

up. To settle the practical side of the question, an act was passed leaving it optional with the taxpayer to pay thirty pounds of tobacco, or four shillings in money, per poll; but the act expressly disclaimed any intention of determining the validity of the Act of 1702. The Revolution settled the matter in another way, and the validity of the Act of 1702 remains *res non adjudicata* to the present day.

The standing dispute about the Pennsylvania boundary took an additional complication. William Penn, not contented with his grab of a great strip of Maryland lying south of the fortieth parallel of latitude (which was expressly included in Baltimore's charter of 1632, and as expressly excluded from Penn's charter of 1681) had, in 1682, obtained from James, then Duke of York, a grant of the territory now forming the State of Delaware, which was also included in the Maryland charter, which fixed the eastern boundary of the Province at the Delaware river and bay, and the Atlantic ocean. Even had it not been in the charter, it was not the Duke's to give, as it was not in his patents. But Penn was a favorite of James, and with all his tender conscience and fine professions made no scruple of asking for and receiving stolen goods. Baltimore strongly protesting against this high-handed action, James, then King, took a course for which perhaps he found a warrant in one of those actions of King David which we least care to remember.

David, we are told, deceived by the greedy Ziba's flatteries and lies, gave him the lands of the prince Mephibosheth. When the deception was made clear to him, instead of revoking his grant and hanging the liar, he divided the land between them.

So James ordered the peninsula (for the whole of which Penn had asked) to be equally divided between the lawful owner and the robber, by a line running north and south to the latitude of Cape Henlopen.

One would have supposed that the seizure of three counties of another man's land in addition to his already enormous possessions would have satiated even Penn's rapacity; but it was not so. He planned to extend his southern boundary still further, and for this purpose had a map prepared to be submitted to the King and Council in which Cape Henlopen was displaced some fifteen miles to the south. But as all the maps (for instance Herrman's of 1660) showed Cape Henlopen where it is now and always has been, they invented an imaginary "Cape Inlopen" which no one ever heard of, and this, they said, was the real name of the upper cape, and "Henlopen" that of the lower [p. 375]. Penn did not live to see his title confirmed, but his descendants did. It is needless to add that Cape Henlopen refused to be moved; and the