

CHAPTER SIX

POLITICAL DIFFICULTIES

1684 TO 1688

DESPITE THE EXCELLENT foundations established during its first two years, Pennsylvania failed to live up to the expectations of the Founder and his friends who had hoped that the plantation would be an "example to the Nations."

Instead of remaining in England a few months and then quickly returning to his "holy experiment," William Penn waited fifteen years before seeing Pennsylvania again in December, 1699. During those years the early idealism was slowly forgotten. Pennsylvania eventually became a prosperous colony populated by men and women who enjoyed a goodly share of freedom and who were more enlightened than some of their neighbors. However the creative spark, the spirit of dedication, and the sense of purpose envisioned in the "holy experiment" were gone.

The change which slowly engulfed the colony was the result of a combination of forces. The constant wrangling over finances between Penn and his people boded no good for the utopian dreams. The government, which had been left in the hands of the freemen, proved unsuccessful in many respects, and a grave disappointment to the Founder. In desperation, Penn tried a Puritan soldier as Governor. The wrangling grew so intense that Delaware seceded from Pennsylvania. The Quakers fell to quarreling, and were split in two by the Keithian Schism. With the government unstable, the empire at war, and Penn in hiding because of accusations that he was a Jacobite, the Crown decided in 1692 to take over the government of

Pennsylvania. After the political authority was restored to Penn the colonists rewrote their constitution without his consent. In the meantime, antagonistic groups had begun to chant that Pennsylvania favored illicit traders and pirates and was a den of immorality. With the Crown once more threatening to seize the colony, the Governor was forced to return to Pennsylvania in haste, late in 1699. By that time, the "holy experiment" was a near-forgotten dream.

In politics the "holy experiment" was fully tested in the four years which followed William Penn's return to England in 1684. The absentee Governor retained the right to confirm the actions of the government, but this proved to be a weak method of control. He also exerted influence through frequent letters of instruction and counsel. Neither of these methods for regulating the colony were very potent, and the people were virtually left to govern themselves. For more than three years the freemen enjoyed self-government through their elected representatives in the Council and Assembly, with the Council assuming the executive responsibilities in addition to its other broad powers. During the last months of the period, William Penn appointed five men to serve collectively as his deputy governors, but he named men who were in the colony and who had been elected to the General Assembly in the past.

In 1684 Penn felt confident that the Council was filled with men of integrity and intelligence, and he entrusted it with the executive power of government when he returned to England. He did not expect to remain in England for more than a few months, nor did he feel that governing Pennsylvania would be difficult, because firm foundations had been established. The eighteen members of the Council virtually controlled the province and territories. To be sure, these men were elected by the freemen, and were checked by the consultative power of the Assembly as well as by the authority of the courts, but the Council dominated the government despite these restrictions.

Penn was fortunate in his choice of the president of the Council. Thomas Lloyd, a physician from Dolobran in Wales, had arrived in Pennsylvania in 1683. He was a minister among

the Quakers who was intelligent and businesslike, and he provided enlightened leadership. Unfortunately he traveled frequently to New York. Equally unfortunate, he had little power as President. Lloyd was a fine man of the type Penn expected to arise and carry the burden of his government. This is indicated by a letter which Lloyd wrote in 1684, shortly after Penn sailed for England. "We are glad to See the faces of servicable Friends here, who Come in God's freedom, who are persons of a Good Understanding & Conversation: & Will Discharge Their Stations Religiously; Such will be a Blessing to The Province. The favorable Revolution of Providence hath founded the Government so, here, That a Man is at Liberty to Serve his Maker Without Contempt, Discouragement, or Restraint; Truth indeed Makes Men Honourable, not only here, but in most Places at last; But here Truth Receives Good Entertainment at first."¹ This man was the most important person in the colony until his death in 1694. It is regrettable that so little is known about Thomas Lloyd.

The Council proved unsatisfactory as the executive branch of government in several respects, but the important weakness of the arrangement was that it met infrequently. When the Council was not in session there was no visible government. The individual members, even the President, had no power to issue orders or make decisions. The chamber had a secretary, but he had no authority to act except under express order of the Council. When the Council met each week it was able to observe what was happening in the colony and the freemen could appeal to it for advice or assistance. However, it sometimes met only one or two times a month, and often met less frequently. There were no meetings of the Council from the end of October, 1684, until March 30, 1685; and from November, 1686, to March 1687. In the ten months from the adjournment of the General Assembly in May, 1687, until the following March, only seven sessions were convened, although some of them lasted two days. In 1688, there was one meeting between May and December 18, the day Governor Blackwell arrived.

The Council met infrequently because there was little business to be handled. Few matters of importance came before the body except in the weeks before calling the General Assembly, when proposed legislation was drawn up, and when the General Assembly was in session. Other meetings were cluttered with minor matters. In one period of several months, the following items claimed the attention of the Council. A sheriff died, and a replacement was needed. Someone died unnaturally, the coroner was ill, and a substitute had to be found to examine the body. A man was accused of fornication, and the case came to the central government. There was a dispute over boundaries which the Council was asked to arbitrate. The assistant surveyor general of Chester County was accused of prejudice, and had to be suspended. A widow protested that her deceased husband's estate had not been settled properly. Pig-stealing, servant-beating, tale-bearing, and other picayune matters which local magistrates should have settled were all carried to the highest authority of the colony.²

Another reason for the infrequency of Council meetings is seen by examining the responsibilities of the members. The men were busy attempting to establish themselves in the New World, and did not have as many servants as William Penn. If they were farmers, they were overwhelmed with the task of clearing away the forest to have fields to cultivate. At periods of the year, when plowing, planting, or harvesting had to be completed, it was impossible to lay aside all work and travel to Philadelphia to participate in the government. The members from the towns were building up their places of business, and had to devote hours to such tasks as their particular occupations entailed.

Travel was arduous and time-consuming in a period when there were few roads. Even travel by water could be dangerous and wearisome. Men resented laying aside their work, traveling for an entire day to reach Philadelphia, and after spending one or two days on government business, wasting another day to reach home again. This was especially true because there were no salaries for the councillors. Provision was made in the

laws for a small payment but apparently it was seldom collected. The resentment caused the Council to say when it had been gathered together to hear a letter from William Penn, "What were we sent for so far[,] for so little."³ While such an attitude can be understood, still it meant a severe blow to the "holy experiment." Penn had expected men to give willingly of their time and energy to make the government work, and now the members of the Council either refused to attend the sessions or grumbled and protested when they did come.

The irregular meetings of the Council meant that too frequently there was no visible evidence of the government in Pennsylvania. The courts met for only a few days a year, and the county officials devoted a minimum of time to their responsibilities as the upholders of the law. Only the executive branch of the provincial government was likely to be active continuously. If the Council failed to convene at regular intervals, there was no source of government which could be seen and respected by the colonists. When he established the commissioners of state, Penn stated in a letter to Phineas Pemberton: "I hereby provide against absence, for before, there was no visible deputy when the P. Council sat not, they being my deputy, now there shall be one, Sitt they or sitt they not."⁴

Penn stated in the preface of the First Frame that there were two divine reasons for having governments, "first to terrify evil-doers; secondly, to cherish those that do well." The failure of the Council to provide a government which was apparent at all times, resulted in a spirit of anarchy in the colony. Penn recognized the spirit but he could not explain it. The commonwealth had been created with the assurance that the people were followers of Christ, that they had an inner discipline, and that they could govern themselves personally or through the Friends business meeting. It was a disappointment to learn that outward evidence of government was necessary to force obedience to the laws.

The minutes of the meetings of the Council during these years are sketchy. It is difficult to determine why action was taken, how decisions were reached, or even the tenor of the

meetings. However, many of the colonists wrote long letters to the Governor describing conditions in Pennsylvania and criticizing the government. Those letters have been lost, but fortunately, William Penn frequently made comments to the Council about them.

These letters generally indicated that the Council sessions were tempestuous affairs and a credit to no one. Quotations from one letter indicate the criticism Penn leveled at the Council:

The noise of some Differences that have been in the Province, have reached these parts, with no advantage to the reputations of the Country Not entering into the Merits of the Matter; Quietness is that which in so troubled an Age of the World, has great Invitation in it—If any thing be amiss lett it be by more hidden and gentle ways remedied[.] An Infancy of Government can hardly bear the Shakes a riper Age may and sometimes as a last Remedy must endure.

Heat is no where commendable, but in Government dangerous—So Emulation, and too much Positiveness, or an Overweeningness in Opinion[.] Next to Religious Duty, Selfe deniall in the Administration of a Government is both Requisite and laudable I recommend it to you in prudence and Conscience.

If faults are committed, lett them be mended without noize and animosity. The Pomp and Clatter of Complaint is oftentimes a greater Grievance to the Publick than the thing complained of.

He gave them orders to first, punish vice, "Let it not escape your righteous Rod." Penn admitted that he had been too merciful, "In that follow not my Example." "The Repentance of the Person is not enough for the Publick allways," he added, and urged corporal punishment. Secondly, he called them to settle their disputes quietly; and thirdly, to be kind to strangers. He urged them to do what was right that God might have his glory, the King his honor, "and you your Comfort and just Interest and Advantage."⁵

In fairness to the Council the words of one of its members, Phineas Pemberton, must be studied. He believed that the Council had been a credit to Penn and Pennsylvania, despite criticism expressed by others in the colony. "The Council Ever Since thou went has been very agreeing and unanimous wch

has been a great Stay to us and I hop the lord will preserve and raise the heads of them who are true harted to him and the govermt[.] above the surging waves of ye pestiferous apostates & runagadors that would flow over them."⁶ The very words used by Pemberton to describe those in opposition to the Council were a fair indication of the hard feelings which were seething through the "holy experiment."

The greatest single source of conflict in Pennsylvania during the first twenty years was the struggle between the Council and the Assembly. These years were no exception. The differences became so pronounced that for two years no agreement could be reached on the bills proposed by the Council and no laws were enacted.

William Penn considered the Council to be the legislature of the colony, and thought of the Assembly as a representative gathering of the freemen to express approval or disapproval of proposed legislation. Of the struggle by the Assembly to achieve equal status with the Council, Penn wrote in 1688:

the Assembly, as they call themselves, is not so, without Gov'r & P[rovincial] Council, & that noe speaker, clark or [minute] book belong to ym[;] that the people have their representatives in ye Pro. councill to prepare & the Assembly as it is called, has only the power of I or no, yea or nay. If they turn debator, or judges, or complainers you overthrow yr Charter . . . here would be two assemblies, & two representatives, whereas they are but one, so two works, one prepares and promotes, the other assents or Denys—the Negative voyce . . . is not a debating, amending, altering, but an accepting or rejecting pow'r[.] minde I entreat you, that all fall not to pieces.

The Assembly never accepted this definition of its position and authority in Pennsylvania. Instead, it considered itself equal with the Council in a two house legislature. It thought of itself as the House of Commons in the colony, and constantly struggled to enlarge its share in the government.

Only in 1685 were laws enacted by the General Assembly. The following year a quarrel developed over the right of the Assembly to amend the bills proposed by the Council. Laws were enacted for one year at a time, and the first bill proposed to each General Assembly called for the extension of former

laws for another year. In 1686 the Assembly attempted to amend this vital proposal by demanding that the repeal of two former laws. The Council refused to accept this innovation and stated that if the first bill was not enacted none would be law. The passing of a few bills without the continuance of the old laws would leave the colony with those few laws alone. Yet if no laws were enacted, the pretence could be preserved that the General Assembly had not met, and the old laws would remain in operation.⁸ In 1687 no laws were promulgated by the Council, and so none were enacted by the General Assembly when it met. It should be added in defense of the General Assembly, that each spring when it met it expected William Penn to arrive during the summer. When the two houses could reach no ready agreement concerning the laws, the members eased their minds with the belief that Penn would call an extra session of his legislature when he returned, and that suitable laws could be enacted then.

The session of 1685 gave other evidence of peace and concord in addition to the fact that agreement was reached on eleven laws.⁹ The Assembly had difficulty in obtaining a copy of the Charter of Liberties from the Council, it protested that the bills had not been promulgated in a proper manner, and Nicholas More, a Provincial Judge, was impeached. Otherwise a good spirit prevailed. The Assembly reported to Penn, "there was a right and good Understanding betwixt the President, Council and Assembly, and a happy and friendly Farewell . . . The Honour of God, and Love of your Person, and Preservation of the Peace, and Welfare of the Government, were, we hope, the only Center to which all our Actions did tend . . . to you, dear Sir, and to the happy Success of your Affairs, our Hearts are open, and our Heads ready at all Times to Subscribe ourselves, in the Name of ourselves, and all the Freemen we do represent."¹⁰

The records indicate that the Assembly convened in 1686 at the Bank Meetinghouse, on Front Street above Mulberry, or Arch.¹¹ The first joint meeting saw the privileges of the Assembly recognized by the Council, namely: "Free Access to the

Governor and Council: Freedom of Speech and Debate; and Liberty of their Persons." But thereafter differences arose. The Assembly asked why nothing had been done about the impeachment of More, and received an evasive answer. When the lower house met alone, it voted unanimously that it had the power to impeach criminals at any time during its sessions. The two bodies differed about the holding of joint sessions of the legislature, and the final break came over the enactment of laws.

Because there were no bills to discuss at the 1687 meeting of the General Assembly, it convened for only three days.¹² During that time the Assembly presented a number of grievances to the Council, and the upper chamber promised action on some of them. Two examples indicate the nature of the queries. The Assembly complained that when a member of the Council was suspended, no new member was chosen in his place. The upper house promised to remedy that condition. The Assembly protested that there were no provincial judges appointed from Delaware, and the Council agreed to remember the Lower Counties when naming judges in the future. In addition, the Assembly wrote to the provincial court to protest the calling of an Assemblyman before it while the lower house was in session. In the resolution supporting a man named Henry Bowman, the body wrote of the highest court in the colony as "any inferior Court of this Government."

All these things grieved William Penn, and he wrote several times about the wrangling in the government. He not only regretted such a spirit because it was harmful to the "holy experiment," but believed that the reports of quareling were a hindrance to the successful colonizing of Pennsylvania. In 1685 he wrote to James Harrison, "the Reproaches yt I hear dayly of ye conduct of things, bears hard upon my Spirit too. the Lord order things for his glory."¹³ At the same time, Penn attempted to understand why these differences arose. Writing about the quarrel between the Council and Assembly in 1686, he said he was not worried, "for I Hear how things stand. I regard it not; I have faith to beleive much of that will vanish when I come,

that rise since I was there. In new & mixt Colonys, disorders will be, tho at all times they are wounding." ¹⁴ Penn was correct in stating that affairs ran more smoothly when he was in the colony. Many protested his absence during these years, and on one occasion in 1686 he replied that if he had not been in England to represent them, "Some busybodys would have had their mouths stopped for good and all." ¹⁵ In another letter that same year, after telling the Council of the protection he had given the colony by his presence in the court of King James and also of the persons he had persuaded to go to Pennsylvania he wrote, "this I beseech thee to read from house to house to the Sober and discreet, friend or other [non-Friend]." ¹⁶

Another troublesome problem during these four years was caused by the reports sent back to England about justice in Pennsylvania. Some of these stories were based on fact, but others were the result of jealousy and disappointment. In 1685 the Assembly brought charges against More as a provincial judge, and called for his impeachment. He was accused of issuing unlawful writs for sessions of the court on such short notice that justice could not be done. He was accused of issuing threats to a jury which brought in a verdict that met with his disapproval. ¹⁷ He was impeached for overawing witnesses, changing the sense of their testimony, and then convicting them of perjury. He was accused of overruling the justices of the county court at Chester, in "a most Ambitious, Insulting, & Arbitrary way, . . . thereby drawing the Magistrates into the Contempt of ye people." He had reputedly declared that neither he nor his actions were accountable to the president and Provincial Council, "by Despiseing and Containing their Orders & precepts, and Questioning and Denying their Authority." ¹⁸ These and other accusations were laid before the President and Council for a decision.

John Briggs, or Bridges, of Kent County, told the Assembly that when he was at the Governor's house More had asked him what the Assembly was doing, and when told replied, "*either I myself, or some of you will be hanged*" and urged Briggs to

oppose the impeachment. Patrick Robinson, clerk of the Provincial Court, was called upon to produce the court records; when he demurred, he was put into the custody of the sheriff, who left him at liberty. Robinson accosted Speaker John White, on the street and said, "*Well, John, have a Care what you do, I'll have at you, when you are out of the Chair.*" The fact that neither of these men was a Quaker did not change the fact that their words and practices damaged the reputation of the colony.

William Penn wrote to the Council in the summer of 1685 about the actions of Nicholas More, and mentioned that there had been many serious complaints against the courts. He added, "Great good will is towards it [Pennsylvania] in many brave minded people, yt are wealthy, to carry on ye Improvements, . . . pray Retrieve ye Credit of ye Province in doing Justice in ye business, & reporting a true account to me." ¹⁹

In 1686 a special provincial court of three men was established by Thomas Lloyd, President of the Council. ²⁰ The court heard a case involving the Free Society of Traders. Patrick Robinson, appearing for Nicholas More who had been president of that body, attempted to disqualify Harrison as a judge on the grounds that he worked for Penn, a stockholder of the Free Society. Harrison refused to step down. If he had the court would have fallen, for when the court met in Philadelphia, three judges were needed on the bench.

The judges sent Penn a description of the session, and said of Robinson, he then "denied ye Jurisdiction of ye Court & sd yt all yt wee had done in either Law or Equity was biast, & much more to ye same effect, & insensed ye people in Court agt us." He was ordered to leave, but recalled the following day. Again Robinson behaved in an insolent manner, and maintained that he had come of his own accord, and not because of the order of the court. "We told him he had denied ye Kings Authority by which wee satt there, & thee in whose nam we Sat which we were resolved to defend to our power, & desired all Magistrates to take notice of any yt spoak sleightingly of yt power or yt disturbed or broak ye pease, Lett them be

punished according to Law." 21 Robinson was fined £100 and put in custody until he paid the fine, and he threatened to appeal "beyond ye watter."

In 1687, Penn wrote to the commissioners of state, asking them to draw up a remonstrance or declamation, "to give the lye to thos vile & repeated slanders cast on ye Province, or you rather & the rest of ye Magistracy, whom they represent, 1st as ambitious, Seeking preheminece, 2ly, as partial, to offenders, yt process truth [Quakers], not ye same punishmts as to others, witness J. Moon's case, . . . 5ly an unwarranted prerogative to pardon where example requires execution for the sake of others 6. quarrels among the Magistrates whereby the[y] make them selves cheap to the people they should be awful to. . . . I say, these & ye like things ought to be most solemnly considered by you & answered as afore said." 22

While there was good reason for complaining that justice was not always meted out in an unbiased fashion, much of what was reported in England was in itself greatly prejudiced, at least in the opinion of the governor.

In the last years of the century Pennsylvania was under heavy fire from the English government because of flagrant disregard of the laws and regulations governing foreign trade. Little was said during the early years about infractions of the laws, but Penn issued several warnings to remind the colonists of their duties. The first warning was contained in a letter to the Council written in July, 1685.²³ In the meantime, the first surveyor general of the king's customs, William Dyer, had arrived.²⁴ In the fall of the same year, Penn wrote to Pemberton urging strict obedience and cooperation with Dyer. He mentioned that there had been trouble between the latter and Governor Gawen Lawrie in East Jersey, which had drawn a *quo-warranto*, and that there had been difficulties in Maryland. He added, "Wherefore, be wise, few and safe in words and in behaviour civil and oblidging to yt officer or any else of ye Kings. This I write to thee because I vallue thy prudence and fidelity above thy degree, and to ye wiser sort thou mayst communicate my caution." 25 In one letter of instructions to the

commissioners of state, Penn called on them to make sure that the king's customs were collected.²⁶

Another matter related to the responsibility of the colony to the king came up in 1686. In September Penn wrote to Thomas Lloyd about the laws of Pennsylvania, and reminded him that they would be called before the Lords of Trade as provided for in the Charter from Charles II. Penn's proposal for meeting this situation fitted nicely into what was happening in the colony, although the morality of the suggestion could be questioned. He wrote:

because I know the franchises & constitution of them, Exceed what is elsewhere, and intended to be elsewhere; to the end we may use the advantages the Pening of my charter gave us (& by Sr. Wm Jones, was intended to me & the Colony) with what Success we are able, Know, that if once in five years, ours are presented to the said Committee, or the King rather, it is as much as we are obliged to. my Councell therefore advises, that the very next Session after the receipt of this, a Bill be prepared to vacat all the Laws as they now stand, and prepare another with such abrogations, alterations and additions of laws as shall palliate the thing.

. . . it is done for their Sakes not mine, for the less free they are, the more free I am; but as I ever desired the best of laws for them, so I would advise the ways, most easely in a disorder'd time, to preserve them to them and theirs. This must be insinuated to the wiser only, and to thos that are exceptions, deal with them apart in my name; lett them see their interest and my good intention . . . lett them know how much they are in my power not I in theirs; and the less, for being here, in such a reign, where powr is more then a little preferr'd.²⁷

This was not the type of situation that William Penn, the spiritual leader of the "holy experiment," should have allowed himself to become involved in, and in fact to sponsor. If an ordinary colony deliberately deceived the King about its laws it would be strongly condemned. It was doubly iniquitous for a commonwealth founded on the principles of the Sermon on the Mount to practice such deceit.

For this reason, it was interesting to see what the Council would do. It did nothing! The minutes of April 2, 1687, reported the arrival of the letter, a fuller synopsis of it was recorded in the minutes than of any previous letter, and then

this decision was reached: "The President & Provl Council have at this time unanimously & with Generall Express satisfaction, Concluded & ordered yt it should be so Entred in ye Council book that ye Law so Compacted & Continued as they now are, may Remayne and be in force without acnulling Variations, or supply of additional bill or bills at this time till wee hear further from ye Gov[erno]r."²⁸ The Council defiantly ignored Penn's letter, and continued the laws in effect. Does this mean that these men were too stupid or too blind to see what Penn was attempting? Does it mean that they were too honest and too forthright to stoop to such a trick? Were they suspicious of Penn's motives and afraid to repeal all their laws? No one can answer these questions from the evidence available. As it turned out Penn's fears were groundless, for James II fled late in 1688, and the new government did not question the laws of Pennsylvania until 1693.

By this time it was obvious that there were many problems in the colony. The Council was not performing as effectively as Penn had expected, and it now refused to follow Penn's advice on the submittal of Pennsylvania laws to the Crown. The Assembly was creating difficulty by its demand for additional power, and there were complaints about the work of the law courts. In addition, Penn was deeply concerned over the actions of other persons in the colony. In one letter in 1685 he complained that Thomas Holme, surveyor general, was accused of refusing to survey unless plied with wine and gifts. The informants claimed to have spent ten or twelve pounds bribing him. Penn added that he loved Holme and believed that Holme loved him, but such action damaged Penn's reputation, and must be halted even if it meant the removal of Holme from office.²⁹

Early in 1687, Penn denounced James Claypoole vigorously for engaging in underhanded operations to gain favor in the colony. Penn wrote: "I am in my spirit secretly dissatisfied with J. Clayp. conduct, he is but low, & came far & seeks preferment[,] has writ to A[lexander] P[arker,] G[eorge] W[hitehead,] G[eorge] F[ox] to speak to me; & if he be not preferrd to

all the rest, I know who will be out of all patience, . . . [He is] inclinable to be to inferiors insolent, to superiors weeping[,] his numerous family & sometimes hott house are some small Apology . . . I desire that thou [James Harrison] & J. Simcock would deal plainly with him as to his behaviour & not lett anger or designes rest in his bosom agst his neighbors."³⁰ Despite these remarks, less than a week later Claypoole was named one of the new commissioners of state.

Penn was urged to believe that John White, the speaker of the Assembly during these four years, was to blame for the 1686 impasse over the enactment of laws. He wrote to Thomas Lloyd asking that White be removed from office if to blame and "think not hard of it."³¹ To Harrison he wrote: "I hear J. Keen is saucy & injurious to us of our side, if so, visit him in my name, with this plea in his ear, that I shall bring authority with me to Examin him & his proceedings, & that Country will be too hott to hold him if he mend not his manners."³²

In the same letter, Penn said, "I am very much afflicted in my Spirit that no Care is taken by those that have a Concern for the Lord's Name & Truth, by Perswasion or Authority to stop these scurvy Quarrels, that break out, to the Disgrace of the Provinces[,] there is nothing but Good said of the Place, and little thats Good said of the People." This indignation was the combined result of all the difficulties, irritations, and conflicts which had come to Penn's attention in the past two years. He faced a disagreeable fact: the "holy experiment" was not succeeding. In statesmanlike fashion Penn decided in February, 1687, that a change was necessary which would give the executive more power and stability and at the same time allow the people to continue to govern themselves. Penn indicated that he still had faith in the "holy experiment" and felt certain that with this modification it could be successful.

In a document dated February 1, 1687, five men were named as commissioners of state "to act in the execution of laws, as if I myself were there present, reserving to myself the confirmation of what is done, and my peculiar royalties and advantages."³³ Penn added that the appointments were made "to

the end that there may be a more constant residence of the honorary and governing part of the government, for the keeping all things in good order."

Eight instructions were enclosed with the commission. These dealt with the infrequent meetings of the Council, the conflicts between that body and the Assembly, immorality in government, and the question of the laws and their enforcement. Penn concluded the instructions with the paragraph quoted in the first chapter, calling on the commissioners to "Be most just, as in the sight of the *all-seeing, all-searching* God;" and to uphold the principles of the "holy experiment."

Penn insisted that the Council be required to attend meetings, "for I will no more endure their most slothful and dishonorable attendance, but dissolve the frame, without any more ado." In addition, he requested the Commissioners to "suffer no disorder in the Council, nor the Council and Assembly," and to prevent the freemen from encroaching on the powers which remained in the hands of the governor. He prohibited parleys or open conferences between the two houses of the legislature, and called on his new deputies to report to him concerning past infractions.

When the General Assembly next convened, the Governor required the Commissioners to "declare my abrogation of all that has been done since my absence; and so, of all the laws, but the fundamentals; and that you immediately dismiss the Assembly, and call it again; and pass such of them afresh, with such alterations, as you and they shall see meet; and this, to avoid a greater inconveniency; which I foresee, and formerly communicated to *Thomas Lloyd*."

In the meantime, Penn asked the Commissioners to enforce the laws: "let the point of the laws be turned against impiety, and your severe brow upon all the troublesome and vexatious, more especially trifling appealers." He requested the men to publish a proclamation, enclosed with the commission, which Penn had issued under his ordinance-making powers.

The naming of these men Commissioners raised some questions in the province. More was in bad repute in the colony,

and Penn had expressed his vexation with Claypoole. Turner and Eckley had been appointed provincial judges with More and others in 1684. Lloyd was an obvious choice. Before complaints could come back to him, Penn wrote to Phineas Pemberton defending his choice. "I chose those about the Town & that did not agree[,] to agree them by giving all of them a share."³⁴ He hoped to please all, Quaker and non-Quaker, by giving them representation. Penn's comment to Pemberton on his commission and instructions to the five Commissioners is illuminating: "my Letter to them is sweet yet close, and a good opening on my Spirit with authority."

In a further attempt to raise the standard of government in the province and territories, Penn compiled some of the fundamental charters of the English heritage, including Magna Charta, Confirmation of the Charter of the Liberties of England and of the Forest, *De Tallageo non Concedendo*, an abstract of Penn's Charter from Charles II, and the Charter of Liberties of 1683. He had them printed in the colony with an introduction signed "Philopolites," under the title, *The Excellent Priviledge of Liberty & Property, . . .* In his introduction Penn explained that he prepared the booklet to help those "who may not have leizure from their Plantations to read large Volumns."³⁵ He added that he was aware that there was a scarcity of law books in the colony. Saying that the documents included in the collection were fundamental, he expressed the hope that noble resolutions would spring up in the hearts of the settlers, "not to give away any thing of *Liberty and Property* . . . [for] it is easie to part with or give away great Priviledges but hard to be gained, if once lost, And therefore . . . lay sure Foundations for our selves and the Posterity of our Loyns."

Penn now waited for the good news to return from the colony, but nothing happened. There was no mention of the new commission in the minutes of the Provincial Council until February 9, 1688, more than a year after Penn wrote the letter.³⁶ One's first reaction would be that something went amiss, a boat sank, Penn forgot to send the commission, or something else

delayed it. However, on August 4, 1687, the proclamation which Penn enclosed was promulgated throughout the colony.³⁷ Further, in a letter written by Penn to Harrison on September 8, 1687, he answered arguments used by the latter against the new form of government. One can only conclude that those who received the commission did not approve of it or of parts of it, and deliberately withheld it for a time.

It is obvious from Penn's letter that there was strong opposition to the new plan. He wrote that he was "sorry thou shouldest show thy self so disturbed at what I have done, as to call it changeing of the Government. I say this was harsh, & unkind as well as untrue, for if such a man as thou art, an ancient friend, my Friend, the Steward of my family, can make those constructions, what will not thos do yt are none of thos relations. but was putting in dr. More, ye change it cannot be, for you [Quakers] were four to one & I resolved to Ballance factions, not to Irritate nor give Strength to them. I judged it a way to quiet things till I came, and thy placeing his death as a perticular hand of god to hinder his preferment, savours not wth me at all, I think it too partiall & harsh, he has often been a dying man, & twas a wonder he lived so long."³⁸

Probably these persons not only laid aside Penn's commission, but they then wrote to him as if it were in force, or actually told him it was in force. In another part of the letter quoted above, Penn wrote, "For the Govermt[:] when I read thy lettrs—thy honest sons, A Cooks, & especially Tho Lloyds, I see all is well. Truth in authority in the Government & better then when I left the place, wch makes me glad at heart, for by this I may stay to clear my own matters here first[;] but again If I would hear & believe such as come over as well as lettrs from thence from honest Fr [ien] ds. . . . I am much wanted . . . but I believe the best, & think the best & hope the best, & pray & breath to god to preserve [you] . . . for him & one another to his glory & yr comfort."

Three more letters from Penn add further confirmation that Penn had been led to believe the commissioners were in office. Two of these named new commissioners to replace those who

had been in office. On September 17, 1687, Penn wrote appointing John Simcock to replace More, who had died, and Arthur Cook to replace Claypoole, if he was still too ill to serve or if he was dead.³⁹ On December 27 he named Samuel Carpenter to replace Thomas Lloyd, who wished to resign.⁴⁰ This last commission never went into effect, for Lloyd apparently changed his mind and continued as a member of the commissioners of state until Blackwell arrived. The third letter asked the commissioners to draw up an exact transscript of the laws as they stood, leaving the title for Penn to fill in before presenting the laws to the crown. He added that he was sorry not to be able to let them have £100 each, "yt you might follow ye publick more saveingly & cherefully." He promised them one-half of any taxes collected from the colonists, to defray their expenses, "but who shall defray myn, ye Lord only knows."⁴¹

A letter written December 27, 1687, indicated that Penn was becoming suspicious. He asked why the government (the commissioners) had sent no official communication to him. Private letters had come and contradicted one another, giving him no real idea of what was happening. He added that men should agree in duty even if they disliked one another personally.⁴² By the time this letter arrived in Pennsylvania, the commissioners were in office.

When the Commissioners of State were placed in authority in February, 1688, presumably an additional letter of instructions dated June 6, 1687, was read. Penn called on the men to "be dilligent, faithfull, Loveing & communicall with one another in things yt concerne the publick & I noways doubt but yr breaches will heal, and yr example have yt effect, yt nothing will be left for me to do, but thank & love you & take pleasure in yt comely order & thos under you." He urged that if there were differences, "lett yt not appear to ye people, show your virtues but conceal your infirmitys[;] this will make you awfull & reverend with ye people."⁴³ He asked them to make sure that the king's duties were collected, called for a new customs act to support the government, and requested that "you retrieve the

dignity of courts, and sessions, and remove all persons unqualified, in morals or in capacity."

During the ten months in which the commissioners of state served as the deputy governor of Pennsylvania, the only important occurrence was the meeting of the General Assembly. The weeks preceding the gathering of that body were taken up with preparing bills for action by the Assembly. Seven proposed laws were presented to the lower house when it met May 10, 1688. Five of these met almost instant agreement by the Assembly, but the other two caused much difficulty. One proposed regulations on export of deerskins and the other provided for customs duties on foreign trade to gain funds for the support of the government.

The Assembly was aware of the power it had exerted in the two previous years, and it intended to enlarge its prerogatives.⁴⁴ It demanded that the commissioners of state exhibit their commission to the Assembly, since the promulgated laws had gone out in the name of the governor and provincial Council. The lower house called on the Council to name a time for a joint session of the two branches to discuss various matters, and named men to serve on a joint committee with councillors. It voted to keep the debates of the Assembly secret.

The Council, with the power vested in it by the instructions sent to the commissioners, called for a joint session to deal firmly with the Assembly. The statement read to the lower house may be summarized as follows: First, the Assembly had been in error in not presenting its speaker and itself for the approval of the governor and Council. Second, the Assembly had no power to create a committee, and the Council committee could not accept such a group. Members of the upper house did agree to accept reports from individuals and to forward such informal statements to the Council. Third, the Assembly was called to consider the promulgated bills, and it might suggest amendments. If it did not begin to debate the bills it would be dissolved. Fourth, the Council did not approve of the decision to keep the debates of the Assembly secret; that was an innovation. Some of these statements stemmed from

Penn's instructions to the commissioners, and probably the Assembly was told that these were orders from the Governor, for without a word of protest the Assembly turned to discuss the proposed legislation and bided its time.

On Tuesday, May 15, there was another joint session and the Council wrote into its minutes that the members of the Assembly had been convinced "of their Irregular proceedings in severall matters." However, when the Assembly presented a bill of grievances to the Council on Friday, the upper house acknowledged the following day that injustice had been done, and promised to "take all possible care to prevent such for ye future."

After Thomas Lloyd rejected some amendments which the Assembly proposed to add to the supply bill at a meeting on Monday, he expressed the hope that the deerskin bill could be passed, "*but should leave it to the Assembly, and that they would meet the Assembly in Conference, in order to remove all hard thoughts, &c.*" Thursday saw the Assembly vote on the supply bill step by step. It was willing to accept the duties on lumber, shingles, and clapboard, strong liquors, beer and cider, but it refused to agree to a duty of eighteen pence on each barrel of molasses. The following day the Assembly attempted to gain preferential duties for goods carried on ships owned by the colonists.

When the houses met together in the meetinghouse for the last time on Saturday morning, Speaker John White told the Council that "the Assembly hath done what they have to do in relation to the Bills," but it was not enough. The five non-controversial bills were enacted into law, but the supply bill and the deerskin bill failed to win approval. When the lower house was left alone after the withdrawal of the Council, it prepared a paper to present to the Governor and Council, "as a thankful Acknowledgement of their Kindness &c. Being put to the Vote, *resolved in the Affirmative,*" and the Assembly adjourned.

This was the most successful meeting of the General Assembly in three years, for it was the first time that laws had been enacted since 1685. In addition, there was more respect in this

session between members of the two houses. One wonders whether the legislators did not feel twinges of conscience about their previous behavior. Perhaps Penn's earnest entreaties had found a response in their hearts, and they were making an attempt to conduct this session in a peaceful and orderly manner.

Whether this session of the General Assembly might have marked the beginning of a change of heart in Pennsylvania became unimportant because William Penn had already decided to change the form of government again, and name a single Deputy Governor.⁴⁵ It is improbable that there had been any lasting reformation in the colony, for when John Blackwell arrived in December, 1688, he had difficulty finding the officers of the government. Perhaps the commissioners had been holding sessions, but the Council met only once in the month following the adjournment of the General Assembly in May. Blackwell found the council room deserted and covered with dust and scattered papers. The wheels of government had nearly stopped turning.

CHAPTER SEVEN

PENN'S ADMISSION OF FAILURE:
GOVERNOR BLACKWELL

WILLIAM PENN frequently found the news from Pennsylvania weighing heavily on his heart, for he still expected the freemen to uphold the high ideals of the "holy experiment," despite their seeming disinterest. In the face of a flow of discouraging news from the New World, Penn continued to believe that he could, by his example and wise counsel, guide his people back onto the path of righteousness. Less than a year before Governor John Blackwell arrived in Philadelphia, Penn sent to the five commissioners these tender words of advice: "They that live near to God will live far from themselves, & from a Sense they have of his Nearness & Majesty, have a low opinion of themselves; & out of that low & humble Frame of Spirit it is that true charity grows. . . . O, that the People of my Province . . . felt this gracious Quality abounding in them, my Work would soon be done, & this Praise & my Joy unspeakably abound to us." ¹

However, like many other pleas for a spiritual renewal among the Friends, this poignant appeal seemed to fall on deaf ears. Penn was forced to admit that when he looked over the commonwealth he saw men who failed to fulfill their obligations to him. He saw a people who declined to pay what they owed him, a government which refused to operate in accordance with its constitution and his instructions, and a colony which had forgotten that it was established as a utopian community.

William Penn did not openly confess that the "holy experiment" had failed. However his decision to seek a deputy gover-