

to it. is a Return of both facts. There is no need to resort to Presumption or Inference in such a case. because the thing is as positively stated as if it was alledged *tolidem Verbis*, and nothing can defeat such an allegation but a Contradiction of the involved Facts in some other part of the Return - which on this occasion does not appear. - and even if it did appear it would only prove the Magistrates to be mistaken in their Conclusion or corrupt and dishonest. - and it would still bring us to the Question whether we have Authority to rectify or set aside their Judgment - a Question which we shall hereafter fully examine. We hold therefore that the first Objection of Hatchison's Counsel is untenable.

III. The second Objection branches itself into two Heads of Enquiry -

1. Whether it appears on the face of the Return that Jones and Hall were improperly returned or that Hatchison and Jones ought to have been returned duly elected? - and 2. Whether if these do appear we have authority to correct, set aside, or otherwise controul, the Return - or whether we must not still commission according to it. - We shall not go into the Consideration of the first Question, because we do not think it in any manner important to the ultimate Judgment of the Board on the whole Return.

It may possibly be true that Jones and Hall were improperly returned. but we give no Opinion on the point.

It is sufficient for us that they are returned duly elected. and, altho other Facts may be stated in the Return to induce an Opinion that the Judges were mistaken, yet, until it is shewn that we have a Right to revise and correct their Judgment, these repugnant Facts are not proper for our Consideration and of course can have no Influence.

It is immaterial where we find the Circumstances which go to prove a Decision to be erroneous if we have no Controul over that Decision.

2. The 2^d Question is more intimately connected with the Case than the first. and we shall consequently give it a full Description. -