

10 VOTES AND PROCEEDINGS, OCTOBER 1771.

Time therein mentioned, on board such Ships as shall be fitted out for the said Fishery, be read; and it was read accordingly.

Then the House took the several Statutes, the Act of Assembly, and the Resolves above-mentioned, into Consideration; and after some Debate thereon, Mr. Hagar withdrew, and Mr. Speaker, by the Direction of the House, put the following Question; "That *Jonathan Hagar*, returned as a Representative for *Frederick* County, not being a natural born Subject, nor descended from a natural born Subject, but naturalized in the Year 1747, since the Stat. of 13 *Geo. II.* agreeable to said Stat. long before said Election; hath been a Resident of this Province ever since, and hath a Freehold of Fifty Acres of Land, be eligible?" Resolved in the Negative.

| | | For the N E G A T I V E. | | | | |
|-----------|---|--------------------------------|------------|-----------------|---------------|-------------|
| Messieurs | { | Reeder, | Parian, | Baxter, | Sim, | T. Wright, |
| | | W. Thomas, | Grahame, | Ward, | Chamberlaine, | So. Wright, |
| | | Jordan, | Ennalls, | Beall, | N. Thomas, | Chaille, |
| | | Worthington, | Moale, | Tyler, | Lloyd, | Allen. |
| | | Chase, | Veazy, | Contee, | Earle, | |
| | | For the A F F I R M A T I V E. | | | | |
| Messieurs | { | Gresham, | Harrison, | W. Richardson, | Deye, | Lockett, |
| | | Johnson, | Hawkins, | Jo. Richardson, | Hall, | Wootton, |
| | | Hammond, | Smallwood, | Steele, | Paca, | Beatty. |
| | | Mackall, | Handy, | Owings, | Holland, | |
| | | Weems, | Dennis, | Risteau, | Robins, | |

In Consequence of the foregoing Resolution, Mr. Hagar was called in, and Mr. Speaker, by the Directions of the House, acquaints him that he is discharged from any further Attendance on this House as a Member thereof.

Mr. Lloyd and Mr. Mackall have Leave of Absence.

The House adjourns till To-morrow Morning 9 o'Clock.

W E D N E S D A Y, October 9th, 1771.

THE House met. All Members present as on Yesterday, except Mr. Lloyd and Mr. Mackall. The Proceedings of Yesterday were read.

Mr. Tilghman appeared in the House.

Mr. N. Thomas hath Leave of Absence.

ORDERED, That Mr. Speaker do issue his Warrant to the Secretary of this Province, requiring him to issue a new Writ of Election to the Sheriff of *Frederick* County, to elect a Delegate to serve in this present Session of Assembly, in the Stead of Mr. *Jonathan Hagar*, whose Seat is declared vacant.

ORDERED, That the Order of the Day for taking into Consideration his Excellency's Speech at the Opening of this Session, be read; and it was read accordingly.

ORDERED, That his Excellency's Speech be read; and it was read accordingly.

UPON Consideration of that Part of his Excellency's Speech relative to the criminal Law; RESOLVED, That it is the Opinion of this House that there is no Necessity for going into a Revival of the whole criminal Law, either Common or Statute Law.

RESOLVED FURTHER, That an Address be prepared, requesting his Excellency to point out any particular Defects that may have occurred to him, or any Inconveniencies he hath experienced, from the Want of Precision on that Subject, that the House may remedy such Defects, or explain the Law where found uncertain.

ORDERED, That Mr. Hall, Mr. Tilghman, Mr. Hammond, Mr. Chase, and Mr. Paca, do prepare and bring in such Address.

UPON Consideration of that Part of the Governor's Speech relative to the Publick Roads, the Question was put, That a Committee be appointed to enquire into the Provision made by the Laws of this Province for the making, repairing and keeping in Order the Publick Roads, and report their Opinion to the House thereupon; and also what further Provision they may think necessary? Resolved in the Affirmative.

ORDERED, That Mr. Tilghman, Mr. Chase, Mr. Paca, Mr. Moale, Mr. Grahame, Mr. Dennis, Mr. Handy, and Mr. Baxter, be a Committee for that Purpose.

ORDERED, That the Resolves of the Lower House of Assembly of the 19th of *October* last, relative to the erecting a Light-House on *Cape-Henry*, be read, and they were read accordingly: UPON Consideration whereof, and of that Part of the Governor's Speech, relative to the erecting a Light-House on *Cape-Henry*; ORDERED, That the same be referred for further Consideration, until all the Papers mentioned in the said Resolves of the 19th of *October* last be laid before this House.

The House being informed, that Mr. *John Robert Hollyday*, Sheriff of *Baltimore* County, attended at the Door, he was called in, and at the Bar presented to the House, agreeable to the Order of Saturday last, the Polls taken at the last Election of Delegates for that County, by which it appeared, that Messieurs *Samuel Owings, jun. John Moale, George Risteau, and Thomas Cockey*