

I think therefore the return may be set aside on those last mentioned Grounds. I have not noticed that part of the return which states the amount of the Ballots taken for Mr. Hatchison before he became qualified, because I thought it a circumstance by no means material. But it appears to me to be a fact which the Judges could not well have a positive knowledge of. Convinced as I am in my own mind of the propriety of the opinion which I have formed, I shall however not be surpris'd if there is a diversity of sentiment on it. We have heard already some Counsel on each side and others have given their opinions. But tho' I have a sufficient respect for the Arguments and Opinions of Gentlemen of Eminence in the Law, I cannot be implicitly led or easily convinced by them.

It may be proper on this occasion to consider the alternative to result from the decision of the Board.

In receiving the return we discard the Choice of the people on a ground that does not go to the substantial Justice of the Case or the interest of the State and we cut off every pretension of the Man whom his fellow Citizens approved. In rejecting it we place the parties where they were. We return to the people their privilege of choosing a Sheriff, and we leave to the two Candidates a fair and equal Choice of being Elected to the office. on the whole I am for setting aside the Election as returned and issuing Writs for a new one. —  
William Pitt

Henry Bridgely, James Bruce and John Davidson, Esquires, delivered their opinions verbally in succession on the said Return and concurred in advising the Governor to issue a Commission to Thomas Jones as Sheriff of Kent County, giving notice at the same time of their intention to enter their opinions and Reasons at Large on the Minutes; which said opinions and Reasons being afterwards prepared in writing are as follow: to wit.

Upon the coming in of the Return of the Election of Sheriffs for Kent County, Mr. Jones being declared by it to be duly elected demands his Commission.

On the other hand Mr. Hatchison, who appears by the Return to have had the greatest number of Ballots, but is not declared by it to be duly elected, also demands a Commission. — and, if he should be overruled