

# THE EVENING NEWS.

Wednesday, June 15, 1850.

## CONTESTED ELECTION.

TERITORY OF UTAH.  
Geo. R. Maxwell vs. G. Cannon.  
Appointed by Hon. E. F. Paine.  
Council for Mr. Maxwell.

(Before the Committee on Elections of the House of Representatives of the United States, Washington, D. C., 1851.)

(CONTINUED.)

My friend, the counsel who has addressed you on behalf of the contestants, tells you that we are anxious to have the finding of the committee, and he thinks that the impeachment and destruction of the vote of these pretenders have deprived the sitting member of his entire vote in the Territory, because there is no record of his having voted at all, or of his being present at those polls, and therefore, when they are rejected, you will be unable to ascertain the precise number of votes remaining for each one of the aggregate stated in the Government certificate. But in the mean time, instead of voting, he denied that any bills had been impeached or destroyed. And, in the next place, it is enough to know that Mr. Cannon has a majority of many thousands, without absolute precision in the columns of tens and hundreds, and if the count were to be exact, it would be destroyed, and rolls out of 20,000, that would eliminate his majority of more than 20,000, without something further from him. For it is not only probable, but absolutely certain that 20,000 votes were not cast in the aggregate, and that the remaining members alone, or for both claimants together. The contestants cannot, therefore, by the mere exclusion of these rolls, shift the burden of proof, and compel us to show that their rejection of the certificate of Mr. Cannon's majority of 20,000 votes does not himself amount affirmatively that it did so destroy it. The chairman of the Committee of Elections would be very unfortunate if, after having received a majority of more than 20,000 votes, his competitor could, by impeaching four rolls, compel him to prove the votes of all the other pretenders in his district or less, least. Of course, if this exclusion of votes should be carried far enough, it would reach a point where the burden of proof would be shifted. But the usual and natural mode of approach to this point is this:

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