

Ballots, tho received by him in a state of Disqualification, the other two Candidates Jones and Hall are illegally returned. because they had not a Majority of Ballots with a View to Hatchison; or in other words - that, altho the Ballots given to Hatchison cannot entitle him to be returned and commissioned, they are competent to prevent any other Person from being returned and commissioned and to procure a new election.

4. That Mr Thomas who attended during part of this Election, as a Judge, has not joined in the Return; or given any Certificate, relative to what was done during his attendance.

These are the several objections of Counsel methodized. of all these objections the first and last only are in our opinion proper for the Cognizance of the Board, but we think it will notwithstanding be proper to give them all a Distinct Consideration.

The first objection goes merely to the form of the Return, and, if valid, would prove no more than that it wants amendment.

That an incomplete Return cannot be amended is a position that never can be maintained. - It is every Days Practice to amend them when defective in Form or Substance; and, if it was not, the consequence would be, that at this moment there would scarcely be a Sheriff in Maryland; for nine Returns out of ten that are brought here, are in the first Instance too lame and inartificial to be acted upon.

It is said indeed that the Magistrates having once made a Return have parted from all their authority, and cannot afterwards do any further act in Execution of it. - This is perfectly true in every case where such a Return has been made as the Constitution prescribes, because there the authority has been fully executed, and is of course extinct. -

But untill such a Return is made, the authority is not fully executed and so far as it remains unexecuted, it is in existence and unimpaired.

A Sheriff in a Court of Law may amend his Return where defective if he comes in time to do so. - In short the Constitution requires the Magistrates to return particular Facts as preliminary to a Commission, untill they do return these facts or shew why they cannot.