was going to do it and he was too slick for them to catch him, he ought to get off. [Laughter.]

H. S. Kriegbaum—I was in the employ of the Liberal county committee in July last, and on the day of election was chief clerk at the Fourth precinct. I was at the Second poll frequently and did not see Allen substitute any ballots or do anything wrong. After the election, when Winters turned his blank books over to me, he said he had done the last work he intended to do for the d—d party.

Frank Griswold stated: I was acting as checker and challenger for the Liberal party at the Fourth precinct in July last. I watched the voters carefully and challenged from six to ten persons. I saw Allen all the time, but didn't see him change any ballots or do anything out of the way. After the polls closed, Mr. Winters came to me and said that if any of the tickets had been changed the People's party tickets would be on the floor, and he suggested that we gather them up and put them out of the way. He picked them up and went over them and examined them. I followed him, and saw that the tickets he had gathered up were Liberal ballots.

Fred Kesler was called, and Mr. Dickson's first question was: "In July last did you hold any office in the Liberal organization?"

Witness—Yes, sir.

Mr. Dickson—What was it?

Witness—Registration officer for the Fourth precinct.

This question and answer brought forth a roar of laughter. Mr. Dickson joined in the general laugh at his own expense.

Continuing, the witness testified that he was at the polling places all day and saw nothing wrong in Allen's conduct.

Officer Curran said he was on duty all day at the Fourth precinct during the election in question and heard no complaint of any kind in regard to Allen.

Jacob Greenwald and A. H. Parsons both testified that they had frequently acted as judges of election, and it was customary to have ballots with them at the polling places.

HERE COMES ALLEN.

W. J. Allen, the defendant, was next called and said—I was presiding judge of election at the Fourth precinct in July last. There were a number of ballots of both parties on the table where the ballot box was. I did not change any ballot that day, nor did I put into the box any ballot not presented by a voter, nor did I fail to put into the box any ballot of a legal voter. When the polls closed that evening Mr. Winters suggested to me that it might be well to pick up certain ballots which were scattered on the floor. I told him I knew nothing about them and didn't propose to pick them up. I never had any of the conversations with Mr. Winters testified to by him here. On the night of the Liberal convention Mr. Winters came down to the saloon where I was tending bar and stated that he had been defeated for the nomination of county attorney, and he proposed to get even with the Liberal party. In other conversations he gave the Liber-

al party a pretty hard name. Mr. McCallum never suggested to me that I should change any votes at all. I saw Mr. Winters and Mr. Young at the polls the day of the election. I had no interest at all in the election, and had no hope of reward for my services except that allowed by law.

To Mr. Critchlow—I am sure Mr. Winters used to come to the Crystal quite often. He was always taking a drink and generally took a whisky straight with me. I came here from Denver, bringing my family with me. I have been a foot racer, and have gone under different names. In Illinois I went under the name of Dick Murphy. At different places in Colorado I went under the names of Lincoln and Williams. I have not ran in a foot race since 1877. That was in a national contest of teams at Leadville. I was a member of the Bates team at Denver. I was a policeman in Denver and also at Leadville.

C. M. Jackson, a *Tribune* reporter, was called as an authority in regard to prize fighting and kindred sports. He said it was quite a common thing for professional athletes to go under a name other than their own.

Judge McDowall—I formerly resided at Leadville, and was police justice and city attorney there. I knew Allen there. His reputation for honesty was good; that is, I never heard it questioned.

Mr. McCallum testified to the same effect.

Court then adjourned till 10.

At the time court opened on April 8th Judge Anderson had in his hand a copy of the *Salt Lake Herald*, which he was scanning curiously. Presently turning toward the jury-box his Honor asked of the jurors—Before we proceed with this case I want to enquire whether any of you gentlemen have read the report of this trial contained in this morning's *Herald*?

All answered in the negative.

Judge Anderson—It seems that none of you have. It is a question to my mind, if you had, what action should be taken. This is a very improper thing for a newspaper to do, to publish such an account as has been done in this case. What they have to say should be said when the trial is over, not when it is pending.

It is understood that the Judge's reference was to the heading of the report and not to the report itself.

Further evidence was called by the defense.

Warner A. Root, now of Omaha, who described himself as "an all round newspaper man," said he first became acquainted with defendant in Leadville in 1879. He never heard his honesty questioned by any one.

To Mr. Stephens: Allen was a member of the police force in Leadville. At that time witness was local editor of a Leadville newspaper. He was in Salt Lake now on a prospecting tour.

Joseph Jenkins, a reporter on the *Times* staff, said he formerly resided in Leadville and was there well acquainted with Allen. Against his general reputation he had never heard a word.

Mr. Dickson said that Mr. Ball, who was called as a witness yesterday afternoon, desired to make a correction in

the testimony which he then gave, having misunderstood a question put to him. Mr. Ball desired to be recalled now.

The witness accordingly took the stand and Mr. Dickson said: In cross-examination yesterday you were asked, "At the time you were informed by Mr. Richard W. Young that Allen had forfeited his bond, did you not remark to Mr. Young that you did not see the defendant change any ballots, but that you suspected something of the kind was being done. You answered "Yes." Now make any explanation you desire.

Witness—If I said "yes" I said what was wrong, because I did not see him change any ballots, nor did I know anything about it. I had no suspicion on the election day that he was doing anything that was not right.

Mr. Stephens—What made you answer yesterday, then, as you did?

Witness—I thought the question referred to the talk I had after the election. I then said it looked kind of suspicious from the talk.

Mr. Stephens—You mean to state that you did not have any intimation or idea that anything wrong was going on on election day?

Witness—Yes.

Mr. Kreigbaum, recalled by the prosecution, said that some of the blank books were turned over to him by Mr. Winters in his office and some at headquarters.

The defense rested, and Mr. Critchlow re-called Mr. R. D. Winters. He said he "officed" with Attorney Brown for about two years. It was there the blank books were turned over to Kriegbaum.

Cross-examined by Mr. Dickson—He did not anticipate defeat at the hands of the convention delegates.

Judge Powers asked permission to call John Henry Smith. He is a miner and testified to seeing Mr. Winters and Allen in the Crystal saloon, taking "two or three drinks" together one evening last summer, after the election. He did not hear their conversation, however.

To Mr. Critchlow—On another occasion there he heard them talking about an election.

Mrs. Ida Winters, wife of Attorney R. B. Winters, was called, but her evidence in chief was unimportant.

To Mr. Critchlow she said she had never known her husband take whisky except for a cold. She had never detected the odor of whisky when he returned home at night.

Mr. Critchlow—If he had been drinking whisky do you think you would have detected the odor?

Mr. Dickson—It is impossible for her to answer that. There are so many ways known to the whisky drinker of disguising the odor. (Laughter.)

During the months of July or August last year, she said, she had no reason to suspect her husband had so indulged.

Mr. Stephens, in addressing the jury for the prosecution, said he need not say that this was an important case. To his mind it was more important than a case of homicide, inasmuch as the people of the United States looked upon the purity of the ballot box with greatest reverence. The only protection they could possibly have for their life; liberty and happiness was that afford-