

his Lordship the better to support himself and his Government both in Peace & War. In 1649 an Act passed restraining "the Lord Proprietary or his Heirs or any Chief Governor or Governors of this Province shall at any time make War out the Limits or Precincts of this Province without the Consent and Approbation of the General Assembly of the Province first had and Obtained, the Freemen of this Province shall be no ways Obliged or Compelled against their Consent to Aid or Assist with their Persons or Estates in the Prosecution or Maintenance of such War any Law Usage or Custom to the Contrary" And Enacts "that all Charges arising from time to time by defence of this province shall be by Assessment upon the Persons & Estates of the Inhabitants." This Act was Assented to by Cæcilius Lord Proprietor in 1750. And this Act is perpetual, subject to no limitation of time. In 1661 an Act passed "to maintain a War without the Province and to Aid the Susquehannah Indians against foreign Indians, Soldiers were raised out of the Counties and the Charges of the War was by Assessment Per Poll" And it is Obvious, in the several Acts passed after 1676 & 1670 the Act of 1649 concerning the Leving War within the Province Exempts the Proprietary Estate from being Taxed is still in force: for it is Evident by a Subsequent Act in 1661 the Indian War the Charge thereof was by Assessment Per Poll according to the Usual Custom of the Province, and as a further Confirmation of the Stability of the Act of 1649 an Act passed, in the same Year of Repeal of the Act of Customs of Subsidies Granted to the Proprietor, by which Act he had undertook the Charge of Government of War or peace And altho' the Revolution Act of (King William) a General Repealing Act passed, yet in that Act there is a Proviso or "Saving to all person or persons whatsoever was is or their Rights and Benefits which he or they had by the former Acts of Assembly" is a Salvo of the Act in 1649 which Act was an Act of Deliberation by the then Legislative Politick Body Assembled, and by which Act they restrained the Proprietary Prerogative by Royal Charter granted of Military power which had been by him only and his Lieutenant Governor exercised by the Militia of the Province until 1637/8 when he submitted under Controul of his Provincial Assembly. the Cause of Duration of the Act of 1649 was upon Consideration of reciprocal Benefit, the Proprietors Revenues were then and are now trifling arising either by a Purchase or Rent very Low, therefore the Consideration of the Act was a Consideration on mutual Donation. the Act is declarative as all Contracts are of both parties of the Certainty and Assurance of Enjoying what they Contracted for (Id Est) the Proprietor shall not