

L. H. J. End to such Dispute, and would fully obviate every Supposition of
Liber No. 46 the Act of 1715 being expired

As to the second Point, whether I and the Council have acted agreeably to the Letter, Meaning or Intention of the Act, will best appear by considering the following Paragraphs of it (which are in Fol. 105 and 106, in the Book of Laws: “ And every Person slain in the Service of this Province, leaving behind him a wife or Children, there shall also be allowed a competent Pension to the wife during her widowhood, and the Children ’til they be of Years to get their Living, or be put out Apprentices; and that this pension be yearly paid and allowed out of the Fifty Thousand Pounds of Tobacco per Annum, to be raised by the Governor of this Province for the Time being, or the Council, as in this Act is hereafter provided in the Intervals of Assemblies.

And for the preventing of the great Charges of Annual Assemblies, who may meet for no other Occasion but to lay the Publick Levy in Time of Peace; Be it Enacted by the Authority aforesaid, that the Governor and Council, during the Interval of Assemblies, for the Defraying and Payment of the small Charges of this Province, be and are hereby empowered to assess the same, equally to be levied upon all the Inhabitants of this Province, for the Defraying the said small Charges in Time of Peace as aforesaid; any Thing in this Act to the contrary notwithstanding.

Provided always, and it is the true Intent and Meaning of this Act, the said Sums for the small Charges of this Province, so to be assessed by the Governor and Council upon the Inhabitants of this Province as aforesaid, exceed not in any one year the Sum of fifty Thousand Pounds of Tobacco; and the Disbursements of the same Tobacco to be accounted for at the next General Assembly, after the raising and disbursing the said Tobacco as aforesaid.

And a Paragraph in Page 104, which describes the Times of War, shews what Times of Peace are intended by that Law; and is in these Words: “ And to the Intent that whensoever it shall appear to the Governor or Commander in Chief of this Province for the Time being, and his Council, to be necessary to raise Forces for the suppressing of any foreign Invasion, or domestick Insurrection or Rebellion, or any War with any Indians, that the aforesaid Officers and Soldiers may be duly paid according to the Proportions aforesaid and all other Charges and Expences for the Charge and Management of such War, may be duly paid and discharged; without which this Province cannot be defended and secured.”

These Paragraphs plainly prove, that the Governor and Council are empowered to raise this Tax, not only once in many Years, but even every Year in the Interval of Assemblies; and that its not being raised has not been for want of a legal Authority to raise it, but from a Resolution in the Governor and Council not to exercise the