

By a very close vote, twenty-four to twenty-three, the House voted that he was not eligible. Hagar was called before the Delegates and told of their decision (pp. 92-93). A new election was ordered in Frederick County to choose a Delegate to serve in place of him (p. 94).

The Hagar case was not based on any personal opposition to him, but was a question of interpreting the law. It appears that provisions of English statutes, which Maryland laws had declared were in force in the province, rendered Hagar, as a naturalized subject, ineligible to sit as a Delegate in the Lower House of the Assembly. This was shown by the action taken by the House of Delegates three days later when a bill was introduced allowing all naturalized subjects the same rights and privileges as natural born subjects (p. 100), which became a law a few days later (p. 107). Re-elected a Delegate from Frederick County, Hagar was sworn in as a member of the Lower House on November 16 (pp. 174-175, 176-177). For a discussion of the Hagar case, see an article entitled "Jonathan Hagar, The Founder of Hagarstown," by Basil Sollers, in *Second Annual Report of the Society for the History of the Germans in Maryland, 1887-1888*, Baltimore, pp. 21-28. As we shall see, Hagar was again elected a member of the new General Assembly which met from June 15 to July 3, 1773.

In England the Naturalization Act passed by the Maryland Assembly (pp. 107, 238) was reported to be a violation of one of the Statutes of the Realm. Apparently no decision was reached on this question prior to the Revolution (*Journal of the Commissioners for Trade and Plantations, from Jan. 1768 to Dec. 1775*, pp. 339-340; Correspondence of Governor Eden, in *Maryland Historical Magazine*, Vol. II, 299, 301-303).

The Committee of Elections and Privileges reported that in Charles County Joseph Hanson Harrison, Josias Hawkins, Francis Ware and William Smallwood had been duly returned as Delegates (p. 88). Harrison and Hawkins were present on October 2, when the General Assembly convened. Smallwood was sworn in on October 4 (pp. 75, 84).

This election in Charles County was disputed by Robert Henly (or Henley) Courts who complained of the "undue Election" of Francis Ware and Josias Hawkins. As Ware had not come to the opening session on October 2, the members of the Lower House ordered that he should be notified to appear before them for a hearing on Courts' petition to be held on October 14 (p. 79). Courts had been a Delegate for Charles County at the session which convened on September 25, 1770 (*Arch. Md. LXII*, xvii).

When this case came up for consideration on October 14, the House moved that the Resolves of the Lower House of June 22, 1768, for preventing charge and expence in elections of members to serve in the General Assembly be read, which was done. Then, after the examination of several witnesses, the Delegates resolved that as both Ware and Hawkins were "guilty of treating" at the recent election in Charles County, their elections were invalid. A new election was ordered in the county to choose two Delegates in their place (pp. 102-103). Apparently at this new election Ware and Hawkins were reelected Delegates for Charles County as we find both men being later sworn in on November 18, 1771, in that capacity (p. 178; *Maryland Gazette*, Nov. 21, 1771).