Attorneys aforesaid declared against the said Marmaduke Tilden and John Bordly in the plea aforesaid in manner and form as follows to Wit.

The Eastern shore of Maryland Kent County to wit. — Marmaduke Tilden and John Bordly late of Kent County Planters were Attached to answer unto Benjamin Hatchison of a plea of trespass on the case and so forth. And whereupon the said Benjamin Hatchison by Robert Wright his Attorney complains that whereas by the Constitution and Form of Government of the state of Maryland among other things it is provided and established, that sheriffs shall be elected in each County by Ballot every third Year that is to say two persons for the office of sheriff for each County the one of whom having the Majority of Votes, or if both have an equal number either of them at the Discretion of the Governor, to be commissioned by the Governor for the said Office and further that the Election be held at the same Time and place appointed for the Election of Delegates, and that the Justices then summoned to attend for the preservation of the Peace shall be Judges of the Election of sheriffs and of the Qualification of Candidates who shall appoint a Clerk to take the Ballot, and that all Freemen above the Age of twenty one years and having a freehold of fifty Acres of Land in the County in which they offer to Ballot and residing therein; and all freemen above the Age of twenty one years and having property in the state above the Value of thirty pounds Current Money and having resided in the County in which they offer to ballot one whole Year next preceding the Election shall have a right of suffrage that no person shall be eligible to the office of sheriff for a County but an Inhabitant of said County above the Age of twenty one Years and having real and personal property in the State above the Value of one thousand pounds Current Money, that the Justice aforesaid shall examine the Ballot and the two Candidates properly qualified having in each County the majority of legal Ballots shall be declared duly elected for the Office of sheriff for such County by the said Judges and by them returned to the Governor and Council with a Certificate of the Number of Ballots for each of them agreeably to the Constitution and Form of Government in such Case made and provided and the said Benjamin further declares, that on the first Monday of October seventeen hundred and Ninety four to wit, on the sixth Day of October seventeen hundred and Ninety four an Election for Delegates and Sheriff for Kent County aforesaid was held at Chester Town in said County and was continued by Adjournment from Day to Day until Thursday following inclusive, that previous to the Commencement of the said sheriff Election which was begun and held at the same Time and place with the Election of Delegates for the said County John Bordly Esquire and William Thomas Esquire were duly summoned as the Constitution prescribes by Phillip Reed Esquire Sheriff of said County as Justice for the

preservation of the said peace at the said Election of Delegates and that in Virtue of and in conformity with the said summons they attended at the place of said Election to wit at the Court house in the said County and after having qualified as the Form of government requires proceeded to hold the said Election for sheriff and did accordingly hold the same until Evening of the third day of the said Election after which the said William Thomas Esquire did not Attend that on the Morning of the fourth Day of said Election the aforesaid Marmaduke Tilden Esquire was summonsed to attend by Phillip Reed Esquire instead of the said William Thomas Esquire that the afs. Marmaduke Tilden Esquire after taking the Oaths prescribed by the Form of Government proceeded with the said John Bordly Esquire to hold the said Election for sheriff and did accordingly hold the same as Judges thereof that on the final counting of the Ballots given at the said Election by the said Marmaduke Tilden and John Bordly the Judges afs. of the sheriffs Election afs. the said Benjamin Hatchison had four hundred and fifty three legal Ballots a certain Thomas Jones four hundred and forty three legal Ballots and no More and a Certain Cuthbert Hall two hundred and twenty six legal Ballots and no More whereby it appeared that the said Benjamin Hatchison had a Majority of legal Ballots and the said Benjamin declares that he was an Inhabitant of the said County was above the age of twenty one years and had real and personal property in the said State above the Value of one thousand pounds current money and was then and there in all Respects qualified as a Sheriff agreably to the Constitution and Form of Government in that Case made and required of all which the said Tilden and Bordly the Judges aforesaid then and there had Notice, to wit, at Kent County aforesaid on their Examination of the Qualifications of the said Candidates: By Reason whereof and by Virtue of the Constitution and form of Government afs. he the said Benjamin Hatchison became entitled to have been declared duly Elected for the office of Sheriff of Kent County afs. by the said Tilden and Bordly and that the said Tilden and Bordly as Judges as afs. ought to have returned the said Benjamin Hatchison and Thomas Jones to the Governor and Counsilor the two Candidates properly qualified having in the said County a Majority of legal Ballots with a Certificate of the Number of Ballots for each of them agreeably to the Constitution and form of Government afs. in that Case provided and required whereby the said Benjamin Hatchison would have been commissioned by the Governor as Sheriff of Kent County and would have received Emoluments and profits of said Office agreeably to the Constitution and sovereign Will of the people: Nevertheless the said Marmaduke Tilden and John Bordly disregarding the Duties of their Office as Judges of said Election of Sheriff Disregarding the Suffrages of the people and the Constitutional