

That by reference to the Poll Books transmitted to the Secretary's Office with the said Writ and the said Return endorsed thereon, it appears that there were polled for Petitioner Patrick Nowlan, 325 votes ; for Petitioner Thomas Byrne, 322 votes ; for the opposing Candidates, 316 to one, and 309 to the other.

That your Petitioners, under these circumstances, applied to His Excellency the Governor in Council that their names should be Gazetted as the Members duly elected and returned for the District of Harbor Main, and that they should be sworn in and take their seats as such. They did so upon the ground that there was in law and fact a return to the Writ of your Petitioners as such Members. The Indorsation upon the Writ, is headed "Return." That that portion of the Return which speaks of the fear of injury and consequent unwillingness, should be rejected as affecting the validity of the rest, and be regarded as surplusage only.

Thirty-six votes are said to have been taken in the wrong place, and that leaving out those the Petitioners have the majority. It is not shewn for whom these thirty-six votes were given, and that matters not—for the express and negative terms of the Proclamation are—speaking of the Elector—"nor shall his vote be received at any other station, place, or booth, than that which shall be assigned, &c."

The return, we submit, therefore, is in substance in favor of your Petitioners, and beyond that there is no necessity to look in determining who, *prima facie*, have the right to be declared the sitting Members.

It will be observed that the names of your Petitioners only appear in the Return.

If the first words of that Return avail anything, they shew duress, violence and intimidation towards the Returning Officer, and should not, in regarding its construction, be used to the prejudice of your Petitioners.

His Excellency the Governor in Council having concluded to leave the application of your Petitioners to the decision of the House of Assembly, your Petitioners have humbly to request the favorable consideration of your honorable House in the premises, and to pray that they may be declared to be the Members duly elected and returned for the District of Harbor Main, and entitled to take and hold their seats as such, until (if at all) they shall be disturbed in due course by a Petition and proceedings under the Act for the trial of Controverted Elections, by any