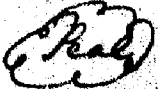
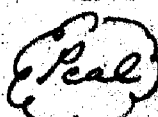


Cuthbert Hall two other of the Candidates at the said Election who were from the commencement thereof and during its continuance and so far as appears to us duly qualified and therefore we certify that the said Thomas Jones & Cuthbert Hall had at the said Election a majority of - Ballots. We therefore as Judges of the said Election for Sheriffs do declare the said Thomas Jones and Cuthbert Hall to be duly elected to the office of Sheriff for Kent County and do accordingly so return them. Witness our Hands and seals this fifteenth Day of November Seventeen Hundred and Ninety four.

Signed.

Mar Tilden 

John Bordley 

The opinion of William Hilly Esquire on the said return was given immediately as follows.

On the Return of the Election for a Sheriff of Kent County made by John Bordley and Marmaduke Tilden to the Executive, and objected to on the part of Benjamin Hatcheson I give my opinion as follows.

As the Question appears to involve a number of points I shall examine in their order the different Modes of procedure which the Board might adopt.

1<sup>st</sup> To receive the return and direct a Commission accordingly. and the Consideration of this mode will bring in Question the General powers of the Executive to interfere.

2<sup>nd</sup> To send it back to the Justices for Amendment.

3<sup>rd</sup> To Commission M. Hatcheson who is named in it.

4<sup>th</sup> To set aside the return, as being (on the face of it) contrary to the Constitution and to order a new Election.

5<sup>th</sup> To set the return aside on account of the omission of any material part of the declaration required and for want of a more complete Certificate of all the Judges as to the 1<sup>st</sup> Point. I am decidedly against receiving the return and directing a Commission to M. Jones.

As a ground for my opinion I will first consider the extent of the Council's Authority. I admit it to be true as a general principle, that the Constitution is superior to any law; and that a law enacted contrary to it is void.

But it is not so as to laws explanatory and not expressly contrary to it: as omissions in it may properly be supplied by laws in pursuance of its intent.

A number of instances might be produced to this effect. of this kind, are the law respecting the Commissions and the oaths of officers as