

It depends on the Provisions of the Constitution and the act of Feb'y 1777. Ch 19

By the Constitution the Justices are made Judges of the Election and Judges of the Qualifications of Candidates. and from their Decision in either of these Capacities no appeal is given. - The Effect of this Regulation must be accurately ascertained before the operation of the act of Feb'y 1777. can with propriety be determined on.

As Judges of the Election we presume the Justices are empowered to decide on the Qualifications of Voters. - and the power to decide on those of Candidates is communicated by a separate Provision. - It appears to us that so far as these powers extend the Judgment consequent upon them must be final and conclusive. because the authority to decide is unequivocally given. and no Appeal Controul or superior Interference provided for.

As it falls in with the Course of our argument in support of this Idea, it will be proper to say something of a Case which has been put for the purpose of shewing either the Inconvenience or Fallacy of it. - It is said -

"suppose the Justices should return that the 2^d & 3^d (in Number of Ballots) on the Poll had £ 1500 worth of real and personal property and that the 1st had only £ 1000 and therefore should return that the 2^d & 3^d were duly elected. should we not interfere?" - We answer decidedly No. - and when it is taken for granted that we ought -

the Question is plainly begged. - The absurdity of the Decision of any competent Tribunal does not vest an appellate Power where there was none before, altho it may sometimes prove that there ought to be an appellate power. Suppose the Court of Appeals should determine

that a sumptuous house would lie for an assault and battery (and the supposition is just as rational as the other) would the absurdity of such a Determination give us or any other Body a Controul over it?

Suppose the County Court should in the Case of small Debts determine manifestly against all Colour of Law and Equity, who is competent to rectify the Error? - Suppose the House of Delegates (

Jurisdiction is original and therefore more applicable to the present Case) should decide that a Man having all the requisite Qualifications