

it is necessary that the remainder of the Return should account in a Constitutional manner for the 2^d, 3^d person being preferred.

This inconsistency in the return forms the strongest reason for the interference of the Executive. Had the return been in the usual form, the two persons named in it would have appeared prima facie to be duly Elected. But even that appearance is wanting at present.

On the face of the present return, I think it necessary to enquire whether the reason given for the rejection of the first person and the adoption of the 2^d & 3^d is satisfactory and proper according to the Constitution.

To shew the propriety of going into this Enquiry, we may take up the supposition of a return the most absurd that we can conceive.

We may suppose that the Justices had returned that the 2nd & 3^d (in number of Ballots) had £1500 Real and personal Property and that the 1st had only £1000 and therefore they returned the 2^d & 3^d duly Elected.

If we admit that in such a case we should interfere it will follow that we have the same right so to do in this case if in our opinion the judgment of the Magistrates is erroneous.

This will bring us to the decision of the propriety of their judgment. The material question is, whether the Qualification of Property required by the Constitution relates to the Commencement and progress of the Election, or to its Close and Termination, or in other words, to the Candidate or the Person when Elected.

The words are, that no Person shall be Eligible without possessing the Qualifications recited.

We are then to enquire when and to whom the Eligibility is to attach, whether to the person that offers or the one that is chosen, whether to the period of time when the steps required to constitute an Election are in progression or when they are completed and nothing remains to be done.

The latter appears to me the most consistent with reason and the most agreeable to the Constitution.

It is contrary to every principle of Justice and reason that a Man should require any Qualification to become a Candidate for an office.

It cannot be called a privilege, for every Man who has the Liberty