

objects to the Return as illegal, and requires a new election under the Act of February Session 1777. c. 19.

That Mr. Hatchison cannot be commissioned upon the Return as it now stands is too plain for argument - He is not returned "duly elected," without which, no Sheriff's Commission can ever issue - The Board have in a variety of Instances sent back Returns of Sheriff's Elections for want of these indispensable Expressions, and have repeatedly determined that they could not act upon them, and if a commission could not issue to a Candidate upon a Return in which he was evidently intended to be returned Sheriff elect, altho' the formal mode prescribed by the Constitution was not pursued, it is clear that a commission cannot issue to a Candidate upon a Return in which he is not only not declared to be duly elected, but others are declared to be duly elected to his Exclusion.

It is only material to enquire, then, - Whether a Commission ought to issue to Mr. Jones, and, if not, what is to be done with the Election and Return.

The Right of Mr. Jones to a Commission upon this Return is objected to on Grounds apparent (as it is said) upon the Face of it; and it seems to be admitted on all hands, that nothing extraneous to the Return can now be taken into Consideration.

The objections if we have understood them are

1. That he is not stated to have had a Majority of legal Ballots, altho' he is stated to have had a Majority of Ballots, and is declared and returned to be duly elected to the office of Sheriff for Kent County.
2. That it appears upon the Return that the Magistrates have acted improperly in returning Jones and Hall as duly elected; because sufficient facts are stated to prove that Hatchison and Jones ought to have been returned, and not Jones and Hall.
3. That, altho' it be admitted that sufficient does not appear on the Return, to prove that Hatchison and Jones should have been declared and returned - Yet that as Hatchison had a Majority of