

Ordered, that the Treasurer of the Western shall pay to Sergeant William C. Medham, the sum of thirty three pounds fifteen shillings, for eighteen months half pay, due the first instant.

Ordered by the Governor, that the said Treasurer pay to Captain Richard Dowsy, the sum of twenty eight pounds two shillings and six pence, for one quarters half pay, due as above.

Edward Nichols proved three days attendance. William D. Beall, Thomas Harwood of Benjamin, John B. Smith, Nicholas Young, Nathaniel Newton, Joseph M. Brink, Humphrey Pitt, Thomas Jenkins proved five days attendance each on the part of the Sheriff elect.

Saturday November the 5. 1797

The Council met. Present His Excellency the Governor and all the Members.

It was determined that the Petition of Joseph Boone be dismissed and the Return received.

The Governor having required the advice of the Council in writing on the Petition of Joseph Boone against the election of Botley Maddox for the Office of Sheriff for the County of George and that the said advice should be signed by the Members respectively

We the undersigned Members give our advice as follows

That the Force and Violence proved is not sufficient to vitiate the Election. Although it was fully proved that a Clerk to take the Ballots was not appointed till the afternoon of the first day. Yet as he was then appointed, and the Justices had applied in vain for several persons before, as the Ballots that were taken before his appointment were sufficiently separated and accounted for, to show that such Ballots, admitting them to be illegally taken, had no influence in the final count of the Election. We are each against setting aside the Election or considering it void on that account. without considering at this time how far the Execution's power extends as to the conduct of the Judges and whether it is essentially necessary that a Clerk should be appointed.

As to the third point. It was fully proved that a number of Ballots for about three Hours were taken by M<sup>r</sup>. Hepburn alone after M<sup>r</sup>. Brooks had refused to attend on the evening of the first day. On this we are each of opinion and so advise. that the Ballots so taken were not legal inasmuch as the Election was not in fact open having been legally adjourned till Tuesday. That Joseph Boone, the Petitioner and the late Sheriff acted illegally in opening the Polls. But that the illegal conduct of the Sheriff and one of the Judges at his solicitation cannot render the whole Election void or have any effect upon it when legally held. - and as in the case of the Clerk, the Ballots so taken could not have influenced the count of the Election so as to have made it different from what it would have been from the manner in which they were separated and