

as Judges, but merely incidentally, that there is a petition filed against the Petitioner in this case, upon which the merits of his return will be decided. Independently of this circumstance, we feel that we would have no right to allow the trial of the recriminatory charges, and that the clauses referring to such charges should be struck out. The Petitioner is an elector. The Respondent holds the seat rightfully or wrongfully, and the Petitioner as an elector, has a right to demand that no person should occupy that seat unless duly elected. He had therefore a right to petition, which is not in any way affected by the fact of his being a member himself. The words of the statutes are not to be got over without a case, and the rule will be made absolute with costs.

The answer.

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