

*Lawmaking and Legislators  
in Pennsylvania*

*A Biographical Dictionary*

VOLUME ONE: 1682–1709

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# *Lawmaking and Legislators in Pennsylvania*

*A Biographical Dictionary*

VOLUME ONE      1682-1709

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*Governments, like Clocks, go from the motion Men give them.*

WILLIAM PENN,  
preface to the Frame of Government (1682),  
*The Papers of William Penn*, 2:213.



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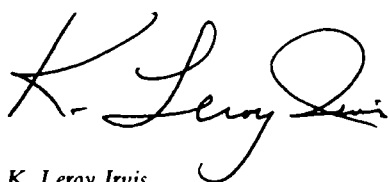
# *Foreword*

The bicentennial celebrations of the American Revolution and the United States Constitution have stimulated renewed interest in the history of the nation's democratic institutions. More recently, the dramatic changes in the political systems of Eastern Europe have focused, in immediate and important ways, on the universal and lasting legacy of America's celebrated democratic heritage. Pennsylvania was at the center of the political developments that led to the pivotal events of 1776 and 1787. In the role of the "keystone state" Pennsylvania could draw on a particularly rich and distinguished history and a unique experience among the thirteen colonies.

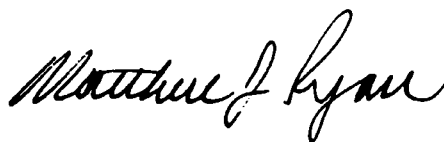
In the same spirit that focused on the beginning of the nation, the leadership of the General Assembly of the Commonwealth of Pennsylvania has made serious commitments to secure the state's inheritance for the future. The historic preservation of the State Capitol is the most obvious example. The restoration of the building and its furnishings true to the original ensures structural soundness and aesthetic cohesion for later generations while also instilling the kind of pride and inspiration that becomes the edifice that houses Pennsylvania's most venerable democratic institution.

Although the documentary legacy of the legislature is not as visually glorious as the Capitol Rotunda, for example, it is of enormous importance. Since the voice of the people becomes manifest in the General Assembly, the will of the citizenry is expressed through its representatives. Whether through the legislators' visions, hopes, and aspirations or through their frustrations, failures, and frailties, the past comes alive. Collectively, the biographies of Pennsylvania's founding fathers are a colorful reflection of the human experience, and through them we learn more about ourselves and our government. The more we learn about the men who shaped the debates and traditions of the Commonwealth's legislature, the better we understand the lessons of our time. This is the first volume about the legislators and lawmaking in Pennsylvania in a multi-volume series, which provides much needed information about the General Assembly and those who served in it, and which

will be both a lesson and an inspiration to Pennsylvanians and all others interested in the history of William Penn's "Holy Experiment."

A handwritten signature in black ink, reading "K. Leroy Irvis". The signature is fluid and cursive, with the first name "K." and last name "Irvis" clearly legible.

*K. Leroy Irvis*  
*Speaker of the House of Representatives*  
*of the Commonwealth of Pennsylvania*  
*1977–1978, 1983–1988*

A handwritten signature in black ink, reading "Matthew J. Ryan". The signature is fluid and cursive, with the first name "Matthew" and last name "Ryan" clearly legible.

*Matthew J. Ryan*  
*Speaker of the House of Representatives*  
*of the Commonwealth of Pennsylvania*  
*1981–1982*

## About the Authors

**Craig W. Horle, Ph.D.**, is the author of *The Quakers and the English Legal System, 1660–1688* and editor of both *The Papers of William Penn*, vols. 3 and 4, and *Records of the Courts of Sussex County, Delaware, 1677–1710*. A co-founder of the Biographical Dictionary of Pennsylvania Legislators, he has served as its primary editor since 1988.

**Marianne S. Wokeck, Ph.D.**, edited *The Papers of William Penn*, vols. 3 and 4, and is the author of several articles on early Pennsylvania. She is director and editor of the Biographical Dictionary of Pennsylvania Legislators, which she co-founded in 1986. She is also completing a book, *The Trade in Strangers. Transporting Germans and Irish to Colonial America: Precursors of Modern Atlantic Migrations*.

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*Tools*

*The National Endowment for the Humanities  
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*and*

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The House of Representatives of the Commonwealth of Pennsylvania  
The Pennsylvania Society of the Sons of the Revolution  
The Philadelphia Center for Early American Studies  
Philadelphia Yearly Meeting of the Religious Society of Friends  
The Welcome Society*

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From its inception, the Biographical Dictionary of Early Pennsylvania Legislators project was conceived as a cooperative effort. Since 1985, when exploration of the feasibility of a collective biography of the Pennsylvania General Assembly first took concrete shape, many people and institutions contributed to the founding and success of the project and, especially, the publication of Volume One of *Lawmaking and Legislators in Pennsylvania*.

Five institutions, the House of Representatives of the Commonwealth of Pennsylvania, the Historical Society of Pennsylvania, the Library Company of Philadelphia, the Philadelphia Center for Early American Studies, and Temple University, served as sponsors of the first volume. In recognition of the significance of a prosopographical study of William Penn's colony and the Keystone State for the development of representative government in North America, the Pennsylvania House of Representatives has committed considerable funds to the project. Without the active support, however, of Speakers K. Leroy Irvis and Matthew J. Ryan, Representatives Joseph R. Pitts and Frank J. Pistella, and the late Craig Truax, the Biographical Dictionary of Pennsylvania Legislators would not have become reality. Moreover, without help from the offices of the House Bipartisan Management Committee, the Capitol Preservation Committee, the Speaker, the Minority Leader, the House Parliamentarian, and the Republican Legal Staff, in particular, Austin M. Lee, Robert N. Hendershot, W. Russell Faber, Ruthann Hubbert-Kemper, Roger E. Nick, Kenneth Adami, Paul Beers, Clancy Myer, Edward Hussic, Joseph Murphy, and also Virginia M. Lowe, Kathi J. Schue, and Mena Macri, the endeavor would have failed.

In 1986 the Biographical Dictionary succeeded *The Papers of William Penn* as the resident research project of the Historical Society of Pennsylvania. Until 1990 the Society acted as institutional sponsor and provided a home for the project. The neighboring Library Company of Philadelphia lent conceptual support, especially during the start-up phase of the Biographical Dictionary and the transitional period when the project changed its institutional home. The Philadelphia Center for Early American Studies contributed in two critical ways: it provided the authors of *Lawmaking and Legislators in Pennsylvania* not only with a link to the academic community but also with access to the Van Pelt Library collections at the University of Pennsylvania. Temple University, through its Center for Public Policy, most recently became a sponsor of the Biographical Dictionary of Pennsylvania Legislators, when it offered the project an institutional base in 1990. The founding editors, Craig W. Horle, Joy Wiltenburg, and Marianne S. Wokeck, and their colleagues, Jeffrey L. Scheib, Joseph S. Foster, and David Haugaard, on the project staff are deeply appreciative of this cooperative institutional support. We are also very grateful to the National Endowment for

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Over the course of work on Volume One of *Lawmaking and Legislators in Pennsylvania* numerous historians, genealogists, and others interested in the Biographical Dictionary have aided us in the research and contributed through their thoughts and special expertise to the success of the project. We would like to recognize in particular: Jean R. Soderlund, Peter S. Craig, Irma Corcoran, Mark F. Lloyd, James M. Duffin, Jane G. Buchanan, F. Wynne Parris, and William Alrich, who graciously and generously shared their research findings; Nancy Rosenberg, who helped with data entry; William Notley, who assisted with indexing; Douglas Greenberg, P. M. G. Harris, Owen S. Ireland, Gary B. Nash, Alison G. Olson, Thomas Slaughter, and the reviewers and referees of the National Endowment for the Humanities, who commented on the project proposals, the biographical entries and introductory materials; Randall Miller, Alan Tully, Lucy Simler, and the participants of the Philadelphia Center for Early American Studies, who provided opportunities to test ideas and sharpen our understanding of early Pennsylvania; Jerrilyn G. Marston for her invaluable assistance in the transfer of the project from the Historical Society of Pennsylvania to Temple University; Alison Anderson, Arthur Evans, Carl Gross, Zachary Simpson, Jerome Singerman of the University of Pennsylvania Press; the designer Adrienne Onderdonk Dudden; Bill M. Grosskopf of G&S Typesetters for seeing the manuscript through all phases of production; and lastly (but by no means least) thanks to our partners, spouses, and family members, who, in the competitive world of independent research projects, have provided us unfailingly with the necessary anchors to sanity and reality.

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Fall 1990





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# *Introduction*





# *General Background*

The bicentennial of the United States Constitution brought into focus the need for fresh research into the development of American democratic institutions and society. From its founding as a Quaker colony in 1682, Pennsylvania developed significant features which, though distinctive in their colonial context, foreshadowed developments in later American society. Hence they offer unique opportunities for analyzing the political and social evolution of the United States. Begun by William Penn as a refuge for religious dissenters, Pennsylvania early established not only toleration but also political participation for a wide variety of religious and ethnic groups. With this tradition of toleration and its advantageous geographical position, Pennsylvania rapidly became the prototype of the fabled American melting pot—a society of great religious, ethnic, and economic diversity. Quakers, Anglicans, Presbyterians, Lutherans, Mennonites, and others flocked into the colony, which became, with Philadelphia as its mercantile capital, a strong regional market, developing exceptionally diverse and sophisticated forms of production and trade.

In its political structure, the colony was radical: Penn's original Frame of Government was a daring experiment in the establishment of representative institutions by a written constitution, and its subsequent re-

visions carried further the antiauthoritarian character of the colony's government, even beyond what its path-breaking proprietor might have wished. Because of the Quakers' distinctive religious views, fashioned in opposition to English law and society, the antiauthoritarianism evident in many of the American colonies was especially strident in Pennsylvania. With the 1701 Charter of Privileges, Pennsylvania became the only English colony with a unicameral legislature, and the Quaker-dominated Assembly achieved a unique ascendancy in political life. The legislature's freedom of action was virtually unparalleled in British North America, and the Assembly steadily increased its financial and political power against the Penn family proprietors, the governor and Provincial Council, and the officers of the crown. Though the Quaker leaders had little intention of establishing a democracy, their opposition to the short-sighted policies of the proprietors led them to espouse popular rights and interests. In 1756 the Quakers' opposition to war led them to reevaluate their role in Pennsylvania politics, but the democratic mechanisms they had helped to forge remained in place. The Revolution provided the catalyst for explosive political changes as underlying tensions between rival interest groups came to the fore. By late 1776 Pennsylvania had adopted a radical new

constitution, creating a vital and unique participatory democracy that resulted in the first party system in America. The Assembly was the most important branch of Pennsylvania's government in the revolutionary crisis, as young, aggressive leaders, eager for national glory, rose to prominence. It was not accidental that Philadelphia, the largest city of the new nation, served as the site of the nation's constitutional convention in 1787. Nor is it surprising that in 1790 Pennsylvania developed a unique state constitution, which became the model for such later states as Kentucky and Vermont.

These special features of Pennsylvania's colonial life—religious toleration, democratic tradition, ethnically diverse settlers, and strategic economic position—make it an ideal testing ground for studying the sociopolitical development of the United States.

Current research into the history of political systems increasingly emphasizes the value of collective biography of the participants in exploring the dynamics of political behavior. Despite the national significance of Pennsylvania, however, surprisingly little is known about the men who shaped the colony's political life from 1682 until 1790. Easily obtainable secondary information is scarce even on a number of extremely significant early legislators, both Quaker and non-Quaker, men such as William Markham, Thomas Lloyd, Nicholas More, Joseph Growdon, William Biles, William Rodney, Edward Shippen, William Clark, Robert French, Isaac Norris, Jeremiah Langhorne, Francis Rawle, John Dickinson, and William Findley.

A serious need therefore existed for a collective biography of the participants in Pennsylvania's legislature to provide the stimulus and starting point for further in-

depth studies of eighteenth-century Pennsylvania politics, carrying forward the work begun in the last three decades by such scholars as Gary B. Nash, Alan Tully, Richard A. Ryerson, Jack Marietta, Hermann Wellenreuther, James Hutson, and Jackson Turner Main, who have examined biographical factors in their analyses.<sup>1</sup> The biographical dictionary volumes will also function as a tool for comparative analyses of Pennsylvania and other colonies. The systematic presentation of data on such factors as family background, geographical origins, party and religious affiliation, wealth, landholding, occupation, and education will enable scholars to use Pennsylvania's legislators as a base or control group for testing hypotheses that involve a wide range of variables. Such analysis will serve to illuminate the operation of political factions and parties, the formation and replacement of governmental elites, and the ways in which important social issues—such as the abolition of slavery, the broadening of voting rights, and tensions stemming from an ethnically and religiously diverse electorate—were addressed in the political arena during the colonial period. Pennsylvania also serves as a significant test case for describing and evaluating the characteristics that typically separated provincial politicians from those who became active in the national forum.

Two additional factors make a focus on the Pennsylvania legislature in the study of

1. See Nash, "Free Society"; Nash, "Framing of Government"; Nash, "Poverty and Poor Relief"; Nash, *Quakers and Politics*; Nash, "Slaves and Slaveowners"; Nash, "Transformation"; Nash, *Urban Crucible*; Tully, "Englishmen and Germans"; Tully, "King George's War"; Tully, "Patterns of Slaveholdings"; Tully, "Proprietary Affairs"; Tully, *William Penn's Legacy*; Ryerson, *Revolution*; Marietta, "Growth"; Marietta, *Reformation*; Hutson, *Pennsylvania Politics*; Wellenreuther, *Glaube und Politik*; Wellenreuther, "Political Dilemma"; Main, *Political Parties*; Main, *Sovereign State*.

early American political development especially feasible and desirable. First, although extensive records of Quakers and other groups make it possible to provide more comprehensive information on Pennsylvania legislators than would be possible for most other colonies, many of the manuscript sources are unknown or underutilized because they are scattered among various collections and repositories for which few systematic indexes and comprehensive calendars exist. The biographical dictionary volumes will provide, in effect, a guide to the records, demonstrating the

richness of materials available for research as well as calling attention to a responsibility for preserving the nation's early documentary heritage. Second, in spite of Pennsylvania's resources, historians have devoted more attention and analysis to New England and the Chesapeake Bay colonies than to the province west of the Delaware and the other middle colonies, although the latter are arguably more "typical" of the kind of society that the United States became. This traditional neglect of the middle colonies has prompted the authors to provide a corrective.



# *Introduction to Volume One*

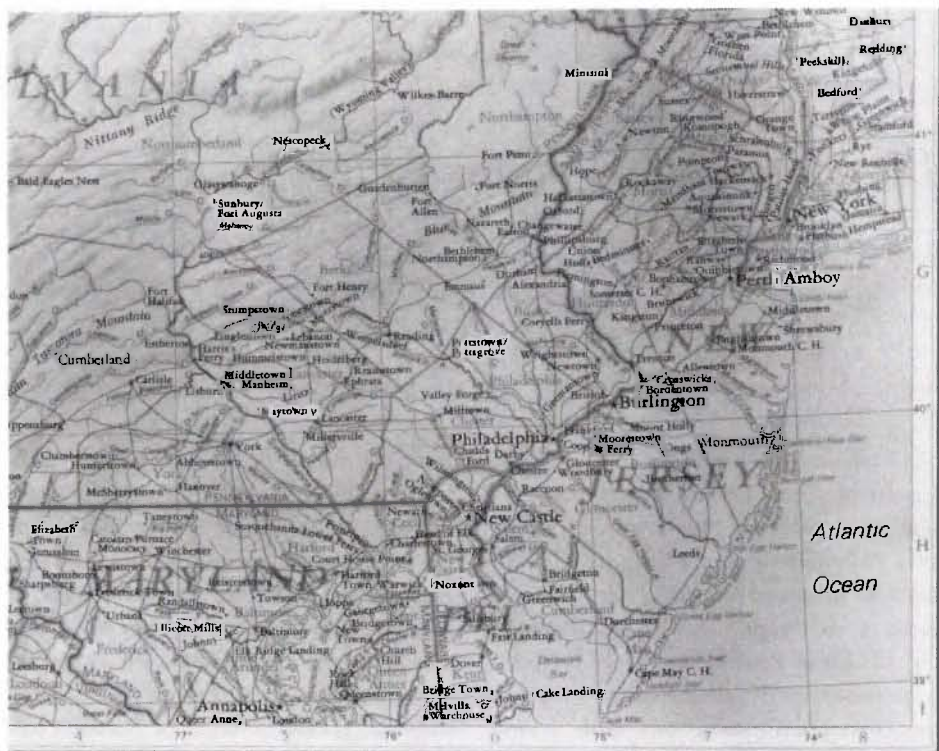
This volume examines the Pennsylvania legislature from William Penn's first Assembly in December 1682 to the pivotal 1710 Assembly election when a series of assemblies hostile to proprietary government came to an abrupt end with the resounding victory of Penn's allies. Until October 1701 the Pennsylvania legislature included the Provincial Council, with both elected and appointed members; consequently, they are included in this volume. Moreover, the 1682 Act of Union mandated a joint Lower Counties-Pennsylvania legislature. Although that legislative union remained intact until 1704, the Lower Counties members last sat together with their Pennsylvania counterparts in the 1701 Assembly. The volume therefore includes all Lower Counties legislators through 1701.

Of the 338 representatives in the period, 325 are the subject of essays in this volume; the remaining 13 will be covered in volume two because the bulk of their political careers occurred after 1709. Another 15 men are listed in the volume, but without essays, because they were elected to the legislature but never served for a variety of reasons provided in the listings.

The essays bring to the fore a number of interrelated themes that dominated the first

three decades of the colony. Most important was the struggle for legislative control between the Assembly and the Provincial Council, which also included the development of the privileges and procedures of the House, and which ultimately resulted in a unique unicameral legislature. A second theme involved the often bitter relationship between Quaker-dominated Pennsylvania and the predominantly non-Quaker Lower Counties, which culminated in the legislative separation of 1704 that strengthened Quaker control of Pennsylvania. More ominous for the Quakers, and a third theme, was their struggle with other religious groups in the colony, particularly the Anglicans, for political superiority. With their close ties to the English crown, the Anglicans were consistently able to invoke the specter of a royal takeover of Penn's colony. Finally, there was the increasingly strained relationship between Penn, the absentee proprietor, and his fellow Quakers in Pennsylvania, which probably frustrated Penn more than any other single development in the colony and clearly prompted his unsuccessful efforts to sell his right of governing Pennsylvania to the crown.

By the time of the 1710 election, Pennsylvania was at a crossroads, riven by



Pennsylvania and Adjoining Colonies, from *Atlas of Early American History: The Revolutionary Era, 1760-1790*, edited by Lester J. Cappon et al. (Princeton, N.J., 1976)

faction, Quaker against Quaker and Quaker against non-Quaker, under close scrutiny by the English government, at odds with the Lower Counties, and apparently about

to lose its right of self-government and potentially its religious toleration to the crown. More than ever, the focus was on the Pennsylvania Assembly.

*Lawmaking in Pennsylvania,  
1682–1709: Themes and  
Issues*





# *The General Assembly in the Constitutions of Colonial Pennsylvania*

## **THE FRAME OF GOVERNMENT OF 1682**

The constitution, or Frame of Government, that William Penn brought with him to his new colony had gone through at least ten drafts before reaching its final form, published in London about May 1682. Largely the work of Penn himself in conjunction with his solicitor, the Quaker lawyer Thomas Rudyard, the constitution, dated 25 April 1682, had appended to it a set of proposed laws and included on its title page the caveat that the document was "To be further Explained and Confirmed there [i.e., in Pennsylvania] by the first Provincial Council that shall be held, if they see meet."<sup>1</sup> The concluding phrase, "if they see meet," was crucial, for in fact, the first Assembly did not see meet to confirm the Frame of Government, thereby setting the stage for two decades of constitutional development from which the Assembly, initially severely limited in its scope of action, emerged as the supreme legislative body in the colony.

The 1682 Frame of Government placed the legislative authority squarely in the Provincial Council. That body was to consist of 72 popularly-elected representatives who were to serve three-year terms. Elections were to be held annually, with the first election for the Council set for 20 February 1683. Provision was made at the first election for one-third of the Council to be elected to serve three years, one-third to serve two years, and one-third to serve only one year, so that in each succeeding year one-third of the Council would consist of newly-elected mem-

bers. Together with the governor, the Council was granted the power to initiate legislation, with the quorum for passing bills set at two-thirds of the whole Council. The Council was to publish all its proposed, or promulgated, bills 30 days before the meeting of the Assembly (referred to in the Frame as the "General Assembly"). To the Council's legislative authority was added the executive authority in the colony, in that the Council, again in conjunction with the governor, was charged with seeing that all legislation was "duely and diligently" enforced.<sup>2</sup>

With the executive and legislative authorities securely lodged in the Provincial Council, the rationale for the existence of an Assembly was "to the end that all Laws prepared by the Governour and Provincial Council . . . may yet have the more full Concurrence of the Free-men of the Province."<sup>3</sup> The General Assembly was to consist of 200 popularly-elected members. As with the Council, election of representatives to the General Assembly was set annually on 20 February. The Assembly was to meet annually on 20 April, when, for a period of eight days, the representatives were to review the legislation that had been promulgated by the Council. The members were to discuss the proposed bills with each other and, if necessary, with a committee of the Council "purposely Appointed to receive from any of them Proposals for the Alteration or Amendment of any of the . . . proposed and promulgated Bills."<sup>4</sup> The provision for the General Assembly to propose amendments was its sole constitutional role in the process of drafting legislation. On the ninth day of the session, the

1. *PWP*, 2:137-38, 211.

2. *PWP*, 2:215-16.

3. *PWP*, 2:217.

4. *PWP*, 2:217-18.

clerk of the Provincial Council was to read each of the proposed bills and the General Assembly was to either accept or reject them. Two-thirds of its total membership was set as the quorum for passing legislation.<sup>5</sup>

In addition to delineating the roles of the Provincial Council and General Assembly, the Frame of Government also provided for other important parts of the legislative process. It granted the governor and Council the power to dismiss the General Assembly simply by declaring that there was no further business for it to consider. The Frame mandated that elections of representatives to either the Council or the General Assembly, and votes on legislation within either the Council or the General Assembly, were to be by ballot. Finally, it provided for amendment of the constitution by consent of the governor and six-sevenths of the members of the Council and General Assembly. Laws were to be passed by the authority of "the Governour, with the Assent and Approbation of the Free-men in Provincial Council and General Assembly."<sup>6</sup>

Interestingly, the Frame of Government made no provision for a speaker or clerk for the General Assembly. Also, while representatives were to be elected by the freemen of the province, the document failed to define who was qualified to vote and hold office. The franchise was instead defined in Chapter 2 of the Laws Agreed Upon in England and codified in Pennsylvania as Chapter 57 of the "Great Law" passed by the first Assembly, in December 1682.<sup>7</sup>

## THE FRAME OF GOVERNMENT OF 1683

Despite all the work that Penn had put into devising a constitution for his colony, the 1682 Frame of Government was almost immediately decried as unworkable. While the Assembly that Penn summoned for December 1682 established a body of laws for the colony, it failed to ratify the constitution or to adopt wholesale the Laws Agreed Upon in England that had been appended to it. Perhaps the chief stumbling-block that prevented ratification was the large number of representatives called for in both the Pro-

vincial Council and the General Assembly. Although Europeans had been settling on the Delaware for 50 years before Penn's arrival, the population in 1682 was still quite small, and transportation and communication were difficult. As the 1683 Assembly explained it: "[T]he fewness of the people, their inability in estate, & Unskillfullness in Matters of government, will not permitt them to Serve in so Large a Council & Assembly, as by the Charter is expressed."<sup>8</sup> However disappointed he may have been by the failure to implement his constitution, Penn accepted the situation and actively participated in a plan to reduce the number of representatives. In February 1683, at the time for the first election as mandated by the 1682 Frame, he issued instructions that the voters in each of the six counties in the government (Bucks, Philadelphia, and Chester in Pennsylvania proper, and the Three Lower Counties of New Castle, Kent, and Sussex, the future state of Delaware, annexed to the province by the Act of Union passed in December 1682) should choose 12 representatives each to make up the total of 72 representatives to the Provincial Council called for in the Frame. The voters of each county were then to petition him to accept three of the twelve delegates from each county for the Council, while the remaining nine each would serve in the General Assembly.<sup>9</sup>

Immediately on convening, the Provincial Council and General Assembly set to work to revise Penn's Frame of Government. The changes were incorporated into an Act of Settlement, which was passed on 19 March 1683. By the Act of Settlement, the size of the Provincial Council was reduced from 72 members to 18 (three representatives per county), and that of the Assembly from 200 to 36 (six per county). Council terms remained three years, and the provision for one-third of the members to be newly-elected each year was retained. Election day was moved from 20 February to 10 March, with the meeting of the General Assembly set for 10 May. Meanwhile, the Council was to convene within 20 days of the election to promulgate legislation, which was to be published (i.e., posted in the most prominent place in each county) 20 days before the meeting of the General Assembly. The Council retained the power to initiate legislation, and its quorum for passage of bills remained at two-thirds. A significant change from the Frame was the provision that

5. *PWP*, 2:218.

6. *PWP*, 2:218–20.

7. *PWP*, 2:220–21; *C&L*, 121–22. For the qualifications of voters and officeholders, see the chapter on "Voters and Elections in Colonial Pennsylvania, 1682–1709."

8. *PWP*, 2:364.

9. *PWP*, 2:352–53.

all votes on legislation in either the Council or the General Assembly were to be by voice rather than by ballot. Also, the name "General Assembly" was shortened to simply "Assembly," and the governor, Provincial Council, and Assembly together were to be styled the General Assembly.<sup>10</sup>

The provisions of the Act of Settlement were subsequently incorporated into a revised Frame of Government that Penn signed into law on 2 April 1683. Except for the revisions noted, the 1683 Frame of Government closely resembled its predecessor. The Provincial Council continued to combine the legislative with the executive authority, retaining the power to initiate legislation and enforce the laws of the province. The Assembly's role continued to be limited to suggesting amendments during an eight-day session, with final acceptance or rejection of proposed legislation on the ninth day. The governor and Council retained the right to dismiss the Assembly, and laws were to be enacted by the authority of "the Governor with the assent and approbation of the freemen in provincial Council and Assembly." Provision was made to increase the size of both the Council and the Assembly as the population of the colony increased.<sup>11</sup> Although Penn had allowed the 1682 and 1683 Assemblies to have a speaker, thus establishing a precedent, and had permitted the 1683 Assembly to provide the speaker with a daily salary of 3s 6d (six pence per day more than ordinary Assemblymen), the constitution continued to omit any provision for a speaker or clerk of Assembly.<sup>12</sup>

The Frame of Government adopted on 2 April 1683 remained the constitution of the province until April 1693 and the establishment of royal government in Pennsylvania. In October 1692 the crown abrogated William Penn's right to govern Pennsylvania because he was suspected of being treasonably involved with the deposed and exiled King James II. Administration of Penn's colony was placed in the hands of Colonel Benjamin Fletcher, the royal governor of New York, who arrived in Philadelphia in April 1693 to establish his jurisdiction over Pennsylvania and the Three Lower Counties. Although Fletcher does not seem to have issued any formal

abrogation of the Frame of Government, he acted on the assumption that his commission from King William III and Queen Mary to govern Pennsylvania superseded the colony's constitution, and his remark to a group of Quaker leaders, that the colony's laws were "out of dores" (i.e., no longer in effect), applied equally well to the 1683 Frame.<sup>13</sup> Fletcher abolished the elected Provincial Council and replaced it with a Council of his own appointment. During his administration, the Assembly consisted of only 20 members, four each from Philadelphia and New Castle counties, and three each from Bucks, Chester, Kent, and Sussex counties. During his tenure as governor, Fletcher permitted and indeed expected the Assembly to initiate legislation, the most important constitutional development of the period of direct royal government.<sup>14</sup>

Resumption of proprietary government in Pennsylvania in the spring of 1695 led to constitutional conflict within the colony. Penn's right to govern his province was restored to him in August 1694, and in March 1695 **William Markham** received a commission, dated the previous November, empowering him to act as governor of Pennsylvania under Penn. Markham dismissed Fletcher's appointed Council and, on the assumption that revocation of Fletcher's commission restored the 1683 constitution, issued writs of election for three members of the Provincial Council and six representatives to the Assembly for each county, in order to reestablish the legislature according to the 1683 Frame of Government. To Markham's consternation, however, he discovered that his belief in the resumption of the constitution was not universally shared. First, the Provincial Council presented him with a bill "Relating to the new modelling the government" (which ultimately failed to pass the Council), and then the Assembly, which, on the Council's recommendation, met in September after the harvest, linked passage of a badly needed supply bill to passage of a new Act of Settlement. Pleading lack of authority from Penn to legislate a new constitution, Markham dissolved both the Council and the Assembly.<sup>15</sup>

By the fall of 1696, however, the need had be-

10. *PWP*, 2:363–66.

11. *MPC*, 1:42–47.

12. *C&L*, 147. The speaker's salary was the same as that for members of the Provincial Council. In addition, members of both the Council and the Assembly received two pence per mile traveling expenses.

13. *ETPPC*, 1:18.

14. See the minutes of the Assembly for 1693 and 1694; *Votes*, 1 (pt. 1):65–89. For membership in Fletcher's appointed Provincial Council, see the Sessions List.

15. *MPC*, 1:485, 495.

come acute for Pennsylvania to raise money to contribute to the defense of New York against the French and the Indians, one of the conditions on which Penn's right to govern the province had been restored. Without a constitution in place, Governor Markham returned to the methods in use during the Fletcher administration, appointing a Provincial Council that in turn advised him to call an Assembly. In summoning the 1696 Assembly, Markham also adopted the scheme of representation in use under Fletcher, four members for Philadelphia and New Castle counties and three each for Bucks, Chester, Kent, and Sussex counties. In order to gain passage of a bill to raise money for the support of New York's war efforts, Markham accepted passage of a new constitution, the Frame of Government of 1696.<sup>16</sup>

### THE FRAME OF GOVERNMENT OF 1696

The Frame of Government of 1696 was a radical departure from its predecessors. The most significant change was the constitutional grant to the Assembly of the power to initiate legislation. The Provincial Council was limited to suggesting legislation to the Assembly, although the governor and Council retained the executive authority. The structure of both the Provincial Council and the Assembly was altered, that of the Council radically so. The Council was now to consist of two annually-elected members per county and the Assembly of four annually-elected representatives per county. The office of speaker of the Assembly at last appeared in the constitution, in a grant of a salary to the speaker of five shillings per day, the same amount allowed to members of the Council, while ordinary delegates in the Assembly received four shillings per day. The constitution also revised and enumerated the qualifications for voting and officeholding, reducing the property requirement but adding a requirement of two years' residence in the colony immediately before a given election. Under the new Frame of Government the Assembly gained the constitutional right to judge the elections of its members, to redress grievances, to appoint committees (all of which it had done at one time or another since 1682), and to sit on its own adjournments, although the governor and Council retained the

power to dismiss the Assembly. Laws were to be passed by the authority of "the Governor, with the assent and Approbation of the freemen in General Assembly"; omission of specific mention of the Provincial Council was a slight but significant change from the previous formula. Some familiar provisions of the 1683 Frame were retained. Election day remained 10 March, and the meeting of the Assembly was still set for 10 May, although the length of the session was no longer limited. The quorum remained two-thirds in both the Council and the Assembly.<sup>17</sup>

Support for the new constitution in the colony was not unanimous, and in fact opponents of the new Frame, such as **Arthur Cook, Robert Turner, Griffith Jones, Francis Rawle, John Goodson, and Joseph Wilcox**, led a protest against the Frame that included a shadow election for the Assembly in Philadelphia County in 1697. Supporters of the new Frame included **Samuel Carpenter, Anthony Morris, John Simcock, Samuel Richardson, Phineas Pemberton, and David Lloyd**.<sup>18</sup> Penn himself never sanctioned the 1696 constitution. After a conference with Turner, Jones, Rawle, and Wilcox early in January 1700, he decided to issue writs of election for an Assembly, to meet at the usual time in May, that would consist of three members of Council and six assemblymen per county. He shared Markham's position that revocation of Fletcher's commission had restored the 1683 constitution. He did not consider himself bound by the 1696 Frame of Government and informed the Council that his writs of election had effectively reimplemented the 1683 Frame. Nevertheless, when an unidentified "member of Council" made a motion for a new Frame of Government, Penn allowed the Council to begin the process of constitutional revision.<sup>19</sup> The attempt to revise the Frame of Government continued in the Assembly that met in the spring of 1700.<sup>20</sup> The Assembly, however, was unable to agree on a new Frame of Government, chiefly because of disagreements between the Pennsylvania representatives and those of the Lower Counties over the number of representatives, their salary, "& some other clauses." Except for four or five of the delegates, the members of the

17. *MPC*, 1:48–55.

18. For the conflict over the constitution, see PWP, 3:499–511.

19. *MPC*, 1:573–74, 597.

20. This Assembly is identified as "1700a" in the Sessions List.

16. *MPC*, 1:497–509.

Council and the Assembly were able to agree that the 1683 Frame of Government was no longer suitable to the circumstances of the colony. On 7 June 1700 the constitution was formally returned to Penn, who agreed to resume the government of the colony on the basis of his grant from King Charles II and the Act of Union of 1682.<sup>21</sup>

## THE CHARTER OF PRIVILEGES OF 1701

Despite efforts at constitutional legislation in the fall Assembly of 1700,<sup>22</sup> Pennsylvania remained without a constitution until Penn signed the Charter of Privileges on 28 October 1701. Penn was not happy with the new constitution,<sup>23</sup> but he was forced to make some settlement of the government before leaving for England to meet a parliamentary threat to his proprietorship. The Charter of Privileges remained the constitutional basis for the government of Pennsylvania until the end of proprietary rule at the outbreak of the American Revolution. Under the Charter the Assembly became the supreme legislative body in the colony.

The Charter of Privileges completely reoriented the meetings of the Assembly. In contrast to the previous constitutions, which mandated both elections and the meeting of the Assembly in the spring of each year, the Charter set the annual Election Day for 1 October, with the Assembly convening on 14 October. The number of representatives per county was set at four, following the precedent established by the 1696 constitution, with provision made for increasing the number of representatives at a later time. The Charter at last enshrined the right of the

Assembly to choose a speaker and other officers. Echoing provisions of the 1696 Frame of Government, the Charter confirmed the right of the Assembly to judge the elections of its members, to sit on its own adjournments, to appoint committees, to redress grievances, and to initiate legislation. The quorum remained at two-thirds of the elected members. As with the 1696 Frame, limits were not imposed on the length of the session. The Charter did not establish the qualifications for voting and officeholding, but it did stipulate that the qualifications were to remain as provided for by the election law passed in the fall of 1700; that law essentially repeated the qualifications established in the 1696 constitution. (When the 1700 election law was subsequently disallowed by the British government, the identical qualifications for voters and officeholders were embodied in a new election law passed 12 January 1706.) Laws were to be enacted by the authority of "the Governour with the Consent and approbation of the freemen in General Assembly." In a complete break with past precedent, the Provincial Council, while continuing for some time to participate in the process of drafting legislation, no longer had any constitutional role in the passage of bills. The Charter of Privileges neither mandated the Council's existence nor delineated its role or membership. Following a precedent established by Penn in June 1700 after the surrender of the 1683 Frame of Government, the Council would continue to exist but only as an appointed, advisory body to the governor. Thus the Charter of Privileges effectively established a unicameral General Assembly as the supreme legislative body in Pennsylvania.<sup>24</sup>

21. *MPC*, 1:612–13.

22. Identified as "1700b" in the Sessions List.

23. *PWP*, 4:349.

24. *MPC*, 2:56–60; *Statutes*, 2:24–27, 212–21. At the behest of the Assembly, Penn added a proviso to the Charter enabling Pennsylvania and the Lower Counties to form separate legislatures if they so desired; *MPC*, 2:60.

# Voters and Elections in Colonial Pennsylvania, 1682–1709

From its earliest draft, the constitution of colonial Pennsylvania included a provision for annual election of the colony's governing legislature, a reflection of the preference of English republicans for annual Parliaments.<sup>1</sup> During the period from 1682 to 1709, however, qualifications for both voting and officeholding in the province changed considerably, along with election practices. There evolved both a more restricted franchise and a more elaborate electoral procedure than initially provided. None of the election laws enacted in the period, however, ever bothered to state the implicit assumption of the age: voters and officeholders were free white Christian males.

William Penn's Frame of Government of 1682 provided for annual election of both provincial councilors and assemblymen by ballot as opposed to voice vote. Because the constitution required annual elections, it was evidently understood that writs of election were not required.<sup>2</sup> Councilors (who served three-year terms) who died in office or became incapable of serving were to be replaced at the next election. As the General Assembly (renamed the Assembly in 1683) met only for a very short period each year, no provision was made for replacement of members. The Frame having been drafted in England

by individuals lacking first-hand knowledge of the country, the document required only that elections be held in "some fit place."<sup>3</sup>

The 1682 constitution did not define the franchise, but that failing was supplied by Chapter 2 of the Laws Agreed Upon in England, a set of proposed laws appended to the Frame of Government. Voters and officeholders were defined as purchasers of 100 acres of land; or anyone who paid his passage to the new colony, took up 100 acres of land at one penny per acre, and cultivated 10 acres; or servants who had completed their terms of service, taken up the 50 acres promised them at the end of their servitude, and cultivated 20 acres; or any inhabitant who paid "scot and lot." These qualifications for voting were codified in Pennsylvania as Chapter 57 of the "Great Law" passed by the first Assembly, in December 1682.<sup>4</sup> The Laws Agreed Upon in England also provided penalties for bribing electors. Anyone who bribed a voter in order to be elected to office forfeited his right to serve, and any voter who accepted a bribe lost his right to vote. Neither the original law nor its codification in Pennsylvania as Chapter 58 of the "Great Law," however, specified the length of time during which a voter or prospective officeholder would be so disabled from voting or serving.<sup>5</sup>

The Frame of Government of 1683, a revision

1. *PWP*, 2:140–56.

2. The members of the legislature were chosen by writs of election in 1682, 1683, 1695, 1696, 1700, and 1701, when there was no established constitution, and in 1693 and 1694 under the royal governor. Additionally, until 1706 deceased or incapacitated legislators were to be replaced by means of writs of election issued by the governor. See *PWP*, 2:215; *MPC*, 1:46, 54; *Statutes*, 2:25–26, 217. For the date of elections under the various colonial constitutions, see "The General Assembly in the Constitutions of Colonial Pennsylvania."

3. *PWP*, 2:215–16, 219.

4. *PWP*, 2:220–21; *C&L*, 121–22. The provision for payment of scot and lot, a tax levied by municipal incorporations on their members to defray municipal expenses (*OED*), was merely a formality because, except for the city of Philadelphia in 1691–92, municipal incorporations in the colony did not exist until Philadelphia was again chartered as a city in 1701.

5. *PWP*, 2:221; *C&L*, 122.

of Penn's constitution of 1682, made almost no changes in the provisions enacted the previous year. The qualifications for voting and office-holding and the penalties for bribery, having been codified, were not mentioned in the new constitution. The document did, however, continue to specify the use of the ballot in elections, and, with the province having been subdivided into counties, elections were now appointed to be conducted "in the most convenient place in every county."<sup>6</sup>

In the early years of the province, the actual "ballot" for each voter was not a slip of paper but a bean. In some instances beans of only one color were used, placed into a ballot box divided into compartments, while at other times different colored beans were placed into an undivided receptacle. The 1683 Assembly voted to agree to a conference with the proprietor "by Beans, put into the Ballotting-box,"<sup>7</sup> and a description of a Pennsylvania ballot box has survived in a pamphlet describing the colony originally published in Dutch at Amsterdam in 1686:

This is a secure box made in the shape of a house, having within a partition, and each compartment of a special color; in the top of the roof there is an opening like a chimney through which one thrusts one's hand and lets a bean fall into whichever compartment one will, without any of the bystanders being able to see on which side one lets the bean glide into it, after one has agreed before hand which compartment shall be reckoned for one person and which for another.<sup>8</sup>

Despite the constitutional mandate, the ballot was not always used in elections. Possibly there was confusion over what the law required. The situation is well illustrated by the dispute over the elections of **Samuel Richardson** and **John Eckley** to the Provincial Council from Philadelphia County in 1689. Richardson, initially elected in 1688, was excluded from the Council by Governor John Blackwell for claiming that the proprietor had no power to commission Blackwell as governor. As for Eckley, Blackwell refused to seat him on the grounds that numbers of Welsh settlers from Chester County had crossed over into Philadelphia and illegally voted for him. The governor ordered a new election to replace both Richardson and Eckley, but, to his chagrin, they were both re-elected by voice vote. In the discussion in the

Council that followed their reelection, **Griffith Jones** reported that he had tried but failed to have the election carried out by ballot. **William Clark**, in turn, remarked that he did not think the ballot was necessary, and **Samuel Carpenter** and **Joseph Growdon** both insisted the ballot was to be used only "where there is doubt." **John Curtis** stated flatly: "The Ballotting box is not used in any other place but this County. We are Elected by Vote [i.e., by voice]." Jones then replied that Curtis was mistaken and claimed that the ballot was used in Chester County and "in all the Lower Counties, by black & white beanes put into a hatt."<sup>9</sup>

During the administration of the royal governor, Benjamin Fletcher, the qualifications for the franchise were not clear. The laws that the Assembly asked Fletcher to confirm included the one laying out the penalties for bribery of electors but not the one enumerating the requirements for voting.<sup>10</sup> The Frame of Government of 1696, however, redefined the franchise substantially. Under that constitution the right to vote and hold office was limited to "free denizens" of the colony who were at least 21 years of age, the first time the minimum age for voters was specifically stated. Additionally, voters were required to possess either 50 acres of land with 10 acres cleared and improved or an estate otherwise worth £50 provincial money. Voters also had to be resident in the colony two years next before an election. Moreover, in a significant change from past practice, the 1696 Frame called for elections to the Assembly to be by voice vote rather than by ballot, a move which particularly displeased William Penn. The Frame ordered elections to be held "in the most convenient and usual place" in each county. This place was normally where the county court was held, but elections could be held elsewhere. For example, the year before the Frame was adopted, an election in Kent County, Delaware, had been held "at the Plantation of Richard Bassnet on Dover River." The Frame also clarified the penalty for bribing a voter. The guilty party was ineligible to either vote or serve for that year.<sup>11</sup>

During a period when the colony was without a constitution, the Assembly in the fall of 1700 passed a new election law. Qualifications for voters and officeholders remained essentially

6. *MPC*, 1:43, 46.

7. *Votes*, 1 (pt. 1):8.

8. *PMHB*, 49:120.

9. *MPC*, 1:279-82.

10. *C&L*, 203.

11. *MPC*, 1:49-50, 52, 54; *PWP*, 4:349; *PRP*, Box 2, #6.

the same as in the 1696 Frame of Government, except that the new law specified that voters and officeholders had to be native or naturalized British subjects and had to have 12, rather than 10, acres of their 50-acre freeholds cleared and improved. The law also added a £5 fine to the penalty for bribing an elector or accepting a bribe in exchange for a vote.<sup>12</sup> The Charter of Privileges, the constitution of the colony after 1701, merely provided that the qualifications for the franchise should remain according to the 1700 legislation.<sup>13</sup>

The 1700 election law was repealed by the queen in Council in February 1706, but the Pennsylvania Assembly the month before had already enacted a new election law in its place that was to be the Assembly's last word on the subject during the period of this volume. The new law stipulated quite detailed election procedures. Evidently the Assembly felt the law was urgently needed in the aftermath of the 1705 election when, as **David Lloyd** complained, the militia had attempted to intimidate the voters of Philadelphia City and County. While Lloyd's comments should be viewed in the light of an electoral defeat for many of his allies, the election was clearly extraordinary, for **Griffith Owen** lamented to William Penn that "there was such striving & shouting at our Election as was never before here." Lloyd himself was "rejected by Ballot for the County," but succeeded in obtaining election for the city of Philadelphia, although whether by ballot or voice vote is not clear.<sup>14</sup>

The 1706 enactment maintained the requirements for voting and officeholding established by the 1700 law, but in other ways it was quite different from its predecessors. To the penalty for election fraud previously established, the new law added a provision for half of the £5 fine to go to the governor and half to the informant who succeeded in proving the fraud in court, an ironic provision considering that the Quakers strenuously objected to the English practice of rewarding informants. Also, for the first time, the new law stated explicitly that writs of election were not required for the annual election. If it became necessary to replace a member of the Assembly, the new law dictated that a writ for a new election should issue from the Assembly itself, not from the governor, as previously.

For the first time, also, the law indicated precisely where elections were to be conducted: for the city and county of Philadelphia, at or near the marketplace in the city; for Bucks County, on the courthouse grounds in Bristol; and for Chester County, at or near the courthouse in Chester. Most significantly, however, the 1706 law formally returned to the use of the written ballot, bearing out William Penn's comment that those who had abandoned the ballot in 1696 would have "cause sufficient to repent of their folly therein."<sup>15</sup>

It is not clear to what extent the 1706 election law gave legal force to certain practices already common. Presumably the use of clerks to take the poll was not new, although they were first mentioned in the 1706 statute. Possibly tickets, or slips of paper containing the names of candidates, were also in use before they were required by the 1706 law. Certain provisions of the law were, however, innovations. The county sheriffs had always conducted elections, but the 1706 statute allowed the election to be conducted, in the absence of the sheriff, the coroner, or their deputy, by any two freeholders chosen judges of election by the majority of voters present. The 1706 law also created the post of election inspector but, in an apparent oversight, failed to specify either the number of inspectors, the manner in which they were to be chosen, or their duties. That deficiency was not repaired until 1727.<sup>16</sup>

Moreover, although the 1706 election law mandated the use of the ballot in the form of a written ticket containing the names of the candidates of the voter's choice, the ballot was not necessarily secret. If a voter was illiterate, the law required the sheriff or other judge of election to open his ticket and read aloud the names it contained to verify the voter's choice. How those names came to be written in the ticket is not clear. If a voter did not bring a ticket, or if the ticket of an illiterate voter did not contain the names of the candidates of his choice, the law required him to state aloud to the clerk the candidates for whom he wished to vote.<sup>17</sup> Literate voters who came prepared with tickets could, of course, deposit their papers in the ballot box without revealing the contents.

Despite the statutory and constitutional evidence, one of the most important parts of any election, the method of choosing candidates, remains unknown for Pennsylvania in the period

12. *Statutes*, 2:25.

13. *MPC*, 2:58.

14. Leonard, "Elections," 397; *PWP*, 4:513; *LP*, 1:205.

15. *Statutes*, 2:213-15, 217; *PWP*, 4:349.

16. *Statutes*, 2:214; Leonard, "Elections," 395.

17. *Statutes*, 2:215.



of this volume. Political parties in the modern sense were unknown, but the concept of a party as a group with common political goals and interests was certainly familiar. Pennsylvania voters had before them the example of Whigs and Tories in England, and as early as 1697 Governor **William Markham** disparaged the opponents of the 1696 Frame of Government as “men most Inveterate against the Lloydian party.”<sup>18</sup> Quaker meetings evidently played some part, though unofficial, in selecting candidates for the Assembly, but during the period when the Three Lower Counties sent representatives to the Pennsylvania Assembly, there seems to be no evidence as to how candidates were chosen in

18. PPMWP, 6:23.

the Delaware counties.<sup>19</sup> As the eighteenth century progressed, Pennsylvania elections would grow more boisterous—and even violent—than the one complained of by **David Lloyd** in 1705, while electoral procedure, as outlined in the election law of 1706, already considerably more elaborate than the rudimentary considerations laid down by William Penn in 1682, would be refined still further.<sup>20</sup>

19. New Castle County returned an entirely Quaker delegation to the 1695 Assembly, strongly suggesting the involvement of Newark Monthly Meeting in electoral politics. See the Sessions List and the biographies of the individual representatives in this volume.

20. For an overview of Pennsylvania elections throughout the colonial period, see Leonard, “Elections,” 385–401.

# Legislative Supremacy and Assembly Procedures, 1682–1709

When William Penn, the proprietor of Pennsylvania, arrived in his colony in October 1682, he brought with him an elaborate constitution, the Frame of Government, which called for a bicameral legislature comprising the Provincial Council and the Assembly, the latter to meet for only nine days and to have a secondary role in legislating. The Frame did permit the Assembly to confer freely, to offer the Provincial Council proposals to alter or amend the promulgated legislation, and to impeach “criminals fit to be there impeached.” All questions and decisions in the House were to be by ballot.<sup>1</sup>

The Assembly which met in December 1682, and which did not include a Provincial Council, was clearly perceived by Penn as the equivalent of a Convention Parliament, called upon to confirm the Frame of Government and the charter he had granted to a trading monopoly, the Free Society of Traders. Penn’s assumption that the 1682 Assembly would confirm the Frame of Government was misguided, for the House refused to accept the document without modification, nor did it ratify his charter to the Free Society of Traders, a crippling blow to that organization and its president, **Nicholas More**. The 1683 Assembly enacted a new Frame of Government, but none of the modifications changed the legislative role of the House, except that while votes on personal matters would be by ballot, those involving legislation would be by voice vote.<sup>2</sup> However, although personally opposing legislative initiative for the House, Penn permitted the House during the session to debate its own bill relating to the transportation of felons into the colony, and more importantly,

he enacted another House bill which allowed a 25 percent advance in the value of English, Spanish, and New England coinage used in the colony.

In the 1680s the House aggressively pursued an expansion of its legislative rights vis-à-vis the Provincial Council, particularly through the annual Continuation Act that kept the colony’s laws in force. Throughout the decade, the House attempted to amend that act, most dramatically in 1686, to include the repeal or alteration of previous laws and to terminate all laws 20 days after the rising of the next General Assembly, thereby ensuring that the House had to pass a Continuation Act each session for the colony’s laws to remain in effect. Consistently, however, the Provincial Council opposed such attempts by the House and in 1688 even attacked the Assembly’s presumed right to keep its debates secret, to demand redress of grievances, or to appoint committees. The Council reminded the House that its sole duty comprised the consideration of promulgated bills “whether fit to be passed into Laws or not, or amend the same.”<sup>3</sup>

Why the House and Council clashed over legislative initiative is speculative. One factor in the struggle may have been the length of sessions and the term of office. Until the governorship of Benjamin Fletcher, and except for some of the councilors elected in 1683, councilors served three-year terms, while assemblymen, elected annually, served only for nine days. Furthermore, the Provincial Council met with relative frequency throughout the year; given that some minutes are missing, there were at least 711 meetings from 1683 to 1701. The Assembly, on the

1. Soderlund, *William Penn*, 123–28.

2. Soderlund, *William Penn*, 267–72.

3. *Votes*, 1 (pt. 1):44. For the Continuation Acts in this period, see *C&L*, 127–82 *passim*.

other hand, met in all, from 1683 to 1701, only 307 times. Moreover, while the Assembly had 36 members, most of whom attended during the sittings, the Provincial Council had only 18 members, many of whom, particularly from the Lower Counties, appeared infrequently. The average attendance during the period from 1683 to 1701 was 9 members.<sup>4</sup> Consequently, at various times a solid core of frequent attenders of the Council, normally Pennsylvania Quakers, may have developed a sense of identification with the office, with the governor, and with the concept of executive and legislative power that clashed with the views of the assemblymen, who generally appeared for a short period each year and who may have been eager to thrust themselves into the political process in a significant manner.

There were also significant differences in the composition of the membership of the two institutions. Although almost two-thirds of the provincial councilors also served at some point in the Assembly, over 80 percent of the assemblymen never served in the Council. With the gaps in statistical knowledge for the legislators in this period and the differences between counties taken into account, generally speaking, the councilors were a smaller, more cohesive group than the assemblymen. They were older, wealthier, of higher social status, with a greater percentage of relatives in the legislature, and more likely to have served as provincial, county, and local officeholders, particularly in the significant county post of justice of the peace. The campaign by the Assembly for legislative privileges—in effect, to become an equivalent in the colony of the English House of Commons—was likely fueled by the conviction on the part of many assemblymen that they were more broadly representative of the population and less involved in provincial and proprietary affairs. In turn, the more elite characteristics of the provincial councilors help to explain their defense of the institution. That was clearly evident with the councilors who sat in 1683 and 1684 and supported Penn's belief that the Frame of Government should rest complete legislative initiative in the Provincial Council. The 1683 Council included such important, older, and established English Quakers and proprietary allies as **William Biles**, **Christopher Taylor** (aged 62), **James Harrison** (aged 55), **Thomas Holme** (aged 59), **John Simcock** (aged 52), Scottish Quaker **William Haige** (aged 37), **Ralph**

**Withers** (aged 51), and **William Clayton** (aged c. 55). The other provincial councilor from Pennsylvania, **Lasse Cock** (aged 42), was a prominent Swedish planter, merchant, military captain, and Indian interpreter. Among the Lower Counties councilors were the Quaker **William Clark** and Penn's cousin **William Markham**, an Anglican. Although the remaining eight councilors were non-Quakers, they included five signers of the petition for the Act of Union. That pattern was continued in the 1684 Provincial Council, which, in addition to Harrison, Taylor, Haige, Holme, Clayton, and Simcock, included the newly-elected **Thomas Janney** (aged 50), **Thomas Lloyd** (aged 44), and **William Wood**, who became president of the Free Society of Traders. All were Quakers. The Lower Counties councilors included three Quakers, Clark, **William Welch**, and **William Southeby**, and four signers of the petition for the Act of Union. Penn, who believed that provincial councilors were to be the elite of the colony, furthered the seeming disparity between the Council and Assembly by deciding before his 1684 return to England to commission President **Thomas Lloyd** and the Council to act jointly as the governing authority in the colony. After Penn's departure, the colony witnessed for the next decade chronic institutional tension between the two bodies and the steady erosion of the legislative prerogatives of the Council.

In 1689 Governor John Blackwell, a former Cromwellian soldier who had little patience with the Quakers, threatened to annul all of the colony's laws that had been enacted since Penn's return to England in 1684, because they lacked the great seal and because they had not been reviewed and accepted by either Penn or the English Privy Council. Blackwell also manipulated the membership of the Provincial Council by refusing to seat three prominent Quakers, **Thomas Lloyd**, **John Eckley**, and **Samuel Richardson**; moreover, the governor became obsessed with Lloyd, drafting early in April 1689 an 11-point paper of "Crimes and misdemeanors committed by Thomas Lloyd," and calling upon the Council, to appoint a committee to prepare formal charges.<sup>5</sup> Blackwell's increasingly strident attitude alarmed many of the Quakers on the Council who complained to the proprietor;<sup>6</sup> after a tumultuous meeting on 9 April, Blackwell was unable to obtain a quorum in the Council until 10 May, by which

4. It should be kept in mind, however, that the minutes are incomplete.

5. *MPC*, 1:276–97 passim; Blackwell, 2.

6. *PWP*, 3:236–39, 247–51.

time he had followed the lead of his opponents and written to Penn, excoriating the "Grand incompetence" of the Quakers whose principles were "un-suitable to civill Governm(en)t & polity." Faced, however, with a legislative and executive impasse, Blackwell pressured Penn in the same letter either to back him unequivocally or to replace him.<sup>7</sup> Penn chose the latter. Perhaps tired himself of all the opposition and factionalism, and sensing that Penn would side with the Quakers, Blackwell held only six meetings of the Council between June and December 1689.

These developments may have convinced the colony's Quakers, fearful over their future ability to rule Pennsylvania, that the Assembly, with its greater size, was potentially less vulnerable to assault from an overbearing governor. Consequently, the legislative separation of the Assembly from the governor and Provincial Council may have become even more pressing for many of the Quaker leaders, even those who normally sat in the Provincial Council.

That desire for separation assumed a greater urgency when Penn's right to govern the colony was terminated in 1692 by the English government; the new governor, Benjamin Fletcher, posed an even greater threat than Blackwell to Quaker rule. Fletcher effectively abrogated the 1683 Frame of Government, reducing the House to 20 members and relying on an appointed Provincial Council. Like Blackwell, Fletcher threatened the colony's laws, agreeing to approve only those laws formally enrolled and consistent with English law. Ultimately, a compromise was reached, but once again the Quakers saw their political hegemony under seige.<sup>8</sup> On the other hand, Fletcher permitted lengthier Assembly sessions and, most significantly, allowed the House to initiate legislation, including a provincial tax. Moreover, the House insisted in 1694 that it had "an undoubted Right to propose the raising of Money, and appropriate the same for the Utility of private Places, as well as for publick Uses," which right, it added disingenuously, was consistent with privileges granted previously and the practice in England and in some colonies.<sup>9</sup> The House also asserted that it had the right to adjourn on its own initiative.<sup>10</sup>

Between 1682 and 1693, with the apparent exception of two bills (mentioned previously) in 1683, all proposed legislation had originated in the Provincial Council. Although the House gained the initiative under Fletcher, that right was less clear with the return of Governor **William Markham**, who at the beginning of the 1695 General Assembly began by having the minutes of Council read since Penn was restored as a reminder to the legislature "how we have fallen outt of the method of governm(en)t formerly settled by the proprietor & the people's representatives, in which the provincial Council used to promulgate bills that were to be past into Laws twentie dayes before the sitting of the assemblie, att the end of which time the assemblie used to meet to Confirm or reject those bills."<sup>11</sup> Yet Markham had not given the Council sufficient time to promulgate bills for the Assembly; consequently, the House agreed to assist the Council in initiating legislation, believing that it had equivalent power with the Council to prepare and propose bills to be passed into laws.<sup>12</sup>

The legislation enacted in 1696 appears to have followed the same pattern. In any event, the 1696 Frame of Government empowered the House to initiate legislation, with the governor and Provincial Council having the right simply to recommend possible laws. With the brief exception of the first Assembly of 1700, convened by William Penn under the 1683 Frame of Government, the House retained that right, which was codified by the 1701 Charter of Privileges. The latter formally eliminated any constitutional role for the Provincial Council in the enactment of legislation, a significant victory for the Assembly, although William Penn claimed (albeit illegally) to exercise a final veto over all legislation.<sup>13</sup> With the legislative separation in 1704 of Pennsylvania and the Lower Counties, the Quakers, who dominated the membership of the Assembly, had virtually assured their continued political domination of Pennsylvania.

Although both the 1696 Frame of Government and the 1701 Charter of Privileges augmented the privileges of the House beyond the right of initiating legislation, the House had already established rules of order and procedure governing behavior and the legislative process, while claiming substantial privileges. In 1703

7. *PWP*, 3:243-46.

8. *MPC*, 1:410-13, 416-33; *Votes*, 1 (pt. 1):67-75; *C&L*, 189-91. For part of the Quaker counterattack against Fletcher, see *ETPPC*, 1:18; *NOF*, 1:120, 122.

9. *Votes*, 1 (pt. 1):88-89.

10. *Votes*, 1 (pt. 1):79-80.

11. *MPC*, 1:489.

12. *Votes*, 1 (pt. 1):91-93; *MPC*, 1:491-92.

13. *PWP*, 4:230-33; *PWP Micro*, 10:1069; *Prop. E*, fol. 217, bundle N:48.

the House for the first time formally entered in the minutes a lengthy set of rules "proposed to be observed in the House," and which generally reflected rules already in place.<sup>14</sup> The 1703 rules were read at the beginning of each new Assembly;<sup>15</sup> in 1705 they were further augmented when the House resolved that any members who failed to appear within half an hour after the ringing of the bell and the speaker's assuming his chair were to pay a ten-penny bit, but if a quorum was not present at that call then the absent members were to pay two ten-penny bits, and after that a bit for every hour's absence unless they were able to show cause to the satisfaction of the House.<sup>16</sup>

By 1709 the House, which until the building of the State House in Philadelphia in 1736 met at various locations including private residences, a Quaker meetinghouse, and Thomas Makin's schoolhouse,<sup>17</sup> claimed the privileges, and operated under the rules and procedures listed below. Many of these had been in place throughout the period. There is some uncertainty, however, whether all the procedures set forth by the House in 1682 and refined in later assemblies were still operative by 1709; the 1703 rules, for example, do not address the procedures used in passing legislation and may also omit some of the rules understood by members to be in force that were applicable to debates.<sup>18</sup>

1. As early as 1682 the House had elected a speaker, although this procedure was not provided for in the Frame of that year. While the 1683 Frame also omitted any reference to that post, the House continued to elect speakers. The precise manner in which the elections were conducted is not known, but probably resembled that of the English House of Commons, where a member would be nominated and, if unanimously chosen, would then be escorted by two members from his place to the chair. If the choice was not unanimous, however, other nominations might be made, leading to a contest for the post with the victor decided by majority vote. Whether all speakers elected in Pennsylvania in this period by majority vote actually defeated other candidates is not always clear. In the

period 1682–1709 at least 13 of the elections were not unanimous. In 1684 **Francis Fincher** became the only speaker chosen in this period who declined to serve; **Nicholas More** was elected by majority vote in his stead. The election of More, in which he defeated **Joseph Growdon**, was also the only instance in this period where a contest was known to have been held. The elections of **Thomas Wynne** (1683), **David Lloyd** (1694), **Phineas Pemberton** (1698), and **John Blunston** (1699) were unanimous. When introduced to the governor, the speaker traditionally indicated his unworthiness for the position and the need for another member to be elected in his stead, and then (the governor declining the request) asked on behalf of his fellow assemblymen free access to the governor and Provincial Council, freedom of speech and debate, and liberty of their persons. The Frame of 1696, while not sanctioning the speakership, provided a salary for the post; the 1701 Charter of Privileges formally established the right of the House to choose a speaker.

2. Each Assembly also elected a clerk to perform myriad tasks, including keeping the minutes and occasionally drawing up the bills.<sup>19</sup> Presumably the roll call of members was also a function of the clerk; at the first sitting of each new Assembly, however, that function may have been filled by the previous clerk. Whether the doorkeeper/messenger, another officer of the House, was also elected or whether he was chosen by the speaker is not clear, the Assembly minutes usually stating that he was "appointed" by the House.<sup>20</sup> The Assembly post of sergeant-at-arms was apparently not established until 1712, and in any event was commissioned by the governor on petition from the House. The Charter of Privileges of 1701 formally permitted the House to choose officers.

3. All members were to take a declaration of allegiance to the king or queen of England, fidelity to the governor, and (after 1693) the declarations and tests distinguishing Protestants from Catholics. In 1688 the House also instituted a stipulation that the representatives would not "directly or indirectly, relate, divulge or discover any Speech, or Person, without the Consent of the Assembly, whereby any Member may be censured, or any wise hurt for his Speech, but do declare, That all Speeches in Assembly made, ought to be only censured, approved and condemned in the Assembly, and no

14. *Votes*, 1 (pt. 2):2–3.

15. For example, see *Votes*, 1 (pt. 2):51, 93.

16. *Votes*, 1 (pt. 2):51.

17. See Leonard, "Assembly," 221–22; *Votes*, 1 (pt. 1):89, 1 (pt. 2):63; *MPC*, 1:178.

18. The list is compositely drawn from *Votes*, 1, particularly pt. 1:1–3 and pt. 2:2–3, augmented by the excellent article on Assembly procedure during the colonial era: Leonard, "Assembly."

19. See, for example, *Votes*, 1 (pt. 1):36.

20. See, for example, *Votes*, 1 (pt. 1):42, 48, 57.

where else.”<sup>21</sup> That declaration continued into the eighteenth century.

4. The Frame of 1682 granted the House sole right to determine disputes over the election of any member, a right enshrined as one of the colony's fundamental laws. The House also claimed, however, the right to determine the qualification of any member; both rights were formally granted by the 1696 and 1701 constitutions. As early as 1682 the Assembly invoked its right to decide elections by declaring **John Moll** the duly-elected representative in a dispute with **Abraham Man**. During the period 1682 to 1709 the House expelled five members: **Nicholas More**, **John Briggs**, **Samuel Borden**, **Henry Stretcher**, and **James Brown**, the son-in-law of **William Markham**, although both Briggs and Stretcher were allowed to return before the end of their respective terms.

5. No member was to enter or leave the House before the speaker, he being present, nor depart the House without his leave.

6. Once the Assembly began, the regularity of elections was to be inspected first; committees were to be appointed where known to be necessary, beginning with commands of the crown, then those of the governor; after which, there would come inspection of the law for safety of the government and the preservation of liberty and property, next of grievances, of public and private bills, and of petitions in course.

7. No proposal was to be put to the question without two supporting voices; the House could then resolve itself into a Committee of the Whole to debate the matter (1682; not mentioned in the 1703 rules).

8. Whenever the House resolved itself on any matter into a Committee of the Whole, often referred to before 1695 as the Grand Committee, the speaker was to leave the chair and a chairman was to be immediately elected, who was then promoted to the chair. All members were to direct their speeches to him as if he were the speaker, but with unrestricted debate allowed. As soon as the matter in debate was agreed upon, then the chairman was to return to his regular seat and the speaker was to resume the chair. The chairman of the whole was then to make his report to the House, which report was to be left in writing with the clerk. The Committee of the Whole was never to adjourn without consent of the House and no other committee could determine the right or prop-

erty of the subject without leave from the House (1682; not mentioned in the 1703 rules, but most likely still in place).

9. Any member of the House could amend any proposal by adding to the measure or excepting against any part (1682; not mentioned in the 1703 rules, but no doubt still in place).

10. All questions put by the speaker to know the mind of the House by vote were to be answered by the members standing up and saying either yea or nay, as they saw fit. Whether that procedure was also true when a question arose during a debate as to whether the House should proceed is unclear; earlier in the Assembly's history, beginning in 1682, that question would lead to a division, with those opposed to leave the House, while if the question was simply for an adjournment, then those in favor were to leave the House.

11. If a debate should prove to be “tedious,” any four members could stand up and request the speaker to put the matter in debate to the vote, which request he had to honor.

12. All questions were to pass, either in the negative or in the affirmative. Two members were to be elected as inspectors to determine which party carried a motion by majority vote (1682; not mentioned in the 1703 rules, but probably still applicable).

13. Any member who acted indecently towards the speaker or any of the members by reflection or by any “other uncomely Behaviour” in the House, or who transgressed any of the rules, was to be “reproved” for the first offense and then fined up to 10 shillings for subsequent offenses. The speaker, with consent of the House, was to require any member offending against the rules of the House, to stand at the bar to receive censure.

14. To counter lateness, the 1682 Assembly had resolved that delinquent members were to be reprimanded for the first offense and then fined 12 pence for a second offense, with increasing fines for succeeding offenses up to 10 shillings. In all cases, the offender was to be brought to the bar of the House. That resolve apparently remained in effect until the 1697 and 1698 assemblies decided to punish lateness by fines of 15 3d for the first offense and for each hour's absence thereafter. That punishment was altered by the 1705 resolution mentioned above. For the more substantial offense of absenteeism, the 1683 Frame of Government enacted that any member who refused to attend the legislature was to be fined 5 shillings for each day's neglect. That law was repealed by the crown, however,

21. *Votes*, 1 (pt. 1):43.

in 1693 and not reenacted. In 1699, in reaction to the failure of New Castle County to elect representatives, the Assembly enacted that any county failing to elect representatives was to pay a fine of £100, while any duly-elected representative who refused to attend the legislature or who neglected his duty was to pay a fine up to 20 shillings per day.

15. All members who desired to speak were to stand and direct their speech to the chair, and to "speak pertinently to the Occasion" and then to sit down, and no member was to speak more than twice to one matter, especially bills, without leave of the speaker.

16. No member was to interrupt another nor offer to speak until the first member sat down. In the early years of the Assembly, the right not to be interrupted belonged only to the speaker.

17. Members were to forbear talking to each other and were to remain silent unless they had occasion to speak.

18. No member was to pervert the sense of another member's speech.

19. The speaker was permitted to stop all unnecessary, "tedious, or superfluous Discourse" and to command silence when needful.

20. Members were to avoid naming others when they had occasion to observe or take notice of a speech, but were to point out the time the member spoke or the seat he had, for example, the last member who spoke or the member to the right or left hand of the chair. Nor were any of the members to engage in personal attacks on fellow assemblymen, but were to speak only to the matter in question.

21. Upon debates and passing of bills, the majority of votes were to govern; when the votes of members were equal, the speaker was to cast the deciding vote.

22. Bills, whether public or private, originated in the House in several ways: by petition with the right occasionally granted by the House to the petitioner(s) to bring in an accompanying bill; by proposal from a House member or members; on recommendation from the governor and/or Provincial Council; by resolution of a Committee of the Whole; or by recommendation of a select committee established for the purpose.

23. When bills were introduced, the clerk was to read them loudly. After the reading, the bills were to be delivered to the speaker, who was to mark and note them, by breviate or otherwise, and then to read the title, indicate the nature and use of the bills, and declare that to be the first reading. No close debate was permitted at that

time, unless a measure was so universally disliked that the Assembly voted immediately to reject it. Otherwise, serious deliberation was to take place on the contents, in order for better information before the second reading. No bill was to be read twice in one day, except on extraordinary occasions.

24. Debate occurred at the bill's second reading, in the whole House or in a Committee of the Whole. While relatively innocuous amendments could be made by the clerk at the table upon which the bill lay, more serious alterations necessitated the appointment of a committee or recommitment to the committee from which the bill originated. A bill without exceptions, however, was not to go to committee. If not committed or rejected, then the bill was to be engrossed, that is, drawn formally on paper or parchment, in a full House, with the title endorsed on the back of the bill, for presentation to the governor for his assent, rejection, or suggested amendments.

25. Any member who opposed the body of a particular bill was not eligible for appointment to a committee about that measure.

26. The speaker, at least beginning in 1703, had the power to nominate members to committees, although the House also stipulated that members were not barred from the privilege of nominating individuals they thought fit or rejecting anyone named by the speaker, in which cases the opinion of the House should rule. In any event, those named could not refuse that service. The House did not formally receive the right to have committees until the Frame of 1696, confirmed by the 1701 Charter of Privileges.

27. Any member of the House could have access into any committee (1682; not mentioned in the 1703 rules, but presumably still in force).

28. A committee could request additional members where necessary (1682; not mentioned in the 1703 rules, but presumably still in force).

29. Bills in committees were first to be read in their entirety and were then to be considered by parts, with the preamble considered last. The bills were not to contain cross-outs or erasures when amendments were voted upon; consequently, the bill was to be amended in other papers in order for the committee members to understand clearly the effect of the various amendments. Each amendment was to be voted upon separately. No committee was permitted to alter a question agreed upon among its members without consent of the whole House. When ready, bills were not to contain erasures or inter-

lineations but were to be redrawn. The amended bill was then voted upon to determine whether it should be reported to the House. The chairman from his seat would then report and lay the amended bill on the table. The committee, in its report, was always to provide the name of the committee.

30. The clerk was to read the bill twice; the amendments would then be voted upon by the House and the bill would be either recommitted for further alteration or, if approved, engrossed before a third reading.

31. All bills that passed the third reading were then presented to the governor for his assent, rejection, or amendment. Where amendments were suggested, the House could refuse to accept them, could add them to the bill, or could confer with the governor in order to reach a compromise. If, however, the governor was known to agree with the bill, then prior to 1701 this final stage would involve the House meeting jointly with the Council and governor, at which time the bill was read by the clerk of the Provincial Council three times and then, without debate, was voted upon again before being signed by the governor. After 1701 the governor simply signed the bill. Once the signing took place, a joint committee of the House and Council was to view the application of the great seal to the bill and the depositing of it in the Rolls Office.

32. By the Frame of 1696 and the Charter of 1701, the House gained the formal right to sit on its own adjournments and also to have its grievances redressed by the governor, both of which rights it had already asserted. Grievances were a particularly sensitive issue for many assemblymen throughout the period; perhaps the most dramatic evidence of their concern occurred at the end of the 1693 Assembly when ten prominent members, **David Lloyd**, **Samuel Richardson**, **James Fox**, **John Simcock**, **John Swift**, **Samuel Preston**, **Samuel Carpenter**, **John White**, **George Maris**, and **Henry Poynter**, having grudgingly supported the granting of a supply to Governor Fletcher, who was anxious to embark for New York, signed a protest that the granting of a supply before redress of grievances must not be viewed as a precedent.<sup>22</sup>

33. As early as the 1682 Frame of Government, the House had been granted the right to impeach "criminals fit to be there impeached." In the

mid-1680s the House attempted to impeach **Nicholas More**, chief justice of the provincial court and an assemblyman, and also attempted to oust More and the clerk of the provincial court, **Patrick Robinson**, from provincial office, the House going so far as to have Robinson arrested for contempt, and resolving that it had "the undoubted Privilege . . . to send for all such Persons into Custody, as shall refuse to obey the just and lawful Orders of the Assembly."<sup>23</sup>

34. Also in the 1680s, as a result of cases involving **Henry Bowman** in 1687 and **John White** in 1686 and 1689, the House resolved that every member during his attendance on the House had the "undoubted Right and Privilege . . . to be exempted from his Appearance in any inferior Court of this Government." The House also resolved that it was a breach of privilege for any duly-elected member to be detained in prison during the time of the sessions and that the House had the right to issue a writ of *habeas corpus* for the member to be brought to the House, which was to be the proper judge whether such a crime was sufficient to detain the member from his attendance and service. The House modified this in 1690 by permitting the detainment or arrest of any member charged with treason, murder, or felony, or some other "heinous or enormous Crimes."

35. When 14 members (5 from Pennsylvania and 9 from the Lower Counties) boycotted the last day of the 1689 Assembly in protest over the stridency of the Assembly in the **John White** affair, the remaining members resolved that the boycotters were not to receive a salary for their service at that Assembly and should not be reelected. Whether they received their salaries is not known, but many of the boycotters were, in fact, reelected, thereby demonstrating the limitations of the House when trying to dictate to the electorate. That limitation was also true for the second resolve passed by the remnant of the 1689 House, asserting that five men, including **William Markham**, **Robert Turner**, and **Griffith Jones**, ostensibly involved in the rearrest of White and the arrest of **David Lloyd**, clerk of the Assembly, were violators of the privileges of the Assembly and betrayers of the liberties of the freemen of Pennsylvania and should therefore be made incapable of bearing any public office or place of trust in the gov-

22. *Votes*, 1 (pt. 1):77.

23. *Votes*, 1 (pt. 1):34.



ernment. A warrant was issued, signed by the speaker, to all high and petty constables, for bringing the delinquents before the House to answer their contempt and breach of privilege. But all the relevant parties ignored the Assembly's warrants and complaints. However, in 1690 the full House resolved, in response to the boycott of 1689, that no member was allowed to depart the House or wilfully neglect to appear during the continuance thereof without consent of the House or dismissal by the governor.

36. The House also claimed, over the strenuous objections of William Penn and of governors John Evans and Charles Gookin, that it had the right both to prorogue (i.e. adjourn) from session to session and to dismiss itself.

Apparently in the 1703 Assembly, for the only time, the House altered one important rule by

ordering that all bills on first reading were to be committed for perusal to certain members, appointed from time to time by the speaker. Those members were then to report to the House the amendments they thought were proper, which would then be read and considered by the full House. Amendments favored by a majority of the members would be inserted or fixed to the bill, which was then read the second time, engrossed, and sent to the governor for his perusal. If he thought fit to propose any amendments, he would send them to the House to be considered before the third reading. Why the procedure was altered for that one Assembly is uncertain, although the speaker, **David Lloyd**, may have been attempting to curry favor with John Evans, the young new governor.

## *The House Committees, 1682–1709*

Like the institution it served, the House committee developed into a system that was durable and accommodating, emerging as a multipurposed body intended to facilitate the legislative and political needs of the Assembly. Yet the development of the Pennsylvania House committee between 1682 and 1709 generally followed an uncharted course, as initial attempts to introduce standing committees failed and gave way to the establishment of ad hoc committees that were designed to meet specific needs at specific times. Assemblies abandoned the rigid formalization suggested in the 1682 committees of Elections, Grievances, and Foresight, and established instead committees that more efficiently executed the needs of the House. Consequently, between 1683 and 1692, in the period before the Assembly gained the power to initiate legislation, the House effectively improvised by routinely appointing conference committees, a flexible device that provided assemblymen direct access to the Provincial Council in order to discuss legislation. The Council, for that matter, also considered establishing standing committees in 1683, but like the Assembly, found such a system impracticable and appointed instead ad hoc committees as the need arose.

Between 1693 and 1701 the activities and scope of the House committee dramatically increased, in part reflecting the political and constitutional upheavals that characterized that period. A comparison illustrates the point: the 11 assemblies held between 1682 and 1692 appointed a total of 42 committees involving approximately 40 percent of the total House membership, while the ten assemblies that met between 1693 and 1701 established 87 committees and appointed nearly 70 percent of their members to one or more committees. The expanded role of the legislative and conference committees symbolized the more active participation of the House in legislation resulting from its constitutional de-

velopment under royal and proprietary governments. With the adoption of the unicameral legislature in 1701 and the right of the Assembly to determine its own adjournments, however, the utilization of the House committee dramatically increased still further. The 7 assemblies held between 1703 and 1709 appointed 121 committees and 65 percent of its membership to committee service. Unrecorded membership lists for 36 committees and the incomplete minutes for 1709 may account for the percentage decrease of participating assemblymen from the previous period.

The rules governing the operating procedures of House committees were essentially determined by the 1682 Assembly and appear to have been the model for future assemblies throughout this period. Those rules established procedures for committees of the whole and committees that considered legislation. Of significance was the stipulation that assemblymen opposed to a particular bill could not sit on the committee appointed to examine that measure. The rules of the Assembly were not formally published in House minutes until 1703, and included the stipulation that committee assignments were to be made by the speaker. Whether this procedure was a departure from previous practice remains unclear, but the added proviso that House members were not to be "debarr'd of their Privilege of nominating Persons" to committees suggests that the former procedure of committee appointments was less structured.<sup>1</sup>

In any event, by 1704 the power to appoint committee assignments proved critical to the political factions that controlled the Assembly. In that year for example, Speaker **David Lloyd** appointed 18 of 28 House members to 14 committees, but selected his partisans for the ma-

1. *Votes*, 1 (pt. 1):1–3, (pt. 2):2–3.

jority of the appointments; Lloyd consistently appointed **Joseph Wilcox** (7 committees), **Thomas Masters** (8), **John Swift** (6), and **Joseph Wood** (6). Likewise, the House under the aegis of Speaker **Joseph Growdon** in the following year saw to it that committees were dominated by assemblymen favorable to the executive government. In his appointments to 39 committees, **Growdon** favored **Issac Norris** (19), **Samuel Carpenter** (18), **Caleb Pusey** (16), **Richard Hill** (16), and **Edward Shippen** (11). Ironically, **Growdon** also appointed Lloyd to 20 committees during that Assembly, as the former speaker was the only legislator with an extensive knowledge in drafting legislation.

While committees were established for legislative and constitutional purposes, some committees were instituted solely for political purposes. In 1685 a House committee led by Speaker **John White** was organized to prosecute impeachment charges against Pennsylvania's chief justice, **Nicholas More**, while all three committees formed in the 1689 Assembly were to consider and protest the arrest of **White** by New Castle and Philadelphia county officials. Under Speaker Lloyd, however, the adoption of the House committee for political purposes greatly

expanded, as he established, for example, committees to impeach council and proprietary secretary James Logan and to confront Governor John Evans for speaking disparagingly of the Assembly. On one occasion in 1709, Lloyd dispatched a committee to Governor Charles Gookin requesting him not to appoint Logan to a conference committee as he was considered personally "obnoxious" to the Assembly. During the 1706 Assembly Lloyd established a one-man committee, consisting of himself (not listed below), to draft a sharply-worded letter to William Penn, decrying the proprietor's failure to fulfill his many promises.<sup>2</sup>

The unique development of the House committee between 1682 and 1709, then, mirrored the successful flexibility required by Pennsylvania's colonial legislators in their efforts to establish political institutions in the wilderness. As the Assembly emerged as the central legislative and political institution in the colony, so too did the importance of the House committee increase, providing the House with the basis for its organization and expression.

2. *Votes*, 1 (pt. 1):33, 49, 54, (pt. 2):140, 160, 170, 2:63.

# Legislation of Pennsylvania, 1682–1709

Between 1682 and 1709 the Pennsylvania Legislature enacted over 525 laws, touching upon crime, public morality, government, justice, taxes, and the economy. The task of lawmaking was time-consuming and tedious, often hampered by events beyond the control of the legislators. Consequently, the enactment of the laws was unevenly spread over the 29 assemblies that sat within the above time period. No legislation, for example, was either passed or enacted during 11 of those assemblies, while 418 measures were signed into law during just 5 assemblies. Also, only 2 laws were enacted in the 4 assemblies between 1706 and 1709, while more than 15 measures had passed in all 4 assemblies, but failed to receive the necessary approval of the governors John Evans and Charles Gookin. Yet, despite the apparent chaos, the process of making laws during Pennsylvania's first three decades evolved into a sophisticated and formalized procedure by 1710.

Several obstacles faced Pennsylvania lawmakers in their efforts to create legislation, the most daunting of which was the obligation to satisfy the often conflicting sovereignties of the royal government, the proprietor, and the people. Under the terms established by King Charles II in his grant to William Penn, all laws passed by the Pennsylvania legislature had first to meet the approval of the proprietor or his appointed governor, and had then to be submitted within five years to the Privy Council and the attorney general in London for similar approval. For governing purposes, however, measures passed by the Assembly and signed by the proprietor or his representative stood as law until notice of their rejection was received by the governor. If the attorney general or the Privy Council did not object, the law remained in force, unless repealed by the House. This review process was not a pro forma exercise; London authorities scrupulously examined all colonial

legislation in order to ensure their conformity to English statute and common law. Such scrutiny caused apprehension among the colonists, as even Penn once suggested in 1686 to his Provincial Council that the legislature should repeal all the laws every five years and then reenact them in order to circumvent London's authority. Although the Provincial Council ignored his advice, it sent no laws to London between 1682 and 1691. Whether this omission was intentional or accidental, however, remains unclear. Beginning in 1704 Speaker **David Lloyd** attempted a similar ploy with the bills to confirm both the Charter of Privileges and the Charter for Philadelphia. The confirmation bills would have allowed the substance of the charters to stand for another five years, regardless of the actual fate of the original charters. His strategy failed, however, as neither governors Evans nor Gookin would sign the measures, albeit for unrelated reasons.<sup>1</sup>

The first great legislative drive occurred during the 1682 and 1683 assemblies. Over 150 laws were passed and enacted in those two years, including the Act of Union, the Act of Settlement, and the 1683 Frame of Government. In an unprecedented action, the 1682 Assembly also established liberty of conscience, granting religious freedom to any person who acknowledged "one Almighty God," and providing that no one would be "compelled" to maintain a state church. In the same year, the House approved a measure whereby any Christian not convicted of a crime was eligible to hold public office. In the following year, the House declared 15 laws as fundamental and protected them against repeal by future assemblies unless 6/7ths of the legislature approved. One of the laws specified as fundamental was the act guar-

1. *PWP*, 3:117–18, 303; *MPC*, 1:198–99; *Votes*, 1 (pt. 2):20, 22.

anteeing liberty of conscience. This act was reenacted in 1693 and in 1700, but was rejected by London authorities for failing to specify that religious freedom could be enjoyed only by Christians, and in particular, those who recognized Jesus Christ as the son of God and the Old and New Testaments as divinely inspired. In 1705 the law was amended to London's satisfaction.<sup>2</sup>

While some acts were amended or repealed, an additional 51 laws were added to the statute books between 1684 and 1691. With the arrival of royal government in 1693, however, Pennsylvania lawmakers were stunned to hear Governor Benjamin Fletcher inform them that all their "Laws and that model of governm[en]t" were "dissolved & att an end." Despite attempts by the Assembly led by its speaker, **Joseph Growdon**, to dissuade Fletcher from his draconian verdict, all previous laws were nullified. In the event, the 1693 Assembly reenacted 76 of the previous laws, while securing approval for an additional 31 laws as well. Many of the laws were not reenacted, however: in these cases English common law applied. Between 1695 and 1699 under the restored proprietary, the Assembly enacted 32 laws, the first and most significant of which was the 1696 Frame of Government, followed by a provincial tax for support of the New York war effort; the money for New York was one of the conditions upon which William Penn was allowed to resume governing his colony. In 1698 and 1699 the House also passed several laws enforcing the Navigation Acts and discouraging smuggling, the other condition insisted upon by the English crown before restoring the proprietorship. Royal colonial officials complained repeatedly to London that Pennsylvania and Lower Counties merchants routinely avoided paying customs duties and were shipping goods illegally, principally tobacco.<sup>3</sup>

The arrival of Penn in late 1699 occasioned another drive for increased legislation to cover various issues. Laws were enacted to raise revenue for both Penn and his government, as well as a measure to enforce the collection of the 1696 provincial tax. Equally significant, however, was the need to organize the laws for presentation to the Privy Council. In a herculean task, the second Assembly of 1700, again led by Speaker **Joseph Growdon**, most of the previous laws were reenacted with some changes,

along with additional laws. In all, that Assembly passed 104 laws, which were then sent to London. The Privy Council vetoed about half of those laws, however; many were subsequently modified and reenacted by the 1705 Assembly.<sup>4</sup>

From 1706 to 1709, political disputes between **David Lloyd**, the speaker for those four assemblies, and the proprietary government, led to a legislative stalemate. Only two laws were enacted, both in 1709, despite the fact that the House passed at least 15 measures touching upon a variety of subjects. Among those bills were the controversial bill for establishing the courts and the bill regulating fees of officers. In the court bill, Lloyd sought to restructure the colony's judicial system while also limiting the executive government's role in appointing judicial officers. Through the bill of fees, Lloyd attempted to gain control over the fees paid by colonists to officials of the proprietor and government in the performance of their various duties. Not until the 1710 election brought in a political faction, led in part by **Isaac Norris**, that was favorable to the proprietary government, were a significant number of laws passed and signed by Governor Gookin.<sup>5</sup> By 1710, law-making was a process that had become more formalized and efficient.<sup>6</sup>

#### LEGISLATION ENACTED, 1682–1709<sup>7</sup>

1682	Act of Union Act for Naturalization The Great Law (61 chapters)
1683	Act of Settlement Frame of Government 91 laws enacted
1684	21 laws enacted
1685	11 laws enacted
1686	no laws enacted
1687	no laws enacted
1688	5 laws enacted
1689	no laws enacted
1690	13 laws enacted
1691	1 law enacted
1692	no laws enacted
1693	107 laws enacted
1694	6 laws enacted
1695	no laws enacted
1696	Frame of Government 4 laws enacted

4. *MPC*, 1:596, 612–13; *Statutes*, 2:1–293; *PWP*, 4:387–91.

5. *Votes*, 1 (pt. 2):92–187 passim, 2:1–72 passim.

6. For the Assembly procedure for legislating, see "Legislative Supremacy and Assembly Procedures, 1682–1709."

7. *Statutes*, 1:136–248, 2:1–300; *Votes*, 1 (pt. 1):11; *MPC*, 1:63, 183–84, 612–13; *NOF*, 1:102.

2. *Votes*, 1 (pt. 1):i–vii; *Statutes*, 1:136, 153, 179, 2:1, 171, 489.

3. *MPC*, 1:404; *Statutes*, 1:179–207, 210–48.

1697	9 laws enacted	1703	no laws enacted
1698	6 laws enacted	1704	no laws enacted
1699	12 laws enacted	1705	51 laws enacted
1700a	8 laws enacted	1706	no laws enacted
1700b	104 laws enacted	1707	no laws enacted
1701	Charter of Privileges	1708	no laws enacted
	10 laws enacted	1709	2 laws enacted
1702	no laws enacted		

# *Pennsylvania and the Three Lower Counties, 1682–1704*

Shortly before sailing for his new colony, William Penn received from the duke of York deeds granting him possession of the three counties, New Castle, Kent, and Sussex, that later became the state of Delaware. On 28 October 1682, in a ceremony redolent of the medieval past, Penn received possession of New Castle by accepting from **John Moll** and Ephraim Herrman, the duke of York's agents, a piece of turf, on which were a sample of soil, a twig, and a porringer of water from the Delaware River, along with the key to the New Castle fort. Penn desired possession of the Delaware territories in order to secure for Pennsylvania an outlet to the sea. Nevertheless, his acquisition of the Three Lower Counties created a political problem that was to plague the Pennsylvania government for over two decades.<sup>1</sup>

The genesis of the problem was Penn's determination to unite in one government the Quaker-dominated Pennsylvania and the ethnically and religiously diverse Lower Counties, inhabited for nearly 50 years by Swedes, Dutch, and Finns along with a smattering of English who had generally come into the region from other colonies, notably Maryland and Virginia. In preparation for his first Assembly, Penn issued writs of election to the sheriffs of the Lower Counties for the inhabitants to choose representatives to join with the Pennsylvania delegates. During the session, 18 of the 21 members from the Lower Counties signed a petition that was presented to the Assembly by **John Moll** and **Francis Whitwell**, requesting that their counties be united with the province. Undoubtedly the brainchild of Penn, who was later accused of "wheedling the credulous inhabitants [of the Lower Coun-

ties] to entreat him to take them under his protection," the petition and the subsequent Act of Union, signed into law by the proprietor on 6 December 1682, were probably well received by the Delaware inhabitants, who had never before had any voice in the making of the laws that governed them. Nevertheless, even before the Assembly concluded, the representatives from New Castle, Kent, and Sussex counties complained about the distance they had to travel to attend the Assembly, an ominous portent of troubles to come.<sup>2</sup>

Moreover, Penn's acquisition of Delaware brought him into immediate conflict with Lord Baltimore, the proprietor of Maryland, who chose to exert his claim to the region under the Maryland charter of 1632. By 1684 unrest was rampant in the Lower Counties as Lord Baltimore sent in agents to influence the inhabitants against Penn. **John Richardson** (d. 1703) and **Thomas Heatherd** of Kent County complained that Penn demanded higher quitrents on land than Lord Baltimore, and **Francis Whitwell** and **John Hillyard** (d. 1684) also became involved in the incipient revolt against the Quaker proprietor. Nevertheless, Penn had his defenders in the Lower Counties in the persons of **William Clark** of Sussex County and **William Welch** of New Castle. While a delegation from the Provincial Council evidently convinced 42 Kent County freeholders to petition King Charles II expressing their satisfaction with Penn's government, and 14 assemblymen and 4 provincial councilors from the Lower Counties signed a similar document at the conclusion of the 1684 Assembly, the situation in

1. *PWP*, 2:281–84, 305–7; *CNC*, 2:21.

2. *PWP*, 2:305, 309–12, 318–19; *CSPC*, 1701, #179; *Votes*, 1 (pt. 1): 3, 6.



Delaware, from *Atlas of the State of Delaware from Actual Surveys by and under the direction of D. G. Beers* (Philadelphia, 1868).



Delaware led to Penn's early return to England to defend his claim against Lord Baltimore's pretensions. Penn's absence had profound ramifications for Pennsylvania politics.<sup>3</sup>

Evidently William Penn's personal presence alone had held the union of Pennsylvania and Delaware together. After his departure, dissatisfaction with the union mounted in both the province and the Lower Counties. The Lower Counties complained that they were effectively denied the equal rights with Pennsylvania guaranteed them in the Act of Union, that they were continually put to the expense of traveling to Pennsylvania because the business of the government was never conducted in the Lower Counties, and that officers were commissioned for their counties without the consent of their delegates in the Provincial Council. The Pennsylvanians, for their part, complained of "being unequally yoked, that unlesse they would prostrate their senses & Consciences to some of the lower County Members, nothing would be consented to by them." A particular source of conflict was the appointment of justices to the provincial court. As early as 1687 the Lower Counties assemblymen requested that one justice on the court should always be from Delaware. By 1690 the Lower Counties provincial councilors complained that justice was being delayed in their counties because the provincial court justices were refusing to travel on circuit in Delaware. In November of that year six Lower Counties provincial councilors, **William Clark** and **Luke Watson** (d. 1705) of Sussex County, **John Cann** and **Johannes de Haes** of New Castle County, and **John Brinckloe** and **Griffith Jones** of Kent County, convened separately from their Pennsylvania counterparts to commission provincial judges; their action was roundly condemned by **Thomas Lloyd**, president of the Council, and the Pennsylvania members.<sup>4</sup>

The separate meeting of the six Lower Counties councilors in November 1690 foreshadowed the events of 1691. In the spring of that year the Council received new commissions from William Penn allowing it to choose the form of the executive arm of the government. When the Pennsylvania members, led by **Joseph Growdon**, insisted on appointing **Thomas Lloyd** as deputy governor, the seven delegates from the Lower Counties then present, in Growdon's

words, "flung confusedly in a heap out of Doore, coming noe more nere us," and refused to join in council with the Pennsylvanians. Instead, the seven, **John Cann** and **Richard Halliwell** of New Castle County, **John Brinckloe** and **George Martin** of Kent County, and **William Clark**, **Albertus Jacobs**, and **John Hill** of Sussex County, withdrew to New Castle, where they convened as a Council for the Lower Counties, elected Cann president, and announced their intention to govern their counties by a previous commission from Penn empowering the Council as a whole to act as deputy governor. The remaining two Lower Counties councilors, the Quakers **William Stockdale** of New Castle and **John Curtis** of Kent, remained in Philadelphia with their provincial counterparts. The withdrawal of the seven councilors, followed by the failure of any representatives from Delaware to attend the 1691 Assembly, created a crisis in the legislature by breaking the quorum in both houses. A shaky unity was restored in 1692 when Penn issued a commission dividing the administration of the colony, creating **William Markham** deputy governor of the Lower Counties and **Thomas Lloyd** deputy governor of Pennsylvania.<sup>5</sup>

The union of Pennsylvania and the Lower Counties grew increasingly precarious as the 1690s advanced. During that decade the issue of defense became a major source of conflict between the province and the Delaware territories. War between England and France left the coastline of the Lower Counties open to attack by enemy privateers and pirates, a situation graphically illustrated by the sack of Lewes, Sussex County, in 1698. As early as 1689 such Lower Counties councilors as **Johannes de Haes** and **Luke Watson** (d. 1705) had advocated having arms and ammunition ready in case of emergency, but the Quaker-dominated government continually refused to make any provision for defense, even during the interlude of royal government, in 1693–95, when the 1693 Assembly defeated a militia bill on its third reading.<sup>6</sup> As dissatisfaction with the union mounted, the political climate in the Lower Counties became increasingly unstable, especially in New Castle County, where, in the spring of 1699, the voters twice refused to elect any representatives to the legislature. As a result, the county sheriff, **Joseph Wood**, was discharged from office, and

3. *MPC*, 1:101–104; *PPAP*, 1; *CCTCCL*, #36.

4. *PWP*, 3:295–305; *MPC*, 1:344–45; *Votes*, 1 (pt. 1): 40; *PRP*, Box 2, #2.

5. *PWP*, 3:295–307; *PRP*, Box 2, #4, #7; *PPTLC*, 65, 69; *CCTCD*, folder #8.

6. *Votes*, 1 (pt. 1): 75.

**John Donaldson** was accused by the Assembly of deliberately obstructing the election. The next year two elections in New Castle County were disputed, and there seems to have been a deliberate attempt to prevent adequate notice of the pollings from reaching the two areas of the county, along the Brandywine Creek in the north and Duck Creek in the south, with sizable Quaker populations. By 1700 **Richard Halliwell** and **Jasper Yeates**, assisted by **John Donaldson** and **Robert French**, emerged as leaders of a movement intent on severing the union of the Lower Counties with Pennsylvania.<sup>7</sup>

Despite the desire for an end to the union, the final break between the province and the Lower Counties did not occur until 1704. Meanwhile, in the spring Assembly of 1700<sup>8</sup> disagreements between the Pennsylvania and Delaware representatives prevented adoption of a new Frame of Government for the colony. In the fall Assembly of that year,<sup>9</sup> **Jasper Yeates**, **Edward Shippen**, **Richard Halliwell**, and **Isaac Norris**, on behalf of the Assembly, questioned Penn whether the Act of Union was still in force; the membership of that delegation to the proprietor suggests that the province was becoming as eager as the Lower Counties for disunion. Moreover, in the fall 1700 Assembly the Pennsylvania and Delaware delegations voted as blocks on the important issue of raising money for the support of the government. Disunion was nearly accomplished during the 1701 Assembly, when a proposal was made, grounded on a complaint from the magistrates of Philadelphia, to confirm the laws that had been passed the previous fall, when the Assembly had met at New Castle, that is, outside of Pennsylvania proper. The proposal, a direct assault on the equality of the Lower Counties with the province, provoked a boycott of the Assembly by the New Castle and Kent County delegations (**Jasper Yeates**, **John Donaldson**, **Richard Halliwell**, **Adam Peterson**, **William Rodney**, **John Brinckloe**, **William Morton**, and **John Walker**), along with **Luke Watson** (d. 1708) of Sussex County, and who, moreover, challenged Penn's right to govern the Lower Counties. During negotiations that led to the return of the boycotting members to the Assembly, Penn told the Delaware members that "they were free to break off, and might act Distinctly by themselves," a promise he was induced to re-

peat in a proviso added to the Charter of Privileges, which he signed at the conclusion of the Assembly.<sup>10</sup>

The Assembly of 1701 proved to be the last time delegates from the Three Lower Counties sat as a part of the Pennsylvania Assembly. Claiming they had not accepted the Charter of Privileges, the Lower Counties failed to elect representatives to the Assembly in 1702 until Governor Andrew Hamilton, anxious to prevent a complete rift, issued writs of election to the sheriffs of the Delaware counties. The representatives of the Pennsylvania counties were, by then, as eager to break off from Delaware as the Delaware delegates were to be free of Pennsylvania. Echoing the complaints of the Pennsylvania provincial councilors of 1691, "some of the Chief" representatives for the province (most likely **David Lloyd** and **Joseph Growdon**) complained to Governor Hamilton that they had been "Yoked with the Lower Counties instead of enjoying the Liberties they expected," and "had long groaned under the hardship of it." For their part, the Delaware representatives, led as usual by **Richard Halliwell**, **Jasper Yeates**, and **Robert French**, refused to form an Assembly with the Pennsylvania delegates on the grounds that they had been elected on an unequal basis. Both sides clearly wanted a separation, yet neither wanted to bear the onus of having caused the division (the Lower Counties representatives subsequently wrote to the Board of Trade alleging that the Charter of Privileges was merely a scheme to force a separation). A disgusted Governor Hamilton dismissed all the delegates.<sup>11</sup>

Not until the spring of 1704 were the legislative ties binding Delaware to Pennsylvania at last severed. Again, the Lower Counties had not elected assemblymen at the time appointed in the Charter of Privileges, in October 1703. By authority of writs from the new governor, John Evans, four representatives from each of the three counties were chosen in March 1704, to meet with the Pennsylvania representatives in April. Meanwhile, as permitted by the Charter of Privileges, the Pennsylvania county delegations had been increased to eight members each, with two members for the city of Philadelphia. When the members convened,<sup>12</sup> Speaker **David**

7. *MPC*, 1:589-90, 615-16; *Votes*, 1 (pt. 1): 123-25.

8. "1700a" on the Sessions List.

9. "1700b" on the Sessions List.

10. *Votes*, 1 (pt. 1): 130, 138, 154-57; *MPC*, 2: 47-52; *MPTLC*, 93, 97.

11. *MPC*, 2:71-86; *MPTLC*, 103, 105, 107; *Prop. E*, fol. 290, bundle L: 20.

12. No new elections were held in Pennsylvania

**Lloyd**, on behalf of the provincial delegates, told Governor Evans that the provincial representatives feared they would infringe their privileges if they met with the representatives from Delaware. The Lower Countians responded by complaining of the refusal of the Pennsylvanians to meet with them on the equal footing of four representatives per county. When the provincial delegates retorted by blaming the Lower Counties members for the rupture between the two regions, the Delaware delegates petitioned Governor Evans for permission to form their own Assembly. At a joint conference with the governor, members from both the province and the Lower Counties "openly declared it to be their

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until October 1704, at the time appointed in the Charter of Privileges. The April meeting of the provincial and Lower Counties delegates was thus legally a continuation of the 1703 Assembly and is designated the second session of that Assembly on the Sessions List.

opinion, that as things now stand, it would be most suitable for each to act distinctly." Reluctantly Evans agreed to allow formation of a separate Delaware Assembly. The first Delaware Assembly met at New Castle in November 1704.<sup>13</sup>

Given the disparate natures of the populations involved, the legislative union of Pennsylvania with the Three Lower Counties was probably doomed from the start. Freedom from the "yoke" of equal representation with the Lower Counties allowed the Pennsylvania Assembly to adapt to changing conditions as the colony expanded westward. Hemmed in by Maryland and unable to expand geographically, Delaware was left to pursue its own internal development free of domination by the Quaker politicians to the north. Unquestionably, separation was in the best interests of both regions.

13. *MPC*, 2:120, 124-25, 128-30, 164; *Votes*, 1 (pt. 2): 4-5.

# *The Pennsylvania Quakers and William Penn*

In the history of Pennsylvania from 1682 to 1709 one man stands out as the central antagonist to proprietary government: **David Lloyd**, the Welsh Quaker lawyer who penned one of the colony's most controversial documents during the period, the remonstrance of 1704 which venomously attacked William Penn. Yet Lloyd's diatribe against his celebrated Quaker counterpart, while particularly harsh, reflected the disillusionment of many Pennsylvania Quakers and also symbolized their often confrontational and inappropriate behavior. They were, after all, predominantly British Quaker immigrants, accustomed to a repressed and sharply circumscribed minority status in their native land but suddenly thrust into the political and economic spotlight within the colony. Many of those Quakers may have viewed their loyalty to Penn as conditional upon his residing with them in the colony. Without Penn present, Pennsylvania became virtually autonomous, whereby a number of strong personalities came to the fore, both Quaker and non-Quaker, particularly in opposition to Penn for his perceived inadequacies as a proprietor, including his lamentable choices of governors and his support of a legislature in which the Assembly played a strictly subordinate role in the legislative process. The leading antagonists to proprietary government among Friends were **David Lloyd, William Biles, Griffith Jones, Francis Rawle, Joseph Wilcox, and Robert Turner**, the last two ultimately leaving Friends in support of George Keith. Although concerned about Penn's tactics and the Act of Union with the Lower Counties, these men do not appear to have desired the overthrow of proprietary government; rather, they wanted Penn's financial and political support and his skill as a lobbyist with the English government,

but with as little actual interference in the colony's government as possible. While other leading Quakers, including **Samuel Carpenter, Isaac Norris, Thomas Lloyd, Joseph Growdon, John Simcock, Caleb Pusey, Thomas Holme, Anthony Morris, Griffith Owen, Phineas Pemberton, and Edward Shippin**, generally supported the proprietor, they, too, were concerned about the Act of Union, and about Penn's failure to reside in the colony, his poor choices of governors, his constant demands for money, and his inconsistent land policies.

Virtually from the beginning, Penn's "Holy Experiment" was probably doomed to failure. The Act of Union, for example, while strategically sound from Penn's point of view, joined together the predominantly non-Quaker, more politically experienced, and migratory population of the Lower Counties with the politically naive and inexperienced Quakers of Pennsylvania, many of whom had suffered religious persecution at the hands of other Protestant groups in England, a mixture that would prove to be combustible.

Had Penn remained in the colony, the union might have survived without the bitter recriminations that developed, but even before leaving, Penn had encountered opposition from his Quaker brethren. Despite initial approval from **Samuel Carpenter**, the Provincial Council's attempt to enact an excise tax on liquor to raise revenue to assist Penn in his return to England and subsequent struggle with Lord Baltimore met resistance from Carpenter and other Philadelphia merchants involved in the liquor trade. Among these merchants were the Quakers **John Songhurst, Robert Turner, James Claypoole, James Harrison, Thomas Wynne,**

**Griffith Jones**, and **William Frampton**. This impasse resulted in a compromise agreement whereby Penn would be presented with £500 in lieu of the excise; in fact, he never received any money from this proposal despite his repeated requests.<sup>1</sup> Moreover, in July 1684 Penn was presented with a remonstrance from an unnamed group of Philadelphia first purchasers, including many of his presumed allies. They complained that the proprietor had reneged on several promises to them by granting less land in the city; withholding hunting, fishing, and mineral rights; imposing a city-lot quitrent; and denying exclusive use of the river bank fronting their properties. They also accused him of granting some of the best lots to non-first purchasers. Penn responded bitterly, albeit somewhat inaccurately, in his defense, but the dispute "highlighted the problem of accommodating aggressive settlers with limited resources."<sup>2</sup>

Ironically, Penn's most significant contribution to Pennsylvania's colonial history proved to be his extended absence from the colony. When he sailed for England in August 1684, he was apparently determined to return as soon as he had settled the dispute with Lord Baltimore. That he would return in the near future was also a dominant theme among the leading Quakers who remained behind, and may have influenced the postponement of many necessary decisions. Penn's absence, combined with erratic and delayed communication across the Atlantic, often left the two sides talking past one another, or reacting to events that had occurred long before. Penn became the classic absentee landlord, issuing orders and sending commissions that often demonstrated the depth of his ignorance about the true feelings of the colonists and the difficulties they faced in attempting to turn a wilderness into a prosperous home for themselves and their posterity. Penn himself clearly believed that he would soon return to the colony, but circumstances quickly dictated otherwise, particularly the accession in 1685 of James II to the English throne. Penn's rapport with this Catholic King convinced him to remain in England to assist his Quaker brethren there in countering religious persecution. Yet his close association with James II left Penn vulnerable after the Revolution of 1688 to charges of pro-Catholic and Jacobite sympathies, and consequently he spent several years in hiding. During his absence, the colony began to go its own way,

ironically assisted by Penn's ability to protect it from the centralizing tendencies of the English government.

In the late 1680s Penn tried to influence developments in the colony, but was often unsuccessful. Thus in 1687, when **Thomas Lloyd's** term on the Provincial Council was scheduled to expire, and consequently his right to remain as president would terminate, Penn sent a new commission for five men to act as the collective president, with a quorum of three, partly to ensure that there would be a continuous presence in the colony of an executive, a reaction to Lloyd's constant traveling to New York, where his new wife continued to reside in preference to Philadelphia. The five men named were Lloyd, **Nicholas More**, **James Claypoole**, **Robert Turner**, and **John Eckley**, an impractical arrangement, for they were mutually incompatible. Nor did they like Penn's reserving to himself the right to approve or veto their actions.

In September 1687 **John Simcock** and **Arthur Cook** replaced Claypoole and More, both of whom had died. Although sent in February 1687, the commission was ignored by the colonists and was not implemented until February 1688, as Lloyd remained in his post of president until then.<sup>3</sup> Nor was Penn's next choice to govern the colony any better—the aggressive, outspoken soldier, John Blackwell, who ultimately antagonized even Penn's staunchest Quaker supporters. In addition, the colonists had consistently ignored Penn's request for a copy of Pennsylvania's laws; in November 1690 he complained that he had "long writt for a book of the Laws butt no body has yet been pleased to send me one throughout the divers forms of Government & administration."<sup>4</sup>

Again in April 1691 the Provincial Council ignored Penn's preferred choice for deputy governor, by his commission of November 1690, in which he had named five men, with a quorum of three. The colonists wisely realized that the five appointees—Turner, Lloyd, **William Markham**, Samuel Jennings, and **John Cann**—represented another ill-conceived attempt by Penn to balance irreconcilable interests. Despite support by seven of the Lower Counties representatives for that commission or for the Provincial Council to act collectively as governor, the Quaker councilors chose **Thomas Lloyd** as deputy governor, with fellow Quakers **Arthur**

1. *PWP*, 2:558–59.

2. *PWP*, 2:569–78.

3. *PWP*, 3:170.

4. *PWP*, 3:286.

**Cook** and **John Goodson** as assistants, precipitating a boycott by the Lower Counties.<sup>5</sup>

In 1692 the English government, concerned about French pretensions in North America, suspicious of Penn's relations with the exiled **James Stuart**, and alarmed by the reports of chronic tension between the Lower Counties and Pennsylvania, by the refusal of Pennsylvania Quakers to engage in defensive preparations, and by the bitter and divisive Keithian schism, finally replaced Penn as governor of his colony with New York governor Benjamin Fletcher. Although Penn angrily blamed **Thomas Lloyd** and those who supported him for exacerbating relations with both the Lower Counties and George Keith, he also called upon his allies in the colony to wage a campaign of quiet resistance to Fletcher, while he personally utilized Friends in England to lobby with the English authorities.<sup>6</sup>

Although the Pennsylvania Quakers embarked on a campaign designed to overthrow Fletcher, they did not insist on Penn's restoration. The biased narrative of Fletcher's first months in the province, compiled by **Samuel Carpenter**, **James Fox**, and **David Lloyd**, was sent not to Penn but to his steward, Philip Ford, to use according to his discretion, in consultation with English Quakers. In a petition to William III against annexation of Pennsylvania to New York, the Quakers stressed their role in lawmaking in the colony, which laws had enabled the colony to grow from "an uncultivated wilderness to a well frequented & improved Country with towns and villages & Plantations," which had sent "many vessells yearly" to the king's colonies with "bread, flour, beef, pork, beer & other Provisions." They stressed the negative impact on them personally and on Pennsylvania if annexation occurred, and they promised that if left under their own laws they would endeavor to support the government financially to the best of their abilities. The Quaker leaders also drafted a series of proposals, one of which indicated their willingness to treat with Penn to adjust the method of government in order to prevent future disputes between the proprietor and people, after which they would support efforts to restore the government to him. Alternatively, they would ask Penn for his help in having the government granted to a person "who may reside among us and be gratefull to

us," but if Penn refused, then English Friends would be asked for help. If those efforts failed, the crown would be asked to commit the civil government to magistrates chosen by the colonists, with the military command to be granted to Maryland, on the proviso that Pennsylvania would annually "rayse a Supply For the King & Queen's occasions." A final option would be to ask the crown to join Pennsylvania to Maryland rather than New York. Friends nominated **David Lloyd**, **Phineas Pemberton**, **John Bristow**, and the sympathetic non-Quaker **John White** to sail to England to carry on the negotiations, but neither they nor any other Quakers are known to have gone.<sup>7</sup>

While the colony's Quakers increasingly viewed themselves as independent from Penn, the English authorities believed that he could influence the colonists to fall in line with imperial policies. Thus he was restored to power, provided that Pennsylvania would actively assist New York's defensive preparations.<sup>8</sup> Yet Penn's restoration had little impact on the behavior of the Quakers, particularly in the legislature, as the issue of constitutional reform divided them into rival camps, with many of the more prominent Friends, namely **Samuel Carpenter**, **John Simcock**, **Samuel Richardson**, **Phineas Pemberton**, and **David Lloyd**, supporting a new constitution, while **John Goodson**, **Arthur Cook**, and the Keithian **Robert Turner** favored a return to the 1683 Frame. Two commissions issued by Penn that might have clarified the situation had been hidden by unnamed Quakers from Markham for well over a year. The new constitution, the 1696 Frame of Government, was enacted without Penn's approval, and furthered the divisions within the colony when an alternative election was attempted in Philadelphia County. A subsequent remonstrance was sent to Penn, signed by 116 Philadelphians, who demanded that he reject the new Frame, enacted, in part, by an unrepresentative appointed Council and a restricted Assembly. From Penn's viewpoint, the signers of consequence were **Robert Turner**, **Francis Rawle**, **Arthur Cook**, **Griffith Jones**, **Joseph Wilcox**, and **John Hart**.<sup>9</sup>

The Quaker supporters of the 1696 Frame countered in letters to Penn attacking the oppo-

5. *PWP*, 3:295-302; PRP, Box 2, #4; PPTLC, 67.

6. *PWP*, 3:356-57.

7. ETPPC, 1:18; NOF, 1:120, 122.

8. CO5/1114/88; *PWP*, 3:395-400.

9. *Votes*, 1 (pt. 1):93-94; ETPEQP, 7; *PWP*, 3:499-502.

sition but also pleading with him to come to Pennsylvania.<sup>10</sup> By the time Penn was ready to return to the colony, however, he was in an untenable position, for the crown, irritated by the chronic turmoil in Pennsylvania, the obstruction practiced against royal officials, and the lack of a defensive posture, placed severe constraints on the proprietor. Consequently, Penn further alienated his Quaker allies after his arrival with his dismissal of **David Lloyd** and **Anthony Morris**, as well as **William Markham**, and with his insistence that the alleged abuses in trade and harboring of pirates and the harassment of royal officials be stopped.<sup>11</sup>

Yet the most significant indications that Penn and his Quaker brethren were at cross purposes involved the issues of constitutional and property reform. On 1 April 1700 Penn gave a speech to his new Provincial Council that showed his lack of awareness of political developments in the colony, for he insisted that the Provincial Council had "much to doe" to establish a constitution and courts of law. "There are in it some Laws obsolete, others hurtfull, others imperfect, that will need improvem[en]t, & it will be requisite to make some new ones." He added that the ablest men had always been chosen councilors in order to prepare laws for the Assembly to approve. "Wee are two bodies yet but One power, the one prepares, the other consents." In effect, Penn totally ignored the enormous strides made by the Pennsylvania Assembly in the promulgation and enactment of legislation. He further stressed that the councilors should do away with all parties and view themselves as a "bodie politick, first as und[e]r the king & Crown of England, & next as und[e]r me." Penn was naively upset that at the last election at Philadelphia some individuals made government "a matter of religion," that is, Quaker self-interest, but in fact, he added, the end of government was "humane & moral relating to trade, traffique & publick good, consisting in virtue & justice."<sup>12</sup>

Nor was Penn happy with the obvious desire of Pennsylvania Quaker assemblymen and councilors to terminate the Act of Union, or with the effort of the Assembly to procure a Charter of Property, a volatile subject involving overplus

lands, issuance and recording of patents, quitrents, proprietary rights, and the role of the commissioners of property, subjects which Penn sharply warned "could not Concern them as a House of Representatives conven'd on affairs of Gov[ern]m[en]t."<sup>13</sup> Penn's personal magnetism had little impact on the question of defensive assistance for New York, for both the Pennsylvania and the Lower Counties representatives rejected his efforts to obtain £350 towards fortifications intended on the frontiers of New York. The Pennsylvania delegation refused the request because of the "infancie of this Colony and the great charge and cost the inhabitants have hitherto been at in the Settlement ther'of" and also because of recent heavy taxes, the need to pay arrears of quitrents, and the failure of adjacent provinces to act in the matter. The Lower Counties representatives also refused, but on a different tack, complaining that before they could assist New York they desired to have their own fortifications.<sup>14</sup>

Although Penn accepted a new constitution, the Charter of Privileges, immediately before he left for England in October 1701, he clearly did so grudgingly;<sup>15</sup> nor did he pass the Charter of Property. When he left Pennsylvania for the final time in 1701, he must have realized that he had little control over events there and that his support among Pennsylvania's Quakers was tenuous at best. With his provincial secretary James Logan keeping him regularly informed, Penn was probably not surprised by the disunion of Pennsylvania and the Lower Counties nor by the bitter 1704 remonstrance from **David Lloyd**.

The penchant for the colony's Quakers to engage in often petty and acrimonious disputes among themselves and with others was aptly summed up by a frustrated Logan when he lamented the end of the Act of Union, believing that while Pennsylvania and the Lower Counties "scarce ever agree together . . . asunder they will never doe anything, and therefore should be joined on equal privileges, and all Charters destroyed, for our friends are unfit for Government by themselves and not much better with others. We are generally in these parts too full of

10. *PWP*, 3:502-4, 514-15.

11. Prop., fol. 9, bundle C:27; *PWP*, 3:577; Prop., fol. 271, bundle F:24; Prop., fol. 315, bundle F:40; Prop., Pennsylvania, fol. 223, bundle F:5; *PWP*, 3:587-89.

12. *MPC*, 1:596-97.

13. *MPC*, 2:39.

14. *Votes*, 1 (pt. 1):140, 142; *MPTLC*, 87; *MPC*, 2:30-31; *PWP*, 4:62; CO5/1261/66.

15. Penn clearly regarded the Charter of Privileges as a temporary measure in case the crown took over the colony; see, for example, *PWP*, 4:325, 335.

ourselves and empty of sense to manage affairs of importance & therefore require the greatest Authority to bend us."<sup>16</sup> Penn himself commented in 1705, in a pithy observation about colonial authorities, applicable to Pennsylvania Friends: "There is an Excess of Vanity, that is Apt to Creep in upon the people in power in America, who having got out of the Crowd, in w[h]ich they were lost here, upon every little Eminency there, think nothing taller than themselves, but the Trees."<sup>17</sup>

Although he had already begun negotiations to surrender his right to govern the colony, Penn wrote an angry and bitter letter to Friends in Pennsylvania in February 1705 condemning their "Ingratitude and treatment So Sordid and base, as hardly Ever fell to the Share of any person under my Circumstances, to my Greife, the Scandall of worthy minds, & Triumph of our Enemies as well as to the Shame of our profession." He begged them to "moderate all Extreames to Satisfye and Quiet the people." He was particularly upset that the Assembly was quarreling with Governor John Evans over paying him a decent salary unless he would permit the House the right to prorogue and dissolve itself. Penn vented his spleen to Evans that the assemblymen "should basely Huxter about a Maintenance, unless thou woulds betray thy trust . . . and violate the very Constitution of the English Governm[en]t, making themselves the whole Legislative."<sup>18</sup>

Penn's letters and Lloyd's remonstrance temporarily aroused some of the more prominent Quakers to rally to the proprietor's support in the 1705 Assembly elections. Among those elected were **Joseph Growdon**, **Isaac Norris**, **Richard Hill**, **Samuel Carpenter**, **John Goodson**, and **Edward Shippen**. Numerous bills were enacted to support proprietary government. Yet that support was soon dissipated by the foolish actions of John Evans, particularly his false alarm, his firing of a cannon at Richard Hill's sloop, and his imprisonment of **William Biles**, and also by the long drawn out legal dispute between Penn and the family of his late steward, Philip Ford, that potentially placed all of the colony's property rights in question. Consequently, the elections to the Assembly from 1706 through 1709 resulted in a series of assemblies hostile to Penn, his governors, and his provincial secretary. Each Assembly elected

**David Lloyd** as speaker. Only two laws were enacted during that period, and the political scene degenerated into a series of nasty encounters between the House and the proprietary government, as Penn himself stepped up his negotiations for surrender. Consistent pressure from the House and its prominent Quaker agents in London, and also from many Pennsylvania Quakers, induced Penn to dismiss Evans, only to replace him with Charles Gookin, a soldier in the mold of John Blackwell.

By 1710 Penn still retained his right to govern and his proprietorship, although the colony was mortgaged to Quaker trustees in England until he repaid £6600 he had borrowed from a consortium of English Quakers.<sup>19</sup> Once again, however, his Quaker allies rallied to his side in the October elections of that year. Prior to the election, James Logan, despised by many of the colonists, had sailed for England to meet with Penn, prompting the usually reticent **Isaac Norris** to come to the fore. In a significant letter to Penn written the day before Logan left, Norris succinctly and accurately portrayed the contentious, Quaker-dominated assemblies since 1706:

A strange unaccountable humour (almost become a Custom now) of Straining & resenting Everything, of Creating monsters . . . then Combating them, I think too much prevails. When Such a collective body w[i]th whom buisness ought to be done (that should look at solids & substantials) sett up for witts and Criticks upon Everything that is said or done, and grow Voluminous, always remonstrating, and vauing the last word highly, I See no room to Expect much effectuall buisness. The Air of Grandure & sacred care for the honour & Dignity of the house that runns thro Everything is too Vissible & the secrett pride thereof too plainly appears Even in the great pretensions to & professions of mean & Despicable thoughts of themselves.<sup>20</sup>

Frustrated and angry, and perhaps encouraged by Logan, Penn wrote a bitter, insightful letter to the Quakers in Pennsylvania on 29 June 1710. The letter did not reach the colony until well after the 1710 elections, but it clearly summed up the growing bitterness between Penn and many of the Quakers in Pennsylvania. Penn lamented that what should have been his grandest pleasure—the founding of a flourishing colony—had turned into his greatest nightmare.

16. *PWP*, 4:309–10.

17. *PWP*, 4:336.

18. *PWP*, 4:342; see also 4:348, 350.

19. For the Ford affair and its final resolution, see *PWP*, 4:399–508, 769–73.

20. *PWP*, 4:665.



He asked all of the colonists to consider "what you are or have been doing, why matters must be carry'd on w[i]th those divisions and Contentions." While approving of the Assembly sitting on its own adjournments, Penn did not believe it had the right "to strain this expression to a Power to meet at all times during the Year without the Gov[er]no[r]s concurrence," for that would be "to distort Govern[men]t, to break the due proportion of the parts of it, to establish Confusion in the place of Necessary order & to make the Legislative the Executive part of the Govern[men]t." Penn feared that the House was endeavoring to take over all the functions of government, and he was particularly annoyed at the attacks on his reputation and the sending of complaints to those in England "who cou'd not be expected to make the most discreet & charitable use of them." He complained that his proprietary manors had been invaded, that overplus lands rightfully his had been claimed by others, and that his resources were dwindling in an effort to keep the colony functioning. Nor did he like the "Violence" against Logan. Penn could not understand what the House meant by grievances or oppressions, for he viewed them as "matters so inconsiderable." Penn ended by asking for a "fair election," so that he could ascertain more clearly what the colonists truly wanted.<sup>21</sup>

Finally, in one of the more significant developments in the colony's early history, **Isaac Norris** published, under the aegis of Philadelphia Yearly Meeting, his *Friendly Advice to the Inhabitants of Pensilvania*. Norris castigated the four previous assemblies and their unwillingness to support the government or truly to act on behalf of the country. The House had tended to "shew the Parts and Clerkship of some members, their abilities to play with Words, to combat every thing, tho never so well design'd, start unnecessary Questions and Disputes about Powers and Dignities, create Quarrels, and then remonstrate finely." He also criticized the "Sort of Half-Agents in London," and he called upon the electorate to choose representatives who would both support the government and uphold the rights of the people.

The election of 1710 swept out the entire

membership of the previous Assembly. Once again, the Quakers rallied to Penn's support. But the relationship between the proprietary government and the Quakers and among the Quakers themselves would continue to be unsettled.

While the period from 1703 to 1710 witnessed assemblies that could be characterized as pro-proprietary or anti-proprietary, such labels can be misleading. To some extent, the dividing line between the often shifting Quaker members of the two groups was one of degree. Penn was still for many Friends a figure of admiration and esteem for his contributions to their religion and their lives. In a colony that was virtually a theocracy, Penn stood for more than proprietary privilege. He was a spiritual and psychological leader whose lengthy absence from the colony was strongly felt by many Quakers, whose constant pleas to him to reside in Pennsylvania were genuine. But even those Quakers regarded by Penn as his allies were appalled by his choice of governors, by the behavior of his son, William, when in the colony, by the snide sarcasm and supercilious attitude of James Logan, by Penn's lawsuit with the Ford family, by his constant demands for money, by his attempt to surrender the government, but above all, by his unwillingness to understand that Pennsylvania was as much their creation as his and that local considerations, not imperial policy, often dictated their behavior. But while many of those Friends agreed with the complaints of **David Lloyd**, they resented Lloyd's nasty, mean-spirited, and confrontational attacks on the proprietor and refused to back him, at least openly. Lloyd was able, however, to muster support from numerous disaffected colonists whose relationship with Penn and with the early Quaker settlers was tenuous. Many of those who reacted against Penn were disillusioned at his seeming lack of concern for Pennsylvania Friends, while others were motivated by personal, religious, political, and economic concerns. But Lloyd also capitalized on the apathy and discouragement of Penn's allies, who, while sympathizing with his needs and preferring that he remain their proprietor, were often unwilling to put their time and energies into serving in the Assembly on his behalf, except in times of crisis such as 1705 and 1710, thereby leaving the field to Lloyd and other men less sympathetic to Penn and his interests.

21. *PWP*, 4:675-80.

# Religious Factionalism in Pennsylvania

## THE KEITHIAN SCHISM

The year 1692 witnessed a schism within the Quaker ranks, a development neither surprising nor unique for a sect without formal doctrine, reliant on the Inner Light of Christ, but with a centralized system of disciplinary meetings. The so-called Keithian schism, resulting from the musings of George Keith, the Scottish Quaker schoolmaster in Philadelphia, about the necessity for greater doctrinal rigor among Pennsylvania Quakers, has generated substantial controversy among historians, particularly on the impact of the schism on Pennsylvania politics.<sup>1</sup>

The foundation of the dispute was clearly spiritual and, as with so many religious conflicts, developed into bitter, partisan, and personal attacks, complicated in this instance by the theocratic underpinnings of Pennsylvania's political system. Had Keith and his adherents contented themselves with purely doctrinal concerns, the schism might have occupied a relatively minor space in the histories of Pennsylvania, but Keith also advocated the withdrawal of Quakers from politics, pressing home his point by stridently attacking such Quaker officials as **Thomas Lloyd**, **John Simcock**, **Arthur Cook**, **Samuel Richardson**, and **Samuel Jennings**. If Keith was able to convince enough of the colony's Quakers of the inappropriateness of their role in government, the "Holy Experiment" would collapse.

That possibility was not lost on the colony's leading Quakers, particularly the ministers, or "public Friends," who correctly feared that loss of political dominance would reduce the Quakers in Pennsylvania to a restrictive, embattled

status similar to that of their brethren in England. Consequently, the religious strife spilled over into the Philadelphia court system as Keith and several of his supporters were successfully prosecuted and fined for seditious libel, while the colony's only printer, **William Bradford**, and his associate **John McComb** were imprisoned for anonymously publishing and spreading seditious pamphlets. The prosecutions were primarily the work of Philadelphia County court justices **Samuel Jennings**, **Robert Ewer**, **Arthur Cook**, **Henry Waddy**, **Samuel Richardson**, and **Griffith Owen**, with **David Lloyd** acting as a prosecuting attorney and sheriff **John White**, the sole non-Quaker in the group, selecting the all-important jurors.<sup>2</sup>

While clearly quasi-legal and "a heavy-handed attempt to gag Keith and his partisans,"<sup>3</sup> the proceedings do not appear to have made a substantial impact on Quaker rule in the colony, nor on their numbers. The Quakers continued to dominate the Pennsylvania legislature, even more so when the Lower Counties separated in 1704, and a contemporary estimate lists only 143 Quakers as leaving the ranks of the sect, with 40 following Keith into the Anglican church.<sup>4</sup> A handful of legislators were Keithians, most notably **Robert Turner**, **Joseph Wilcox**, **Joseph Fisher**, **John Swift**, **William Lee**, and **Francis Cooke**.

The Keithian schism and its resultant turmoil in the governing ranks, however, helped to bring about the royal government of **Benjamin Fletcher**, which in turn encouraged the Keithians, Anglicans, and other non-Quakers to press the crown more aggressively to terminate Quaker proprietary government. Clear evidence that the bulk of the Keithians were motivated

1. For example, see Kirby; Nash, *Quakers and Politics*, 144-61; Frost, *Keithian*; Butler, "Gospel Order Improved"; Butler, "Keithians."

2. See Frost, *Keithian*, 165-98.

3. Nash, *Quakers and Politics*, 151.

4. Frost, *Keithian*, 371-75.

primarily by economic motives or opposition to the political power of **Thomas Lloyd** is elusive, although 52 Keithians had signed a 1692 protest to the Assembly against a proposed provincial tax, while only 15 orthodox Quakers signed the document. That correlation does not appear to hold true, however, for political factionalism, at least in Philadelphia County.<sup>5</sup> In any event, economic or political motivation, as well as occupation and wealth, are extremely difficult to ascertain precisely at this time because of the paucity of records.<sup>6</sup>

### THE ANGLICAN OPPOSITION TO QUAKER RULE IN PENNSYLVANIA

When William Penn founded Pennsylvania, his "Holy Experiment," he envisioned a colony that, unlike his native England, would allow a diversity of religious views, free from persecution, with those who professed belief in Jesus Christ permitted to hold any office and to serve in the legislature. Gone would be the overweening power of the Anglican church, with its hierarchy of courts, imposition of tithes and other church rates, and intimate ties with the English crown and its well-entrenched apparatus of coercive institutions. The Quakers and other non-conformists, whether from Britain, Europe, or elsewhere, would be free to worship in their own way and to wield the political power denied them in their homelands. Perhaps Penn also believed, like many other Friends, that if Quakers were left free to propagate their views their version of "Truth" would eventually triumph over other sects; conversions would ensure that the Quakers would dominate the new colony. For them, control of Pennsylvania's government was an essential prerequisite for their continued freedom from an antagonistic state church. That

sentiment was echoed almost immediately by Jasper Batt, a prominent Somersetshire Quaker, who decried the fact that Penn had promulgated a constitution which permitted non-Quakers a role in government. Penn retorted that if Friends denied the right of others either to vote or to be chosen, they would be hypocrites: "we should look selfish, & do that w[hi]ch we have cry'd out upon others for, namely, letting no body touch w[i]th Governm[en]t but those of their own way. And this hath been often flung at us, (vizt) if you Quakers had the power, none should have a part in the Governm[en]t but those of y[ou]r own way."<sup>7</sup>

Although these were noble sentiments and clearly necessary in order to attract the numbers and types of immigrants that Penn desired, he may have underestimated the unwillingness of the Quakers in Pennsylvania to share political power. Thus in 1697 **Robert Turner**, himself a former Quaker and an old friend of Penn's, lamented that the Quakers had consistently refused to "put up or proposse" for election to the legislature "Either dutch, sweed, Fene or any other person not of our perswation: Baptist, Endpendant [Independent], Presbitterian or church of England man . . . w[hi]ch gives occasion of muttering & discontent." By then the colony had grown in prosperity, with the town of Philadelphia developing into an important port. Along its main artery, the Delaware River, resided a mercantile elite, predominantly Quaker, most of whom served in the legislature, men such as **Samuel Carpenter**, **Edward Shippen**, **Anthony Morris**, **Humphrey Morrey**, and **Griffith Jones**, but with an increasing population of Anglicans. In 1696 Christ Church was founded in Philadelphia and the Anglicans were about to gain a notable convert in the former Quaker George Keith. They also had powerful allies, including Maryland Governor Francis Nicholson, royal officials like Robert Quarry, Edward Randolph, and John Moore, and such powerful merchant-legislators as **Joshua Carpenter**, **Jasper Yeates**, **Richard Halliwell**, **William Rodney**, **John Brinckloe**, and **John Hill**, most of whom resided in the Lower Counties. Over the next decade many of these men, assisted by Edward Hyde, Lord Cornbury, the royal governor of New Jersey, and by Governor John Evans of Pennsylvania, would lobby strongly with the Anglican Society for the Propagation of the Gospel in Foreign Parts and with

5. See, for example, the address welcoming Royal Governor Fletcher in 1693 signed by 117 Philadelphians (CO5/1038, PRO), the Remonstrance signed by 116 Philadelphians in 1697 protesting against the 1696 Frame of Government (*PWP*, 3:499–502) and the 1701 petition from 69 Philadelphians for substantial property reforms and a new constitution (*PWP Micro.*, 9:336), each of which featured numerous enemies of the Quaker-dominated proprietary government, but which fail to demonstrate any clear picture of an organized political opposition united by religious and economic considerations. The motives of the various signers appear to be a combination of many factors and often feature both those sympathetic and opposed to Keith.

6. See Appendix 6.

7. *PWP*, 2:347.

numerous leading English churchmen and government officials to send the necessary men, money, and materials to counter the apparently high rate of success by the Quakers in obtaining conversions, particularly among the large numbers of Welsh in the colony.<sup>8</sup> Richard Vann, in fact, has estimated that while only "a minority of the first settlers of Pennsylvania were British Quakers in good standing," about 2000 by 1700, their numbers were substantially augmented by conversions (although precise figures are elusive).<sup>9</sup> The Quakers had been able to dominate the Pennsylvania delegations in the General Assembly, in part because of the lack of any single large-scale religious group to oppose them. Chester and Bucks counties, in particular, consistently returned Quaker delegations to the legislature, but Quaker rule was under increasing challenge from the Anglicans in Philadelphia and the Lower Counties, assisted by their close connection to the English crown and by their well-placed supporters.

Although the Anglicans apparently claimed in 1696 that they were equal in numbers to the Quakers in the colony, their estimate was probably a wild exaggeration, for no more than 50 families were attached to Christ Church, although in 1702 Keith claimed that there were 700 to 800 Anglicans in the colony.<sup>10</sup> In any event, the Anglican strategy to overthrow Quaker rule necessitated a steady campaign to discredit Quaker principles and practices, especially their refusal to swear on oath or to support a militia or any defensive posture for the colony. By that means, the Anglicans could influence the crown to terminate William Penn's proprietary government and establish royal control of the colony. Pennsylvania needed to be portrayed in as unfavorable a light as possible. The Quakers, on the other hand, while forced to counter that strategy, also had to ensure that the rural Quaker strongholds in Bucks, Chester, and Philadelphia counties continued to have substantial, even disproportionate, representation in the Assembly. One element in that strategy would be a legislative separation from the predominantly non-Quaker Lower Counties.

The first serious threat to Quaker rule occurred in the early 1690s when the crown did, in fact, replace Penn's government with a royal government under the leadership of Benjamin Fletcher, the governor of New York. Assisted

by a Quaker campaign of passive resistance in refusing to accept county or provincial office, Fletcher began to undermine Quaker rule by appointing a predominantly non-Quaker Provincial Council, by naming fellow Anglican **William Markham** as lieutenant governor, and by changing representation in the Assembly, permitting four members each from the more urban counties of New Castle and Philadelphia and only three members each for the remaining, largely rural counties. The non-Quakers, including the Anglicans, quickly made their feelings known when 116 of the "Peaceable and well-Affected Free-holders and Inhabitants of the Town and County of Philadelphia," in an address to Fletcher, praised his "Discreet Behaviour and Deportment" since his arrival, particularly his appointment of Markham, and indicated their hope that "the Confusions and Disorders under which we have laboured for some time past, will . . . be stopt and extinguished."<sup>11</sup> The address was also signed by a number of disaffected Quakers, including **Robert Turner, Francis Rawle, Joseph Wilcox, Griffith Jones, and Charles Sanders**. Fletcher's primary concern was the lack of adequate defensive preparations by the Quaker-dominated colony. In fact, he complained to the English authorities that he had "never yett found soe much selfe conceite," as he had with the Pennsylvania Quakers, who would "rather Dye then resist with Carnall weapons," and yet would argue that the province "was in noe Danger of being Lost from The Crowne, Tho they have neither Armes or Amunition nor would they suffer Those few to bee traind who weer free for it." He was convinced that the Quakers would never fight "for themselves, nor Parte with mony to such as will Doe it for Them," and therefore the English colonial war effort would be denied assistance from Pennsylvania as long as it had its own distinct government and Assembly. He strongly recommended that the colony be annexed to New York as part of his plan to also annex the Jerseys and Connecticut.<sup>12</sup>

The Quakers countered Fletcher by calling upon English Quakers for assistance in ousting him, by petitioning William III to resist any effort to annex to New York an increasingly prosperous colony ruled by Quakers who would be ruined by such a move, and by drafting a series of proposals to be presented in England that

8. See, for example, Perry, 5–57 passim.

9. Vann, "Made in America," 165–67.

10. *PWP*, 3:448n.

11. CO5/1038, PRO.

12. CO5/1038/15–16, 137; see also CO5/1082/151; CO5/1183/428.

would grant the military command to Maryland and the civil government to magistrates chosen by the colonists.<sup>13</sup>

In any event, the English government, although concerned over the lack of defensive assistance provided by the Quakers for the imperial war effort, apparently did not wish to rule such a refractory and tiresome people and therefore restored Penn to his colony. The crown demanded, however, that Fletcher, as governor of New York, be given support by the Pennsylvania legislature for his colony's defenses.<sup>14</sup>

No doubt disappointed by the removal of Fletcher as governor of Pennsylvania (although he was replaced by Markham), the Anglicans took the offensive, petitioning William III late in 1695 for a new royal governor, a militia, and the swearing of oaths by justices, juries, and witnesses rather than reliance on Quaker affirmations. The petition also labeled the Quakers as men "who in their Principles, doctring & Publique Preaching doe Most Blasfemously deny Our blessed lord & Saviour Jesus Christ." The petitioners added that the Quakers were altering the days and times of the meeting of the provincial court for their own ends; they also decried the lack of a separate governor for the Lower Counties or any military leader there, and opposed Penn's right to veto legislation, asserting instead that the governor in the colony (invariably an Anglican) should have the right to confirm or reject legislation.<sup>15</sup>

The Quakers responded with their own petition to William III on 20 May 1696, containing 20 signatures, including those of such leaders as **David Lloyd, Edward Shippen, Samuel Richardson, Isaac Norris, James Fox, Anthony Morris, Samuel Preston, John Simcock, Samuel Carpenter, and Caleb Pusey**. After thanking the king for restoring Penn, they refuted the charges by the Anglicans, who "being disgusted by the Interruptions they have mett w[i]th in their Night Revells and other licentious practices, have made it their business to mis-represent the Government & Magistracy of this place."<sup>16</sup>

That same year the Quakers secured a new Frame of Government in the colony that added a two-year residency requirement for voting and tightened the urban franchise, both of which provisions would hurt the Anglicans, most of

whom were newly arrived and lived in the larger towns.

Yet the Anglican threat continued and soon merged with broader issues: the colony's culpability in illegal trading and assisting piracy; the establishment of the English Board of Trade anxious to tighten control over the proprietary colonies, in part through the 1696 Navigation Act and the mechanism of vice-admiralty courts; and the increasingly bitter commercial war between Pennsylvania and Maryland. Each of these issues was important in its own right, but they all involved Anglicans as leading antagonists to Pennsylvania, thereby adding an important religious dimension.

Two of the leading detractors of Quaker-dominated Pennsylvania were the vice-admiralty judge, Robert Quarry, and the royal surveyor of the customs for the colonies, Edward Randolph, both of whom, beginning in the mid-1690s, launched a series of written assaults on Pennsylvania to the English authorities. They focused particular attention on the colony's flourishing illegal trade, particularly with Scotland; on its seeming penchant for harboring pirates; and on the passage by the Quaker-dominated Assembly of 1698 of the Act for preventing frauds and regulating abuses in trade that effectively circumvented the Vice-admiralty Court. Although such Quakers as **Edward Shippen, Anthony Morris, and David Lloyd** were sharply criticized in the letters for various illegalities or non-cooperation with royal officials, both Randolph and Quarry also singled out for attack the colony's Anglican Governor, **William Markham**, and various Scottish merchants, including **Patrick Robinson**.<sup>17</sup> But Quarry was clear to point out that as for the Pennsylvania Quakers in general, he considered them "a perverse, obstenant and turbulent People, that will not submit to any power or Lawes but there owne, and have a notion amongst them that no Lawes or acts of Parliament are of force amongst them but such as p[ar]ticularly mention them."<sup>18</sup>

Trouble for Pennsylvania also came from another quarter. By the late 1690s the colony was under commercial assault from Maryland, which had enacted legislation in 1694 and 1695 impos-

13. See ET PPC, 1:16; NOF, 1:120, 122.

14. CO5/1114/88; PWP, 3:395-400.

15. PWP, 3:443-45.

16. PWP, 3:443-47.

17. PLGL E, fol. 28, bundles A:10-16; fol. 29, bundle A:17.

18. PLGL C, fol. 295, bundle B:40; fol. 301, bundle B:42; PLGL, 4:114; Prop. C, fol. 8, bundle C:26; Prop., fol. 263, bundle B:34; fol. 292, bundle B:40; Prop. C, fol. 426, bundle C:16; PWP, 3:570-73; see also Prop., fol. 176, bundle E:24; Prop., fol. 235, bundle F:6; see also *Votes*, 1 (pt. 1):106.

ing heavy duties on beer and rum imported from Pennsylvania, and another 10 percent duty on all European goods imported or exported through Maryland. Pennsylvania, on the other hand, anxious to attract specie, forbade the importation of tobacco from Maryland without payment of the king's duty, with heavy penalties for noncompliance.<sup>19</sup> At the same time, Governor Francis Nicholson of Maryland, a prominent Anglican, embarked on his own campaign to discredit Pennsylvania for trading directly, and therefore illegally, with Scotland, engaging in tobacco smuggling, and harboring pirates and deserters. In the autumn of 1695 Nicholson quietly traveled through the Lower Counties "w[ith] none but his man," stopping at homes along the way and inquiring "after miscariages in the Govern[men]t," jotting the responses down "amongst his memorandums." In October 1696 he went so far as to invade New Castle County to capture a suspected privateer, John Day, who had apparently been commissioned by Markham to protect the coast against pirates. Clearly, Nicholson was anxious to annex the Lower Counties to Maryland while also helping his Anglican brethren in Pennsylvania, at one point, according to Markham, verbally encouraging rebellion against Penn's government.<sup>20</sup>

Once again, the Quakers and their allies in the colony countered with letters, addresses, and petitions, while Penn personally carried on the struggle in England with the commissioners of customs and the Board of Trade.<sup>21</sup> For example, the legislature in 1698 and again in 1699 addressed King William III in defense of the colony against the charges of illegal trade and assisting pirates and bitterly attacked Quarry, Randolph, and the vice-admiralty advocate, John Moore, another Anglican.<sup>22</sup> Governor Markham also issued a proclamation to enforce the laws against illegal trade and piracy, although he asserted that the complaints against the government were little more than "the Envy and Emulation" of those anxious to overthrow Penn's

proprietaryship and that the merchants and traders of the province were innocent.<sup>23</sup>

Nonetheless, the Board of Trade ordered Penn, as he was about to return to Pennsylvania, to void the act for preventing frauds and to have it replaced with an act compatible with vice-admiralty jurisdiction; to dismiss **David Lloyd**, **William Markham**, and **Anthony Morris** for their actions; to see that "all due Obedience be given to the Court of Admiralty . . . and all suitable Countenance and Incouragement to the Officers of the said Court, As also to the Officers of the Customes"; and to establish a militia.<sup>24</sup> For the most part, Penn did as he was told, thereby incurring the enmity of many of his Quaker supporters, and in particular the vengeful **David Lloyd**.<sup>25</sup> The Assembly even expelled **James Brown** of Kent County, Markham's son-in-law, on suspicion of piracy. On the other hand, influenced by his Quaker brethren, who were angry that Randolph did not permit Quaker ship captains to register their ships without oath, Penn specifically requested from the Board of Trade that Quakers be allowed that right as formerly, the prohibition of which "destroys Trade, & discourages Shipping." Penn also defended his colonists by questioning the jurisdiction of the Vice-admiralty Court which was reaching deep into the interior of the colony; he himself believed that it should be restricted to illegal trade and to prizes and crimes on the high seas. Penn also blamed Jamaica and some of Pennsylvania's neighboring colonies for spawning the pirates that preyed on his province.<sup>26</sup>

Perhaps more significantly, Penn was also pressing the case in England, through numerous letters to the government, to leading English political and legal figures, to his agent Charwood Lawton, and to his son, William, that the Anglicans were attempting to turn Pennsylvania into a "Ch[urch] Plantation," thereby rendering the Quakers "dissenters in our own Countrey." In Penn's mind, the rationale for Pennsylvania was Quaker control of government, which he believed must be allowed to continue. He insisted that although many of the major office-

19. Nash, "Economic War," 232-38; PWP Micro., 7:288; C&L, 143; Andrews, *Colonial Period*, 4:122-24.

20. PWP, 3:490-92n.

21. Prop. C, fol. 8, bundle C:26; Prop. E, fol. 188, bundle B:4; PLGL C, fol. 295, bundle B:40; PWP, 3:485-88, 513, 524-29; Toppan, 5:139, 142-43, 156-57; *House of Lords*, 440-44, 458-59, 472-99; CSPC, 1696-97, 471-73, 480-82; 1697-1698, 416-17, 419; Hall, *Randolph*, 185-87; Nash, "Nicholson," 229-39.

22. *Votes*, 1 (pt. 1):107; Prop. C, fol. 215, bundle B:18; CO5/1041/703-4; PRP, box 2, #8.

23. PLGL, 4:114iv.

24. Prop., fol. 9, bundle C:27; PWP, 3:561, 577; Prop. C, fol. 8, bundle C:26.

25. MPC, 1:591-92, 594; *Votes*, 1 (pt. 1):114-16. William Markham sent a lengthy and passionate defense of himself to the Board of Trade; see Prop., fol. 315, bundle F:40.

26. PWP, 3:584-89; see also Prop., Pennsylvania, fol. 223, bundle F:5; *Votes*, 1 (pt. 1):117; Prop., fol. 288, bundle F:34; PWP, 3:592-97.

holders in the colony were Anglicans, yet "no less than outing of us and overturning our Government is the Ambition & Sedition of some Violent Tempers, the chief of which have neither house nor Land in the Province, and eat the Bread they gett in it by the Indulgence of those they would Injure & destroy." Penn was clearly referring to Quarry, Moore, and Randolph, men who "raise a dust w[h]ich weak eyes cannot see well through, while they Skreen themselves with the awful and charming words of King and Church." Penn was even willing to allow the governor of New York, Lord Bellomont, to be colonel of the military forces in Pennsylvania in order to thwart Anglican efforts to take over the government; after Bellomont's death in 1701, Penn then suggested that the governor of Maryland, Nathaniel Blakiston, could hold the military commission over Pennsylvania. Penn particularly disliked and feared Randolph, whom he considered to be "crafty and Industrious but as false and Villanous as possible," and who had joined forces with former New Jersey governor Jeremiah Basse to influence the crown to reunite the proprietary colonies with the mother country.<sup>27</sup>

Although Quarry bitterly denounced Penn to his superiors in England,<sup>28</sup> the Anglicans began to shift away from the issues of illegal trade and piracy which, after all, also involved some of their Anglican brethren in the colony; they began to focus, instead, on issues unique to the Quakers: their unwillingness to countenance defensive measures for the colony, their refusal to take oaths, and their alleged exclusion of Anglicans from political office.

These issues were highly inflammatory, particularly that of defense, a chronic concern of the non-Quaker population in the colony and especially in the Lower Counties, fearful of French privateers who preyed on their merchant shipping and unprotected coastal towns. The Quaker-dominated legislature had consistently thwarted efforts to establish either a militia or a strong defensive posture. Then in August 1698 the town of Lewes, Sussex, was sacked, when the French landed about 50 well-armed men who broke into virtually all the homes and stole everything they found, forcing 11 prison-

ers to assist them in loading the booty on board their ship. Among those plundered was the prominent Quaker legislator, **William Clark**.<sup>29</sup> The English authorities also received disturbing information about developments in New Castle. On 26 June 1699 Captain Nicholas Webb, former governor of the Bahamas, wrote of his having sailed in his brigantine *Sweepstakes* to Pennsylvania where he stopped at New Castle for provisions and to recover his health before sailing to England. But the night before setting sail, with the ship riding at anchor before the town, all but four of his company, with the help of several pirates, stole the vessel and would have murdered him had he been aboard. The ship contained small arms, ammunition, wood, shells, furs, and a substantial treasure of gold and silver that belonged to the king as well as to other merchants. Webb enclosed affidavits, but he was particularly annoyed that the pirates had been encouraged by the lack of any military force or fortification in the place. The area, he claimed, was overrun with pirates.<sup>30</sup> This incident prompted a petition to Markham, a copy of which was sent to England, from 25 inhabitants of New Castle, including **Richard Halliwell**, **Robert French**, and **John Donaldson**, complaining of the theft of Webb's brigantine, and lamenting the encouragement given to privateers by the lack of a fort, breastworks, militia, arms, and ammunition.<sup>31</sup>

The Quakers continued to ignore such entreaties, thereby unwittingly assisting the Anglican campaign. On 28 January 1701 the vestry of Christ Church, including Quarry, Moore, and **Joshua Carpenter**, wrote to the Board of Trade against the recent act to prevent clandestine marriages, with its demand for public banns, which they considered an invasion of their religious freedom. In addition, they asserted that the non-Quakers in Pennsylvania outnumbered the Quakers, and that there were "Severall thousands" among them who were both capable and willing "to take up arms for his Majesties Service, and the defence of this his province & Subject(s)," but that the Quakers would not permit a militia, although burdening them with heavy taxes. They insisted, contrary to Penn's claim, that there was not one Anglican magistrate in the government, and they lamented that judges, juries, and witnesses could not swear

27. *PWP*, 3:620-22, 624-27, 629-34, 638, 4:27-29, 44-45, 58.

28. Prop., fol. 413, bundle F:58; Prop., fol. 411, bundle F:57; Prop. E, fol. 431, bundle F:61; *PWP Micro.*, 8:668; *PWP*, 3:571-72, 574n, 614-15n, 624, 628n, 4:70-72, 76-77.

29. Prop., fol. 292, bundle B:40.

30. Prop., fol. 87, bundle D:5; see also Prop. D, bundle D:6.

31. Prop., fol. 176, bundle E:24.

on oath and that the Pennsylvania affirmation lacked the word "God" in it. In a clever aside, they added that the Anglicans had been a "peaceable easy quiett & obedient People under this Government," even though they knew that neither Penn nor Markham had been qualified to act as governors by the king's approval and that Penn had not taken the oaths demanded by Parliament.<sup>32</sup>

Unbeknownst to Penn, eight of the Lower Counties representatives had written to the Board of Trade on 25 October 1701 complaining that they had made "many Applications" to Penn for defensive measures to protect their counties, but he had responded "either with Silence or ineffectual Discourse, Which we charitably attribute to his Perswasion." They requested assistance from the crown.<sup>33</sup> Two days later, the minister and vestry of Christ Church, Philadelphia, including Quarry, Moore, and **Joshua Carpenter**, also wrote to the Board of Trade indicating their concern that Penn was returning to England to obstruct the parliamentary efforts to void all proprietary governing rights, and that he intended to keep the Quakers in power in Pennsylvania. They then proceeded to list three examples of the breakdown of justice in the colony because of the Quakers' refusal to swear, the cases involving buggery, murder, and rape. They therefore asked for the king's protection.<sup>34</sup> The Board of Trade, on Penn's return to England and in response to the continuing negative reports about Pennsylvania, challenged his proprietary right to the Lower Counties and delayed granting approval to his choice of Andrew Hamilton to govern Pennsylvania.

The Anglicans continued their verbal assault against the Quakers. On 10 January 1702 **Jasper Yeates** supplied more material for Robert Quarry, then in England, to use against the Quakers. In a letter, Yeates indicated that the 1701 Charter of Privileges had been supported by at most a dozen representatives, for the others had opposed "some clauses therein" as "destructive to Governm[en]t." In particular, they disliked the clause permitting anyone to serve in the government who acknowledged God and believed in Jesus Christ as the Savior, since that could also include Catholics. Yeates himself believed that

the Charter of Privileges and the charters incorporating the towns of Philadelphia and Chester were efforts by the Quakers to secure their power once the crown took control of the colony.<sup>35</sup>

By April 1702 the Board of Trade had received a memorial from Quarry at the behest of the Lower Counties representatives in the 1701 Assembly, again questioning Penn's right to those counties and his unwillingness to assist them defensively. Quarry also protested that the lives, liberties, and properties of the residents in those counties had been taken by "the Arbitrary will of Persons not Qualified by law," that is, Quakers who had not sworn an oath, and that those same residents endured "all this Misery from the Quakers arbitrary Governm[en]t when at the same time there are but very few Quakers in any of the three Low[c]r Countys." He requested that Queen Anne take those counties "into her imediate protection so as they may be defended and Protected from all her Maj[est]ies Enemies."<sup>36</sup>

Although Penn defended himself and the colony before the Board of Trade in April 1702,<sup>37</sup> the drive by the Anglicans and other non-Quakers to disengage the Lower Counties from Pennsylvania continued, presumably as the first step in destroying Penn's proprietorship and the Quaker control of Pennsylvania. On 24 July 1702 Quarry sent more papers to the Board of Trade to illustrate Penn's plot to "Clogg" the government of Pennsylvania to such an extent "that those who succeeded should be slighted by the People & rendered incapable of serving the Crowne."<sup>38</sup> Once again, that charge was followed with an address to the Board of Trade from seven Lower Counties representatives, French, Halliwell, Yeates, **Thomas Sharp**, **John Foster**, **Evan Jones**, and **John Hill**, in November 1702, lamenting "the Nakedness of our Country, hourly Exposed to the Insults of the most inconsiderable Enemy, having neither Militia, Officer, Fort, Gun, powder or shott and in an open Bay." They, too, insisted that Penn had granted a Charter of Privileges "to his favourites on his departure in which are severall Clauses destructive to all governm[en]t . . . and this Scheme wee are prest to own & Act Conju[n]ctly with, otherwise a sep-

32. Prop., fol. 54, bundle G:13; see also PWP Micro., 8:672; PWP, 4:42–45, 57–58, 63–82.

33. PWP Micro., 9:669.

34. Prop., fol. 397, bundle I:2; see also Prop., fol. 397, bundle I:4; Prop., fol. 212, bundle K:44.

35. Prop., fol. 212, bundle K:42.

36. Prop., C, fol. 405, bundle I:14; see also PWP, 4:160–61.

37. PWP, 4:161–65.

38. Prop. C, fol. 202, bundle K:40.



eration must follow which wee are well assured was concerted beforehand & projected as an Expedient to throw & drop that part of the Governm[en]t Mr. Penn has so Slender a pretention to." They requested as previously that Queen Anne would take the Lower Counties under the crown's protection.<sup>39</sup>

In 1704 the Act of Union was finally severed with respect to enacting legislation. By then, however, the Anglicans had launched perhaps their most serious threat to the Pennsylvania Quakers and their proprietor. As early as November 1702, under questioning by the Board of Trade, Penn claimed that since 1683 the Quakers in Pennsylvania had permitted anyone who desired to be sworn to have the oath tendered, whether as evidence or upon entering office. In fact, the fundamental laws of Pennsylvania, part of the 1683 Frame of Government, did not mention the right of others to take an oath. Under Benjamin Fletcher, however, the oath became the rule, with the affirmation an acceptable alternative, a provision also in the 1696 Frame of Government. However, in 1700 the Assembly again made the affirmation the rule. More controversial, the Pennsylvania affirmation was a promise to tell the truth, without mention of God, which differed from the English Affirmation Act of 1696 that included the words, "Almighty God." Moreover, Pennsylvania permitted the affirmation to officeholders and to witnesses and jurors in criminal as well as civil trials, whereas English law allowed the affirmation only in civil law. Nor did Penn mention the problem that occurred when the officers were all Quakers who refused to administer the oath because of conscience and thus a potential witness or officeholder had to affirm or refuse to participate.<sup>40</sup>

On 21 January 1703 Queen Anne and her Privy Council approved Andrew Hamilton as governor, but also ordered that Pennsylvania must administer oaths and the English form of affirmation to all those magistrates and officers who were required to take them by English law and to all those who in England were obliged and willing to take them in any public or judicial proceeding. Otherwise, the proceedings would be null and void, an obvious but dangerous appeasement of the colony's Anglicans, who could thereby disrupt courts by demanding oaths that a Quaker-dominated bench would be unwilling to tender. In addition, in at

least two counties, Bucks and Chester, there were not a sufficient number of capable non-Quakers to constitute a quorum of justices who would take or administer the oaths, since the Quakers would not even concern themselves in administering an oath. Therefore, the oath either would not be tendered or would be tendered with less than a quorum on the bench, thereby rendering the session void. That dilemma could be countered, of course, by writs of *dedimus potestatem* in which non-Quakers could temporarily replace a judge in order to tender the oaths.<sup>41</sup>

The Anglican strategy became clear on 21 January 1703, when Walter Martin provided a deposition that a *dedimus potestatem* had been directed to him by Hamilton to qualify by oaths and attestations the burgesses and high constable for the town of Chester. He met with the burgesses, **Jasper Yeates**, James Sandelands, Ralph Fishbourne, and **Paul Saunders**, and with the high constable, Robert Barber, and tendered the oaths and declaration to Yeates and Sandelands, but Fishbourn, Saunders, and Barber desired more time before taking their attest and subscribing the declaration against transubstantiation (to distinguish them from Catholics), alleging that they did not understand the word "sacrament" used in the declaration. When Martin said he would give them a week, they objected further, refusing to qualify themselves with anyone who took an oath and urging that Yeates and Sandelands should affirm instead. The two Anglicans refused, believing that the Quakers had no right to impose their religious beliefs on others. The issue was left unresolved.<sup>42</sup>

On 25 February 1703 Robert Quarry continued the attack, implying that Pennsylvania was in complete disarray, particularly its judicial system. He requested that Queen Anne take the colony under her protection "& So by removing those Distract[i]o[n]s restore us to the Rights & privileges of good Subjects in all the rest of her Govern[men]ts w[hi]ch will make us all easy & happy."<sup>43</sup>

As it transpired, having finally secured approval as governor, Andrew Hamilton died on 26 April 1703. Hamilton's untimely demise prompted the Provincial Council on 4 May, led by its president, **Edward Shippen**, to publish Penn's commission of 28 October 1701<sup>44</sup> autho-

39. Prop. E, fol. 290, bundle L:20.

40. PWP, 4:196-98.

41. PWP, 4:200, 218-19; PWP Micro., 10:728.

42. Prop. E, fol. 336, bundle L:32.

43. Prop. C, fol. 331, bundle L:30.

44. MPC, 2:61.

rizing the Council to assume control of the executive government until he sent further word.<sup>45</sup> However, the Council had a serious, albeit ironical, problem. With the threat posed to the colony's courts by the queen's order-in-council concerning oaths, the Provincial Council was prepared to issue writs of *dedimus potestatem* for qualifying magistrates, jurors, and witnesses to prevent disruption of courts for lack of a quorum. However, the councilors were themselves not qualified as governor, for they needed collectively to take the oath or affirmation enjoined by the Navigation Act of 1696 on all governors. For that purpose, a *dedimus* already existed under the great seal, directed to six men, including Quarry, Halliwell, Moore, and Yeates. When called upon by the Council, the four Anglicans insisted that the *dedimus*, which had been kept with the government's records, be turned over to them. The Council instead loaned it to them to study, but when the Anglicans returned about an hour later, they refused to administer the oath unless five of the councilors, a quorum, would take it. Since only **Samuel Finney** and **John Guest** were Anglican councilors, the Quaker councilors then present, Shippen, **Samuel Carpenter**, **Caleb Pusey**, and **Griffith Owen**, argued that the queen's order permitted the affirmation, but the four commissioners refused and left. The *dedimus*, however, was also directed to five councilors and to the collector of customs for the port of Philadelphia. Although the collector, John Bewley, another Anglican, initially refused to act, he was advised by several lawyers that it was "indispensably his Duty to administer the Said Oath when required, to as many as would take it." He therefore swore in Guest and Finney on 16 July 1703 while the Quakers subscribed the affirmation.<sup>46</sup>

The Quaker councilors were deeply concerned over Anglican machinations to discredit the colony's legal system. They cited, for example, a commission of oyer and terminer and gaol delivery for Philadelphia County issued in the winter of 1702 to Guest, Finney, and Edward Farmar, three Anglicans, which enjoined that all trials under the commission were to be conducted entirely by oaths. However, the attorney general, John Moore, "instead of discharging his Duty in prosecuting for the Queen, rode out of town," and the grand jurors, most of whom were Anglicans, all refused to serve. "The Same Methods had also been used in Philadelphia to prevent all persons from Listing

themselves in the Militia under the said Governor's Commissions last Year, And yet we are credibly Informed that they have complained as well of the Small Appearance of Men in the Militia, as of People being tried only by Affirmation, tho' these Complainants themselves were the Cause of both."<sup>47</sup>

On 30 June 1703 Halliwell, Quarry, Yeates, and Moore, the four commissioners, wrote to the Board of Trade justifying their refusal to permit the Quaker councilors to affirm on the grounds that the *dedimus* prescribed the taking of a carefully-worded oath. The Anglicans reminded the Board disingenuously that the Quaker-dominated Council hindered trade, since its members were unqualified to register vessels. The sustained campaign by the Anglicans and the apparent sympathy they enlisted from the Lords of Trade and from the staunchly Anglican queen, combined with his own serious need for money, prompted William Penn to begin negotiating with the Lords of Trade for sale of his right to govern the colony, a theme that would underlie Pennsylvania history for two decades.<sup>48</sup>

In July 1703 the Anglican forces were augmented when Edward Hyde, Lord Cornbury, another prominent Anglican, published his commission to assume royal control of New Jersey, with its large, equally obstreperous Quaker population. Perhaps as a counterweight, Penn petitioned the Board of Trade to accept a "known zealous member of the Church of England," John Evans, an obscure 26-year-old Welshman with neither military, mercantile, nor administrative experience, as the new governor of Pennsylvania.<sup>49</sup> Evans was approved immediately by the crown, perhaps to calm the Anglicans in the colony.<sup>50</sup> Sailing in October with William Penn, Junior, Evans arrived in Pennsylvania in February 1704, armed with instructions from Penn which, in part, called upon him to use moderate Anglicans to watch Quarry and Moore for anything that could be used against them, to establish a militia but not involving the Quakers, and to permit the Pennsylvania affirmation and not to allow the Anglicans to force the use of oaths or the English affirmation. Penn warned Evans that Quarry, Moore, Yeates, Halliwell, **Joshua Carpenter**, and **William Rodney**, all Anglicans, were the chief enemies of proprietary and Quaker government in the colony.<sup>51</sup>

47. PWP, 4:233-38; MPC, 1:91-96.

48. PWP, 4:221-26.

49. PWP, 4:226-27.

50. PWP Micro., 10:1045, 1066.

51. PWP, 4:230-33; PWP Micro., 10:1069.

45. MPC, 2:87-88.

46. PWP, 234-35.

In 1704 the Anglicans continued to maneuver as the Act of Union disintegrated, albeit leaving intact Penn's proprietary control (and consequently that of his governor) over the Lower Counties. On 23 May 1704 John Moore sent a series of documents to Francis Nicholson, now governor of Virginia, relating to the proceedings in the Pennsylvania Assembly that, for Moore, clearly indicated the "unhappy State of this place." A week later, Robert Quarry wrote a lengthy letter to the Board of Trade, which craftily pinned the blame for the separation on the Pennsylvania Quakers, although he correctly perceived that neither Penn nor Evans desired it. The Pennsylvania Assembly, Quarry commented, was pursuing rights and privileges "as never was granted to any People before." He stressed, no doubt with some delight, that the separation would ultimately hurt Pennsylvania, with loss of access to both the mouth of the Delaware River and the tobacco trade, for the Lower Counties would become a crown colony that would impose duties on trade ruinous to Pennsylvania. Not surprisingly, he continued to press the crown to take over the Lower Counties.<sup>52</sup>

Having been previously unable to influence the crown to seize control of Pennsylvania for permitting illegal trade and piracy, for failing to provide for defense, and for utilizing the affirmation, the Anglicans adopted a completely different tack, intentionally subverting Governor Evans's efforts to form militia companies in Philadelphia, hoping thereby to again try to convince the crown that Pennsylvania was defenseless.<sup>53</sup> Evans himself, although an Anglican, was annoyed enough to write to the Board of Trade in November 1705 that, while he had established in Pennsylvania "as many Companies as Possible to be rais'd of such as Can bear arms," he would have been able to raise more companies, if not for the obstructionist tactics of those who, while supportive of a militia, were disaffected toward Quaker rule.<sup>54</sup>

In the long run, however, Evans would prove to be a serious nemesis for the Quakers. For example, as early as 23 September 1704 he waved a red flag for the Quakers in the colony with a controversial proclamation. Apparently,

at a session of the Philadelphia mayor's court held on 31 August 1704 before **Anthony Morris, David Lloyd**, and the city aldermen, Enoch Story had demanded that William Bevan, a witness against him, be tendered the oath, which Bevan was willing to take, but the court refused, tendering instead the English affirmation. Story was subsequently found guilty. Evans now voided both the proceedings and the verdict.<sup>55</sup> Moreover, when the crown voided the Pennsylvania Affirmation Act in 1705, prompting the Pennsylvania Assembly to pass another Affirmation Act in its stead, the debates over the new act had been lengthy and sharp between the Quakers and Evans before the governor, under intense pressure, signed the measure. He did so, however, with the proviso that the act would not come into effect until 1 October 1706, thereby giving the English authorities time for review.<sup>56</sup> Evans may have been in contact with other Anglican opponents of the measure, for several leading Anglicans, including John Moore and **Samuel Finney**, employed George Wilcox, an English lawyer, to scrutinize the new Affirmation Act. Much to the dismay of Penn and the Quakers, Wilcox reported to the Board of Trade that the act was illegal. Wilcox tellingly countered many of the Quaker arguments. He insisted that contrary to the Quaker view there were "A Sufficient Number" of colonists "well qualified to Execute All Trusts and Offices that are requisite for the Government of the Said Province, and who do not Scruple to take and Administer Oaths." Wilcox also correctly observed that the English laws permitting the affirmation did not include witnesses in criminal trials, jurors, or officeholders. Nor did he conceive the act as fair to those who believed that taking an oath was far more binding than an affirmation, and he also criticized the clause stating that the tender of the oath by one magistrate in the presence of a bench of magistrates was his act only, despite being considered equivalent to an oath tendered by the entire bench, a casuistical argument employed by the Quakers to enable them to remain on the bench while an oath was being tendered. The act was apparently not permitted to come into force.<sup>57</sup>

The most damaging action by Governor Evans, however, again highlighted the issue of defense in a Quaker colony. Although he had

52. Prop. E, fol. 44, bundle M:40; CO324/9/1-30; see also Prop. E, folio 44; bundle M:38. For John Evans's view, however, see Prop. C, folio 50, bundle M:42.

53. Prop. E, fol. 102, bundle N:4; Prop. E, fol. 123, bundle N:17; Prop. E, fol. 91, bundle N:2; *PWP*, 4:289.

54. Prop. E, fol. 337, bundle O:34-35.

55. Prop. E, fol. 120, N:7.

56. *Votes*, 1 (pt. 2):79-83; *MPC*, 2:226-29, 231-32.

57. *PWP*, 4:580, 586-87; for Penn's response to Wilcox, see *PWP*, 4:588-91.

been able to create at least the semblance of a militia in both the Lower Counties and Pennsylvania, Evans was unwilling to rest on his laurels, apparently believing that the pacifist Quakers needed to contribute materially to the colony's defense. He was therefore determined to convince them of the urgent necessity to be vigilant against the immediate and constant French threat. Consequently, in mid-May 1706 Evans fabricated and orchestrated a series of warnings ostensibly from Governor Seymour of Maryland, from the sheriff of New Castle, and from East New Jersey that at least six French vessels had sailed into the Delaware River, had participated in the sacking of Lewes, and were moving on Philadelphia. Evans then ordered a proclamation requiring all persons who had arms to "put them in Order, and such as have not, to furnish themselves without delay, with fire arms and ammunition," and he named four men to institute a house to house search in Philadelphia in order to put together an account in writing "of what arms & ammunition every person has in their possession, and in what order & condition they are." A general muster was ordered throughout the province. As the fleet apparently neared, Evans spread the word "as if the matter had been real" pressing all those who would bear arms to meet at Society Hill, where they appeared, about 300 in number, "but the whole Town & great part of the Countrey was in the deepest Confusion." On investigation, James Logan discovered that the alarm was a ruse by Evans to frighten and embarrass the Quakers.<sup>58</sup> Unfazed by the resultant anger of the Quakers, Evans and other non-Quakers pressed to recall the Assembly to point out again the need for a strong defensive posture. But the Quakers resisted, fearing that their opponents would then draft an address to the crown condemning the Quaker refusal to fight or to render any assistance to those who would. As a result of his inappropriate behavior in this episode and several others, however, Evans was removed as governor and replaced by the Anglican soldier, Charles Gookin, another poor choice by Penn.

The twin issues of the affirmation and pacifism would continue to plague the Pennsylvania Quakers for years to come. Even James Logan, Penn's secretary and a Quaker, criticized Friends after a French ship of 160 men in May 1709 anchored off Lewes, and set on shore half of its complement, who then "miserably plundered

the place, shott one Man & carried several of the Principal off to be ransomed." Logan blamed the attack on the lack of adequate defensive preparations, for which he blamed his fellow Quakers, believing that their refusal to provide for defense while dominating the government was absurd. "That a private Murderer or Robber should be taken & hang'd & yet publick ones should be suffered to proceed without any Resistance is made the subject of so much Banter & scorn that tis very uneasy to those concerned, And to tell them that they are free to fight themselves if they please . . . avails nothing, for they plead the unreasonableness of their being both at all the hazard & Expence in defending what others are at least as deeply concerned in."<sup>59</sup>

Logan's criticism notwithstanding, the Pennsylvania Quakers also refused to support a massive expedition planned by England to retake Newfoundland and conquer Canada, the English government rashly expecting Pennsylvania to raise £4000 to supply 150 men, besides officers, with victuals and pay. Despite the prompting of Governor Gookin, the Quaker-dominated Assembly, in an unusual move, decided on 4 June 1709 that the members should advise with as many of the "principal" inhabitants of the province as possible before proceeding further. Apparently, a "Considerable" part of the Assembly met at the home of **Samuel Carpenter** with leading Quaker members of the Provincial Council, including **Edward Shippen**, **Joseph Growdon**, **Caleb Pusey**, **Samuel Preston**, and **Isaac Norris**, and decided against raising money for the expedition, but believed the House could make a monetary present to the Queen. Some other assemblymen reported various conferrals with leading inhabitants and "found them generally averse to the raising of Money for the Uses proposed by the Governor." Consequently, the House voted down money for the expedition. But the Assembly did vote a present to the Queen of £500.<sup>60</sup> The House also effectively ignored a request from the sheriff and principal residents of New Castle for ammunition and other military assistance to counter the threats of French privateers.<sup>61</sup> An irritated Gookin belittled the £500 gift to the queen as "so very inconsiderable" that he could not be "Accessary to so great a Slight of her Majesty, as to assent to any Act for it,"

59. LLB, 1:334-35.

60. MPC, 2:448-52, 459; LLB, 1:334; Votes, 2:34-35.

61. Votes, 2:36-37; MPC, 2:460-61.

58. MPC, 2:240-41; PWP, 4:533; LP, 10:105.

and thus called upon the House to levy a much larger sum, a request it immediately rejected.<sup>62</sup>

Defense continued, however, to be a volatile issue as Lewes was again plundered by a French privateer in mid-June 1709, which incident, combined with the sighting of “divers others of the Enemy” off the coast, “exceedingly Alarm’d the Countrey,” commented Logan, “beyond what could be easily imagined from no

more pressing a Danger.”<sup>63</sup> With further calls for defensive measures, the Quakers became, in Logan’s estimation, “so tired out with the Clamours and Abuses of these men that the thoughts of Government become very uncomfortable to them.”<sup>64</sup> Unfortunately for the Anglicans, that apparent Quaker discomfort would not translate into withdrawal from government for almost another half century.

62. *MPC*, 2:458–59, 461–63; *Votes*, 2:37–38.

63. *PWP*, 4:647–50.

64. *PWP*, 4:648; see also CO5/1049/106.



*Legislators of Pennsylvania,  
1682–1709*





# Sessions List: The General Assembly of Pennsylvania, 1682–1709

For purposes of organization, for the period from December 1682 to October 1701, when the Charter of Privileges was adopted, this sessions list is divided into periods according to the constitutional basis for the legislature. For each General Assembly (composed from 1683 to 1701 of the Provincial Council and the Assembly), the list includes the year of the General Assembly; the executive authority; the location where the General Assembly met; date(s) of the session(s) with days of the week; the length of the session(s) in days, excluding any days on which the General Assembly did not meet; membership of the Provincial Council with number of years

remaining of terms (including the year of the General Assembly); membership of the Assembly; sources for the membership; and any pertinent notes. Members of the Assembly are listed in the order in which they appear in the membership lists in the Assembly minutes; the significance of the order, if any, is not known. All year dates are New Style. After 1701, when the Assembly began meeting at various times throughout the year, the division into sessions is, for purposes of organization, arbitrary (i.e., the designation is not found in the Assembly minutes), based on recorded adjournments of approximately a week or more.

## DECEMBER 1682–APRIL 1683

By the authority of his grant from the crown, William Penn ordered an election on 20 Novem-

ber 1682 for an Assembly to meet at Chester in December (*PWP*, 2:309–11).

**1682**

William Penn, proprietor and governor

Chester

4 December 1682 (Monday)–7 December 1682 (Thursday)

4 days

(There was no Provincial Council for this Assembly.)

### **Assembly**

#### *Bucks County*

Christopher Taylor  
William Yardley

#### *Philadelphia County*

Nicholas More  
Griffith Jones  
Thomas Holme  
Thomas Wynne

#### *Chester County*

John Simcock  
Thomas Brassey  
Ralph Withers

*New Castle County*  
John Moll  
John Cann  
Casparus Herrman  
Richard Smith  
John Darby  
William Semple

*St. Jones County*  
Francis Whitwell  
John Hillyard  
John Briggs  
John Curtis  
Thomas Heatherd  
Daniel Jones

*Deal County*  
William Clark  
Luke Watson  
Nathaniel Walker  
John Roades  
Cornelis Verhoofc  
Edward Southrin  
Alexander Draper

Sources: *Votes*, 1 (pt. 1): 1–6; *PWP*, 2:309–12, 318–19. Note: Complete membership in this Assembly is not known. Presumably each county elected seven representatives. The identity of the speaker has not been discovered, but it is known that he was a Quaker (*PWP*, 2:347). The Three Lower Counties of New Castle, St. Jones, and New Deal (formerly known as Whorekill) were legislatively united to the province of Pennsylvania by the Act of Union passed 6 December 1682. In commissions to justices of the peace issued 25 December 1682 William

Penn changed the name of St. Jones County to Kent County and Deal County to Sussex County (*PWP Micro.*, 3:711, 3:717).

On his arrival in Pennsylvania, William Penn evidently formed some sort of advisory council, as he was attended in the New Castle court on 2 November 1682 by William Markham, Thomas Holme, William Haige, John Simcock, and Thomas Brassey, who were identified as “of The Councill” (*CNC*, 2:23). Of these, Holme, Simcock, and Brassey served in the 1682 Assembly.

#### APRIL 1683–APRIL 1693

William Penn’s proposed Frame of Government for his colony had provided for a Provincial Council of 72 members and an Assembly of 200, but these numbers were deemed too large for the young colony to support. The revised Frame of Government adopted in April 1683 created a legislature consisting of a Provincial Council of 18 members (three delegates from each county, each serving a three-year term, with one new member per county elected each year), and an Assembly of 36 members (six delegates from each county, elected annually). Elections were held annually on 10 March, and the Gen-

eral Assembly convened on 10 May. The power to initiate legislation resided in the Provincial Council (*Votes*, 1 [pt. 1]:xxix, xxx, [appendix]:iv–v). This Frame of Government remained the constitution of Pennsylvania until the advent of royal government in 1693. At the election for the 1683 Assembly, one-third of the Council was elected to serve for one year, one-third to serve for two years, and one-third to serve for three years in order to establish a system of rotation whereby one-third of the Council would be newly elected each year thereafter (*PWP*, 2:352–53).

#### 1683

William Penn, proprietor and governor

#### Philadelphia

##### First Session

12 March 1683 (Monday)–3 April 1683 (Tuesday)

20 days

##### Second Session

24 October 1683 (Wednesday)–25 October 1683 (Thursday)

2 days

#### Provincial Council

*Bucks County*  
William Biles (1)  
James Harrison (2)  
Christopher Taylor (3)

*Philadelphia County*  
Lasse Cock (1)  
William Haige (2)  
Thomas Holme (3)

*Chester County*  
William Clayton (1)  
Ralph Withers (2) [d. Aug.  
1683]  
John Simcock (3)

*New Castle County*  
John Moll (1)  
Edmund Cantwell (2)  
William Markham (3) [to  
England c. Sept. 1683]

*Kent County*  
John Richardson (1)  
John Hillyard (2)  
Francis Whitwell (3)

*Sussex County*  
John Roades (1)  
Edward Southrin (2)  
William Clark (3)

### **Assembly**

*Bucks County*  
William Yardley  
Samuel Darke  
Robert Lucas  
Nicholas Waln  
John Wood  
John Clowes [d. July 1683]  
Thomas Fitzwater  
Robert Hall  
James Boyden

*Philadelphia County*  
John Songhurst, deputy  
speaker  
John Hart  
Walter King  
Andrew Bankson  
John Moon  
Thomas Wynne, speaker  
Griffith Jones  
William Warner  
Swan Swanson

*Chester County*  
John Hastings  
Robert Wade  
George Wood  
John Blunston  
Dennis Rochford  
Thomas Brassey  
John Bezer  
John Harding  
Joseph Phipps

*New Castle County*  
John Cann [absent 1st  
session]  
John Darby  
Valentine Hollingsworth  
Casparus Herrman  
Johannes de Haes [absent  
1st session]  
James Walliam  
William Guest  
Pieter Alrichs [absent 1st  
session]  
Hendrick Williams

*Kent County*  
John Brigs  
Simon Hiron  
Thomas Heatherd  
John Curtis  
Robert Bedwell  
William Winsmore  
John Brinckloe  
Daniel Brown  
Benoni Bishop

*Sussex County*  
Luke Watson  
Alexander Draper [absent  
1st session]  
William Fitcher  
Henry Bowman  
Alexander Molleston  
John Hill  
Robert Bracy  
John Kipshaven  
Cornelis Verhoofc

Sources: *Votes*, 1 (pt. 1):7, 22; *MPC*, 1:57, 71–73;  
*PWP*, 2:620–23. Note: The election for this Gen-  
eral Assembly was held on 20 February 1683, in  
accordance with the proposed Frame of Govern-  
ment that had been rejected by the 1682 Assembly  
(*Votes*, 1 [pt. 1]: xxviii). Although the first session

of this General Assembly met by the authority of  
William Penn's letters patents, both sessions  
have been grouped for convenience under the  
April 1683–April 1693 period because the Frame  
of Government that remained in force until  
April 1693 was adopted during the first session.

### **1684**

William Penn, proprietor and governor

New Castle  
10 May 1684 (Saturday)–19 May 1684 (Monday)  
8 days

### **Provincial Council**

*Bucks County*  
James Harrison (1)  
Christopher Taylor (2)  
Thomas Janney (3)

*Philadelphia County*  
William Haige (1)  
Thomas Holme (2)  
Thomas Lloyd (3)

*Chester County*  
William Clayton (1)  
[replaced Ralph Withers]  
John Simcock (2)  
William Wood (3)

*New Castle County*  
 Edmund Cantwell (1)  
 John Cann (2) [replaced  
 William Markham]  
 William Welch (3) [d. Aug.  
 1684]  
 Pieter Alrichs (3) [replaced  
 William Welch]

*Kent County*  
 John Hillyard (1)  
 Francis Whitwell (2) [d. c.  
 June 1684]  
 William Darvall (2)  
 [replaced Francis  
 Whitwell]  
 William Southeby (3)

*Sussex County*  
 Edward Southrin (1)  
 William Clark (2)  
 Luke Watson (3)

### ***Assembly***

*Bucks County*  
 William Beakes  
 John Clowes  
 Richard Hough  
 John Otter  
 Edmund Bennett  
 Samuel Borden [expelled]

*Philadelphia County*  
 Nicholas More, speaker  
 John Songhurst  
 Francis Fincher  
 Lasse Cock  
 Joseph Growdon  
 John Hart

*Chester County*  
 Joshua Hastings  
 Robert Wade  
 John Blunston  
 George Maris  
 Thomas Usher  
 Henry Maddock

*New Castle County*  
 James Walliam  
 John Darby  
 William Grant  
 Casparus Herrman  
 Abraham Man  
 John White

*Kent County*  
 John Brigs  
 John Glover  
 John Curtis  
 William Sherrer  
 James Wells  
 William Berry

*Sussex County*  
 John Roades  
 Henry Bowman  
 Hercules Shepherd  
 Samuel Gray  
 William Emmott  
 Henry Stretcher

Sources: *Votes*, 1 (pt. 1):24, 26; *MPC*, 1:96–97,  
 105, 116, 119, 123.

### **1685**

The Provincial Council, governor  
 Thomas Lloyd, president

Philadelphia  
 11 May 1685 (Monday)–19 May 1685 (Tuesday)  
 8 days

### ***Provincial Council***

*Bucks County*  
 Christopher Taylor (1)  
 Thomas Janney (2)  
 Phineas Pemberton (3)

*Philadelphia County*  
 Thomas Holme (1)  
 Thomas Lloyd (2)  
 John Barnes (3)

*Chester County*  
 John Simcock (1)  
 William Wood (2) [d. Nov.  
 1685]  
 Nicholas Newlin (3)

*New Castle County*  
 John Cann (1)  
 Pieter Alrichs (2)  
 Edward Greene (3)

*Kent County*  
 William Darvall (1)  
 William Southeby (2)  
 William Frampton (3)

*Sussex County*  
 William Clark (1)  
 Luke Watson (2)  
 John Roades (3)

### ***Assembly***

*Bucks County*  
 William Beakes  
 Gilbert Wheeler [did not  
 attend]  
 Henry Baker  
 William Darke  
 James Dilworth  
 Henry Paxson

*Philadelphia County*  
 Nicholas More [expelled]  
 Joseph Growdon  
 Barnabas Wilcox  
 Lasse Cock  
 Gunnar Rambo  
 Thomas Paschall

*Chester County*  
 John Blunston  
 George Maris  
 John Harding  
 Thomas Usher  
 Francis Stanfield  
 Joshua Fearnie

*New Castle County*  
 John White, speaker  
 Casparus Herrman  
 Hendrick Williams [did  
 not attend]  
 Abraham Man  
 Edward Owen [did not  
 attend]  
 John Darby

*Kent County*  
 John Briggs  
 John Curtis  
 Daniel Jones  
 Peter Groenendyke  
 William Berry  
 John Brinckloe

*Sussex County*  
 Henry Smith  
 William Carter  
 Robert Clifton  
 John Hill  
 Samuel Gray  
 Richard Law

Sources: *Votes*, 1 (pt. 1):30, 32, 35; *MPC*, 1:125,  
 127, 133; *PWP*, 2:583.

#### 1686

The Provincial Council, governor  
 Thomas Lloyd, president

Philadelphia  
 10 May 1686 (Monday)–18 May 1686 (Tuesday)  
 6 days

#### *Provincial Council*

*Bucks County*  
 Thomas Janney (1)  
 Phincas Pemberton (2)  
 Arthur Cook (3)

*Philadelphia County*  
 Thomas Lloyd (1)  
 John Barnes (2)  
 Robert Turner (3)

*Chester County*  
 Francis Harrison (1)  
 [replaced William Wood]  
 Nicholas Newlin (2)  
 John Simcock (3)

*New Castle County*  
 Pieter Alrichs (1)  
 Edward Greene (2)  
 John Cann (3)

*Kent County*  
 William Southeby (1)  
 William Frampton (2) [d.  
 Sept. 1686]  
 William Darvall (3)

*Sussex County*  
 Luke Watson (1) [denied  
 seat]  
 John Roades (2)  
 William Clark (3)

#### *Assembly*

*Bucks County*  
 William Yardley  
 Joseph Growdon  
 John Otter  
 William Biles  
 Joshua Hoopes  
 John Rowland

*Philadelphia County*  
 James Claypoole  
 John Songhurst  
 Thomas Duckett  
 John Goodson  
 Griffith Owen  
 Andrew Bankson

*Chester County*  
 Robert Wade  
 John Blunston  
 George Maris  
 Bartholomew Coppock  
 Samuel Levis  
 Caleb Pusey

*New Castle County*  
 John White, speaker  
 John Darby  
 Cornelius Empson  
 James Walliam  
 Abraham Man  
 William Grant

*Kent County*  
 John Brinckloe  
 John Bradshaw  
 John Walker  
 William Berry [did not  
 attend]  
 Robert Bedwell [d. May  
 1686; not replaced]  
 Richard Willson

*Sussex County*  
 Henry Bowman  
 Norton Claypoole  
 Henry Stretcher  
 John Vines  
 Albertus Jacobs  
 Samuel Gray [did not  
 attend]

Sources: *Votes*, 1 (pt. 1):36, 39; *MPC*, 1:168–70.

**1687**

The Provincial Council, governor  
Thomas Lloyd, president

Philadelphia

10 May 1687 (Tuesday)–12 May 1687 (Thursday)

3 days

***Provincial Council***

***Bucks County***

Phineas Pemberton (1)  
Arthur Cook (2)  
Joseph Growdon (3)

***Philadelphia County***

John Barnes (1)  
Robert Turner (2)  
James Claypoole (3) [d.  
Aug. 1687]  
Samuel Carpenter (3)  
[replaced James  
Claypoole]

***Chester County***

Nicholas Newlin (1)  
John Simcock (2)  
John Bristow (3)

***New Castle County***

Edward Greene (1)  
John Cann (2)  
Pieter Alrichs (3)

***Kent County***

Griffith Jones (1) [replaced  
William Frampton]  
William Darvall (2)  
John Curtis (3) [denied  
seat]  
John Richardson (3)  
[replaced John Curtis;  
did not attend]

***Sussex County***

John Roades (1)  
William Clark (2)  
William Dyre (3) [denied  
seat; not replaced]

***Assembly***

***Bucks County***

Thomas Langhorne  
Robert Hall  
Nicholas Waln  
Robert Lucas [did not  
attend]  
Henry Baker  
Edmund Bennett

***Philadelphia County***

Humphrey Morrey  
William Salway  
John Bevan  
Lasse Cock  
Francis Daniel Pastorius  
Joseph Paul

***Chester County***

John Blunston  
George Maris  
Bartholomew Coppock  
Caleb Pusey  
Edward Bezer  
Randal Vernon

***New Castle County***

Johannes de Haes  
Edward Blake  
Valentine Hollingsworth  
John White, speaker  
John Darby  
Richard Noble

***Kent County***

John Brinckloe  
William Berry  
Richard Willson  
Thomas Pemberton  
William Freeland  
Benoni Bishop [did not  
attend]

***Sussex County***

Luke Watson  
Henry Smith  
Henry Molleston  
Henry Bowman  
Samuel Gray  
Henry Stretcher

Sources: *Votes*, 1 (pt. 1):40, 42; *MPC*, 1:196–97,  
207–13.

**1688**

Commissioners of State, deputy governor  
Thomas Lloyd, Robert Turner, Arthur Cook,  
John Simcock, John Eckley

Philadelphia

10 May 1688 (Thursday)–19 May 1688 (Saturday)

9 days

### ***Provincial Council***

#### *Bucks County*

Arthur Cook (1)  
Joseph Growdon (2)  
William Yardley (3)

#### *New Castle County*

John Cann (1)  
Pieter Alrichs (2)  
Johannes de Haes (3)

#### *Philadelphia County*

Robert Turner (1)  
Samuel Carpenter (2)  
Samuel Richardson (3)

#### *Kent County*

William Darvall (1)  
William Markham (2)  
[replaced John  
Richardson]  
Griffith Jones (3)

#### *Chester County*

John Simcock (1)  
John Bristow (2)  
Bartholomew Coppock (3)

#### *Sussex County*

William Clark (1)  
[No replacement for  
William Dyre]  
Luke Watson (3)

### ***Assembly***

#### *Bucks County*

Nicholas Waln  
Henry Baker  
Richard Hough  
Robert Lucas [d. March  
1688; not replaced]  
Robert Hall [d. March  
1688; not replaced]  
Joshua Hoopes

#### *New Castle County*

John White, speaker  
Edward Blake  
Peter Baynton  
Valentine Hollingsworth  
John Darby  
Joseph Holding

#### *Philadelphia County*

Thomas Hooton  
Thomas Fitzwater  
Lasse Cock  
James Fox  
Griffith Owen  
William Southeby

#### *Kent County*

John Brinckloe  
John Betts  
William Rodney  
John Burton  
Samuel Burbary  
John Richardson

#### *Chester County*

John Blunston  
James Sandelands  
George Maris  
Robert Pile  
Edward Carter  
Thomas Coebourne

#### *Sussex County*

Thomas Wynne  
Henry Bowman  
Henry Molleston  
Thomas Price  
John Symons  
Albertus Jacobs

Sources: *Votes*, 1 (pt. 1):42; *MPC*, 1: 212–14, 222.

### **1689**

John Blackwell, governor

#### Philadelphia

10 May 1689 (Friday)–20 May 1689 (Monday)  
9 days

### ***Provincial Council***

#### *Bucks County*

Joseph Growdon (1)  
William Yardley (2)  
Thomas Lloyd (3) [seated 1  
Jan. 1690]

#### *New Castle County*

Pieter Alrichs (1)  
Johannes de Haes (2)  
William Stockdale (3)

#### *Philadelphia County*

Samuel Carpenter (1)  
Samuel Richardson (2)  
John Eckley (3) [seated 1  
Jan. 1690; d. Feb. 1690]

#### *Kent County*

William Markham (1)  
Griffith Jones (2)  
John Curtis (3)

#### *Chester County*

John Bristow (1)  
Bartholomew Coppock (2)  
John Simcock (3)

#### *Sussex County*

John Hill (1) [replaced  
William Dyre]  
Luke Watson (2)  
William Clark (3)

### ***Assembly***

#### ***Bucks County***

Arthur Cook, speaker  
William Biles  
Phineas Pemberton  
John Swift  
Nicholas Waln  
Edmund Bennett

#### ***New Castle County***

John Darby  
John White [in prison]  
Valentine Hollingsworth  
Edward Blake  
Isaac Wheeldon  
Richard Mankin

#### ***Philadelphia County***

Joseph Fisher  
Abraham op den Graef  
Griffith Owen  
Thomas Paschall  
Thomas Duckett  
Henry Waddy

#### ***Kent County***

Daniel Jones  
William Berry  
William Manlove  
John Walker  
Peter Groenendyke  
Daniel Brown

#### ***Chester County***

James Sandelands  
Samuel Levis  
John Bartram  
Robert Pile  
Michael Blunston  
Jonathan Hayes

#### ***Sussex County***

Baptist Newcombe  
Samuel Gray  
Robert Clifton  
Hercules Shepherd  
Luke Watson  
Jonathan Bailey [did not attend]

Sources: *Votes*, 1 (pt. 1):48, 54; *MPC*, 1:262, 267–68, 312; *PWP*, 3:194–95.

### **1690**

The Provincial Council, governor  
Thomas Lloyd, president

New Castle

10 May 1690 (Saturday)–16 May 1690 (Friday) 6 days

### ***Provincial Council***

#### ***Bucks County***

William Yardley (1)  
Thomas Lloyd (2)  
Arthur Cook (3)

#### ***New Castle County***

Johannes de Haes (1)  
William Stockdale (2)  
John Cann (3)

#### ***Philadelphia County***

Samuel Richardson (1)  
Thomas Duckett (2)  
[replaced John Eckley]  
Griffith Owen (3)

#### ***Kent County***

Griffith Jones (1)  
John Curtis (2)  
John Brinckloe (3)

#### ***Chester County***

Bartholomew Coppock (1)  
John Simcock (2)  
John Blunston (3) [declined to serve]  
William Howell (3)  
[replaced Blunston; declined to serve]

#### ***Sussex County***

Luke Watson (1)  
William Clark (2)  
Thomas Clifton (3) [to England by Nov. 1690]

### ***Assembly***

#### ***Bucks County***

Joseph Growdon, speaker  
Henry Poynter  
Richard Hough  
Henry Baker  
Edmund Bennett  
John Cook

#### ***Philadelphia County***

William Salway  
Humphrey Morrey  
Thomas Fitzwater  
Charles Pickering  
Paul Saunders  
Abraham op den Graef

#### ***Chester County***

John Bristow  
William Jenkins  
Robert Pile  
Joshua Fearn  
George Maris  
Caleb Pusey



*New Castle County*  
Edward Blake  
Hendrick Williams  
Richard Halliwell  
John Darby  
William Grant  
John Donaldson

*Kent County*  
John Barnes  
John Betts  
Daniel Brown  
Ezekiel Needham  
Richard Curtis  
William Freeland

*Sussex County*  
John Hill  
Samuel Gray  
Robert Clifton  
Henry Smith  
Baptist Newcombe  
Thomas Branscomb

Sources: *Votes*, 1 (pt. 1):56; *MPC*, 1:317, 322–23, 331–35, 344.

#### 1691

Thomas Lloyd, deputy governor

Philadelphia  
First Session  
11 May 1691 (Monday)–18 May 1691 (Monday)  
7 days  
Second Session  
10 September 1691 (Thursday)  
1 day

#### *Provincial Council*

*Bucks County*  
Thomas Lloyd (1) [deputy  
gov. April 1691]  
Thomas Janney (1)  
[replaced Thomas Lloyd  
June 1691]  
Arthur Cook (2)  
Joseph Growdon (3)

*Philadelphia County*  
Thomas Duckett (1)  
Griffith Owen (2)  
John Delavall (3)

*Chester County*  
John Simcock (1)  
William Jenkins (2)  
[replaced William  
Howell]  
John Bristow (3)

*New Castle County*  
William Stockdale (1)  
John Cann (2)  
Richard Halliwell (3)

*Kent County*  
John Curtis (1)  
John Brinckloe (2)  
George Martin (3)

*Sussex County*  
William Clark (1)  
Albertus Jacobs  
John Hill

#### *Assembly*

*Bucks County*  
William Biles  
John Swift  
Samuel Allen  
William Beakes  
Nicholas Waln  
John Cook

*Philadelphia County*  
Henry Waddy  
John White  
William Warner  
Francis Daniel Pastorius  
Robert Adams  
Samuel Richardson

*Chester County*  
George Maris  
Edward Carter  
Robert Pile  
Walter Faucit  
John Jarman  
Caleb Pusey

(The names of the representatives elected from New Castle, Kent, and Sussex counties have not been found.)

Sources: *PWP*, 3:295–99, 302–5, *MPC*, 1:344; *ETPM*, 1:21. Note: Of Albertus Jacobs and John Hill, it has not been determined which one was elected to serve the two years remaining of Thomas Clifton's Provincial Council term (see above, under 1690), and who was elected to serve for three years. Proceedings of the General

Assembly of 1691 have not been found. The identity of the speaker, if any, has not been discovered. Although elections were held in the Lower Counties, as evidenced by the appearance of new members for those counties in the Provincial Council, the names of the assemblymen elected from New Castle, Kent, and Sussex

counties have not been found. The refusal of the members for the Lower Counties to join in the Assembly caused a lack of a quorum in both the Assembly and the Provincial Council at the May session. Apparently the Assembly reconvened for one day, 10 September, for the purpose of confirming that the May session had been a legal General Assembly for the province, despite the defection of the Lower Counties. The statement confirming the May session indicated that the Assembly had met on 10 May, as required by the Frame of Government; how-

ever, as 10 May was a Sunday, the Assembly undoubtedly met on Monday, 11 May, as in 1685. See *PWP*, 3:316–19; *NOF*, 1:102.

Seven provincial councilors from the Lower Counties (John Cann and Richard Halliwell of New Castle, John Brinckloe and George Martin of Kent, and William Clark, Albertus Jacobs, and John Hill of Sussex) convened at New Castle for a five-day session beginning on Saturday, 4 April, intending to govern the Lower Counties independently from Pennsylvania. For their proceedings, see *PPTLC*, 65.

## 1692

Thomas Lloyd, deputy governor of Pennsylvania  
William Markham, deputy governor of the Three Lower Counties

### Philadelphia

10 May 1692 (Tuesday)–18 May 1692 (Wednesday)  
8 days

### Provincial Council

#### *Bucks County*

Arthur Cook (1)  
Joseph Growdon (2)  
William Biles (3)

#### *Philadelphia County*

Griffith Owen (1)  
John Delavall (2)  
Hugh Roberts (3)

#### *Chester County*

William Jenkins (1)  
John Bristow (2)  
Samuel Levis (3)

#### *New Castle County*

John Cann (1)  
Richard Halliwell (2)  
[?]

#### *Kent County*

John Brinckloe (1)  
[presumed final year of term]  
George Martin (2)  
Richard Willson (3)

#### *Sussex County*

Albertus Jacobs [presumed final year of term]  
John Hill [presumed final year of term]  
Samuel Gray (3)

### Assembly

#### *Bucks County*

John Swift  
John Otter  
Joshua Hoopes  
William Paxson  
Nicholas Waln  
John Rowland

#### *Philadelphia County*

Samuel Richardson  
John Holme  
William Salway  
Lasse Cock  
John White  
Abraham op den Graef

#### *Chester County*

Philip Roman  
George Maris  
Bartholomew Coppock  
Robert Pile  
Caleb Pusey  
Thomas Withers

#### *New Castle County*

John Darby  
John Donaldson  
Joseph England  
John Grubb  
Robert Ashton  
Edward Blake

#### *Kent County*

William Freeland  
Daniel Jones [did not attend]  
Simon Hirons  
John Barnes  
George Manlove  
William Manlove

#### *Sussex County*

William Clark, speaker  
Robert Clifton  
Baptist Newcombe  
Luke Watson  
Thomas Branscomb  
William Piles

Sources: *Votes*, 1 (pt. 1):60; *PWP*, 3:349. Note: Following the defection of the Lower Counties the previous year, William Penn issued a com-

mission dividing the executive authority between Thomas Lloyd, for Pennsylvania, and William Markham, for the Lower Counties. It