Liberty University

"The Jaws of Proprietary Slavery":

The Pennsylvania Assembly's Conflict With the Penns, 1754-1768

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Introduction

In late 1755, the vituperative Reverend William Smith reported to his proprietor Thomas Penn that there was "a most wicked Scheme on Foot to run things into Destruction and involve you in the ruins."[1] The culprits were the members of the colony's unicameral legislative body, the Pennsylvania Assembly (also called the House of Representatives). The representatives held a different opinion of the conflict, believing that the proprietors were the ones scheming, in order to "erect their desired Superstructure of despotic Power, and reduce to a State of Vassalage and Slavery, some of His majesty's most faithful and loyal Subjects."[2] The conflict between the Assembly and Pennsylvania's proprietors began as early as the 1740s, but it did not explode until the outbreak of the French and Indian War in 1754. It would define the colony's politics until the mid-1760s as clashes over military supply bills became the primary battleground.

After inheriting majority control of the proprietorship in 1746, Thomas Penn issued instructions to his governors in an attempt to restrict the Assembly's taxing and spending capabilities, instructions the House vigorously opposed. The members did not object to a measure of external influence. For example, the proprietors exerted influence just in their appointment of a governor. What the representatives did strenuously oppose was strict

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[1] William Smith to Thomas Penn, 27 November 1755, in John D. Kilbourne and Nicholas B. Wainwright, eds, The Thomas Penn Papers, 1729-1832, Historical Society of Pennsylvania, microfilm, 10 reels (Philadelphia: HSP, 1968)

[2] Joseph Galloway, *A True and Impartial State of the Province of Pennsylvania* (Philadelphia: W. Dunlap, 1759), 6.

instructions that ran counter to the colony's interest. They objected to the notion of strict proprietary instructions of any kind, but it was what those instructions were that most infuriated them. The House believed that they not only hazarded the colony's liberties and privileges, but also endangered its wealth and security. Eventually, this quarrel led to efforts by the Assembly to oust Thomas Penn and have their government brought under the direct auspices of the Crown. This movement for royal government ultimately resulted from Pennsylvanians' fear of the loss of their rights, lives, and prosperity.

Pennsylvania had maintained its proprietary government since being settled by the Quakers under William Penn. A new charter in 1701 created the system of government that held until the American Revolution. The colony had a unicameral legislature: the popularly-elected, 34-member Pennsylvania Assembly. It also had a provincial council, but this body merely acted as an advisory board for the governor. The governor was ostensibly the head proprietor, but by the 1750s the Penns had not lived in the colony for quite some time. Thus, the Penns appointed a lieutenant governor to fill the executive. Thomas Penn and Richard Penn were both proprietors during this time, but Thomas was the elder of the brothers, owned three-fourths of the estate, and handled most of the colony's business on his own.

During the first half of the eighteenth century, the Assembly had become used to a great deal of autonomy as the proprietors had utilized mostly a hands-off approach. William Smith wrote that Pennsylvania had become much more of a republic over the years, usurping power for itself and minimizing that of the governor.[3] When Thomas Penn took over as proprietor in 1746, he was determined to reverse this trend. His attempts at breaking the power of the House, legitimate or not, were directly responsible for the political confrontation.

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[3] William Smith, *A Brief State of the Province of Pennsylvania*, 2nd ed. (London: R. Griffiths, 1755), 13-14.

Thomas Penn certainly did care about the well-being of the colony. He made plans for the defense of the backcountry, expressed sadness at the settlers slain by Indians, and even compensated those whose lands had been overrun during the war. Nevertheless, he always seemed more concerned with his personal interests. He believed that if left unchecked, the Assembly would take every opportunity it could to take advantage of him; therefore, he spent much more time attempting to safeguard his lands from taxation than he did trying to appropriately govern the colony. Further, being across the Atlantic severely handicapped his proprietary rule. It took approximately two months for a message to cross the ocean on a one-way trip. Thus, it would take at least four months for Penn to respond to any change in the colony's situation. In peacetime, strict instructions to his governor may not have been too detrimental. Indeed, the evidence suggests that it worked fine. The largest political conflicts between Penn and the House always started with a tumultuous, quickly developing event in the colony.[4] Strict, inalienable instructions simply would not work during wartime. Events happened too quickly, with the colony's situation changing from day to day. Penn's heavy-handed approach proved unrealistic from 3,000 miles away.

Several men were key political figures in the Assembly throughout the conflict. Isaac Norris was the Speaker of the House until 1764 and helped shape the beginnings of the political clash. The biggest movers, however, were Benjamin Franklin and Joseph Galloway. They quickly became the leaders of the Assembly (or Quaker) Party and the main proponents of the change to royal government. The two developed a close partnership, with Franklin working in the halls of the Ministry in England while Galloway maintained control of the situation back in Philadelphia. Numerous allies followed their lead, such as colonial agent Richard Jackson,

[4] Principally, Braddock's defeat and the Paxton Boys riot, which will be covered in Chapters 1 and 2 respectively.

assemblymen Samuel Foulke and John Hughes, family friends Samuel and Thomas Wharton, Indian relations secretary Charles Thomson, and London printer William Strahan. The coalition was only effective with both Galloway and Franklin working towards the same end. Galloway's political, oratorical, and legal acumen allowed him to wield considerable power in Philadelphia, but it was Franklin's international fame and influence that would be required to effect a change in London. In the end, Franklin's abandonment of the plan in 1768 stopped all pursuit of royal government. Without his support, it did not matter how much Galloway pushed for the change—it was not going to happen.

The personalities, skills, and even finances of four different governors also played an important role. Robert Hunter Morris assumed the governorship in 1754, and his spiteful personality exacerbated the political tensions. Taking over in 1756, William Denny's poor financial situation and weak-willed constitution allowed the Assembly to successfully control him. James Hamilton oversaw the most peaceful period of this time, keeping the political hostility to a minimum from 1759-1763. Finally, the ascension to the governor's office of Thomas Penn's relatively unskilled nephew, John Penn, also greatly affected events, as his bungling after the Paxton Boys riot directly brought on the petition for royal government.

Franklin and Galloway also had other Pennsylvanian opponents to contest. Reverend William Smith, a rector at Philadelphia College, corresponded often with Thomas Penn and wrote many pamphlets against the Quaker Party, beginning in 1755 with *A Brief State of the Province of Pennsylvania*. Chief Justice William Allen, who also served many years in the Assembly, was probably their most vigorous political opponent in the House as the leader of the Proprietary (or Presbyterian) Party. He had a strong familial connection to the proprietors and a personal interest in maintaining their power. Allen's father had been close with William Penn,

Allen himself married proprietary friend James Hamilton's sister, and his daughter Anne married John Penn. In 1764, John Dickinson emerged as one of their most dangerous opponents. Dickinson was no friend of the proprietors, but he opposed the change to royal government and became a vigorous pamphleteer and avowed enemy of Galloway.

The Assembly's conflict with the Penns and the movement for royal government have received little attention from historians. Histories of colonial Pennsylvania usually reference the conflict, but quickly pass over it to focus on events closer to the American Revolution. A few have offered a more detailed look at the movement. For example, Joseph Illick devotes a chapter to the movement in *Colonial Pennsylvania, A History*. Illick believes the conflict "symbolized dangerously divergent attitudes toward the nature of authority in the British empire" that would eventually become untenable and lead to the Revolution.[5] Theodore Thayer also discusses the movement in a section of *Pennsylvania Politics and the Growth of Democracy, 1740-1776*. He blames Thomas Penn, "a grasping, stubborn and determined man," for the struggle. Thayer asserts that Penn was "obsessed by the fear that any concession to the province might jeopardize proprietary interests," and his unbending approach was responsible for his difficulties with the Assembly.[6]

William S. Hanna offers a more favorable opinion of Penn in *Benjamin Franklin and Pennsylvania Politics*, calling him an "honest, capable, conscientious and informed man."[7] In Hanna's eyes, the political conflict was based solely on the pursuit of power and not on any fundamental principles. Penn's attempts to reassert proprietary power threatened the small,

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[5] Joseph E. Illick, *Colonial Pennsylvania: A History* (New York: Charles Scribner's Sons, 1976), 235.

[6] Both quotations from Theodore Thayer, *Pennsylvania Politics and the Growth of Democracy, 1740-1776* (Harrisburg, PA: Pennsylvania Historical and Museum Commission, 1953), iii.

[7] William S. Hanna, *Benjamin Franklin and Pennsylvania Politics* (Stanford, CA: Stanford University Press, 1964), 16.

privileged upper class that ran the Assembly, and therefore they opposed him at every turn.[8] Lost in Hanna's account is the principled interest Pennsylvanians on both sides of the battle had in safeguarding their privileges. The importance of principle is evident in much of the political discourse during the conflict, from the letters between the governor and the House, to the numerous pamphlets published during the election battle of 1764.

Benjamin H. Newcomb's *Franklin and Galloway: A Political Partnership* examines the longstanding coalition between the two leaders of the Assembly Party. In the 1750s, the two men forged a partnership that dominated Pennsylvania politics for nearly two decades, but when the storms of the Revolution began, they chose different sides, with Galloway becoming a loyalist and Franklin a patriot. In the course of this work, Newcomb discusses their pursuit of royal government at length. He gives Galloway much praise for his work in local politics, as he held the Assembly Party together in Franklin's absence. Newcomb argues that the two partners eventually split because they had different priorities. While Galloway held the preservation of the empire to be of supreme importance, Franklin placed more weight on the preservation of the colonists' rights.[9] This analysis is intriguing, and this difference in perspective can also be seen in the movement for royal government, where Galloway seemed more willing to give up certain rights if it meant securing the overall goal of ousting the proprietors. On the other hand, Franklin and most other Pennsylvanians were concerned primarily with preserving the privileges they believed the proprietors had abridged.[10]

The most extensive monograph on the subject, *Pennsylvania Politics, 1746-1770: The Movement for Royal Government and Its Consequences*, was written by James H. Huston in

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[8] Ibid., ix, 2-3.

[9] Benjamin H. Newcomb, *Franklin and Galloway: A Political Partnership* (New Haven: Yale University Press, 1972), 1-2, 35, 63, 69, 132.

[10] Chapter 3 will show the primary place the question of privilege had in the political debate over the petition for royal government.

1972. He studies the petition for royal government both as a lens to view the Paxton Boys riot as well as an opportunity to understand Pennsylvania society. The book also describes the revolt against the proprietors as a precursor to the revolt against George III.[11] This is true in some ways as much of the rhetoric was very similar. However, this analogy should not be carried too far, as the coming of the Revolution transformed the political parties of Pennsylvania, with former opponents becoming allies and former friends becoming enemies. For example, Galloway and Franklin worked together against the proprietors, but only Franklin became a patriot while Galloway remained loyal to the Crown. Among the proprietors' defenders, William Smith supported the Revolution, while William Allen became a loyalist. Charles Thomson was an ally of Galloway's and opposed Dickinson during the fight against the Penns, but became one of Dickinson's closest associates during the Revolution.

Hutson also repeatedly claims that the representatives fought the proprietors because they opposed any form of external control.[12] However, while it is true that one of the Assembly's chief grievances was Penn issuing proprietary instructions from England, this alone did not prompt the petition for a change to royal government. The House was mostly concerned with certain arbitrary and unjust instructions that threatened the liberty and safety of the people. The representatives verified the existence of proprietary instructions in 1755, but they continued to try to reconcile their differences with the Penn family for many more years.

The leaders of the movement for royal government began to seriously consider the plan in 1758 when Thomas Penn rejected Franklin's overtures for compromise. Nevertheless, the rest of the Assembly finally decided to seek an alternative only when the ineffectiveness of proprietary rule manifested itself in a riot that threatened to unseat the government. The Paxton

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[11] James H. Huston, *Pennsylvania Politics, 1746-1770: The Movement for Royal Government and its Consequences* (Princeton, NJ: Princeton University Press, 1972), 2-4.

[12] Ibid., 4, 34-36.

Boys uprising and the governor's poor response to it convinced the majority of the members that the time had come to follow Franklin and Galloway's lead. The debate that ensued in 1764 showed that the representatives and their constituents were concerned primarily with protecting the liberties and privileges they believed were rightfully theirs. This is reflected both in the language of the pamphlet wars as well as in the final wording of the petition itself. When, during the turmoil surrounding the Stamp and Townshend Acts, the House discovered that Parliament and the Ministry threatened their rights just as much as the proprietors did, support for the petition quickly lost its momentum. The movement for royal government was not merely a play for power or an objection to external control; it was about principle and privilege. It eventually failed because Pennsylvanians discovered that their privileges were actually safer under the proprietors than they would be under the direct control of the Ministry.

Chapter 1

Liberty or Security:

The Outbreak of Conflict between the Pennsylvania Assembly and Proprietors

The Assembly had always had intermittent difficulties with the proprietors and their governors.[1] Political clashes always occur in representative governments. The conflict between the Assembly and the proprietors did not explode, however, until the outbreak of the French and Indian War and Braddock's defeat at Fort Duquesne in 1754. These events brought to the forefront disagreements that had been bubbling below the surface since Thomas Penn's ascension to the proprietorship in 1746. The House spent several years attempting to work through these issues. First, they appealed to the proprietors' appointed governor Robert Hunter Morris. When this did not work, they sent Benjamin Franklin to England to negotiate with Thomas Penn personally. Only in 1758, when Penn completely rebuffed these overtures, did Franklin, Galloway, and the other leaders of the movement begin to seriously consider a petition for royal government.

[1] For example, they had complained during the War of Jenkins' Ear that the proprietors were ignoring the problem of the colony's indentured servants being impressed into the British army without compensating their owners. See *The Pennsylvania Gazette*, 14 August 1740; 10 June 1742; 17 June 1742. These events also presaged the future conflicts between the House and Thomas Penn. In the 10 June 1742 issue, the House complained about the "arbitrary Power" being used to remove magistrates. On 14 August 1740, Penn upbraided the House for not providing troops for the war effort, showing an early contempt for its members.

Disagreements between Thomas Penn and the House began soon after he became head proprietor. The conflict began to grow in the early 1750s, with Penn determined to curtail the power of the House. Conflicts arose over simple issues like the regulation of ferries, as well as over more serious matters such as the creation of new chancery courts.[2] Precursors to the later conflicts over money and military issues also appeared. In 1751, Parliament passed a law forbidding the creation of legal tender paper money, but confined it to New England. Still, Thomas Penn urged his governors to be cautious in allowing the Assembly to emit large amounts of paper currency, for fear of parliamentary intervention. Due to these instructions, many conflicts over paper money occurred during James Hamilton's first term as governor from 1748-54.[3] In addition, the Assembly rejected an offer by Thomas Penn to construct a frontier fort in 1749, mostly due to the influence of a staunchly pacifist Quaker, Israel Pemberton. The proprietors frustrated the Assembly's attempts to print money, while the Quakers in the House effectively prevented the defensive measures the proprietors sought.

At this time, pacifist Quakers still controlled the House and often prevented the passing of military measures. This led to later accusations that the Assembly purposely sabotaged the supply bills just to avoid funding the war. After the outbreak of the Seven Years' War, however, the pacifists quickly lost control of the Assembly. Many Quakers remained, but those that did recognized the importance of defending the colony, especially a colony with so many who did not share their beliefs, even if it ran counter to their religion's pacifistic tenets.[4] Nevertheless, this still did not prevent others from questioning their willingness to provide military funding.

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[2] For a more detailed analysis of these early conflicts, see William S. Hanna, *Benjamin Franklin and Pennsylvania Politics* (Stanford, CA: Stanford University Press, 1964), 36-48.

[3] For early conflicts with Hamilton, see Theodore Thayer, *Pennsylvania Politics and the Growth of Democracy, 1740-1776* (Harrisburg, PA: Pennsylvania Historical and Museum Commission, 1953), 27-29.

[4] See ibid., 31; X. Y. Z., *The Plain Dealer: Numb. II: Being a Tickler, For the Leisure Hour's Amusement of the Author of Cool Thoughts* (Philadelphia, 1764), 10.

The 1754 appointment of Robert Hunter Morris as governor also contributed to the difficulties between the Assembly and the proprietors. Richard Hockley, a member of the provincial council and keeper of the Great Seal, reported that he was "much disliked" in the colony, and Franklin called him "half a Madman."[5] Galloway likewise asserted that "Ambition and Obstinacy haunted him thro' every Scene of Action."[6] Morris often escalated the conflict with aggressive and offensive language rather than trying to bring both sides together.

The outbreak of the Seven Years' War broke the delicate balance that had existed between the Assembly and the Penns. The first of many confrontations over money bills designed to provide war supplies occurred in late 1754. The Assembly used a particular method to raise taxes. Once they passed the bill, the money was immediately printed and put into circulation. That money was then "sunk" by a tax so as to avoid excessive inflation. For example, a £10,000 bill sunk by a two-year liquor tax could be passed and the money immediately used. Then a tax on liquor would be imposed for the next two years to cover that £10,000. Morris refused to pass a £20,000 bill in 1754 because he wanted the money sunk by a five-year tax instead of a twelve-year tax. The proprietors believed sinking the money over such a long period would be detrimental to the economy. Morris also included over thirty other amendments to the supply bill.[7] Both sides were unwilling to budge on their positions, and they had reached an impasse for the moment. Pennsylvania would not be providing any supplies until events forced the House to capitulate.

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[5] Richard Hockley to Thomas Penn, 3 August 1754, in Penn Papers, reel 8; Benjamin Franklin to Richard Partridge, 27 November 1755, in Leonard W. Labaree and Whitfield J. Bell, Jr, eds., *The Papers of Benjamin Franklin*, 30 vols. (New Haven: Yale University Press, 1959-1978), 6:273 (hereafter cited as *Franklin Papers*).

[6] Galloway, *A True and Impartial State*, 155.

[7] *Votes and Proceedings of the House of Representatives of the Province of Pennsylvania*, vols. 4-6 (Philadelphia: Henry Miller, 1775), 4:343, in *Early American Imprints,* Series 1, no. 13525, 14372, 15000 (hereafter cited as *Votes*); Benjamin Franklin to James Wright, 26 June 1755, in *Franklin Papers*, 6:90.

General Braddock's defeat at Fort Duquesne in July 1755 brought the conflict to a new level. The defeat shocked the confident English settlers.[8] The western frontier of Pennsylvania was now "much exposed to the Incursions of the Enemy" and the back inhabitants[9] were understandably nervous.[10] The Assembly needed to take immediate action to provide money to raise troops for the colony's defense. On July 30, it passed a bill to emit £50,000 of paper currency, sunk by a tax on all estates in the colony.[11] This included a tax on the estate owned by the proprietors, not only the executives of Pennsylvania, but also the principal landowners. The Penns still owned the majority of the land in the colony, renting it out to various tenants. Morris, however, refused to pass the bill unless it exempted proprietary lands from the tax.[12] The indignant Assembly responded that it was "perfectly equitable and just" for the proprietors to pay their fair share for the defense of the colony, especially with Pennsylvania in such a dangerous situation. The House then asked the governor whether he was acting on the basis of proprietary instructions or on his own accord. The members had long suspected that their conflicts with various governors had been caused by the influence of instructions from across the Atlantic and wanted to verify their existence.[13]

The governor responded on August 6 that, indeed, his proprietary commission included a proviso that prohibited him from agreeing to any tax on proprietary estates, but even such instructions did not exist, he still would "have thought it my duty" to exempt the proprietary estate. He argued that governors and proprietors had always been exempt, and they should

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[8] Chief Justice William Allen wrote, "The dismal news of the defeat of our Army has shocked me beyond any thing I ever met with. It was long before I could believe it for it appeared to me to be impossible that so fine an army could be routed and driven away like sheep." See Allen to Edward Shippen, 31 July 1755, in Edward Shippen Letters and Papers, 1727-1781, *American Philosophical Society*.

[9] In the papers and in most of the correspondence during this time, those on Pennsylvania's frontier were referred to as "back inhabitants."

[10] *The Pennsylvania Gazette*, 7 August 1755, "Extract of a Letter from Carlisle."

[11] *Votes*, 4:419.

[12] Ibid., 4:420.

[13] Ibid., 4:421.

remain so. In addition, since the Penns agreed to the popular election of the Assembly and to that body's hegemony in the assessing and laying of taxes, it was only sensible to exempt the proprietary estate from that taxation.[14]

The Assembly expected the same sacrifice from the Penns as of themselves and the colonists. The amount of money the proprietors would be taxed was very small compared to the whole (the Assembly estimated it at 1 percent of the tax, or about £500). Thus, the Assembly could not see how it in anyway could be a burden to them. Furthermore, since the proprietors owned most of the land, it was in their best interest to protect it.[15]

Morris's lengthy response on August 13 outlined many of the arguments the proprietors' defenders would use for the next decade. The governor tried to cut to the core of the issue, writing that in the past the Assembly had argued with equal vehemence against royal instructions, and now they railed against proprietary instructions. "You would, it should seem," he charged, "Be willing that the Lieutenant Governor should be independent of every Body but yourselves."[16] The governor believed that the Assembly was using the situation in order to increase its control over the government and diminish proprietary authority. Morris further argued that since the proprietors did not have a vote in the election of the Assembly, they could not be taxed by that body. The Assembly could not hold power over the very source that gave them power. [17]

The governor continued his attack on the Assembly, saying that it was not the proprietors trying to assume power beyond their rights, but the House that had usurped "great and mighty

[14] Ibid., 4:421-22.
[15] Ibid., 4:423-25.
[16] Ibid., 4:430.
[17] Ibid., 4:431.

Powers…unknown to an English constitution."[18] The chief of these were the Assembly's claims to the privilege to dispose of all public money and the ability to pass money bills without amendment. Morris also foreshadowed later proprietary arguments by contending that only through the proprietary charter were the people guaranteed their rights, and that they would lose these rights with the interposition of royal authority. Morris made it clear that for the proprietors, the debate was not about the "Payment of a small Sum of Money," but about preserving "the Rights of their Station."[19]

For the Assembly it was also about the principle. Three days after the governor's message, a group of men offered to pay the £500 that the House estimated the proprietary taxes would cost. These men included some of the proprietors' prominent allies, such as William Allen (who offered to contribute £100) and Philadelphia's mayor William Plumsted (who offered £50).[20] The fact that the Assembly declined this offer is further evidence that it cared less about the money, and more about the principle and the precedent that would be set.[21]

On August 19, the Assembly responded to the governor's last message. The representatives argued that the lieutenant governor of the colony needed to have as much power as any governor since he acted in the proprietor's stead.[22] This argument that proprietary instructions inhibited the discretion of the governor, which in their eyes was required for effective executive control, was another that would become a fixture in the political conflict over the next decade. Benjamin Franklin, who was becoming increasingly influential in the Assembly, wrote to one of the colony's agents in London: "If we cannot have a Governor of some

[18] Ibid., 4:431-32.
[19] Ibid., 4:432-33.
[20] Ibid., 4:440.
[21] In fact, the House used the offer to add to its own argument, resolving that "the House presumes that the said Proposal may have arose from the Subscribers Judgment of the Equity of taxing the Proprietaries Estate equally with all other in this Province." See ibid., 4:441.
[22] The House wrote, "No Prohibition of the Proprietaries can lessen or take away from the Lieutenant Governor any Power he is vested with by the Royal Charter." See ibid., 4:442.

Discretion fully impower'd to do what may be necessary for the Good of the Province and the King's Service, as Emergencies may arise, this Government will be the worst on the Continent."[23] The Assembly thus placed great importance on allowing the discretion of the governor. He should not be restricted by instructions issued by men who lived across the ocean and could not react to sudden changes in the colony's situation.

The House also voiced its fear that if Penn succeeded in wresting away their rights, "the Province will soon empty itself much faster than it ever filled."[24] The Assembly believed Pennsylvania's prosperity depended on the colony's unique privileges, and that if those privileges disappeared, the colony's prosperity would go along with them. Without this prosperity, the frontier sections of the province would empty, its inhabitants flying to greener pastures.[25] The members believed that if they gave into Morris's demands, Pennsylvanians would lose something more important than safety—they would lose their rights and be subjected to a tyranny "even more slavish than Slavery itself."[26]

The Assembly then adjourned until mid-September, with nothing accomplished for the defense of the frontier. Nine days after it had reassembled on the 15th, the governor finally replied, accusing the Assembly of trying to destroy all the power of the governor's position. He believed that their "true Design" was "to set up a Democracy."[27] Morris again refused to pass a supply bill on their terms. He further charged the House with using the desperate situation of the province to their own advantage "to encrease and render permanent your own Powers."[28]

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[23] Benjamin Franklin to Richard Partridge, 27 November 1755, in *Franklin Papers*, 6:273.
[24] *Votes*, 4:444.
[25] *The Pennsylvania Gazette* was already full of reports of families fleeing their homes on the frontier in the face of Indian attacks. See *Gazette*, 28 August 1755. The Assembly believed that in the long run this would hasten if they caved to Morris's demands.
[26] *Votes*, 4:450.
[27] Ibid., 4:459.
[28] Ibid., 4:461.

The Assembly responded on September 29. The representatives denied his charge that they wanted a democracy, but said, "Such a Conduct in a Governor, appears to us the most likely thing in the World to make People incline to a Democracy, who would otherwise never have dreamt of it."[29] Morris's actions were driving them further away from the proprietors. The House also continued to rail against proprietary instructions that were "as unalterable as the Law of the Medes and Persians." The present situation, it insisted, was not due to the Assembly's unpatriotic, selfish interests, but due to "the Proprietaries claiming that invidious and odious Distinction, of being exempted from the common Burdens of their Fellow Subjects."[30] Everyone else who owned land in the colony would pay taxes; why should the Penns be excepted? The Assembly believed there was "a Design in the Proprietaries and Governor, to abridge the people here of their Privileges."[31] The proprietors' actions seemed devised solely to increase their own power and wealth at the colonists' expense. The House argued that it was resisting not to increase its own power, but to protect the colony's rights.

At the end of September, the Assembly adjourned before the annual election on October 1. The newly elected Assembly (only 5 of the 34 members changed this cycle) met for a few days in mid-October as it usually did, and then adjourned to December. The members did not stay gone long, however, as another crisis led the governor to reconvene them on November 3. The number of Indian attacks had escalated during the past month, and the governor had received many petitions for assistance.[32] In a message to the House, Morris outlined the dangerous situation in the western part of the colony and the poor state of the settlers there. He called for

[29] Ibid., 4:464.
[30] Ibid., 4:465.
[31] Ibid., 4:467.
[32] *The Pennsylvania Gazette*, 9 October 1755 told of 50 Indians burning houses and taking prisoners near Green Briar River; 30 October 1755 reported that some 1500 French and Indians were gathering on the frontier; and 6 November 1755 contained a letter from Shippensburg declaring the westerners' resolve to fight, but for "Want of Arms and Ammunition." Franklin reported in a letter to Richard Partridge on 25 October 1755 that the Indians had killed thirteen adults and kidnapped twelve children at Penn's Creek near Shamokin. In *Franklin Papers*, 6:230.

the Assembly to pass a bill granting the necessary supplies to defend the colony and declared that he would not under any circumstances "enter into a Dispute whether the Proprietaries ought to be taxed or not."[33] Morris wanted immediate action and had grown tired of the repeated debates with the House.

The Assembly did not completely accommodate him. They agreed to all the amendments he had previously made, save for the one exempting the proprietary estate. The bill's exact wording left it up to the Crown to determine the last point.[34] They again highlighted what they believed to be the injustice of proprietary instructions, writing that "All Debates and all Reasonings are vain, where Proprietary Instructions, just or unjust, right or wrong, must inviolably be observed. We have only to find out, if we can, what they are, and then submit and obey."[35] The Assembly felt it had done all it could for the defense of the frontier. The representatives would not sacrifice the colony's liberty for the sake of its defense, penning for the first time the oft-repeated quotation, "Those who would give up essential Liberty, to purchase a little temporary Safety, deserve neither Liberty nor Safety."[36]

The House began to receive pressure from other groups as well. After reconvening in early November, they quickly received petitions from Lancaster and Bucks counties for assistance against the Indians. On November 12, the mayor and other leaders in Philadelphia also sent the Assembly a petition requesting they pass a supply bill to provide for the defense of the colony, and Cumberland County soon followed suit. At the same time, the House received a petition from a group of Quakers, requesting that the Assembly *not* provide funds for the war, as it ran counter to their pacifistic inclinations. This request would leak to the public (the

[33] *Votes*, 4:498.
[34] Ibid., 4:500.
[35] Ibid., 4:501.
[36] Ibid.

Assembly's doorman was dismissed for the breach) and be used as evidence against them by the proprietors' supporters.[37]

The Assembly's enemies had long accused it of bowing to the pacifist beliefs of the Society of Friends. William Smith wrote a pamphlet in early 1755 titled *A Brief State of the Province of Pennsylvania*. Like Penn and Morris, Smith believed that the "chief Source of the Evil" in the colony was the Assembly's claim to "the sole Disposal of all public money, in manifest Contempt of all the Instructions of the Proprietary Family."[38] In addition, He accused the representatives of seeking "a kind of Independency from the Mother Country."[39] Similar to Morris, Smith believed that the Assembly wanted to excise all external control from the Pennsylvanian political system.

The pamphlet offered a scathing indictment of the Quaker leadership, who he accused of "turning religion into a political Scheme of power."[40] He blamed the "stubbornness and madness" of the Assembly for the French success. The bad situation had been caused by the "detestable Policy of a Set of Men who mind no Consequences, provided they can secure their own Power and their Seats in the Assembly."[41] However, if the Assembly lost control over the disposition of funds, the situation could be rectified even without their approval. The proprietors and their allies would repeat many of Smith's arguments *ad infinitum*. The publication of *Brief State*, as well as a follow-up the next year titled *A Brief View of the Conduct of Pennsylvania for the Year 1755*, placed Smith near the top of the Assembly's list of enemies.[42]

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[37] Ibid., 4:494, 502-04, 496, 500; Daniel Dulany, "Military and Political Affairs in the Middle Colonies in 1755," *The Pennsylvania Magazine of History and Biography* 3:1 (1879): 23-24.

[38] William Smith, *Brief State*, 14.

[39] Ibid., 15.

[40] Ibid., 11.

[41] Ibid., 26.

[42] The House would eventually charge Smith with libel in 1756. For full details of the resulting confrontation, see William R. Riddell, "Libel on the Assembly: A Prerevolutionary Episode," *The Pennsylvania Magazine of History and Biography* 52 (1928):176-92, 249-79, 342-60.

The conflict between Morris and the Assembly continued without resolution. On November 22, the governor sent another letter and again accused the House of using the war to try to gain new privileges. The members' latest claim was that they had the right to pass money bills without amendment, an argument they based on precedent set in the House of Commons. Morris replied that this was ridiculous, as the Pennsylvania Assembly was not the House of Commons. He observed that their arguments "only shew, what nobody denies, that, by the Constitution of *England*, the Commons have long claimed the Privilege of having their Supply-Bills passed or rejected without Amendments; but are by no Means applicable to the Circumstances of this Province."[43] The House saw itself as a little parliament, but Morris, like Parliament during the Revolution, called this claim ludicrous. Morris saw this argument as merely the Assembly's latest invented excuse to avoid funding the war, echoing Smith's assertions that the Quaker influence made the Assembly not want to support the military.[44]

Shortly after this message, two factors converged to end the dispute, at least temporarily. First, on November 24 Morris announced to the Assembly that the proprietors had offered a £5,000 gift to the colony for use in its defense. In light of the donation, the Assembly agreed to count that as the tax that would have been laid on the proprietary estate, and proceeded to pass the £60,000 supply bill (now at £55,000). But this was not the only reason they agreed to compromise.[45]

The second factor was the arrival in Philadelphia of a group of disgruntled frontiersmen. On November 23, Richard Hockley had written Penn that many in the city feared "an

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[43] *Votes*, 4:512.

[44] Ibid., 4:508-13; Morris further wrote, "Upon the Whole, it appears clear to me, that you never intended that any of your Bills should pass for raising Money to defend the Province; and this seems now to be placed beyond all Dispute, since those People, under whose Influence you are chiefly known to be, are said to have declared publicly to you, that they would sooner suffer than pay towards such Purposes." See ibid., 4:514.

[45] Ibid., 4:519-23.

insurrection should arise, from the perverse obstinacy of the Assembly."[46] His prophecy was quickly fulfilled. Under the leadership of a tavern owner named John Hambright, several hundred men (reports varied from 200 to 700) arrived on the evening of the 24th, the same day Morris announced the £5,000 gift.[47] They gathered outside the Assembly during its session the next day and demanded that they provide assistance to the frontier.[48]

This protest placed the Assembly in a dangerous position. A visiting, prominent lawyer from Maryland, Daniel Dulany, wrote that those gathered "demanded protection in such manner as threatened outrage if it was denied, and, indeed, all the symptoms of a civil convulsion appeared."[49] William Smith reported to Penn that if the Assembly had tried to reopen debate on the bill, "they would have been torn out of the House."[50] Franklin addressed the crowd, telling them that the Assembly had been doing their best to defend their liberties and privileges, but "some of the People answered that they did not know that their Liberties were invaded, but they were sure their Lives and Estates were."[51] To avoid a riot, the Quakers in the Assembly capitulated. They were not happy about having to surrender, and some even believed that the proprietors had instigated the uprising and "maliciously endeavoured to inflame their Minds against the Assembly."[52] William Smith told Penn, "You may be sure they are inwardly burning with Rage & Disappointment, & will take the first Opportunity of pouring it forth upon you."[53] The representatives had lost this battle, but they were now more committed than ever to win the war.

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[46] Richard Hockley to Thomas Penn, 23 November 1755, in Penn Papers, reel 8.

[47] Galloway estimated 200 as did Quaker Party pamphleteer Isaac Hunt. Robert Hunter Morris put the number at 700. See [Galloway], *A True and Impartial State*, 143; [Isaac Hunt], *A Looking-Glass For Presbyterians* (Philadelphia, 1764), 10; Robert Hunter Morris to Thomas Penn, 28 November 1755, in *Franklin Papers*, 6:279.

[48] *Votes*, 4:522.

[49] Dulany, "Military and Political Affairs," 24.

[50] William Smith to Thomas Penn, 27 November 1755, in Penn Papers, reel 8.

[51] Robert Hunter Morris to Thomas Penn, 28 November 1755, in *Franklin Papers*, 6:279.

[52] Galloway, *A True and Impartial State*, 143.

[53] William Smith to Thomas Penn, 27 November 1755, in Penn Papers, reel 8.

This led to a short interlude in the political conflict, but the peace did not last long. On 13 April 1756, Morris reported to the Assembly that another group of back inhabitants was gathering at Lancaster and planned to march on Philadelphia to make demands.[54] Nothing came of the threat this time, but it shows that tensions in the colony remained high. On May 9, Morris sent a letter to the Assembly imploring them to pass another militia bill. The House had passed one late in 1755, but the proprietors and their supporters believed it wholly insufficient as it did not compel service and allowed officers to be elected.[55] The Assembly refused, arguing that the Pennsylvania frontier was safer than any other, and that the laws in place were sufficient.[56] The Assembly and the governor clashed over more than just money bills.

On June 29, the confrontational time clock ticked down, with Morris reporting to the Assembly that the money from last November was almost expended. The House needed to pass another supply bill. This time, instead of trying a land tax, the Assembly avoided the issue of taxing the proprietary estate by passing an excise tax on liquor.[57] Morris nevertheless again refused to sign it because it violated another of his instructions—it gave the Assembly the sole right to dispose of the funds. The Assembly responded that an identical excise had been passed in 1746 and received royal approbation; therefore, it saw no need to adhere to Morris's amendments.[58] Morris and the Assembly had once again reached a stalemate.

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[54] *Votes*, 4:552.

[55] William Smith, *A Brief View of the Conduct of Pennsylvania for the Year 1755* (London: R. Griffiths, 1756), 75-78.

[56] *Votes*, 4:557-60.

[57] Ibid., 4:567.

[58] Ibid., 4:568, 571. The House was also perturbed that £4,000 of the £5,000 gift from the proprietors had yet to be paid. The problem was that the "gift" was actually to be taken out of the arrears of quitrents due to the proprietors. The debtors, however, were not paying what they owed to Penn, and the money therefore had not been transferred to the government. The money would continue to be uncollected for years. In mid-1757, at least £2,000 was still owed. Needless to say, the lack of payment did not do anything to encourage confidence in the proprietors. See Richard Hockley to Thomas Penn, 3 June 1757, in Penn Papers, reel 8 and Isaac Norris to Benjamin Franklin, 17 October 1757, in *Franklin Papers*, 7:264; *Votes*, 4:570, 583; Thomas Penn to Robert Hunter Morris, 5 October 1755, in Penn Papers, reel 8, contains Penn's explanation of the gift.

Although the stalemate remained unresolved, the battle with Morris soon ended. On 19 August 1756, William Denny arrived in Philadelphia to assume the governorship.[59] Both sides hoped this new governor could break the impasse in the colony. Denny proved to be much more hospitable than Morris, but a lack of political and business acumen would his downfall. Richard Peters, a councilmember and friend of Thomas Penn, called Denny "a careful sensible Man, but rather too slow."[60] He was assuming leadership at a pivotal time. England had officially declared war against France in May, and the papers were filling up with accounts of naval battles between the two powers. The same paper that announced Denny's inauguration also contained news that the French were threatening Fort Oswego on New York's frontier.[61]

Denny's inaugural speech to the Assembly on August 23 highlighted that the money raised last year was exhausted and troops on the frontier were already due back pay. He therefore exhorted the Assembly to take the necessary measures to ensure the troops on the frontier could be well supplied. In an effort to be open with the House, Denny agreed to their request to lay out his proprietary instructions on money bills. Three principal instructions stood out. First, all money raised could only be used for the specific purposes defined in the bill. The House could not have any discretionary funds. Second, the proprietary estate had to be exempt from all land taxes. Third, Penn provided set limits on the length of time taxes could last. Land taxes, for example, could not last more than one year. Denny advised the House to pass the supply bill so that it did not violate these instructions, and then petition the king if they felt they had grievances.[62] He also refused to give reasons for rejecting the House's bills other than his

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[59] Richard Peters to Thomas Penn, 17 August 1756, in ibid., reel 8; *The Pennsylvania Gazette*, 19 August 1756.

[60] Richard Peters to Thomas Penn, 4 September 1756, in Penn Papers, reel 8.

[61] *The Pennsylvania Gazette*, 22 July 1756 announced the declaration of war; 26 August 1756 contained numerous battle accounts in addition to news on Oswego.

[62] *Votes*, 4:586, 590-93; Richard Peters to Thomas Penn, 4 September 1756, in Penn Papers, reel 8; William Denny to Thomas Penn, 4 November 1756, in ibid., reel 8.

instructions, as he hoped to avoid getting embroiled in heated, pointless debates as his predecessor had done.[63]

The Assembly wholly objected to these instructions. On September 1, they wrote to Denny saying that they could not pass a bill that adhered to them, and asked if he would be willing to break them. Denny quickly answered, "I cannot recede from my Instructions without risquing both my Honour and Fortune."[64] Ten days later, the Assembly tested Denny by sending him a £60,000 bill sunk by a 20-year wine and liquor tax. Denny refused to pass the bill because it violated his instructions by leaving the funds' disposition in the hands of the Assembly and by extending the tax for such a long period. In all, he gave a list of ten objections. Denny then reiterated the distressed state of the frontier and the desperate need for a supply bill that he could assent to.[65] On the 15th, the Assembly answered that they chose an excise bill instead of a land tax to avoid the issue of proprietary taxation, "tho' we still think a well proportioned Tax on Property, the most equal and just Way of raising Money." The members made the term so long because it would take that many years to raise the needed money. To the other objection, the Assembly said they doubted that there would be any surplus money left to spend anyway. Thus, the representatives did not see any reason to alter the bill, and as they "cannot admit of Amendments to a Money Bill," they asked Denny to pass the legislation unaltered.[66]

Denny's second rejection inspired a series of resolves against the proprietors. The first declared that "Proprietary Instructions are arbitrary and unjust, an Infraction of our Charter, a total Subversion of our Constitution, and a manifest Violation of our Rights as freeborn Subjects of England." Another railed against the "tyrannical, cruel and oppressive" proprietors who were

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[63] Richard Peters to Thomas Penn, 30 October 1756, in ibid., reel 8.
[64] *Votes*, 4:594; Richard Peters to Thomas Penn, 16 September 1756, in Penn Papers, reel 8.
[65] *Votes*, 4:598-99.
[66] Both previous quotations from ibid., 4:600.

trying to gain greater control of the province in such a time of distress. Finally, the members resolved to create a new bill, and to "wave their Rights on this present Occasion only," because of the desperate need for the money.[67] They decided to pass a £30,000 bill with a ten-year excise tax on liquor.[68] Some on the council disagreed with Denny's assent to the bill because it still left the disposition of the funds to the Assembly, but he had the support of the majority and signed it.[69] Thus, the Assembly was able to pass this stopgap measure without conceding any major points. However, since the tax lasted only ten years instead of twenty, the representatives could only raise £30,000 instead of the £60,000 they had intended. This meant it would be that much sooner before the conflict over money bills would begin again.

That time would only be a few months later, as the funds had run out by early 1757. Near the end of January, the Assembly passed a £100,000 supply bill using the only method that could raise so much money—a land tax. This set off another series of debates. In messages on January 25 and February 11, Denny laid out his chief objections to the bill: It taxed the proprietary estate and the land tax lasted for four years instead of one. The Assembly cried foul, arguing that it was impossible to raise the amount of funds needed if they followed the proprietors' provisions.[70] Franklin wrote to the colony's agent in London, Robert Charles, that the House was "so confin'd as to the Time of Raising, the Property to be tax'd, the Valuation of that Property and the Sum per Pound to be Tax'd on the Valuation that tis demonstrably impossible by such a Law to raise one Quarter of the Money absolutely necessary to defend us."[71] Penn's instructions were not only despotic, but also impossible to follow.

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[67] All quotations from ibid., 4:603.
[68] Ibid., 4:605.
[69] Richard Peters to Thomas Penn, 22 September 1756, in Penn Papers, reel 8.
[70] *Votes*, 4:674, 678, 687-89, 679.
[71] Benjamin Franklin to Robert Charles, 1 February 1757, in *Franklin Papers*, 7:116.

Denny's refusal to pass the bill "enraged the House," Peters reported. They drew up a remonstrance against the governor, and the whole body marched "in a formal manner thro the Streets to Alarm every Body with the Sight and Occasion."[72] Still unable to get Denny to bend to their will, the Assembly on February 3 formalized the long-rumored appointment of Benjamin Franklin as their agent to England.[73] He would sail across the Atlantic in an attempt to redress their grievances with Thomas Penn in person. The Committee of Grievances submitted a report on the proprietors on February 22, citing five complaints that would roughly comprise the issues Franklin would bring up in England. First, they complained against proprietary instructions, asserting that the proprietors had "abridged and restricted their late and present Governor's Discretion in Matters of Legislation, by their illegal, impracticable and unconstitutional Instructions and Prohibitions."[74] Second, the Assembly would have to give up their rights and privileges to assent to the money bills because the instructions of the proprietors were so tyrannical. Third, the Penns were attempting to abridge the right of the Assembly to dispose of the money it raised. Fourth, the proprietors would not allow any land tax that did not exempt their estates. And fifth, the Penns had appointed judges only at their will and pleasure, giving them control over the judiciary.[75] The Assembly objected to Penn giving instructions at all, but it was these specific actions that most irked them and led to the appointment of Franklin to London.

After going on the record in protest, the Assembly begrudgingly decided to accede to most of Denny's requirements because of the great need for the money. It passed a supply bill,

[72] Richard Peters to Thomas Penn, 27 January 1757, in Penn Papers, reel 8.
[73] *Votes*, 4:685.
[74] Ibid., 4:697.
[75] Ibid., 4:698-99.

which the governor signed on March 23.[76] The battle in Pennsylvania was over for the time being, with the focus shifting to Franklin's mission in England.

Franklin's appointment had long been rumored, and had reached Thomas Penn's ears a month earlier. Penn was not worried, however, writing Richard Peters on January 8 that "Mr. Franklin's Voyage to this place gives me no concern."[77] Indeed, he told James Hamilton that he *wanted* the House to send over complaints about his instructions, because he had great confidence the British authorities would side with him.[78] Still, Penn's aides in Pennsylvania warned him that Franklin could be dangerous. Morris had warned Penn back in 1755 that Franklin was no friend of the government and cared only for his own power. He told Penn that Franklin was "a sensible thinking man, whose designs are deeply layd and I am afraid are very extensive."[79] Hockley wrote Penn on two separate occasions that "Franklyn is capable of anything and does when it suits his purpose" and that "he is extremely smooth & sensible but has as much Art and Sophistry as can be collected in any one Person."[80]

Although he may have had greater private ambitions, Franklin asserted to others that he left for his mission "with the sincerest Desire of procuring Peace" and hoped to settle the dispute amicably.[81] Speaker Norris told him in a letter that he hoped the proprietors could "be brought to understand their true Interests as it is and ought to be connected with the good of the People."[82] At this point, the Assembly still hoped to work out a compromise. Appealing to the Crown for redress was still just a backup plan. Franklin waited eight weeks in New York before sailing,

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[76] Ibid., 4:703.
[77] Thomas Penn to Richard Peters, 8 January 1757, in Penn Papers, reel 2.
[78] Thomas Penn to James Hamilton, 8 January 1757, in ibid.
[79] Robert Hunter Morris to Thomas Penn, 23 October 1755, in ibid., reel 8.
[80] Richard Hockley to Thomas Penn, 20 February 1757, in ibid.; Richard Hockley to Thomas Penn, 30 July 1757, in ibid.
[81] Benjamin Franklin to William Parsons, 22 February 1757, in *Franklin Papers*, 7:135.
[82] Isaac Norris to Benjamin Franklin, 4 April 1757, in ibid., 7:171.

finally embarking for England on June 3. Franklin and his son William, who traveled with him, finally arrived at Falmouth on July 17.[83]

As Franklin's visit approached, Penn remained unconcerned. He wrote William Logan in June, "I believe neither Mr. Franklin's art, or Interest, will alter the opinion the Leading People of this Kingdom have of his Republican Schemes."[84] Penn thought the visit was good news, telling Hamilton, "I rejoice much that the People will be soon convinced that they have not a right to Powers of Government they claim, which they will be told by the House of Commons, as well as the Ministers."[85] He related a similar situation that had occurred in Jamaica, where the ministry had ruled that the Jamaican Assembly had no right to raise and disperse money without the governor's consent. As the Boards would soon adjourn at the end of summer, however, Penn believed it would be some time before they could make a ruling.[86] That turned out to be the case, as Franklin did not arrive to confer with the Penns until August, after the Board of Trade had adjourned. It would be some time before he could seek their opinion.[87]

Penn did ask Franklin for a list of grievances right away. Franklin complied on August 20, giving Penn a very informal document he titled the Heads of Complaint. He listed three main grievances. First, proprietary instructions prevented the governor from using his discretion when passing money bills. The royal charter clearly stated that governors could consent to the Assembly's money bills "according to their best Discretion." The distance of the proprietors meant that they could not be as good a judge of affairs as their governor who lived there. Second, the Assembly had the right "to judge of the Mode, Measure and Time of Granting Supplies,"

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[83] Benjamin Franklin to Ezra Stiles, 2 June 1757, in ibid., 7:233; William Franklin to Elizabeth Graeme, 17 July 1757, in ibid., 7:243.

[84] Thomas Penn to William Logan, 21 June 1757, in Penn Papers, reel 2.

[85] Thomas Penn to James Hamilton, 7 July 1757, in ibid.

[86] Ibid.

[87] Thomas Penn to William Peters, 14 November 1757, in ibid., reel 8.

which the proprietors had denied them through their instructions. Third, the Penns had instructed their deputy to refuse any money bill that did not exempt the proprietary estate from taxation, which appeared to Pennsylvanians to be "both unjust and cruel."[88] Again, the complaints centered on instructions in general as well as specific directives.

Many months would pass before the proprietors answered these complaints. In the meantime, a war of words broke out in London periodicals. Although Penn seems to have treated Franklin civilly in their personal visits, this respect did not carry over into the public forum. Thomas Penn had anonymous attacks against Franklin and the Assembly published, and both Franklin and his son William responded with articles of their own. These publications incensed both parties and created further distance between them.[89]

Franklin, meanwhile, was becoming increasingly impatient with the proprietors. In a letter to Galloway, he explained that they continued to claim that they wanted to settle everything amicably, but their delay in answering the Heads of Complaint had him questioning their sincerity.[90] At this time, Franklin began to seriously consider the possibility of not only appealing to the Crown for a redress of their grievances, but also petitioning them to replace the proprietary government with a royal one. On 24 April 1758, He asked Richard Jackson whether Pennsylvania could retain its privileges under a royal government. Jackson answered that "altho' the Rights the Quakers enjoy in Pensylvania [sic] are much more extensive than they enjoy in England, I think so far as they are Warranted and Supported by the Legislature of Pensylvania

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[88] All quotations in this paragraph from "To the Proprietors: Heads of Complaint," 20 August 1757, in *Franklin Papers*, 7:248.

[89] William Franklin to Elizabeth Graeme, 9 December 1757, in ibid., 7:288; William Franklin to Joseph Galloway, 16 June 1760, in William Franklin Papers, *American Philosophical Society*.

[90] Benjamin Franklin to Joseph Galloway, 17 February 1758, in *Franklin Papers*, 7:373. For more on Franklin and Galloway's partnership, see Benjamin H. Newcomb, *Franklin and Galloway: A Political Partnership* (New Haven: Yale University Press, 1972).

they cannot be legally abridged."[91] This was exactly the answer Franklin had hoped for, and despite Jackson later backtracking from his position, Franklin pressed forward without reservation.

In September, Franklin asked Isaac Norris's opinion on a change to royal government, asking both for his "Sentiments on the Point" and also whether he thought it would "be generally agreeable to the People."[92] He wrote Galloway at that time that a change of government was probably "at some Distance, unless the Province, heartily tir'd of Proprietary Rule, should petition the Crown to take the Government into its own Hands."[93] Franklin had clearly begun to think through such a petition and sought to gauge interest in it, but he understood that many in the colony were not yet ready for it.

Penn finally answered the Heads of Complaint on 28 November 1758, unconscionably blaming the delay on "Means of Obstruction given by one of your Agents." He brushed off the complaints, arguing that the proprietors "have a Right, and are so advised, to prevent any Injury being done" to their estate.[94] Further, he claimed they had contributed a greater proportion to the defense of the colony than anyone else and that the House therefore had no right to demand more taxes from them.

Franklin was astounded at the proprietors' response. Penn wrote that when Franklin came to receive their answer, Penn's aide "Mr. Paris gave him the words in writing to prevent mistakes, to which he answered not a word, look'd as if much disappointed, & took no notice of him when he went out."[95] Once he recovered from the shock of Penn's complete disregard for

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[91] Richard Jackson: Answers to Questions Asked, 24 April 1758, in *Franklin Papers*, 8:6.
[92] Benjamin Franklin to Isaac Norris, 16 September 1758, in ibid., 8:157.
[93] Benjamin Franklin to Joseph Galloway, 16 September 1758, in ibid., 8:149.
[94] Both quotations in this paragraph from "Ferdinand John Paris: Answer to Heads of Complaint," 28 November 1758, in ibid., 8:184.
[95] Thomas Penn to William Allen, 9 December 1758, in Penn Papers, reel 2.

the colony's grievances, Franklin began sounding out his next step and became fully committed to bringing about a change to royal government. In a message to Isaac Norris, he wrote:

> If the House, grown at length sensible of the Danger, to the Liberties of the People, necessarily arising from such growing Power and Property in one Family with such Principles, shall think it expedient to have the Government and Property in different Hands, and for that purpose shall desire that the Crown would take the Province into its immediate Care, I believe that Point might without much Difficulty be carried, and our Privileges preserved; and in that I think I could still do Service.[96]

Joseph Galloway, who would become Franklin's senior partner in the crusade to oust the Penns, had begun to share Franklin's concerns in mid-1758. He wrote in June of that year that despite the Penns' "large Professions of Sincerity," he could not "help Suspecting them" and believed that proprietary government was "the worst in the world."[97] After the proprietors' answer to the Heads of Complaint confirmed his suspicions, he published *A True and Impartial State of the Province of Pennsylvania*.[98] The work acted as an answer to Smith's *Brief State* from four years earlier and as a scathing indictment of proprietary government. Galloway averred that the Penns' instructions were "calculated for the Advancement of private Interests and ambition."[99] He asserted that if the proprietors had their way, "Pennsylvania, the Seat of Virtue, Liberty and Commerce, would be transformed into a Monarchy more Tyrannical and Despotic, than that of an Eastern Sultan; and nothing left for the unhappy People, but either to submit to the grievous Yoke, or depopulate the Country by flying from Slavery."[100] The only solution was for the king to save Pennsylvania "from the Jaws of Proprietary Slavery" by taking the colony

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[96] Benjamin Franklin to Isaac Norris, 19 January 1759, in *Franklin Papers*, 8:232.

[97] Joseph Galloway to Benjamin Franklin, 16 June 1758, in ibid., 8:106.

[98] The work was published anonymously, and although some nineteenth-century historians mistakenly attributed it to William Smith or Benjamin Franklin, it is now agreed that Galloway was the author. His authorship is indicated by a letter sent to him by William Franklin on 28 December 1759. For a full discussion of Galloway's authorship, see L.C. Wroth, *An American Bookshelf, 1755* (New York: Arno Press, 1934), 146-47.

[99] Galloway, *A True and Impartial State*, 54.

[100] Ibid., 57.

"under his immediate Government and Protection."[101] Galloway, like Franklin, was now fully convinced that Pennsylvania needed a change to royal government. The two partners, the two leaders of the movement, had begun their quest.

Attacks against the proprietors also began to come from other quarters. In 1759, Charles Thomson, a secretary at the Treaty of Easton and political ally of Franklin's, published *An Enquiry into the Causes of the Alienation of the Delaware and Shawanese Indians from the British Interest*. Thomson cited the complaints of a Delaware chief named Teedyuschung and blamed Indian aggression on unfair proprietary policy that cheated them of their lands. The proprietors stood idly by as their allies seated themselves on unpurchased land, and even encouraged the process by making provisions for obtaining warrants on illegally settled land. This serious charge received some attention in England as the Privy Council blamed the proprietors for riling up the Indians with questionable techniques of acquiring land. An investigation by the Council eventually cleared the Penns of the charges, but the matter was just one other assault Thomas Penn had to fend off after failing to come to terms with Franklin and the House.[102]

The rest of the Assembly at this point was not as zealous for a change as Franklin and his close associates, but they were still exasperated with the situation. It was not just a dislike of external control that caused the Assembly to revolt against the proprietors; it was the fact that they seemed entirely hostile to the colony and did not care about its welfare as long as their own interests were served. The chief proprietor Thomas Penn gave strict instructions to his governors that could not be broken even the midst of a colonial crisis and the outbreak of an international war. The Assembly assuredly did not like being told what to do, but it had acquiesced to external

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[101] Ibid., 172.

[102] Charles Thomson, *An Enquiry into the Causes of the Alienation of the Delaware and Shawanese Indians from the British Interest* (London: J. Wilkie, 1759), 1-4, 27-29, 183-85; Illick, *Colonial Pennsylvania*, 234.

control in the past without pursuing a change in government. Fear for the colony's well-being and Penn's overt hostility ultimately prompted the Assembly's actions.

The Assembly must also be held accountable for the dangerous state of the colony's frontier. Its members often seemed more interested in winning political battles than in providing for the safety of their citizens. Ultimately, they gave in and provided the funds without gaining their political point, but this only occurred after they were threatened by a group of disgruntled frontiersmen. Had Hambright's men not arrived, the House likely would have eventually caved anyway (as evidenced by them 'waiving their rights' to pass supply bills in 1757 and 1758), but many more unprotected Pennsylvania colonists probably would have died before they did.

Although Franklin and his allies had begun to probe the possibility of royal government, the majority of the Assembly remained unconvinced such a change would be advantageous to the colony. Franklin also needed a good reason to petition for a change. Simple opposition to proprietary instructions would not suffice because the Crown gave instructions to its governors all the time. Clear evidence of proprietary misrule would be required. Events in the next few years—Denny's bribery by and capitulation to the House, a decision by the Privy Council, and the winding down of the war—would also lessen tensions and prevent a showdown for several years. Another conflict would be necessary both to convince the rest of Pennsylvania to move for the change and to give the Assembly better grounds for requesting it.

Chapter 2

Bribes, Repeals, and Riots:
Steps Toward a Petition for Royal Government

The military situation began to calm in the late 1750s, as Britain gained the upper hand in the war against the French. Therefore, although the five years after Penn's answer to the Heads of Complaint were filled with conflicts between the House and the proprietors, no event forced either side to give in. Each had its successes. By bribing the governor, the Assembly finally succeeded in passing a land tax that included the proprietary estate. This victory was short lived, however, as just over a year later Thomas Penn successfully secured its annulment by the Board of Trade. The six amendments the council applied to the tax became the primary battleground of the early 1760s, with neither side willing to compromise. Only in late 1763, with the arrival of the Paxton Boys, was this stalemate broken. At this time, the proprietors' response to the crisis ignited outrage in the colony and provided the final impetus for the creation of a petition for royal government. Only then would the whole of the House of Representatives be ready to join the push for royal government. The Assembly continued to try to negotiate with the proprietors through the early 1760s, but the Penns' response to the march of the Paxton Boys finally convinced the majority of the members to join the movement for royal government.

While Franklin had been working in England in the late 1750s, the battle in Pennsylvania had continued. On June 6, 1757, just days after Franklin sailed from New York, Denny once again asked the Assembly for additional funds to raise more troops.[1] Indian attacks on the frontier continued to cause great damage, and letters detailing their atrocities—houses burned to the ground, men being scalped, entire families being killed—still filled the Philadelphia papers.[2] The Assembly believed it had already given plenty for their defense, however, and cared more about protecting the colonists' rights and privileges. The members replied to Denny, "we shall think it happy for ourselves and our posterity if, in this Time of Distress, we can guard against the many Attempts on the Peoples Rights and Liberties, and preserve to the Constitution those Principles of Freedom on which it was originally founded."[3] The situation remained unresolved and money unraised.

On September 28, the Assembly sent a message to the governor, lamenting that "More Pains seem now to be taken to destroy than 'support' our Rights; to perswade the World to believe that we are unwilling to defend the Province."[4] It attacked Smith's "wicked" *Brief State* and other scurrilous publications, and once again voiced its objection to proprietary instructions. The representatives implored Denny, "Let not arbitrary Proprietary instructions be the sole Rule of your Conduct; exercise your own Judgement and Reason in your publick Acts."[5] They wanted to the governor to exercise his own discretion. Denny responded a few days later, defending his conduct. He noted that the Assembly tended to blame every governor for their problems, which showed that "you are not so much displeased with the Person governing, as impatient of being

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[1] *Votes*, 4:709.
[2] *The Pennsylvania Gazette*, 30 June 1757.
[3] *Votes*, 4:718.
[4] Ibid., 4:745.
[5] Ibid., 4:747.

governed at all."[6] Like Morris, Denny accused the House of trying to become completely free of the governor's influence by destroying his power in the government.[7]

Finally, in April 1758 the Assembly had to give in and pass a supply bill. The situation on the frontier had become untenable, and another riot would likely ensue if the representatives did not provide an adequate defense. On March 29, it had sent a £100,000 supply bill to the governor that did not exempt the proprietary estate.[8] Unsurprisingly, Denny did not agree to sign it. In addition to previous arguments, he said that the proprietors did not want to be taxed by the same assessors as everyone else, because they had no say in the appointment of those assessors. This was a twist on the 'no taxation without representation' argument that became so prevalent in the days leading up to the Revolution. Denny at this point did seem more willing to compromise, as he inserted a plan to tax the proprietary estate with its own commissioners. The Assembly, however, believed that the proprietary appointing his own assessors would be tantamount to exempting him from the tax, because they would not likely assess his property for anything near its worth.[9] Exempting the estate completely was preferable to such chicanery. In the end, the House had no choice but to give in as the need for supplies was too desperate. The members also believed that Franklin would be able to settle matters in their favor in England and thus felt less of a need to take an extremely firm stand. Still, while they exempted the proprietary estate, they made it very clear that they did so only under duress. In their published minutes, they lamented "the unhappy Necessity, by which they had been compelled, contrary to Equity, and

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[6] Ibid., 4:750.

[7] Denny also objected to the old militia law, just as Morris had done. He first requested that the House pass a new one in late June 1757, but the Assembly did not oblige him. He repeated this request twice in January 1758, along with requests for a new supply bill and a bill for regulating Indian relations and trade. The Assembly refused to acquiesce to any of these applications and opposed him at every turn. See ibid., 4:721, 762, 781; Isaac Norris to Benjamin Franklin, 24 November 1757, in *Franklin Papers*, 7:281.

[8] *Votes*, 4:802. The bill still did not adhere to all of Thomas Penn's wishes, but he had given Denny permission to pass it as long as the exception to the proprietary estate remained in force. See Thomas Penn to Richard Peters, 2 February 1758, in Penn Papers, reel 2.

[9] *Votes*, 4:805, 815.

the Usage of their Mother Country, to continue and extend an Exemption of the Proprietary Estate, by the Bill now sent up to the Governor, from its just Proportion of Taxes."[10]

This solution did not suffice for long. Money started to again run low in late 1758, and on December 21 Denny asked the Assembly to draw up a new supply bill. The House put off voting for a new bill until the spring, as the members wanted to wait to see what military campaigns were planned before they voted on a specific sum to raise. On 27 February 1759, the proprietors' answer to the Heads of Complaint finally completed its journey across the ocean and made its way to the House. Like Franklin, the representatives were unsatisfied with the Penns' response, as it offered not even a small conciliation to the Assembly's wishes. Thus, when they met again in the spring, the House did not feel like compromising. When the representatives passed a new £100,000 supply bill on 25 March 1759, they again did not exempt the proprietary estate. After Denny rejected the bill four days later, the House unanimously resolved not to pass a new supply bill unless it taxed the proprietors in common with the rest of the province.[11] Just when the situation appeared to be heading toward another stalemate, the Assembly pulled a new weapon out of its arsenal, a weapon Denny was especially vulnerable to: bribery.

The proprietors and their allies had begun to have doubts about William Denny very early in his governorship. Just two months after Denny became governor, Richard Peters had already formed an extremely negative opinion of him, calling him "a trifler, weak of Body, [and] averse to business."[12] In May 1757 Thomas Penn wrote to Peters that he disliked Denny's handling of an Indian trade bill and was concerned about his inability to deprive the House of the right to choose tax commissioners.[13] He wrote a few days later that "a continuance of such behavior

[10] Ibid., 4:817; Isaac Norris to Benjamin Franklin, 29 April 1758, in *Franklin Papers*, 8:54.
[11] *Votes*, 5:12, 14, 19-21, 34, 38, 41.
[12] Richard Peters to Thomas Penn, 2 October 1756, in Penn Papers, reel 8.
[13] Thomas Penn to Richard Peters, 9 May 1757, in ibid.

cannot be allowed, whatever the Governor may expect from us. I cannot tell but this I am sure of, that if he does not change his conduct he shall not stay a twelvemonth."[14] In July he sent a formal request to William Allen and James Hamilton for information on Denny's conduct. He wanted their opinion on rumors that Denny had asserted "that We had deceived him in many Things, [and] that he would not fight the Proprietors' Battles."[15] Denny's letters to Penn also began to be increasingly intermittent, with Penn repeatedly complaining to both his associates and to Denny himself of "the governor's delay in writing."[16]

Denny's financial situation, meanwhile, was deteriorating rapidly, and his requests to Penn for additional support drove a further wedge between them. Richard Peters wrote that as early as October 1756, Denny was "extremely near, if not [out] of money."[17] Denny's repeated financial requests irritated Penn, with the latter calling Denny a "beggar."[18] In January 1759, Penn responded to yet another of Denny's financial complaints, saying that the £1500 they were paying him was all they had agreed to, and they would pay no more.[19]

By 1758, the Penns had determined to replace Denny, a poorly kept secret that Franklin discovered and reported to temporary Speaker Thomas Leech in June.[20] Only in early 1759 would Penn finally find the successor he had been looking for. He convinced James Hamilton, who had filled the office from 1748-54, to return to the governorship. It would be many months before Hamilton could assume the office, however, as he had yet to leave England. In April,

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[14] Thomas Penn to Richard Peters, 14 May 1757, in ibid., reel 2.
[15] Thomas Penn to William Allen and James Hamilton, 4 July 1757, in ibid.
[16] Thomas Penn to Richard Peters, 14 January 1758, in ibid.
[17] Richard Peters to Thomas Penn, 2 October 1756, in ibid., reel 8.
[18] Richard Hockley to Thomas Penn, 17 October 1757 and Thomas Penn to Richard Peters, 9 May 1757, both in ibid.
[19] Thomas Penn to William Denny, 12 January 1759, in ibid., reel 2.
[20] Benjamin Franklin to Thomas Leech, 10 June 1758, in *Franklin Papers*, 8:87. Norris had been severely ill and was replaced by Leech for several months.

Penn had still not informed Denny of the switch, although the rumors of Penn's search had undoubtedly reached his ears.[21]

Denny's knowledge of his impending replacement, in addition to his poor financial situation, probably contributed greatly to the events of April 1759. After Denny denied the money bill in late March, the House again resolved that they would not pass any bill that exempted the proprietary estate. On April 12, Denny called on Isaac Norris to meet with him, and after "a long and free Conference," he agreed to give his assent to the bill.[22] He returned it to the House with his signature the next day, and on April 17, Denny informed Penn that he had agreed to a £100,000 supply bill that taxed all lands, including the proprietary estate.[23] Just a few days later, the Assembly granted £1,000 to Denny "for his Support," and granted a further £2,000 over the next several months that was to be paid out of the money created by the supply bill. The House also resolved to defend Denny against any suit the proprietors would bring.[24] Penn observed in a letter to Hamilton, "They could not have given Mr. Denny the £3,000 in a manner more advantageous to us…to make it appear a real Bribe."[25] The Assembly, which normally gave governors about £1,000 per year but had lately withheld that support from Denny, characterized the payment as merely making up for his salary in arrears. This defense seems more semantic than anything else, because regardless of whether it is called bribery or not, the

[21] Thomas Penn to Richard Peters, 12 April 1759, in Penn Papers, reel 2.
[22] Isaac Norris to Benjamin Franklin, 12 April 1759, in *Franklin Papers*, 8:326.
[23] William Denny to Thomas Penn, 17 April 1759, in Penn Papers, reel 8.
[24] *Votes*, 5:47, 68.
[25] Thomas Penn to Richard Peters, 9 February 1760, in Penn Papers, reel 2. The accusation of bribery is repeated by William Smith in the preface to John Dickinson's speech in 1764 and by Hugh Williamson. See "A Speech on a Petition for a Change in Government of the Colony of Pennsylvania," in Paul L. Ford, ed., *The Writings of John Dickinson* (Philadelphia: The Historical Society of Pennsylvania, 1895), 11; [Hugh Williamson], *The Plain Dealer: Or, A Few Remarks Upon Quaker-Politicks, And Their Attempts to Change the Government Of Pennsylvania* (Philadelphia, 1764), 13-14.

uncontested fact remains that the House paid Denny on the condition that he receded from his instructions.[26]

To avoid stamping the bill into law, councilmember Richard Hockley disgustedly resigned his office as Keeper of the Great Seal. Many of Penn's allies asserted that he "deserved every thing that coud happen by continuing Mr. Denny so long, after they had given You such timely notice of their apprehensions."[27] Penn had waited too long to find a new governor, and now he would have to respond aggressively to this new threat to his interests.[28]

The proprietor was incensed at Denny's actions, writing to Peters that "the behaviour of the governor is not to be parallel'd."[29] Putting the taxation of his estate into the Assembly's hands greatly concerned him, and he declared to William Logan that such a bill was "a fatal stroke to us." He asked that a copy of the bill be sent to him as soon as possible, so he could "shew it is formed on so iniquitous a Plan, as to get it repealed."[30] He wanted to take his complaints to the Privy Council (Board of Trade) right away.

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[26] For example, they gave Hamilton only £500 of support in 1760, £400 in 1762, and £500 in 1763. See Thomas Penn to James Hamilton, 8 February 1760, in Penn Papers, reel 2; *Votes*, 5:232, 262. Franklin defended the House by arguing that, yes, they gave Denny money for passing the laws, but this was not bribery. It merely followed the colony's custom of "purchasing and paying for laws." They always paid the governor when he passed laws, and withheld funds when he did not. See Benjamin Franklin, Preface to *The Speech of Joseph Galloway, Esq; One of the Members for Philadelphia County: In Answer To the Speech of John Dickinson, Esq; Delivered in the House of Assembly of the Province of Pennsylvania, May 24, 1764* (Philadelphia: W. Dunlap, 1764), iii-vii. Galloway declared that the money paid to Denny was merely making up for the money they had previously withheld while he was adhering to proprietary instructions. When Denny agreed to pass the laws they wanted, the members granted him 'back pay.' See [Joseph Galloway], *An Address to the Freeholders and Inhabitants of the Province of Pennsylvania, In Answer to a Paper Called the Plain Dealer* (Philadelphia, Anthony Armbruster, 1764), 9.

[27] Richard Hockley to Thomas Penn, 21 April 1759, in Penn Papers, reel 8.

[28] The Assembly also used the opportunity to pass sundry other acts that worked against the proprietors' interests and instructions. Some of these were legitimate, such as an act that required Assembly approval for the dismissal of judges. Others were less legitimate, such as banning lotteries, which provided most of the funding for Provost William Smith's College of Philadelphia. Six of the eleven acts that ran counter to Penn's instructions, not including the supply bill, would eventually be repealed by the Privy Council. The chief battle though, and the one Penn stressed the most about, was over the supply bill. See Newcomb, *Franklin and Galloway*, 61-62 for more details on these acts. For a defense of the judiciary act, see Joseph Galloway, *A Letter to the People of Pennsylvania Occasioned by the Assembly's Passing that Important Act for Constituting the Judges…* (Philadelphia, 1760).

[29] Thomas Penn to Richard Peters, 28 June 1759, in Penn Papers, reel 2.

[30] Both quotations from Thomas Penn to William Logan, 28 June 1759, in ibid.

Although Penn planned to take quick action, he feared a repeal might take some time because the Boards of Council and Trade were about to adjourn. Thus, the law would probably be carried into execution before a repeal could be attained. In light of this, he ordered Peters to do everything he could to avoid the tax by not giving estate information to the assessors. This would force the assessors to go to all the individual landowners who rented from Penn. By the time they collected all that information, the law would be repealed, and Penn would not have to pay any tax. If this plan failed, Penn listed a large number of properties that he believed should not be taxed for various reasons. He was determined to do everything he could to avoid paying taxes to the Assembly, and the detailed instructions to Peters make it difficult to believe his declarations that his objections to the tax were only about the principle and not about the money.[31]

Franklin and Norris had entertained hopes that Penn would not oppose the bill, but they could not have been surprised when he did.[32] Franklin had tried to open up a dialogue with Penn to get a better idea of how he would respond, but Penn rebuffed his attempts.[33] The head proprietor kept his plans secret at first, and the House did not know for sure that he intended to fight the bill until early 1760.[34] Norris was very concerned about a potential repeal, as it would throw the province's economy into confusion. They had already printed and distributed the paper money issued by the bill. A repeal would render all that money worthless and create chaos. Surely the judges in Britain and even Penn himself could not wish for such a result. For this reason, he believed "the Necessity as well as the reasonableness of the Acts themselves… will

[31] Thomas Penn to Richard Peters, 28 June 1759, in ibid.
[32] Benjamin Franklin to Isaac Norris, 9 June 1759, in *Franklin Papers*, 8:396; Isaac Norris to Benjamin Franklin, 22 August 1759, in ibid., 8:427.
[33] Thomas and Richard Penn to Benjamin Franklin, 17 July 1759, in Penn Papers, reel 8.
[34] Benjamin Franklin to Joseph Galloway, 9 January 1760, in *Franklin Papers*, 9:15.

protect us from so great a Calamity."[35] Penn's continued efforts to bring about this economic catastrophe incensed the representatives and strained relations even further. It was an offense they did not soon forget. When the Assembly finally decided to petition for a change in government over four years later, Penn's threat to repeal this law would be one of their chief sources of evidence against his suitability to run the colony.[36]

The absence of many members of the Privy Council, as well as the death of Penn's agent Ferdinand John Paris, had slowed the progress of the appeal.[37] The Lords of Trade did not hold their first hearing until 18 April 1760.[38] Despite the death of Paris, Penn entered with great confidence that he would secure a repeal.[39] It would be several more months, however, before he could get a ruling.

While Penn and Franklin prepared for the Privy Council's ruling, conflict in the colony continued. Hamilton's departure was initially delayed while Penn determined the best course of action after Denny's bribe, and he did not arrive in Pennsylvania to assume the governorship until mid-November 1759.[40] Franklin had not been able to provide the House with any intelligence on Hamilton's instructions, but he was fairly certain they had not been relaxed and "that the Storm is still to continue longer."[41] His thoughts proved correct.

On 29 February 1760, the Assembly began discussing a new £100,000 supply bill. In addition to providing new military funds, they needed to cover £22,000 of debt they had accrued from the last campaign. They passed a bill identical to that given to Denny, but Hamilton

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[35] Isaac Norris to Benjamin Franklin, 28 July 1760, in ibid., 9:180.

[36] Franklin wrote in August 1764 that the bills emitted by the law had "spread thro' the Country, and in the Hands of Thousands of poor People, who had given their Labor for it; how base, cruel, and inhuman it was, to endeavour, by a Repeal of the Act, to strike the Money dead in those Hands at one Blow." See Preface to *The Speech of Joseph Galloway*, x.

[37] Thomas Penn to James Hamilton, 8 February 1760, in Penn Papers, reel 2.

[38] Benjamin Franklin to _____, 8 April 1760, in *Franklin Papers*, 9:42.

[39] Thomas Penn to James Hamilton, 4 April 1760, in Penn Papers, reel 2.

[40] Thomas Penn to William Allen, 11 July 1759, in ibid.; *Votes*, 5:87.

[41] Benjamin Franklin to Joseph Galloway, 9 January 1760, in *Franklin Papers*, 9:15.

returned it with amendments. The House rejected all of them.[42] Hamilton argued that he simply wanted to make sure the proprietors were "burdened with no more than their just Proportion of Taxes" and that the proprietors were being denied their rights because they had no say in the representatives that were taxing them.[43] In April, the governor nevertheless agreed to the bill without amendment because of the desperate need for it.[44] Speaker Norris and the Assembly had hopes that this would end the debate, but this again was wishful thinking.[45]

Thomas Penn approved of Hamilton's decision, and gave him written permission to pass a supply bill similar to the previous one. The letters Penn sent with this permission did not arrive before Hamilton passed the bill, but Hamilton likely already knew Penn's wishes from conversations when he was in England. Penn knew that another bill would have to be passed before the fate of the 1759 supply bill could be decided, and just wanted Hamilton "to guard as much as possible against putting it in their power to do us injustice."[46] Penn thus gave Hamilton permission to make concessions to get a supply bill passed. Even if he could not get the House to agree to "reasonable alterations," the military situation required that "you must pass it as you get it from them, and we must be left to our remedy here."[47] Penn did not want Hamilton to renew the dispute with the Assembly. Only when he had secured the repeal of the bills did he want Hamilton to renew battle with the House. He told Peters that Hamilton "should be better satisfied to keep out of any dispute, than engage at present."[48] The situation had reversed from several years ago, with the proprietors now being the ones 'waiving their rights' for the sake of expediency and hoping to win on appeal.

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[42] *Votes*, 5:105, 108.
[43] Ibid., 5:114.
[44] Ibid., 5:114, 118.
[45] Isaac Norris to Benjamin Franklin, 15 April 1760, in *Franklin Papers*, 9:43.
[46] Thomas Penn to James Hamilton, 10 April 1760, in Penn Papers, reel 2.
[47] Thomas Penn to James Hamilton, 10 May 1760, in ibid.
[48] Thomas Penn to Richard Peters, 10 May 1760, in ibid.

In late August, the Privy Council finally made its decision. William Franklin had expressed wariness at getting a good decision for Pennsylvania, as he thought them to be "a Pack of d—d R—ls [damned Rascals]" that would only give them justice if bribed.[49] Whether from Penn's bribes as Franklin charged, or from their own judgment, the Privy Council sided largely with the proprietors. Six of the Assembly's bills had been repealed. The £100,000 supply bill was also deemed unjust, but because of the financial consequences that would accompany its repeal, the Council would allow it to stay on the books if they made six amendments to it. These six amendments would form the battle lines for the next three years.

Three of the amendments were designed to protect certain types of land from excessive taxation. The first stated that unsurveyed wasteland belonging to the proprietors could not be taxed. The second, and ultimately most controversial, stipulation asserted that located uncultivated land belonging to the proprietors must be taxed at the lowest rate of any other colonist's uncultivated land. The wording was ambiguous, however.[50] As read, it could be construed to mean that even land in the center of Philadelphia should be taxed at the same low rate as unsettled land on the frontier. This lack of specificity would create many of the problems in 1763. The third amendment declared that ungranted lands in the cities and towns be rated as uncultivated lands rather than city lots, which were taxed at a higher rate.[51]

The last three amendments related more to administrative matters. The fourth stated that any dispersal of funds required the governor's consent. This amendment curtailed the

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[49] William Franklin to Joseph Galloway, 26 August 1760, in *Franklin Papers*, 9:188.

[50] The exact wording of the second amendment: "That the Located uncultivated Lands belonging to the Proprietaries shall not be assessed higher than the lowest Rate at which any located uncultivated Lands belonging to the Inhabitants shall be assessed." See Orders in Council, 2 September 1760, in *Franklin Papers*, 9:196.

[51] The lands covered by the third amendment were often set aside for future use as a public building, the proprietors had successfully argued, and it would thus be unfair to tax them at a high rate. All the amendments can be found in the *Franklin Papers*, 9:196. Thomas Penn also includes a list of them in a letter to James Hamilton. The wording is slightly different, but the essentials are the same. See Thomas Penn to James Hamilton, 30 August 1760, in Penn Papers, reel 2.

Assembly's power over the cash raised by not allowing them any discretionary money. The fifth stipulation allowed for the appointment of commissioners that would hear appeals from inhabitants in the colony as well the proprietors. If Penn, or any other Pennsylvania landowner, had a qualm with the way their property was assessed, they could bring it to these mediators. Finally, the sixth amendment declared that any paper money emitted by the Assembly's acts could not be used at face value to pay quitrents to the proprietors. Those renting from the Penns would have to either pay in pounds sterling or pay a higher amount in paper money to match the exchange rate. Thomas Penn had been trying for years to get his rents paid in sterling rather than in the more depreciated Pennsylvanian currency.[52] This last amendment was the most vexing to the Assembly. If the colony's currency could not be used to pay rents, then its value would surely depreciate and cause their monetary system to collapse. This would then lead to the disintegration of the economy, the exodus of many of the colony's inhabitants, and the demise of its prosperity.[53] All the amendments ran counter to the Assembly's inclinations, but the sixth is what made it most unlikely that they would immediately enact them.

Thomas Penn was pleased with the council's decision.[54] Although he initially had pressed for a repeal of the 1759 supply bill, he came to prefer the method the council used to settle the mode of taxation in a manner more to his liking. This way, a template bill was created that could be followed for all future money bills. Penn was overly optimistic, however, in believing that the Assembly would agree to the amendments. Penn was so certain the House would cooperate that he planned to delay presenting the 1760 supply bill until he received another replacing it that

[52] Orders in Council, 2 September 1760, in *Franklin Papers*, 9:196.

[53] *Votes*, 5:223.

[54] It was not a complete victory for Penn, however. He had contended for the exemption of many segments of his estate, especially his located uncultivated lands. The Lords of Trade decided against him on this point, instead laying out guidelines for their taxation, and thus prevent the proprietary estate from being assessed at an injurious rate. See Henry Wilmot to Thomas Penn, 30 May 1764, in Penn Papers, reel 9.

followed the Privy Council's stipulations. He did not think the House would go against the agreement made by the agents they appointed to represent them.[55]

When news of the council's ruling reached the House in January 1761, they were infuriated. Richard Peters reported to Penn that the members would "not yield one Inch" despite the council's ruling and were "as deaf as Adders and as angry and spiteful as ever."[56] They believed that their agents had only agreed to the amendments under duress, to save the law from being repealed and thus keep the colony's economy from being thrown into chaos. The Assembly was enraged that Penn would hold the colony's well-being at his mercy and threaten to repeal the bills "without Regard to the Mischief and Confusion it must inevitably produce."[57] This further added to the House's belief that the Penns cared nothing for the welfare of Pennsylvania and would use any machination to impose their will.

Governor Hamilton quickly began an effort to force the Assembly to accept these amendments. In early 1761, he sent messages on January 28, February 14, and March 10, all demanding that the House agree to the stipulations of their agents.[58] The House created a committee to look into the issue on February 4, which finally delivered its report on March 12. They had looked at the tax rolls and compared the amount of taxes paid by the proprietors (£566) to that paid by the rest of the province (£27,103).[59] As the amount was very small, they saw no injustice being done to the proprietary estate and saw no reason to alter the law. The House implored Hamilton to report this state of affairs to their superiors in London in order to secure

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[55] Thomas Penn to James Hamilton, 18 October 1760, in ibid., reel 2; Thomas Penn to Richard Hockley, 12 November 1760, in ibid.

[56] Richard Peters to Thomas Penn, 13 January 1761, in ibid., reel 9.

[57] *Votes*, 5:166.

[58] Ibid., 5:134, 144, 155.

[59] Even Thomas Penn agreed that he had not been overcharged by the initial taxes and that the assessors had "acted an equal and an honest part." He nevertheless still believed that if the law remained on the books, the assessors would eventually take advantage of the proprietors. See Thomas Penn to James Hamilton, 10 April 1760, in Penn Papers, reel 2.

the passage of the 1760 bill and prevent the economic chaos that would result from its repeal or the repeal of the 1759 law. The Assembly then adjourned without a new supply bill being passed.[60]

William Allen, still one of Penn's few friends in the House, asserted that although the majority of the Assembly was "under no small apprehension" that the tax bills would be repealed, the representatives would not pass the amendments because of "their pride." He recommended that the proprietors not pursue a repeal for the moment, until the Assembly's reaction could fully be gauged. Allen was convinced that even if Penn did secure a repeal, the House would make a new law that followed the stipulations agreed to by their agents, but would insert additional clauses that would prove "injurious to the Proprietary interest." Allen did have one piece of good news for the proprietor. Isaac Norris seemed to be more inclined to compromise than in the past. In a speech, the Speaker had said that the relationship between the proprietor and the people is like that between husband and wife, and should continue and not be torn asunder. Norris was clearly speaking against those proposing royal government. Allen attributed this change of heart to Quakers as a whole becoming tired of the contention and to a feud between Norris and Galloway. This marked the beginning of Norris's separation from the Franklin faction of the Assembly.[61]

On April 2, the governor called the Assembly back into session. William Pitt had sent him a message, asking that Pennsylvania raise men for an upcoming British campaign. The House was split on the issue, and the negative vote only carried 15-12. The winning side argued that Pennsylvania had already accrued great debt from the half a million pounds it had raised over the last five years. It was not willing to place a heavier tax burden on the people when the

[60] *Votes*, 5:156-58.
[61] All quotations from William Allen to Thomas Penn, 25 March 1761, in Penn Papers, reel 9.

current situation was no longer so desperate. In addition, the members believed they had more than done their duty by passing these earlier bills, especially as proprietary instructions had forced them to waive their rights on more than one occasion. Now that the frontier was more secure, the Assembly was not willing to give up those privileges.[62]

Hamilton answered back, admonishing the Assembly for not consenting to the judgments it was constitutionally required to accept and repeating the request for troops. Although the Assembly did not budge on its position with regard to the amendments, it did decide to fund an additional 500 men for the upcoming campaign. Rather than raising the required funds through a tax, they sank the new paper money with £30,000 that Parliament had allotted to the province for its war efforts. Hamilton still rejected this bill, however, because it violated two of the amendments—the House took on itself alone the disposition of the money, and it made the money legal tender for proprietary quitrents. As far as the governor was concerned, the time for compromise had passed. The authorities in England had made their decision, and now the House must accept it. Since the Assembly and Hamilton both were unwilling to budge, no money would be raised for quite some time.[63]

With the war going well and the colony relatively unthreatened, the need for additional funds was not pressing. In March 1762, the House did pass a bill for striking £50,000 to provide 1,000 troops, the money to be sunk partially by the Parliamentary grant and partially by an

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[62] *Votes*, 5: 160, 164-66. In their message to Hamilton, the Assembly wrote that they had passed supply bills "at a Time when Proprietary Instructions restrained that Discretion and free Exercise of Judgment in the Governor which was absolutely necessary for the Safety of the Colony—Instructions that occasioned such Impediments to the Supplies then repeatedly offered, that had not the Assemblies waved their just Rights, and formed their Bills agreeable to them, no Aids could have been granted, or the Country defended against the Enemy then ravaging its Frontiers." See ibid., 166.

[63] Ibid., 5:167-69, 171.

extension of the excise on liquor. They subsequently increased the bill to £70,000, but Hamilton once again refused to sign it, citing the same two reasons as before.[64]

Meanwhile, Franklin finally received permission to return to Pennsylvania. By most accounts, the five-year trip had been unsuccessful. Hamilton sardonically wrote that despite the great expense the colony undertook to fund their agent, all Franklin had managed to do was "get every point that was in controversy determined against them."[65] Still, although it was failure for Pennsylvania, the journey abroad was not altogether a failure for Franklin. He had acquired a law degree, developed friendships with prominent British politicians (Lord Bute chief among them), and even secured the governorship of New Jersey for his son. Despite failing to achieve the colony's goals, he arrived in America on 1 November 1762 with more political influence than he had when he left.[66]

On January 18, 1763, Hamilton once again threatened to repeal the 1759 supply bill if the members did not pass the Privy Council amendments. He warned the House that any further delay "may be productive of those Mischiefs and Inconveniences, which a former Assembly seemed so much to apprehend from a Repeal of the said Law." [67] Hamilton posited that now that Franklin had returned, he could explain to the House why he had agreed to the amendments. Surely the ability to talk directly to the agent who had agreed to them could convince them to cooperate. Hamilton repeated the request on February 23, emphasizing the fact that these amendments had been fashioned by the "wise and august" Privy Council.[68] His attempt to strong arm the Assembly failed, and the members did not take kindly to his threats of repeal.

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[64] Ibid., 5:209-12.

[65] James Hamilton to Jared Ingersoll, 8 July 1762, in *Franklin Papers*, 10:112.

[66] Ibid; Benjamin Franklin to William Strahan, 28 March 1763, in ibid., 10:235. Franklin told Strahan, "I found my Friends here more numerous and as hearty as ever."

[67] *Votes*, 5:235.

[68] Ibid., 5:249, 252.

Circumstances would soon force the House's hand. Hamilton called it back into session on July 4 because of a new threat on the frontier. A month prior the commander at Fort Pitt had relayed accounts of Indian attacks at Fort Sandusky and Fort Detroit. Continued attacks proved that it was not just the work of a small group of disgruntled Indians, but part of a "concerted Plan."[69] The Indians of the Ohio were causing considerable distress, as the attacks were already forcing frontier inhabitants to once again abandon their homes.[70]

Hamilton had received requests for aid from the back counties but could not send assistance because all the money from previous supply bills had been exhausted. He therefore exhorted the Assembly to provide him with the needed funds to raise another body of troops for Pennsylvania's defense. The House, about to adjourn for the summer, quickly resolved to raise 700 men, and if there was insufficient money in the Treasury, they would raise it at their next meeting. This, of course, was easier resolved than enacted.[71]

Two months later, on September 12, the Assembly reconvened. Although there had not been a large number of attacks in that time frame, they still needed troops to secure the frontier forts. To fill this need, the House resolved to raise £25,000 to keep 800 men in the field. The representatives proposed to pay for it by extending the excise tax on liquor for seven years and by liquidating goods in the possession of the commissioners for Indian affairs. Hamilton refused to sign it, however, as it made the emitted bills legal tender for all payments, violating the sixth

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[69] Ibid., 5:259.

[70] Benjamin Franklin to Richard Jackson, 6 June 1763; 10 June 1763; and 27 June 1763; David Hall to Benjamin Franklin, 23 June 1763; Benjamin Franklin to William Strahan, 28 June 1763, all in *Franklin Papers*, 10:273, 285, 295, 293, 303. Franklin believed that the Indians were attacking because "we stoop'd too much in begging the last Peace of them; which has made them vain and insolent; and that we should never mention Peace to them again, till we have given them some severe Blows, and made them feel some ill Consequences of breaking with us." See Franklin to Jackson, 27 June 1763, in ibid., 10:295.

[71] *Votes*, 5:259-61.

amendment of the Privy Council. The House and the governor both still refused to budge on that issue, and the Assembly ended its session with the situation unresolved.[72]

After the Assembly reconvened following the October election, Hamilton again implored them to pass another supply bill. Many reports of Indian attacks had come in from Northampton County and settlers were fleeing the frontier in droves. He told them not to delay action by including provisions they knew he would not agree to. The governor hoped the crisis would force the House to accept the Privy Council's amendments, but the Assembly managed to address the crisis without having to capitulate to his demands. It cobbled together £24,000—£12,000 from the rest of the parliamentary allotment to the colony, £7,000 from the Philadelphia defense fund, £1,000 from the tax on imported slaves, and £4,000 from the Indian trade fund. This bill provided funds for the immediate future; however, it used up every last bit of the House's spare resources. The money from this stopgap measure would not last for long.[73]

The next battle would not be with James Hamilton. In early 1763, Thomas Penn had informed the governor that he would be replaced by Penn's nephew, John Penn. Penn made the switch not due to any dislike of Hamilton or his actions, but only because John had requested the position. Having a member of the proprietary family in the governor's office also seemed likely to be advantageous.[74] In the past, Thomas Penn had received many requests by his allies to come govern the colony personally, but while he did not want to go, perhaps his nephew would be the next best thing.[75]

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[72] Ibid., 5:264-67, 272.

[73] *Votes*, 5:281-82

[74] Thomas Penn to James Hamilton, 7 January 1763, in Penn Papers, reel 9; Thomas Penn to Richard Peters, 23 April 1763, in ibid.

[75] John Penn reported in 1754, at the outbreak of the conflict, that many in the province questioned why the proprietor did not come over to defend the colony in a time of war. One of Thomas's most voluminous correspondents, Richard Hockley, also repeatedly asked Penn to come over personally. John Penn to Thomas Penn, 5 May 1754; Richard Hockley to Thomas Penn, 24 December 1755, 26 June 1756, all in Penn Papers, reel 8.

Despite being a member of the proprietary family, John Penn was not nearly as well suited to the governor's office as James Hamilton had been. One of Franklin's English friends, Peter Collinson, asserted that he did not have "Strikeing abilities" and would easily bend to his uncle's will.[76] Indeed, more than just the Assembly's allies that had doubts about the new governor's aptitude. When John Penn had lived in the colony during the mid-1750s, he had not made a favorable impression on the proprietors' friends. Hockley reported in 1755 that John had gotten into a great deal of trouble, racking up a large amount of debt and spending his time with people of "debauch'd principals [sic]."[77] Thomas's nephew had not improved his abilities much since then and would largely leave the tough decisions to the provincial council and, especially during the coming Paxton crisis, Benjamin Franklin.

John Penn arrived in America on 30 October 1763. After his arrival, he immediately began receiving almost daily petitions for assistance from the frontier. The Assembly was not in session when he arrived, and so he did not officially assume the governorship until he convened the House on December 20. In his inaugural speech, he informed the representatives that General Jeffrey Amherst had sent a letter requesting the Assembly raise 1,000 troops for a March to November campaign that would put down the Indian uprising.[78] The colony had recently received good news about the Indians. The French governor of Illinois had told them that he could no longer offer his support. The Ottawas and Chippewas had already appealed for peace. A short military campaign the next year, if it could be funded, was expected to end all resistance.[79]

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[76] Peter Collinson to Benjamin Franklin, 23 August 1763, in *Franklin Papers*, 10:331.
[77] Richard Hockley to Thomas Penn, 5 October 1755, in Penn Papers, reel 8.
[78] *Votes*, 5:286.
[79] Benjamin Franklin to Richard Jackson, 19 December 1763, in *Franklin Papers*, 10:403; *Votes*, 5:287 for Amherst's letter to the House and the expectations of the campaign.

John Penn, however, rightly expected that although the Assembly would approve funds for the expedition, they would again refuse to enact the Privy Council amendments.[80]

Before the Assembly could decide on this point, the governor relayed some very distressing news. Under constant attack, the frontiersmen had quickly ceased to distinguish between Indian friend and Indian foe. Penn had received a report from Lancaster that, on December 14, a group of men, who became known as the Paxton Boys, had gone to a peaceful Indian town in Conestoga Manor, killed six Indians there in cold blood, and burned the houses of the entire village. These were friendly Indians, who had been granted the land and ensured government protection. The flagrant violation of the law showed just how desperate those in the backcountry had become. A repeat of Hambright's march in 1755 seemed probable if they did nothing to provide for their defense.[81]

Consequently, the Assembly agreed on Christmas Eve to immediately prepare a bill to provide the thousand troops before adjourning until after the new year. In the meantime, Penn dispatched messages to Lancaster, Cumberland, and York counties in an effort to detain the perpetrators. He also removed the Conestoga Indians to the protection of the magistrate in Lancaster and hoped to bring them to Philadelphia for their safety. The House agreed just before adjourning to take the Conestogas, as well as another group of Indians from Wighaloufin, under the city's protection.[82]

After the House reconvened, Penn reported a "horrid Scene of Barbarity, and insolent and daring Violation of the Laws" that had occurred. The rioters in Lancaster had broken into the workhouse at Lancaster and murdered the fourteen remaining Conestoga Indians.[83] He also told

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[80] John Penn to Thomas Penn, 18 December 1763, in Penn Papers, reel 9.
[81] *Votes*, 5:289; Benjamin Franklin to Richard Jackson, 16 January 1764, in *Franklin Papers*, 11:19.
[82] *Votes*, 5:290-92.
[83] *Votes*, 5:293.

the House that he had received reports that the perpetrators did not intend to stay on the frontier. They had increased their numbers and were preparing to march on Philadelphia in order to murder the Moravian Indians.[84] The governor feared that their plans might extend even further, and that an attack on the government was possible. Penn therefore asked the House to immediately empower him to raise the necessary force to quell the rioters. In addition, a petitioner came on behalf of a group of Moravian Indians that the governor had brought to the city in November and asked for a ship to carry all 127 of them to England. The House sprang into action, arranging for the Indians' removal to New Jersey and resolving to raise £50,000 to fund the March expedition. The members hoped this action would placate the frontiersmen's rage and divert their attack. The question, of course, was how they were going to raise the money.[85]

On January 11, the Assembly requested Penn reveal the instructions he had received upon assuming the governorship. Penn obliged, but contrary to the Assembly's hopes, they had not changed significantly from Hamilton's.[86] The two instructions shown covered the same issues they had been squabbling over since the Privy Council. The first stated that no part of any supply bill should be left for discretionary spending by the Assembly only. The second asserted that he should try to restrict the amount of paper money emitted, but that if he allowed some to be

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[84] Pamphlets were also circulated that implored the inhabitants not to take justice into their own hands and murder Indians who had done them no harm. See Charles Read, *Copy of Letter from Charles Read, Esq. to the Hon. John Ladd, Esq.* (Philadelphia: Andrew Steuart, 1764) and Anonymous, *A Serious Address to Such of the Inhabitants of Pennsylvania As Have Cannived At, or Do Approve of, the Late Massacre of the Indians at Lancaster* (Philadelphia, 1764).

[85] *Votes*, 5: 292-93, 296; Benjamin Franklin to Richard Jackson, 16 January 1764, in *Franklin Papers*, 11:19; John Penn to Thomas Penn, 15 November 1763, in Penn Papers, reel 9; Samuel Foulke, "Fragments of a Journal Kept by Samuel Foulke, of Bucks County, while a Member of the Colonial Assembly of Pennsylvania, 1762-3-4," *The Pennsylvania Magazine of History and Biography* 5:1 (1881): 66. Franklin and Dickinson were both instrumental in securing the House's agreement to fund the expedition, as well as playing key roles in the debates on how to fund it. See ibid., 65, 68.

[86] The House believed that John Penn's instructions may have been relaxed so that, as a member of the proprietary family, he would have an easier and more agreeable administration. See Franklin, Preface to *The Speech of Joseph Galloway*, xvii.

created, the bill must adhere to the sixth amendment of the Privy Council. The instructions had not changed—the House would either have to give in to these demands or try to find some other creative way of raising money.[87]

Meanwhile, other events added to the Assembly's difficulties. As if they were not in desperate enough financial straits, the members discovered the House would have to surrender nearly £11,000 of the parliamentary grant that had been provided for Pennsylvania's contributions to the war effort. The province had apparently been given a larger than equitable proportion for the amount of men it supplied. In addition, the Indians they had sent to New Jersey had been forced to return to Philadelphia. The New Jersey government had made them continue on to New York, and when they reached the border, New York's governor barred their entrance. After returning to the city, the Assembly vowed that it would still do all it could to protect them from this "Set of Ruffians, whose audacious Cruelty is checked by no Sentiment of Humanity, and by no Regard to the Laws of their Country."[88] On January 28, the city received reports that upwards of 1,500 men were gathering just west of the city and in ten days would descend on Philadelphia to slaughter the Indians and anyone who tried to get in their way.[89]

With the Paxton Boys threatening the city, the Assembly made three key votes on January 31: to take out the clause in former money bills that made the notes legal tender in all cases whatsoever, to make the notes legal tender for everything except proprietary quitrents and other sterling debts, and to strike the notes so that they did not bear interest that could be appropriated by the House. The next day, on February 1, the Assembly put to vote "whether the

[87] *Votes*, 5:298.
[88] *Votes*, 5:297, 300, 306; Foulke, "Fragments," 68.
[89] *Minutes of the Provincial Council of Pennsylvania*, 16 vols. (Philadelphia: Theo. Fenn & Co., 1838-1853), 9:126 (hereafter cited as *Min. of Prov. Council*).

Bills of Credit now to be emitted, shall be a legal Tender in all Payments, the Proprietaries Sterling Rents only excepted?" The House, out of options, resolved in the affirmative.[90]

Despite the Assembly sacrificing its position, the Paxton Boys remained unimpressed and still threatened to attack the city. On February 4, intelligence received by the council indicated that the frontiersmen planned to march on Philadelphia and slay the Indians the next morning. A distressed John Penn asked the council members what he should do, and they recommended that the city be put on high alert. They ordered a contingent of 150 men to guard the barracks the Indians were in, prepared everyone in the city to turn out for its defense at the sound of the city bell, purchased ammunition, and constructed rudimentary defensive works around the barracks. Penn also sent a request for assistance to General Thomas Gage, and three companies of royal troops were dispatched to defend the town.[91] In addition, the desperate governor turned to Franklin to help prepare a defense for the city. At midnight, Penn ran to Franklin's house for his advice, turning it into his headquarters. Franklin stayed up all night by the governor's side, helping to organize the town.[92]

When the threat was announced, about 1,000 citizens took up arms to help defend the city. This, combined with the royal troops, made the 500 men who had gathered at nearby Germantown reconsider. A group of men appointed by the council, including Franklin as well as a number of Presbyterian clergy, went to Germantown to try to reason with the rioters who were armed with rifles and tomahawks. Eventually, they were able to convince the Paxton Boys to peacefully dissolve.[93] As part of the agreement, two of their number, Matthew Smith and James Gibson, stayed behind and submitted a list of grievances to the Assembly. The list was long and

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[90] *Votes*, 5:310.

[91] *Min. of Prov. Council*, 9:132; John Penn to Thomas Penn, 17 March 1764, in Penn Papers, reel 9.

[92] Benjamin Franklin to John Fothergill, 14 March 1764, in *Franklin Papers*, 11:101.

[93] Benjamin Franklin to Richard Jackson, 11 February 1764, in *Franklin Papers*, 11:76; Foulke, "Fragments," 70. Some of the

included the lack of sufficient representation in the Assembly. Now that the threat of a riot was gone, however, the House no longer felt pressure to bow to their wishes. The members gave the grievances scant attention and dismissed the two men without ceremony.[94]

The grievances also sparked an intense religious conflict between Presbyterians and Quakers that would play a large role in the political conflict over the next several years. Religion had not played a major role in the political conflict up to this point, but it exploded onto the scene after the march of the Paxtonians. The frontiersmen were mostly Presbyterians and filled their grievances with scathing attacks on the Quakers, attacks the Quakers then responded to. A supporter of the frontiersmen, David James Dove, asserted that the Paxton Boys "charg'd the People call'd Quakers with gross partiality to Indians, and their being unfit for Government: Nay they ascribe the greatest part of their sufferings to them alone."[95] He also charged some of the Quakers with opposing negotiation and calling for the rioters' slaughter, which he claimed proved their hypocrisy. These accusations led to a slew of counter-pamphlets by Quakers that attacked Presbyterians. This outbreak of religious hostility would soon define the colony's political parties, with Presbyterians joining the proprietors' supporters to oppose the Quakers in power in the Assembly.[96]

The Assembly, meanwhile, returned to its normal business. Due to the confusion caused by the frontiersmen, the House did not send the supply bill to the governor until February 24. They believed that the governor would sign it without debate, and funds would be provided to

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[94] *Votes*, 5:313-16.

[95] David James Dove, *The Quaker Unmask'd; or Plain Truth: Humbly Addressed to the Consideration of all the Freemen of Pennsylvania* (Philadelphia: Andrew Steuart, 1764), 7-10

[96] A Quaker response to this pamphlet derided Dove's "lying Presbyterian spirit." See Timothy Wigwagg, *The Author of Quaker Unmask'd Strip'd Start* [sic] *Naked, or the Delineated Presbyterian Play'd Hob With* (Philadelphia, 1764), 10. One anti-Quaker pamphleteer satirically rhymed, "We have for ever careful been/Not to be often caught in Sin/And still kept up in our Society/A great appearance of true Piety:/ And to be sure we never thought/The Sin lay most in being caught." See *The Quaker's Address and the School Boy's Answer To an Insolent Fellow* (Philadelphia: Edward Merefield, 1764), 12-13. For a more thorough explication of the religious side of the Paxton Boys conflict, see Hutson, *Pennsylvania Politics*, 95-102.

help defend the frontier and prevent another uprising. Despite the House's surrender on the two most important amendments, however, Penn on March 7 still refused to sign the bill. The chief reason he gave was that it did not conform to the Privy Council's second amendment on the taxation of located uncultivated lands. He had a few other changes, relating to dispersal of funds and the number of commissioners involved, but these were easily fixable. The House made these latter changes and returned the bill to the governor, who again rejected it because it did not comply with the amendment on taxation of the proprietors' unimproved lands and lots.[97]

The Assembly legitimately did not understand, as they had included almost the precise wording of the amendment in their bill, "that the located uncultivated Lands, belonging to the Proprietaries shall not be assessed higher than the lowest Rate at which any located uncultivated Lands belonging to the Inhabitants thereof, *under the same Circumstances of Situation, Kind and Quality*, shall be assessed."[98] The House added the italicized phrase to clear up the ambiguity of the amendment. Penn, however, wanted the exact words of the stipulation in the bill, with the added phrase deleted. Without this proviso, the best lands of the proprietors would be taxed at the same rate as the worst lands of the people's. In modern day terms, this would mean land in the best neighborhood of New York would be taxed at the same rate as a prairie in Kansas. Surely this is not what the governor interpreted the amendment to mean, the House asked. In response, John Penn refused to give his interpretation of the amendment and simply repeated that he wanted its exact wording included in the supply bill. His understanding of the bill was clearly that which most benefited the proprietors, but he would not admit that to the House.[99]

To the Assembly, the governor's insistence on the exact wording of the amendment was outrageous. The members had given up every point, sacrificed their political dignity, and agreed

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[97] *Votes*, 5:320, 326-27; Benjamin Franklin to Richard Jackson, 8 March 1764, in *Franklin Papers*, 11:95.
[98] *Votes*, 5:328, 330.
[99] *Votes*, 5:328-29; Franklin, Preface to *The Speech of Joseph Galloway*, xvii.

to all of the proprietors' provisions, but this was not enough. The governor insisted on a distorted interpretation of the amendments just to save the proprietors a little extra money. The ruling ran against all sense of justice, Franklin asserted. A lot in Philadelphia rated at a tax seven pounds, for instance, would if transferred to the proprietors become a tax of only seven pence.[100] Franklin's example may have been somewhat exaggerated, but the point remained the same.[101] The tax rate for a lot should not change based on its owner. In their March 24 message to the governor, the Assembly wrote, "The same Modesty which so long prevented your Honour confessing to us your Opinion of the Meaning of those Words in the Order of Council, will prevent your insisting on that Meaning as a just one."[102] In a statement that also portended the events of the Revolution, Franklin expressed similar sentiments to Richard Jackson in England, "I wish some good Angel would forever whisper in the Ears of your great Men, that Dominion is founded in Opinion, and that if you would preserve your Authority among us, you must preserve the Opinion we us'd to have of your Justice."[103] For many Pennsylvanians, the proprietors had lost all semblance of being just rulers; therefore, they no longer had a right to rule.

If they had not been ready to petition for royal government before, they were now. John Penn reported in mid-March that already "some of the members…were for pulling down the Arms over the Speaker's Chair and putting up the King's Arms in their place."[104] Assembly member Samuel Foulke declared in his private journal that the proprietors' actions had "roused up a patriot spirit in ye House which breathed forth the Genuine principles of Freedom, detesting

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[100] 1 pound = 240 pence.

[101] Benjamin Franklin to Richard Jackson, 14 March 1764, in *Franklin Papers*, 11:105; Galloway claimed that the governor's interpretation would mean that the proprietors' city lots, "worth from £1500 to £2000, shall be rated no higher than half an Acre of a poor Man's Land, at Juniata, not worth £5." See [Galloway], *An Address to the Freeholders and Inhabitants*, 7.

[102] *Votes*, 5:335.

[103] Benjamin Franklin to Richard Jackson, 14 March 1764, in *Franklin Papers*, 11:105.

[104] John Penn to Thomas Penn, 17 March 1767, in Penn Papers, reel 9.

and despising that Monster of arbitrary power."[105] Franklin likewise asserted in a scathing letter that all hope for accommodation had passed:

> These things bring him and his Government into sudden Contempt; all Regard for him in the Assembly is lost; all Hopes of Happiness under a Proprietary Government are at an End; it has now scarce Authority enough left to keep the common Peace.… In fine, every thing seems in this Country, once the Land of Peace and Order, to be running fast into Anarchy and Confusion. Our only Hopes are, that the Crown will see the Necessity of taking the Government into its own Hands, without which we shall soon have no Government at all.[106]

The House declared that it would not pass a law that contained a clearly "iniquitous… Construction on their Lordships' Words."[107] The members then passed series of twenty-six resolves, listing their grievances against the proprietors. The first and second declared that by delegating their governmental powers to their chosen governor, the Penns no longer had any legislative power and their instructions were therefore illegal. The rest of the resolves recounted all the issues the two parties had gone through during the previous decade. The House contended that the proprietors had taken advantage of the desperate situation of the colony to increase their own powers and had thereby placed the colony's safety and prosperity at risk for their own gain. Finally, the representatives declared that the increased political power the Penns sought, combined with their vast holdings of land in the province, made them "as dangerous to the Prerogatives of the Crown as to the Liberties of the People." Therefore, the executive power of the government should be stripped from the "Power attending that immense Property" and be placed under the Crown, "where only it can be properly and safely lodged."[108] In conclusion, the members therefore resolved to adjourn and consult their constituents on whether to draw up a

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[105] Foulke, "Fragments," 73.

[106] Benjamin Franklin to John Fothergill, 14 March 1764, in *Franklin Papers*, 11:101. The House made a similar statement at the end of their long series of resolves: "All Hope of any Degree of Happiness, under the Proprietary Government, is, in our Opinion, now at an End." See *Votes*, 5:339

[107] *Votes*, 5:335.

[108] The last two quotations are from *Votes*, 5:339.

petition to the Crown and ask it to enforce a sale of the province from the proprietor to the King.[109]

The majority of the Assembly had not welcomed the thought of royal government back in 1759 when Franklin, Galloway, and their allies began to push for the change. They still believed that the proprietors could be reasoned with, and that they had not done enough to warrant a change in government. The members still wrangled with the Penns and their governor over many political points, but nothing occurred that made proprietary government completely unbearable to them. The proprietary response to the march of the Paxton Boys changed that. The House, extremely rattled by the frontiersman threat, gave in to all the demands the Penns had made. Then, with the capital in more danger than it had been at any previous point, the governor made yet another demand, the injustice of which went miles beyond previous mandates. Now the Penns were willing to place the safety of Philadelphia, and the very lives of the Assembly members themselves, in jeopardy in order to secure a completely outrageous stipulation that would save them some extra money. Moreover, many in the Assembly suspected that the proprietors had encouraged the march of the Paxton Boys in an effort to enforce their will.[110]

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[109] The full list of twenty-six resolves can be found in *Votes*, 5:337-39. John H. Hutson, *Pennsylvania Politics 1746-1770*, 123-24, argues that the resolves "stressed the Assembly's principal grievance: Thomas Penn's effort to subject the province to external control." He cites as evidence the first resolve, which states that after the proprietors delegated their authority to a deputy, they "can be justly or legally considered in no other Light than as private Owners of Property, without the least Share or constitutional Power of Legislation whatever." However, this resolve was only one of the twenty-six. In addition, by the very act of choosing a deputy to be the governor, the proprietors were exacting a form of external control. The Assembly never sought to deprive the proprietary of the right to choose the governor. The House did object to proprietary instructions, but they were mostly concerned with strict, unalterable orders that ran counter to the privileges and prosperity of Pennsylvanians. The second resolve stated that all the problems in the colony were "solely owing to Proprietary Instructions, *respecting the private interest of the proprietaries*" (emphasis added). The House's chief objection to the instructions were that they reflected the proprietor's interest and not the colony's. The members' willingness to come to a compromise with external authority is evidenced by the fact that it took almost a decade after they learned of Penn's instructions before they sought an alternative to proprietary rule. Only when they were firmly convinced that their rights, lives, and prosperity were at stake did they seek to fly from one form external control to another that they believed would better secure their rights.

[110] Foulke, "Fragments," 70; Benjamin Franklin to John Fothergill, 14 March 1764, in *Franklin Papers*, 11:101.

This charge was almost assuredly groundless, but the House had risen to such a rage that they believed almost any accusation made against the Penns.

The irony is that John Penn's insistence on the exact wording of the amendment came from a misinterpretation of his uncle Thomas's instructions. After he found out what had happened, Thomas Penn contacted his agent Henry Wilmot for his opinion (Wilmot had been instrumental in securing the Privy Council ruling in the first place). After receiving Wilmot's assertion that the governor's action was not consistent with the Council's intent, Penn hurriedly sent a message to the colony that he did not intend to enforce the interpretation of the amendment that the governor proposed.[111] Nonetheless, the fact that this demand came from a misunderstanding of the proprietary instructions was irrelevant to the Assembly. First, the House only learned of it months later, long after the damage had been done. Second, this only further proved their point that strict proprietary instructions were dangerous and impractical. It was bad enough that many of the instructions were, in their eyes, arbitrary and despotic. Now it had been shown that a misinterpretation of them could lead to even more damage and tyranny, and with the proprietors across the ocean it could take months to clear up such misunderstandings.

The House could no longer tolerate such strict external control over their power. It had tried for years to negotiate with the proprietors and get them to exercise a less domineering form of control over the colony. By attempting to enforce unalterable and unreasonable instructions from across the Atlantic Ocean, the proprietors had, in the representatives' eyes, become dangerous to the colony's well being. At this point, completely throwing off England's dominion did not enter their minds. The members did not oppose every form of external control; they opposed only what they perceived to be despotic, hazardous, and greedy hegemony. For

[111] Henry Wilmot to Thomas Penn, 30 May 1764, in Penn Papers, reel 9; Thomas Penn to John Penn, 1 June 1764, in ibid., reel 2; Thomas Penn to Benjamin Chew, 8 June 1764, in ibid.

example, they did not raise strong objections over the other six acts repealed by the Privy Council; the only ruling they resisted was the one on the supply bill because they believed it to be unjust. When the arrival of the Paxton Boys finally frightened them into accepting the Council's amendments, they still did not petition the Crown. Only the insistence of the governor on an outrageous interpretation of those stipulations lead to their resolves against proprietary government. The representatives' willingness to accept a measure of external authority is shown by the fact that it took so many years of conflict for them to seek an alternative to proprietary government. The Assembly did not seek to completely abolish external control, but instead believed that a more relaxed and more benevolent form of external power would be offered under the direct control of the Crown.

Chapter 3

Securing Privilege:

The Debates and Election of 1764

After the Assembly adjourned on March 24, a political battle quickly swept the province leading up to the 1764 election on October 1. These six months contained numerous political pamphlets and debates, a religious war of words between Presbyterians and Quakers, and an abundance of slanderous personal attacks. The religious animosity caused by the Paxton Boys riot inspired numerous religious pamphlets that alternately argued whether Presbyterians or Quakers would make the best representatives for safeguarding the people's rights. The foremost issue in all these debates was securing the privileges and thereby the prosperity of the colony. Both those who opposed and those who supported the proposed change in government argued that their form (proprietary or royal) would best uphold Pennsylvania's liberties. Presbyterians sided with the proprietors, while Quakers supported their representatives in the Assembly. These arguments show that both the leaders of the Assembly and those who opposed them were most concerned about maintaining their privileges and security. Therefore, the character of the debates surrounding the 1764 election demonstrates that both the House and the electorate did not object to external control itself, but rather the nature of that control and whether it was best suited for maintaining the colony's rights.

Shortly after the House adjourned, Benjamin Franklin began a media blitz, publishing the resolves against proprietary government in *The Pennsylvania Gazette* and penning an accompanying pamphlet, *Explanatory Remarks on the Assembly's Resolves*. He also asked a friend in England, William Strahan, to publish the resolves in the *London Chronicle*. In this pamphlet, Franklin outlined his plan for convincing the Ministry to take the colony from the Penns. He based it on an agreement between William Penn and the Crown for the sale of the government. Although the sale never took place, the agreement was still in effect. The Ministry merely had to pay the money to the current proprietors, and the government could be transferred.[1]

Even in these early stages, Franklin wanted to establish the status of Pennsylvania's privileges in the event of a change to royal government. The opponents of the change would argue that by giving up proprietary government, the colony would be giving up their government's founding charter. This would leave the privileges established in that charter at the mercy of the Crown. Franklin did not believe this would happen, writing Jackson, "We confide in the Opinion you once gave on the Case stated, that our Privileges could not, on such a Change, be taken from us, but by Act of Parliament."[2] The charter privileges would be safe unless acted upon by Parliament. Since only the Crown would transact the sale, Parliament would not be involved, and therefore Pennsylvania's charter rights would be safe through the transaction.

These privileges were of the utmost importance to Pennsylvanians. The Assembly's debates with Penn and his governors usually centered on political privileges it claimed to have,

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[1] *The Pennsylvania Gazette*, 29 March 1764; Benjamin Franklin, *Explanatory Remarks on the Assembly's Resolves*, in *Franklin Papers*, 11:134; Benjamin Franklin to William Strahan, 30 March 1764, Benjamin Franklin to Richard Jackson, 29 March 1764, both in ibid., 11:149, 148. In addition, the Penns were supposed to give the Crown half the rents collected from the lower counties. They had never done this, so in Franklin's eyes the sale of the colony would cover this debt and the Ministry would owe the proprietors nothing at all.

[2] Benjamin Franklin to Richard Jackson, 31 March 1764, in *Franklin Papers*, 11:150.

such as the right to pass money bills without amendment. However, the colony also had a number of unique religious privileges that were very important to the populace, especially in light of the recent explosion of religious animosity after the Paxton Boys' march. Dissenters had more rights in Pennsylvania than they did in other colonies, some of which required religious oaths or completely barred dissenters from office altogether. Because of the religious freedom offered in the colony, Pennsylvania had become dominated by two dissenting religions—Quakers in the east and Presbyterians in the west. In the wake of the Paxton Boys' march, a pamphlet war began between these two religious groups. The grievances issued by the frontiersmen were full of malicious attacks against the Quakers, and the Society of Friends responded in kind. This religious conflict quickly spilled over in the political theater. As the majority of the back inhabitants were Presbyterians, they entered into a coalition with the proprietors' supporters to oppose the Quakers in power in the Assembly. Thus, the political debate and subsequent election took on an extremely religious quality, in the worst way possible. It quickly shaped up to be the Presbyterian/Proprietary Party against the Quaker/Assembly Party, with other dissenters and the established Church left in the middle as the swing voters.

One of the early anti-Quaker pamphlets was *The Quaker Unmask'd; or Plain Truth*, penned by David James Dove. The pamphlet not only defended the actions of the Paxton Boys, but also blamed the Quakers and the House for the entire situation that predicated their march. Dove highlighted that the Indians had perpetrated much worse actions against the frontiersmen than the frontiersman ever did in return, but the Quakers seemed unconcerned with the murders of the back inhabitants. The Friends had repeatedly refused to give financial aid to the frontier, in contrast to all the other religious, "even the Roman-Catholicks," who had given plenty.[3] The Quakers seemed to unconscionably love the Indians, going as far as concealing murderers in

[3] Dove, *The Quaker Unmask'd*, 5.

Philadelphia. They also loved to "plead conscience" when asked to take up arms and defend the frontier, but the moment their own lives threatened, "the Quaker [was] unmask'd, with his Gun upon his Shoulder…and thirsting for the Blood of those his Opponents."[4] Thus, Dove concluded that the Quakers could not be trusted and should not be allowed to represent the province in the Assembly.[5]

The opponents of royal government believed that it was not the proprietors who had been infringing on the rights of the people, but rather the Quakers that held power in the House. Shortly after the publication of the resolves, Hugh Williamson, a professor at the College in Philadelphia, published *The Plain Dealer: Or, A Few Remarks Upon Quaker-Politicks, And Their Attempts to Change the Government of Pennsylvania*. This attack against the Quakers focused more on the political issues. He asserted, "I have seen this very faction raise the hue and cry about liberty, while they were stealing the poor remains of liberty from the miserable inhabitants of the province."[6] The people of the western counties had been abused of their privileges by being deprived of proper representation in the legislature. Williamson declared that "this grievance is the foundation of all our trouble, and has its origin from Quakers."[7] In order to maintain their political preeminence, he claimed the Quakers had contrived to have the majority of the Assembly's representatives come from the eastern counties, where the Quaker population was highest.

Williamson's charges did not end there. He accused the Quakers of entering into a cabal with the Indians, and setting them loose on the frontier inhabitants. The House had done all it could to avoid passing supply bills because they did not care about the backcountry. Even when

[4] Ibid., 9-10.
[5] Ibid., 12-13.
[6] Williamson, *The Plain Dealer*, 3.
[7] Ibid., 4.

they were finally forced to pass supply bills, they diverted the money to other purposes and gave very little for the defense of the frontier. Williamson declared that the situation in the backcountry had become so terrible that "the poor sun-burned African comes to a more desirable slavery in this province than we; for his master is at least careful of his life; but ours diligently pursue such practices as bring us to destruction."[8]

The Plain Dealer went on to question the efficacy of a change in government. It pointed out that the King could not personally appoint all his officers; they had to be recommended to him. Thus, the only difference between proprietary and royal government was who gave the recommendation: the proprietor, who would best be served by a prosperous colony; or some nobleman who had no interest or perhaps even knowledge of the province. In addition, a change in government would carry with it a change in charter. The old privileges and laws would be replaced with new ones, and who could say whether they would be better or worse? Right now, they had a charter that granted them undeniable privileges that the proprietor could not abridge. England had already begun to place new taxes on the colonies, and a switch to royal government would only encourage them to also bring the established Church. This would create required tithes on top of those taxes. Why should Pennsylvania risk its current liberties in pursuit of a dubious new government?[9]

The real danger to the province came from the representatives in the House, Williamson asserted. The Assembly itself could address the lost liberties of the people by passing a supply bill to defend the frontier and by finally granting them proper representation in the Assembly. Then the privileges of the province would be restored, without going to such an extreme measure as changing the form of government. The Quakers in power would not do this, however, as it

[8] Ibid., 6-8. Quotation from ibid., 5.
[9] Ibid., 17-18, 14.

would mean the loss of their station. Williamson laments, "We are told that the change is easy, from Proprietary Slavery to Royal Liberty. It is a pity the change were not easy, from Quaker Slavery to British Liberty."[10] Early in the debate, the themes of liberty and privilege were coming to the fore.

In response to the religious and political attacks of Dove and Williamson, Isaac Hunt penned *A Looking Glass For Presbyterians*, which defended both the Quakers and the political party in power. The stated purpose of the piece was to help every citizen in the colony choose which religious persuasion would be the best "Guardian of his civil and religious Liberties."[11] Since the political parties were largely split between Quakers and Presbyterians, Hunt sought to examine the suitability of each religion to rule the government. Even though liberty of conscience should be respected, Hunt asserted that a man's religion was still important in determining whether to elect him to office, especially when he could use that office to impinge on the religious liberties of opposing confessions. Hunt naturally concluded that an impartial examination of the Quaker rule in the colony proved it to be virtuous and wise.[12]

Hunt averred that, on the other hand, Presbyterians were incredibly unsuited to be part of the government. They were rebellious and collaborated with Catholics. In light of the numerous rebellions Presbyterians had propagated against English kings, Hunt believed they should not be "intrusted with our lives, liberties, and properties."[13] In addition, the march of the Presbyterian Paxton Boys caused the present political dispute. Hunt pointed out that the Germans who lived on the frontier were equally distressed; nevertheless, it was not them but the Presbyterians who murdered the Indians and threatened the government. Further, Presbyterians would work hard to

[10] Ibid., 16.
[11] [Isaac Hunt], *A Looking-Glass For Presbyterians* (Philadelphia, 1764), 5.
[12] Ibid., 5.
[13] Ibid., 8.

ensure that all other religions in the province were diminished. The many murders of Quakers in New England proved this. Hunt warned, "Beware, my Countrymen, of men who wou'd cram Laws down your throats with muskets, daggers, tomahawks, and scalping-knives," referring to the Paxton Boys. Pennsylvanians enjoyed "extensive privileges both civil and religious."[14] They should not risk them by handing the government over to violent, rebellious, vengeful Presbyterians.[15] Hunt's pamphlet thus continued the focus on who would be the best defenders of Pennsylvania's liberty.

On April 12, Benjamin Franklin released a pamphlet of his own in an attempt to provide a reasoned defense of a change in government, appropriately titled *Cool Thoughts on the Present Situation of Public Affairs*. From the onset, Franklin focused on the point that proprietary government infringed on the privileges of the people. He asserted that it was not necessarily the proprietors themselves that were bad, but the form of government. As the principal landowners, they could not possibly be impartial judges. Further, the government had proved to be not only despotic, but also unable to provide for the colony's safety. Franklin believed the murders of the Conestoga Indians, and the subsequent riot that nearly marched its way into the capital, were proof enough of the instability proprietary government offered.[16]

As far as the objections raised concerning religious freedom, Franklin had no doubt that the "privileges of dissenters" would easily survive the switch to royal government.[17] He cited examples in the Carolinas and in New Jersey to show that changing from proprietary to royal

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[14] Both previous quotations from ibid., 12.

[15] Ibid., 6-12.

[16] Benjamin Franklin, *Cool Thoughts on the Present Situation of Public Affairs, In a Letter to Our Friend in the Country* (Philadelphia: W. Dunlap, 1764), 7-8.

[17] Ibid., 10. Franklin also attempted to calm down the religious furor that had swept the province, writing that "religion has happily nothing to do with our present Differences, tho' great Pains is taken to lug it into the Squabble." He pointed out that both Presbyterians and Quakers opposed the introduction of the established Church of England, and both supported liberty of conscience. Their goals should thus be the same—the maintenance of the colony's freedoms. See ibid., 9.

government not only preserved liberty of conscience, but actually increased dissenters' privileges. In Carolina, the proprietors had attempted to abridge religious rights, but the royal government passed laws to increase them. Similarly, Franklin pointed out that New Jersey's generous religious liberties for both Quakers and Presbyterians survived their own change to royal government.[18]

Finally, Franklin asserted that the only real change that would occur was who appointed the governor. Indeed, rather than a change in government, the Assembly's proposal was more just a "change in governor."[19] Instead of being appointed by a biased proprietor, the governor would be chosen by a benevolent King. In addition, this new governor would not have the power to curtail their rights, as he would have to assume the government in the same manner that it currently existed. All the privileges currently held by Pennsylvanians had been confirmed by the Crown. Therefore, only a parliamentary act could affect those liberties, and Franklin believed that "the united Justice of King, Lords, and Commons" would prevent them from ever passing such an act.[20]

Galloway also contributed a pamphlet to the cause, released almost simultaneously with Franklin's. Aptly titled *An Address to the Freeholders and Inhabitants of the Province of Pennsylvania, In Answer to a Paper Called the Plain Dealer*, Galloway's work provided a more direct answer to Williamson. Galloway asserted that the *Plain Dealer* was full of lies and its author showed a "total disregard for the Rights of the people." Conversely, he declared to the people that the current representatives were "firm Asserters of your Rights."[21] The accusation that they had done nothing for the defense of the province was preposterous. Not only did the

[18] Ibid., 13-16.
[19] Ibid., 20.
[20] Ibid., 19.
[21] Both previous quotations from Galloway, *An Address to the Freeholders,* 3.

members vote to raise £500,000, but they did so even after being repeatedly forced to give in to the iniquitous and unjust demands of the proprietors.[22] The majority of it was indeed used to supply the troops. However, Galloway asserted that because the proprietors wanted to leave the frontiers defenseless, the governor kept the colony's troops inside their forts rather than sending them on offensives against the Indians. The Penns wanted the backcountry in a state of distress so "that they might the more easily be brought to submit to the iniquitous and unjust Measures, which were to be pursued."[23] Thus, Galloway argued that the proprietors should be blamed for the defenseless state of the frontier, not the Assembly.[24]

Galloway also addressed the *Plain Dealer*'s assertion that their rights were already protected by their charter. Indeed, the charter did grant such privileges to the people, but they could not enjoy those privileges because the proprietors had usurped them. He argued that by giving strict instructions to their governor, the Penns had seized the totality of legislative power. As long as these instructions constrained the governor, Pennsylvanians would be "in a Condition not more eligible than the Slaves of France."[25] Combined with their ability to remove judges at their will and pleasure, the proprietors had taken control over every branch of government. Their despotic rule was destroying the colony's freedoms and prosperity. Galloway concluded by asking, "What Objection then can you have to a Governor commissioned by His Majesty, and independent of the Proprietaries, whose Views, partial Interests and Instructions, are incompatible with the Rights of the Crown and your Welfare?"[26] The message was again clear—

[22] Galloway further asked, if the money raised had been misspent, how could the Assembly be responsible for it when they were not allowed to handle its disposition? Due to proprietary instructions, its dispersal was determined by the governor and the provincial commissioners. See ibid., 5.

[23] Ibid., 6.

[24] Ibid., 3-7.

[25] Ibid., 8.

[26] Ibid., 12.

royal and not proprietary government would better protect the lives and privileges of Pennsylvanians.

The proprietary pamphleteers soon issued responses. On May 7, an unknown author using the pseudonym X.Y.Z. published *The Plain Dealer: Number II: Being a Tickler, For the Leisure Hour's Amusement of the Author of Cool Thoughts*. The pamphlet specifically addressed many of Franklin's points. For example, the author mocked Franklin's attempts to blame the riots on the form of government, sardonically writing, "For were we under the Government of the King, his very *Name*, without the Assistance of *Military Force*, would quell such *Rioters*, and make them shrink into Nothing."[27] He also objected to Franklin's negative portrayal of the proprietors, citing benevolent actions such as their £5,000 gift and Thomas Penn's offer to fund the construction of a fort in 1751 as evidence of their generosity and interest in the colony's well-being. It was the Assembly that should be blamed for the deleterious state of the frontier. In fact, the House refused to increase representation for the frontier counties because they would be more willing to compromise with the proprietors. X.Y.Z. accused the representatives of seeking a change in government for the sole purpose of "keep[ing] the Noses of the Paxtonians to the Grindstone."[28] Only by obtaining royal government would the Quakers be able to maintain their tyranny over the backcountry. If they were to be stopped, the author warned, all non-Quakers had to unite to prevent the end of proprietary government.[29]

Five days later, on May 12, Hugh Williamson published *The Plain Dealer Number III*. He began by reiterating the arguments of the first Plain Dealer—that the Quaker faction held responsibility for the miseries of the colony, and that the attempts to change the government

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[27] X. Y. Z., *The Plain Dealer: Numb. II: Being a Tickler, For the Leisure Hour's Amusement of the Author of Cool Thoughts* (Philadelphia, 1764), 9.
[28] Ibid., 16.
[29] Ibid., 9-11, 15-16.

were designed to maintain the Quakers' power and prevent the frontiersmen from gaining their rights. In addition, he charged the members of the House of using shady tactics to the petition signed.[30] He then addressed specific issues raised by *Cool Thoughts* and *An Address to the Freeholders*.

Williamson charged the Assembly with bribing the governor in order to pass laws that were harmful to the colony but would increase the representatives' own personal wealth. Like X.Y.Z., Williamson listed many benevolent proprietary actions, including the £5,000 gift and his decision to exempt from quitrents any landowner who had been attacked by Indians. The proprietors were self-interested, as all men were, but they had also considered the interests of the colony. Williamson also addressed the controversy over the sixth amendment. In the past, Thomas Penn had acquiesced to the province's desire to pay quitrents in colonial money. To compensate him for the loss, the Assembly granted him £1,200 and an annual payment of £130 through the year 1749. In doing so, the proprietor gave up £4,000 that was rightly due him. Now, Williamson contended, the Assembly not only wished to continue the practice of paying quitrents in Pennsylvanian paper money, but also wanted Penn to absorb the whole cost on his own.[31]

Franklin and Galloway also had other details wrong, Williamson insisted. The government of Carolina was changed because of "a natural Infirmity in…their Charter," not

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[30] Williamson wrote, "Taverns were engag'd, many of the poorer and more dependant kind of labouring people in town were invited thither by night, the fear of being turn'd out of business and the eloquence of a punch bowl prevailed on many to sign a petition." See [Hugh Williamson], *The Plain Dealer: Or, Remarks on Quaker Politicks in Pennsylvania, Numb. III* (Philadelphia, 1764), 4.

[31] Ibid., 5-8. The pamphlet also countered several of Franklin and Galloway's other points. Williamson conceded that some of the money raised had not been in the disposition of the Assembly, but £200,000 of it was (from the 1759 and 1760 supply bills). In addition, he accuses Franklin of overestimating the Penns' wealth in order to turn the colonists against them. The amount of money collected from quitrents in the lower counties was nowhere near Franklin's estimate, and therefore his scheme for applying the proprietors' imaginary debt toward the price of buying the province would not work. See ibid., 16-18.

because of the natural weakness of proprietary government.[32] The allowance of religious privileges in other colonies had been borne out of necessity. Dissenters were allowed to fill offices in New Jersey only because not enough other people existed to fill them. Similarly in Massachusetts, tests were not imposed because dissenters composed the majority of the colony. If royal government came to Pennsylvania, it would only be a matter of time before those who belonged to the established Church rose to power and began infringing on the rights of dissenters.[33] Again, Williamson emphasized that the Quakers and their proposal for royal government would do inestimable damage to the rights and liberties of the people.[34]

On May 14, two days after Williamson's latest pamphlet was published, the House reassembled. The gathering members were a bit nervous, as there had been reports that another mob was gathering to march down from the backcountry. Fortunately, the threat never materialized.[35] The resumption of business was delayed a few days as Speaker Norris's health prevented his attending, but after several entreaties Norris finally made it down to the Assembly. On May 17, the governor sent a message in response to the House's last letter in March. He still insisted that his interpretation of the Privy Council's interpretation was the correct one (it would still be several months before his uncle's correction reached him) and that the House "had explained away the meaning of them, by a Clause directly contrary to the plain Import of the Terms made use of by the King in Council."[36] As to the charges of the injustice of such a stipulation, the governor refused to offer any arguments in support of his interpretation. He said only that the words were plain enough and that he was "indispensably bound" not to vary from

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[32] Ibid., 18.
[33] Ibid.
[34] Williamson claimed that it was the Quaker-led Assembly that had "deprived us of our charter privileges, and then delivered us up to destruction." See ibid., 23.
[35] Benjamin Franklin to Richard Jackson, 1 May 1764, in *Franklin Papers*, 11:185.
[36] *Votes*, 5:341.

the ruling of such an august body.[37] On May 18, the House once more sent up the £55,000 supply bill with the same wording as before, and again Penn refused his assent. They had tried one last time to resolve the dispute. With the governor still stubbornly refusing to recant his inaccurate interpretation, the business turned back to the petition for royal government.[38]

Several different petitions had been crafted by various groups and circulated around the province. They all focused on the injustice of the proprietors that abridged the people's rights. The petition of the freeholders and inhabitants of Pennsylvania declared that the many disputes with the Penns along with their propensity to rule in their own selfish interest had rendered proprietary government untenable. The petitioners were "desirous of enjoying the Privileges granted them by your Majesty's Predecessors" and could no longer do so under the proprietors. Therefore, they requested that the Crown "take the Government of this Province likewise into your own Royal Hands, making the Proprietaries such equitable Compensation for the same." The petition took care to mention the privileges had been granted to them by the Crown, and not by the proprietors. They also wanted the Crown to take the province "likewise" into his hands. In other words, they wanted the Crown to preserve the privileges the colony already had. The petition crafted by the Quakers similarly stated that they wished the King would take over the colony in order to provide "for the Continuance and Confirmation, to us and our Posterity, of [our] inestimable Religious and Civil Liberties and Privileges."[39] Securing privilege was the dominant theme not only in the political pamphlets, but also in the petitions themselves.[40]

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[37] *Votes*, 5:342.
[38] *Votes*, 5:343.
[39] All quotations in this paragraph from *Votes*, 5:344.
[40] Meanwhile, in order to comply with the royal request for troops, the House gave in to the governor's demands and inserted the Privy Council's amendments into the bill word-for-word. The members complied because they did not want the House to appear unwilling to aid royal endeavors while at the same time applying to the Crown for a change in government. The House's bill still did not please John Penn, however, as he insisted that the same bill apply those stipulations to the 1759 and 1760 land tax laws. Each time the Assembly gave in, the governor insisted on taking a little more. See *Votes*, 5:346.

On May 23, the Assembly overwhelmingly approved the appointment of a committee to draw up a petition to the king for a change in government. The victory Franklin and Galloway had worked so long for finally seemed to be at hand. The next day, however, a new foe appeared. After staying home on the 23rd with a fever, a still ailing John Dickinson returned to the Assembly on May 24, and he came prepared for a debate.

Rising before the House on the afternoon of the 24th, Dickinson carefully began: "No man, Sir, can be more clearly convinced than I am of the inconveniences arising from a strict adherence to proprietary instructions… [and] if the change of government now meditated, can take place, with all our privileges preserved, let it instantly take place." However, "if they must be consumed in the blaze of royal authority," he felt the risks were too great and the potential advantage too small.[41] The grievances against the Penns were not large enough to risk the colony's precious liberties. Further, even if a switch to royal government was proper, the Assembly's approach had many problems.

First, the timing for the petition was terrible. The colony currently "labor[ed] under the disadvantage of royal and ministerial displeasure."[42] Pennsylvania's conduct in the French and Indian War had caused the British to view them very negatively. They believed Pennsylvania had shown disrespect for the Crown's orders and allowed the colony to be ravaged by England's enemies by not passing good militia and supply bills. In addition, the refusal of the Assembly to insert the wording stipulated by the Privy Council into the taxation bill would hardly endear the House to the ministers. The proprietors were also in good stead with the Ministry and had many friends among them. Therefore, although the facts may be in favor of the Assembly, the representations of the facts that the Ministry heard would be unfavorable. If they waited,

[41] Dickinson, "A Speech on a Petition for a Change of Government," in Ford, ed., *The Writings of John Dickinson* , 22-23.

[42] Ibid., 24.

Dickinson believed, these prejudices against the Assembly could subside and offer a better opportunity for success at a later date.[43]

Pennsylvania held many privileges denied to other colonies, the foremost being "a perfect religious freedom" with government offices not requiring religious oaths or tests.[44] Like many others, Dickinson feared that with royal government might come the established Church of England and more restrictions for dissenters. The province also had a unicameral legislature that was not restrained by an upper house like Parliament had with the House of Lords. They had power over their own adjournment and a short term in office that ensured the Assembly would always represent the will of the people. Finally, they had greater control over the appointment of tax commissioners, and the colony elected officials like sheriffs that were appointed in other colonies. Dickinson asserted that many of these privileges were contrary to the laws of the English constitution and to the royal prerogative, and therefore stood no change of being upheld through a change in government.[45]

Dickinson thus reiterated Williamson's arguments that if they abolished the proprietary charter granted to the Penns, the colony's privileges would be abolished with it. He did not see how the House could request a change to royal government and at the same time insist on maintaining their unique privileges. By asking for royal government only if their privileges were preserved, they were essentially asking for a favor from the Ministry, yet not trusting them enough to protect their rights.[46]

In addition, it was folly to think that all the proprietary poisons the House complained of could be solved by applying the antidote of royal government. Other royal colonies had just as

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[43] Ibid., 24-26.
[44] Ibid., 34.
[45] Ibid., 34-39.
[46] Ibid., 29.

many problems with their government. Virginia, for example, was being forced to bend to an instruction on paper money that they deemed disadvantageous to their prosperity. With remarkable foresight, Dickinson also highlighted the fact that the Ministry was currently trying to gain more complete control of the colonies, and this petition was playing right into their hands. The Sugar Act had recently been imposed and rumors abounded of stamp duties on the horizon. By giving England a pretext, they were only making it easier for the Ministry to exact greater control.[47]

Dickinson concluded that it was not certain that the colony would lose their privileges with a change in government, but there was also no guarantee they would keep them. If the House wished to continue the enterprise, it should wait for some sign that the Ministry would preserve the colony's rights. Dickinson did not believe such a sign would be forthcoming. Therefore, a better course would be to simply petition the Crown to rule in their favor on the matter of proprietary taxation. A victory would provide the removal of their complaint and remove the need for a change in government. A ruling against them would show that the hoped-for victory that would be brought about by a change would not happen. They should not risk their privileges in order to "remedy the present partial disorder."[48] Other methods of recourse were available and the proposed change would expose them to even greater abuses than those they currently opposed.[49]

Dickinson's well-reasoned opposition would prove to be the biggest impediment to Franklin and Galloway's schemes. It made very little impact in the House, but once published, his speech would prove influential in swaying voters. It was especially troublesome as he was

[47] Ibid., 31-33, 46-47. Dickinson also pointed out that representing the colony as beset by numerous, uncontrollable riots might occasion the Crown to send more royal troops to occupy the colony, further decreasing their liberty.

[48] Ibid., 48.

[49] Ibid., 41-47.

not deeply connected to the proprietors, nor was he a Presbyterian. In fact, Dickinson had usually sided with the Quaker/Assembly Party in the past. He never officially joined the Society of Friends, but he embodied many Quaker principles and identified with them. His decision to side with the Presbyterian/Proprietary Party on the issue of a change in government therefore seemed entirely on the basis of principle, giving further credence to that party's arguments. Indeed, although Dickinson supported the opposition party on this issue, he was never fully a part of that sect. In addition to his published dislike of the current government, a mutual grudge with Benjamin Chew also prevented him from being brought fully into the proprietary fold. He gave his allegiance to what he perceived to be the best safeguard to the colony's privileges and especially its religious liberty.[50]

Nevertheless, the Assembly was very little moved by Dickinson's sentiments. Neither did the opposition of Isaac Norris sway them. On May 26, Norris resigned the speakership, citing health concerns. However, because of his protest against the change in government several days before, it was widely assumed that he resigned because he opposed the actions of Franklin's faction.[51] After Norris's resignation, the House chose Franklin to be the new Speaker. A day later, on May 27, the Assembly resolved "by a great majority" to transmit the petitions for royal government to the Crown.[52] Many in the House wanted to send Franklin over with the petitions personally, as they feared Jackson would not be as zealous a defender of their privileges as a Pennsylvanian would be. Franklin convinced them that Jackson could be trusted, and so for the time being the petition would be sent to him. Dickinson, uncooperative to the last, requested

[50] For more on Dickinson's religion, see Jane E. Calvert, *Quaker Constitutionalism and the Political Thought of John Dickinson* (New York: Cambridge University Press, 2009), 189-91. For grudge with Chew, see John Penn to Thomas Penn, 22 November 1764, in Penn Papers, reel 9. For early signs of Dickinson's change in allegiance, see also William Peters to Thomas Penn, 5 May 1764, in ibid.

[51] *Votes*, 5:347; William Peters to Thomas Penn, 4 June 1764, in Penn Papers, reel 9. Norris, after being reelected later in 1764, again resigned office after it was clear the petition would be sent. Therefore, it seems clear that his opposition to the change played a large role in his decision to step down.

[52] *Votes*, 5:348.

permission to record a protest on the official minutes but was defeated by a 24-3 vote. Only Isaac Saunders of Lancaster County and John Montgomery of Cumberland County voted with him. The protest was essentially a shortened version of Dickinson's speech and was later printed in *The Pennsylvania Gazette*.[53]

To cover all their bases, the House took great care to lay out that their Agent should not pursue a change to royal government if he thought the colony would not keep its privileges through such a change They included this very specific verbiage in their instructions to Jackson:

> The House desire this Application may be proceeded in with the utmost Caution for securing to the Inhabitants, under a Royal Government, all those Privileges, Civil and Religious, which, by their Charters and Laws, they have a Right to enjoy under the present Constitution; and acquaint him withal, that if, upon the most careful Enquiry, and mature Deliberation and Advice, he should see Cause to apprehend that, in the Change proposed, there is Danger of our losing those inestimable Privileges, he is, in that Case, positively directed and enjoined to suspend the presenting the said Petitions.[54]

This business taken care of, the House adjourned until September. Nevertheless, the political war continued in the papers and in pamphlets. Dickinson published his speech in late June, which included a preface by William Smith. Smith's work contained a more personal attack against the Assembly and the way it obtained signatures for the petition.[55] He accused the representatives of using devious methods to induce "rash, ignorant, and inconsiderate people" to

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[53] Benjamin Franklin to Richard Jackson, 1 June 1764, in *Franklin Papers*, 11:214; *Votes*, 5:349. Allen, who likely would have led further resistance, was in England at this time. See also John Dickinson, "A Protest Against a Resolution of the Assembly of Pennsylvania for Petitioning the King to Change the Colony of Pennsylvania From a Proprietary to a Royal Government," in Ford, ed., 53-59. The protest boiled his argument down to six main points: (1) Something as drastic as a change in government should require "almost universal Consent"; (2) Letters from the Secretary of State indicated that the Crown currently viewed Pennsylvania very negatively, and therefore would not likely respond favorably to such a petition; (3) The colony would be in danger of losing its unique privileges and religious liberties; (4) The petition represents the colony as being in a riotous state, which is far from the truth and could occasion the Crown sending armed troops to enforce peace; (5) Not enough time has been taken to fully consider the possible consequences; (6) Before sending the petition, the opinion of the Crown should already be known.

[54] *Votes*, 5:349.

[55] *The Pennsylvania Gazette*, 28 June 1764, advertised the speech would be available for purchase the next day.

sign the petition.[56] Conversely, the intelligent majority refused to sign the document and "barter away that glorious plan of public liberty and charter privileges" that formed the basis of Pennsylvania's current government.[57] The focus of Smith's preface, like Dickinson's speech, was on maintaining the colony's rights and liberties.

Galloway soon after began working on a counter-pamphlet. Galloway finally published what he called his 'speech' in early August. This was supposedly the answer he had given in the Assembly to Dickinson's speech in May. How much it resembled what he actually spoke that day is unclear. Dickinson insisted that Galloway had not spoken a word of it at the Assembly, referring to it as a "pretended speech." Several Assemblymen attested that Galloway spoke the "substance" of the published speech even if it was not a word-for-word reproduction.[58] Although the published version may not have been very similar to Galloway's actual speech in the House, it became a very important pamphlet that outlined the Assembly Party's position.

Just as Dickinson's speech included a preface by Smith, Galloway's included a preface by Franklin. Franklin reiterated most of the arguments made in *Cool Thoughts*, but also defended the recent actions of his party. He asserted that the manner of collecting signatures was irrelevant, as the number of signees was not being used as the basis for sending the petition. Each representative has been satisfied by his investigation that his own constituents supported the move. In addition, they refused Dickinson's petition because there was no precedent for it. It was

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[56] Smith, Preface to Dickinson's Speech, in Ford, ed., 12.

[57] Ibid.

[58] When Dickinson cited Galloway's speech in his reply, he referred to it as "pretended speech." John Penn also was adamant in a letter to his uncle that it "was never spoke." In response to these accusations, Galloway had a broadside published, signed by many members of the House, that confirmed he spoke the "substance" of the published speech. Dickinson asserted in a broadside of his own that 'substance' was a very loose term indeed, and it showed that "even *these* Members do not pretend to say, that Mr. Galloway ever spoke in the House, one Page or even one Sentence, as I said, of his pretended speech." See John Dickinson, "A Reply to the Speech of Joseph Galloway," in Ford, ed., 82n; John Penn to Thomas Penn, 22 September 1764, in Penn Papers, reel 9; Joseph Galloway, *To the Public, Philadelphia, September 29, 1764*. Broadside (Philadelphia, 1764); John Dickinson, *Last Tuesday morning Mr. Galloway carried a writing containing some reflections on me*, September 29 Broadside (Philadelphia: Printed by William Bradford, 1764), from Library of Congress, *An American Time Capsule: Three Centuries of Broadsides and Other Printed Ephemera*.

common practice in the House of Lords, but not the House of Commons. Again, the House saw itself as the American equivalent of the Commons.[59]

Galloway emphasized at the beginning that the rights Dickinson was so worried about losing had already been taken away by the proprietors. Privileges such as not having an upper house and having power over their adjournment meant nothing because they were restricted by proprietary instructions. The representatives had tried every other approach, "essayed every domestic Expedient to restore the lost Liberties of their Colony, [and] found nothing would save her, but a Revolution."[60] The House was not risking Pennsylvania's liberties by appealing for a change in government; it was trying to get them back.[61]

Galloway took issue with several other parts of the speech. Contrary to Dickinson, he believed this was the perfect time for a petition, as two of the Penns' friends on the Privy Council had recently died. He claimed that "misrepresentations" by the proprietors in England had caused the Board of Trade to deny their previous requests, but the "prudence" and "justice" of the present ministry would prevent any attempt to curtail their liberty once the proprietors were out of the way.[62] Galloway also charged Dickinson with misrepresenting the purpose of the petition. It was not about a mere few hundred pounds of taxes, but about the proprietors stripping the legislature of its power, "our first and most essential Privilege," through arbitrary instructions, the appointment of judges at their pleasure, their refusal to pass an equitable militia law, creating large numbers of taverns to collect the permit fees, and many other unjust actions.[63]

Further, Galloway failed to see how the petition could be construed as a surrender of their privileges, when the reason cited for the petition was the abridgement of those privileges. These

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[59] Franklin, Preface to *The Speech of Joseph Galloway*, xviii-xx, xxxiv-xxxv.
[60] Galloway, *The Speech of Joseph Galloway*, 4-5.
[61] Ibid., 2-5, 30.
[62] Ibid., 5.
[63] Ibid., 19-20.

rights were not bound to the charter, but existed independently of them. The Crown approved of the privileges in the original charter; therefore, they had no reason to reverse their former decision. Furthermore, if these powers wished to curb their rights, they could do so even without the switch to royal government, because they were already supreme to the proprietors.[64] Royal government was not perfect, Galloway conceded, but "its limits…[were] known and confined; and rare it is, that any attempts are made to extend them."[65] Proprietary government, conversely, seemed to have no limit to its level of oppression.

As was the nature of this scurrilous campaign, Galloway also included numerous personal attacks. For instance, he mocked Dickinson's "protestations of sincerity" and charged him with having "mischievous Passions, so frequently destructive of Public Liberty."[66] He also called William Smith a "common Enemy to the Liberties of America."[67] Smith was used to such attacks, but they enraged Dickinson to the point that he challenged Galloway to a duel. The latter declined, but their feud was just beginning.[68]

To fully vent his anger, Dickinson penned a reply to Galloway's "pretended speech," which he published on September 4. He hurled insults from the beginning, referring to Galloway's "shattered style and abusive language" and facetiously "resign[ing to him] the undisputed glory of excelling in his favorite arts—of writing confusedly and railing insolently."[69] Dickinson never failed to take advantage of an opportunity to slight his opponent, from whom he had to "defend myself from those darts, which with unfriendly hands he has aim'd at my heart."[70] At various points Dickinson called Galloway a "magnanimous bug," proclaimed his "utter

[64] Ibid., 21-22.
[65] Ibid., 41.
[66] Ibid., 3.
[67] Ibid., 32.
[68] Ford, ed., *Writings of John Dickinson*, 71.
[69] Dickinson, "A Reply to the Speech of Joseph Galloway," in ibid., 77.
[70] Ibid., 78.

ignorance of the English language," and accused him of being "addicted to the occult sciences."[71] Dickinson concluded that Galloway's writing was so confusing that it "may cause persons of weak sight sometimes to mistake a lamb for a lion, or Mr. Galloway for a gentleman."[72]

When he was not slandering Galloway, Dickinson once again focused on privileges. He pointed out the two principal things they wished for by the change in government—the point on the Penns' taxation that the dispute began with and "that our privileges should be perfectly secured."[73] Dickinson believed that neither of these would be obtained. Galloway's argument that the Crown would change its rulings in this case was full of suppositions. He assumed that the Ministry ruled against the Assembly in the past because of "proprietary misrepresentations" and that the death of two of the Penns' supporters in the Ministry would change its outlook.[74] If these suppositions were the best reasons to risk the colony's privileges, the petition for royal government was too dangerous. The Crown had granted Pennsylvania its privileges in a time when the New World was sparsely populated and the Ministry wanted to encourage its settlement. They would not have been granted such rights had they been given their charter now. The Crown would therefore not hesitate to use the opportunity to strip the colony of liberties it no longer wished America to have.[75] Dickinson also questioned Galloway's assertion that Parliament would protect their rights. Why would they object to placing Pennsylvania on the same level as all the other American colonies?[76] In the end, the Ministry and Parliament simply could not be trusted with the preservation of their privileges.

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[71] Ibid., 92, 121-22, 124.
[72] Ibid., 125.
[73] Ibid., 79.
[74] Ibid., 81.
[75] Ibid., 82-83.
[76] Ibid., 101-03.

The publication infuriated Galloway. One day in September, he caught up to Dickinson just as they were leaving the Assembly. He immediately demanded to know if Dickinson had authored the latest pamphlet (Dickinson had published it anonymously). Upon Dickinson's answer of, "Yes, sir," Galloway struck out with his cane and the two came to blows. The two men were quickly separated by their colleagues, but their mutual hatred would resonate through Pennsylvania politics for many years.[77]

Meanwhile, other pamphleteers continued their writings. On August 1, Isaac Hunt published *A Letter From a Gentleman in Transilvania*, an allegory that framed Pennsylvania as a kingdom in Central Europe. He compared the authority of the Penns to that of a domineering prince, abridging the rights of all that had moved to the kingdom in pursuit of freedom. The pamphlet also continued the religious hatred, calling the rioters and friends of the prince "Piss-brute-tarians," and blaming them for all the trouble in the province.[78]

In addition, an anonymous author published *The Scribler*, largely a defense of the Assembly and its members' characters. It began by declaring that "the Proprietors have been for many Years past wresting from the People their Charter-Rights and Privileges."[79] The Assembly tried to reason with the proprietor and wait for him to cease issuing strict instructions, but its patience had run out. Now, to prevent the representatives from pursuing the noble cause of a change in government, the proprietor's partisans had lied about the current members of the

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[77] David Hall to William Strahan, 12 June 1767, in David Hall Papers, *American Philosophical Society*. In a pamphlet two years later after Dickinson lost a re-election bid, Isaac Hunt made an amusing reference to the incident: "So Galloway was humm'd with a wild-Goose's Chase/But alas! when grown well, he with Stick or with Cane,/Broke the Head of poor pitiful, luckless John Vain." See [Isaac Hunt], *The Birth, Parentage, and Education, of Praise-God Barebone, To Which is Added, An Election Ballad, Or the Lamentation of Miss ******** (Philadelphia: Jack Northwester, 1766), 16.

[78] [Isaac Hunt], *A Letter From a Gentleman in Transilvania* (New York, 1764), 2-10.

[79] [Anonymous], *The Scribler, Being a Letter From a Gentleman in Town to His Friend in the Country, Concerning the Present State of Public Affairs; with a Lapidary Character* (Philadelphia, 1764), 2.

House and held themselves up as "Champions of Liberty."[80] To any thinking man, this designation was preposterous.[81]

Hugh Williamson also came back for more adventures in scurrility with *What is Sauce for a Goose Is Also Sauce for a Gander*, an epitaph of Benjamin Franklin. Williamson declared that Franklin received his title of philosopher only through begging for and buying degrees. He further accused Franklin of "aiming to overturn the best of Governments, and dispossess the People of their Charter Rights, and inestimable privileges."[82] Even in a personal attack, the focus on privilege remained.

This was countered by the anonymously-authored *Observations on a Late Epitaph*, published on September 3. The author began by blaming Presbyterians for the danger to the colony's privileges that had seemed so secure only fifteen years earlier. The pamphlet then focused on the libel of Franklin, declaring the many attacks against him to be "absolutely false."[83] In addition, the author addressed the scurrilous nature of the entire campaign, lamentably conceding that both parties had employed libelers. The author hoped that in the future, authors would focus more on the issues and use more righteous and uplifting language,

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[80] Ibid., 6.

[81] The author also went to great lengths to defend Franklin's character, writing that "while a F———n continues to support the Rights of his Constituents, it will be impossible for servile Minions to destroy his popular and good Name." Those who slandered him were simply jealous of his successes. In an effort to defame Franklin among the Germans, the proprietary party had dug up a piece about the German immigrants that he published nine years earlier in the *Gentleman's Magazine*. Franklin had written of the large number of "Palatine boors herding together." In their translation to the Germans, his enemies explained that this meant he was calling them "a Herd of Hogs." Extremely suspect translation aside, *The Scribler* points out that such attacks were extreme hypocrisy, as William Smith, "a stranger to Godliness and devoid of Piety," had been much harsher to the Germans than Franklin ever came close to. On the contrary, Franklin and his "Friends of Liberty" had worked hard to preserve the rights of German and Englishman alike. See ibid., 7-8, 12, 24, 18; Benjamin Franklin to Richard Jackson, 11 October 1764, in *Franklin Papers*, 11:397.

[82] [Hugh Williamson], *What is Sauce for a Goose Is Also Sauce for a Gander. Being a Small Touch in the Lapidary Way OR Tit for Tat, in Your Own Way* (Philadelphia, 1764), 5.

[83] *Observations of a Late Epitaph, In a Letter from a Gentleman in the County, To His Friend in Philadelphia* (Philadelphia: Anthony Armbruster, 1764), 5.

rather than being slayers of character, "the most cowardly of all murderers."[84] This of course was a vain hope in that heated political climate.

As the October 1 election neared, the question of privileges continued to be at the forefront of everyone's minds. Merchantman Samuel Meredith wrote to his cousin that he was very apprehensive about the plans for a change in government. He believed that the Crown would welcome the petition, as they despised proprietors that limited the direct control they could apply. He feared that if the change occurred, they would "be deprived of those darling Priviledges we at present enjoy."[85]

When the petition reached Richard Jackson, he voiced his qualms about the potential change. He told Franklin that the present ministry would likely guard Pennsylvania's rights, but he could not guarantee that a future ministry or future king would not strip them. Following the Assembly's admonition to safeguard the colony's current liberties, he would not present the petition at that time. While he believed the House was in the right, Jackson thought it would be best for the colony to remain in proprietary hands.[86]

When election day finally arrived, both sides handed out a slew of pamphlets to the voters, some addressing the change in government and others personal attacks on Dickinson, Galloway, Franklin, or others. Franklin and his party had lined up a list of candidates called the Old Ticket, while the Presbyterian Party's candidates were known as the New Ticket. Each side released a broadside, a final volley in the election battle.[87]

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[84] Ibid., 7-8.

[85] Samuel Meredith, "American Politics Discussed in Commercial Letters, 1764-1766," *The Pennsylvania Magazine of History and Biography* 17:2 (1893): 211-12.

[86] Richard Jackson to Benjamin Franklin, 11 August 1764, in *Franklin Papers*, 11:311. William Allen, aware of Jackson's opinion, assured Penn that because of these instructions, the petition would likely not be presented. See William Allen to Thomas Penn, 25 September 1764, in Penn Papers, reel 9.

[87] William B. Reed, ed. *Life and Correspondence of Joseph Reed*, 2 vols. (Philadelphia: Lindsay and Blakiston, 1847), 1:37.

The Old Ticket broadside immediately laid out that the people had to choose who would best defend their rights and privileges. It implored the voters to choose "those honest and firm Freemen who have faithfully served you a great Number of Years."[88] Continuing the focus on rights, the broadside listed several privileges that the New Ticket would supposedly take from the people, including the right of pacifists to avoid military service and the ability to vote by ballot. The New Ticket would also increase the level of representation in the frontier counties, even though they pay only about 5 percent of the taxes as the larger eastern counties. This was important to those in the eastern counties, especially Quakers, who wanted to keep the back country from taking their political power. They were concerned not only with maintaining the unique liberties of Pennsylvania, but also in keeping the privilege of political power in the East.[89] The New Ticket broadside declared that the House's attempt "to deliver up your Charter Rights" disqualified them from service. It also charged Franklin with using the petition for royal government as a scheme to become the next governor. Both broadsides asserted that only their ticket would preserve the colonists' privileges.[90]

The election on the first of October turned out to be one of the closest in the colony's history. In Philadelphia County, the top eight vote-earners were elected each year. This year Galloway polled tenth (with 1,918 votes) and Franklin thirteenth (1,906 votes), barely falling short of the eighth place John Hughes who received 1,925 votes. Rowland Evans and Plunkett

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[88] *To the Freeholders and other Electors for the City and County of Philadelphia, and Counties of Chester and Bucks [Old Ticket Broadside]* (Philadelphia, 1764), 1. The importance of the German vote also showed here. In an effort to appeal to the German electorate, the broadside pointed out that Smith, a key proprietary defender, had proposed reducing the rights of Germans in his *Brief State* and *Brief View* pamphlets.

[89] Ibid., 1-2. The importance of the German vote also showed here. In an effort to appeal to the German electorate, the broadside pointed out that Smith, a key proprietary defender, had proposed reducing the rights of Germans in his *Brief State* and *Brief View* pamphlets.

[90] *To the Freeholders and Electors of the City and County of Philadelphia [New Ticket Broadside]* (Philadelphia, 1764), 1-2.

Fleeson, two other supporters of Franklin, were also voted out.[91] The Lutheran, Calvinist, and German vote made the principal difference. Over 1,000 Germans voted against the Old Ticket. The New Ticket also carried about half the Church of England and all the Presbyterians.[92]

The Proprietary Party was less successful in the other parts of the colony, as the Old Ticket retained all sixteen of its seats in Bucks and Chester counties. Only in small Northampton and Lancaster did the New Ticket have any real success outside Philadelphia, and these counties were already tilted in favor of the Presbyterian Party. Thus, despite its leaders being ousted, the Quaker Party maintained power in the Assembly and the plan for a change in government pushed onward.[93]

The prevalence of the topic in 1764's political discourse shows that the question of securing the colony's privileges was the central point of contention over the plan to pursue a change in government. Those in favor believed royal government would best protect their rights, which had been heavily curtailed by a distant and self-interested proprietor. Those opposed to the change feared that royal government would bring further destruction to their liberty. In addition, many on the frontier believed that the House was the instrument of oppression, by denying privileges to western colonists. Both sides were certainly concerned about maintaining their own power, but the debate had a higher purpose. It was about principle, liberty, and the privileges Pennsylvanians felt entitled to.

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[91] Election Results in Philadelphia County, 1764, in *Franklin Papers*, 11:390; *Votes*, 5:373.

[92] William Allen to Thomas Penn, 21 October 1764, in Penn Papers, reel 9; Benjamin Franklin to Richard Jackson, 11 October 1764, in *Franklin Papers*, 11:397.

[93] John Penn to Thomas Penn, 19 October 1764, William Allen to Thomas Penn, 21 October 1764, Benjamin Chew to Thomas Penn, 5 November 1764, all in Penn Papers, reel 9; Benjamin Franklin to Richard Jackson, 11 October 1764, in *Franklin Papers*, 11:397.

Chapter 4

The Greater Threat: Proprietors or Parliament?

After the election in October 1764, the Proprietary Party celebrated the ousting of Joseph Galloway and Benjamin Franklin from the Assembly, but they quickly realized that their success would ultimately be inconsequential. The two Quaker Party leaders still maintained control of the Assembly, as their partisans retained a significant majority. The petition went forward, and the House sent Franklin to England to present it. However, his mission was hijacked by the passing of the Stamp Act and the colonial protests to parliamentary taxation. As Parliament continued to impinge on the colonies' liberties, Franklin began to doubt the efficacy of the change in government. When the Ministry rebuffed the petition in 1768, Franklin gave up on the change, effectively ending any chance it had to take place. The movement ultimately failed because of the English government's lack of benevolence and lack of interest. The Crown's efforts to control the colonies with parliamentary acts made Pennsylvanians realize that royal government would create an even more tyrannical form of external control than they had under the proprietors.

When the Assembly returned after the election, it reelected Isaac Norris to the speaker's chair. One of the first orders of business was not related to the petition, the first step toward what

would become the new dominant issue in the colony's politics. On October 18, a letter from the Rhode Island General Assembly arrived, suggesting a collaboration of the colonies to present a remonstrance to the king against the stamp duties that were to be imposed on America and to defend their collective liberties. The Assembly then ordered the creation of a committee to draw up instructions for their agent about the colony's trade and the deleterious effects England's mercantilist restrictions were having on their prosperity. The House saw these barriers to free trade combined with the proposed internal taxation as "Dangers…to our Rights as Englishmen."[1] Before, the proprietors had been the only source of danger to their liberty; now it seemed Parliament was beginning to pose a similar threat.

On October 20, Speaker Norris rose before the House and told the members that he did not want to completely dismiss the petitions for royal government, but he believed it necessary to give Jackson an order not to present them until he received specific instructions from the House to do so. This led to three votes in the Assembly. The first asked whether the petitions should be recalled. The House resolved this in the negative by a vote of 22-10. The second vote was on Norris's suggestion, whether to send instructions to Jackson not to present the petition unless he received additional orders to do so. This was also resolved in the negative, 20-12. The last vote was whether to send an instruction to Jackson, "that this House desire the Application for a Change in Government may be proceeded in with the utmost Caution, for securing to the Inhabitants, under a Royal Government, all those privileges, civil and religious, which by their Charters and Laws they have a Right to enjoy under the present Constitution."[2] If there was a danger of losing those privileges, he should suspend all pursuit of the change. The Assembly resolved this in the affirmative by a vote of 20-12 that was split along the same lines as the

[1] *Votes*, 5:373, 376.
[2] Ibid., 5:380.

second vote. Those in favor of a change remained in control, and the principal issue was still the preservation of privileges.[3]

Events continued to go in the Quaker Party's favor. On October 22, Norris sent a letter to the House asking to be replaced as Speaker. He again cited health concerns, but he more likely resigned because he did not like the direction of the House. Joseph Fox was unanimously voted to be the new Speaker. Then, on October 26, a vote passed to appoint Franklin as an agent to London, by a tally of 19-11.[4]

Franklin's opponents worked hard to prevent his appointment. After they failed to win the vote in the Assembly, John Dickinson penned and published a protest against it outlining his unsuitability for the post. They argued that he had been the brains behind the petition, which had caused much "uneasiness and distraction" in the colony.[5] Further, Franklin had a vituperative relationship with Thomas Penn that would prevent any compromise from being reached with the proprietors. Many in the Ministry also held an unfavorable opinion of Franklin, making him a poor choice to represent the House's wishes to them. In addition, he had just been ousted by the late election, and so he should not be chosen to represent the people that had just rejected him. Finally, in Franklin's last appointment to England, he had subverted the Assembly to put public money in stocks, which resulted in a loss of £6,000, which in addition to his £5,000 in expenses, cost the state £11,000 total.[6]

To defend himself, Franklin published *Remarks on a Late Protest* in early November 1764. He asserted that it was not his measures that created uneasiness in the province. The already-existing uneasiness created the need for the measures. Franklin declared that he did not

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[3] Ibid., 5:379-80.
[4] *Votes*, 380-83.
[5] John Dickinson, "A Protest Against the Appointment of Benjamin Franklin As Agent for the Colony of Pennsylvania," October 26, 1764, in Ford, ed., *Dickinson Writings*, 151.
[6] Ibid., 151-53.

have numerous enemies in the Ministry, but many friends. In addition, losing an election by twenty votes could hardly be construed as being rejected by the entire province. As far as a dislike for the proprietors, he wrote that "our private Interests never clashed, and all their Resentment against me, and mine to them, has been on the public Account."[7] Finally, the money was put in the stocks at the Assembly's request, and if it had not been too hastily withdrawn, it would have made the House money instead of losing it.[8]

Franklin also went on the offensive, questioning why it took so long for the governor to admit that the Penns had agreed to the House's interpretation of the Privy Council amendment when it had come over in September. John Penn did not release this news until after the election in October. Franklin asserted that the governor withheld the proprietors' concession in the hopes that the new Assembly would be elected in their favor and that the fervor would calm down without them having to capitulate on that point. Franklin believed they were only mentioned to the new Assembly as a last ditch effort to appease the Quaker Party and prevent his appointment as agent.[9]

William Smith took on the task of replying to Franklin, asserting that the only uneasiness in the colony came about not because of animosity towards the proprietors, but because of the Assembly's unconstitutional attempt to usurp the charter. He also pointed out that Franklin had received several rebukes from the Ministry, including a letter from Lord Hyde (Thomas Villiers), Postmaster General, threatening his removal from his position as a postmaster. Further, it was true that Franklin only lost in the county by about twenty votes, but the city, which he had represented for the last fourteen years, rejected him by a much wider margin. In addition, if the

[7] Benjamin Franklin, *Remarks on a Late Protest Against the Appointment of Mr. Franklin an Agent For This Province* (Philadelphia, 1764), 5.
[8] Ibid., 2-6.
[9] Ibid., 4.

dispute stemmed from their interpretation of the taxation amendment, was it not time to end the movement for royal government since the Penns had acquiesced to the Assembly's viewpoint? Smith concluded, "certainly there was room to think that a professed enemy to the proprietors, was very unlike to accommodate disputes, which he hath long and industriously worked up with unexampled calumny."[10]

The protests against Franklin's appointment were in vain, as he embarked for London on November 8, seen off from Chester by 500 admirers.[11] Allen told Thomas Penn to "expect [Franklin] fully freighted with rancor and Malice determined to use every measure to injure the Proprietary family."[12] Heeding Allen's warning, Penn initially seemed much more concerned about Franklin's arrival than he had been the first time. He wrote to the governor in early December, "Franklin is certainly destined to be our plague and we must deal with him here as well as we can. I fear nothing from any publick contention, but if his lyes are believed, and I have no opportunity to remove the impressions they may make, it will be injurious to us."[13] Shortly thereafter, however, conversations with his friends and advisors eased his spirits. On Christmas he reported that he was "in very little pain" about Franklin's visit, and believed that if the petition was actually presented it would only serve to vindicate his family.[14] He had been assured that the Crown could not force the Penns to give up their colony without their consent, which he would never grant.[15]

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[10] William Smith, *An Answer to Mr. Franklin's Remarks on a Late Protest* (Philadelphia: William Bradford, 1764), 5-8, quotation from 10.

[11] Benjamin Franklin to Sarah Franklin, 8 November 1764 and Benjamin Franklin to Thomas Wharton, 9 November 1764, both in *Franklin Papers*, 11:447-51; John Penn to Thomas Penn, 22 November 1764, in Penn Papers, reel 9.

[12] William Allen to Thomas Penn, 21 October 1764, in ibid.

[13] Thomas Penn to John Penn, 7 December 1764, in ibid., reel 2.

[14] Thomas Penn to Richard Peters, 25 December 1764, in ibid..

[15] Thomas Penn to Richard Hockley, 12 January 1765, in ibid.

Franklin's job in England was not only to push the petition for a change in government, but also to protest parliamentary taxes. He planned to ingratiate himself with the Ministry by acting as a mediator on the taxation issues, and then use his newfound influence to obtain the change. His enemies believed Franklin's real object was to receive patronage for himself just as he had done for his son William. Allen accused him of selling out both America and the Penns in order to satisfy his own ambition.[16]

The "pretended errand" of addressing parliamentary measures, as Benjamin Chew called it, would ironically become the focus of Franklin's mission.[17] He arrived in England on December 9, but did not do anything to address the petition right away.[18] He managed to get himself chosen as the Speaker of the various agents of the colonies to wait on Prime Minister George Grenville with their grievances and protests against the Stamp Act. Not only did this put him in a position to directly communicate with the Prime Minister, it made it impossible for Penn to paint him as "a Person of no estimation in America."[19] In addition to working against the Stamp Act, Franklin worked with Thomas Pownall to draft a measure for the creation of American paper currency. This issue, along with taxation, would become extremely important to the Assembly over the next several years.[20] Despite his work, Franklin could not obtain the right for colonies to print their own money, nor could he prevent the passing of the Stamp Act.[21]

Franklin's inability to halt the progress of the Stamp Act portended the same difficulties he would have securing Pennsylvania's liberties through a change to royal government. As Thomas Penn reported to Allen, those in England "generally think Assemblys claim too great

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[16] William Allen to Thomas Penn, 13 December 1764, in ibid., reel 9.

[17] Benjamin Chew to Thomas Penn, 5 November 1764, in ibid.

[18] Benjamin Franklin to Deborah Franklin, 9 December 1764, in *Franklin Papers*, 11:516; Thomas Penn to John Penn, 11 January 1765, in Penn Papers, reel 2.

[19] Thomas Penn to William Smith, 9 February 1765, in ibid., reel 9.

[20] Thomas Pownall and Benjamin Franklin to George Grenville, 12 February 1765, in *Franklin Papers*, 12:60.

[21] Benjamin Franklin to David Hall, 14 February 1765, in ibid., 12:65.

privileges."[22] Pennsylvania wanted royal government but insisted on maintaining its current privileges. The Ministry, however, was not likely to take over the government under the same charter and thereby endorse all the privileges the colonial Assembly claimed it had. Franklin assured the Assembly that once the present general American affairs had been attended to, he would be able to effect a change. Nevertheless, if Parliament and the Ministry would not accede to American claims of liberty with regard to internal taxation, why would they accede to the continuation of all Pennsylvania's privileges upon a change in government (assuming they could be convinced to enforce the change at all)?[23]

Meanwhile, the Assembly reconvened on 7 January 1765. Those in favor of the change continued to dominate the proceedings, so much so that the opposition made little attempt to halt the movement. John Dickinson had become so disheartened that he declared he would not serve as a representative the next term. A quarrel between William Smith and William Allen also chipped away at the unity of the Proprietary Party. In addition, the situation on the frontier seemed to be improving, as peace terms were reached with the primary aggressors, the Shawanese and Delaware Indians. The House won another victory when, after a long delay, the governor also agreed to pass a supplement to the previous supply bill that would insert the altered wording of the Privy Council amendment. Richard Penn also asked Thomas to consider addressing the complaint in regards to fixing the governor's salary rather than having it tied to income from licenses.[24] Later, Thomas Penn attempted to negotiate some further points with John Fothergill, a Quaker leader in England, and even seemed willing to compromise with

[22] Thomas Penn to William Allen, 15 February 1765, in Penn Papers, reel 2.

[23] Benjamin Franklin to John Ross, 14 February 1765, in *Franklin Papers*, 12:67; Thomas Penn to William Allen, 8 March 1765, in Penn Papers, reel 2.

[24] The number of tavern licenses granted had been steadily increasing because under the current system, the governor was encouraged to grant as many as possible so that he would receive more money. Quakers, of course, opposed the creation of additional taverns.

Franklin. He also refused to appoint William Allen's son Andrew to the office of Attorney General in order to avoid the appearance of favoritism. Conciliation was on the mind of the proprietors, as they sought to address the primary grievances of those in favor of the change and erode popular support for Franklin and Galloway's schemes.[25]

Although the debate over the Stamp Act had weakened Franklin and his allies' trust in Parliament and the Ministry, they still wished wholeheartedly for the ousting of proprietary government. On May 20, John Ross wrote that until the proprietors were removed, the province had "only the form without the powers of Government."[26] A week later, Samuel Wharton similarly asserted that until they achieved royal government "neither our persons, Rights, or properties will be safe."[27] At the same time, letters began to discuss the evils of proprietary governance in one paragraph and the evils of Parliament in the next.[28] Even if it was only in the back of their mind at this point, these men began to see the contradiction in exposing their privileges to one opposing body (Parliament) in order to protect it from another (the proprietors).

By June, the Stamp Act had become the dominant and only topic in Pennsylvania's public discourse.[29] The act was vigorously opposed not just by the Quaker Party, but by the Proprietary Party as well. William Allen asserted that "the amount of the Stamp duty, being like to take place is grievous to all America…[and] we conceive we are thereby disenfranchised."[30]

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[25] Thomas Penn to William Smith, 15 February 1765, in ibid.; Joseph Galloway to Benjamin Franklin, 23 January 1765, Samuel Wharton to Franklin, 19 December 1764, and Thomas Wharton to Franklin, 4 December 1764, all in *Franklin Papers*, 12:25, 11:525, and 11:483; *Votes*, 5:401; Richard Penn to Thomas Penn, 11 February 1765, in Penn Papers, reel 9; Thomas Penn to William Allen, 13 July 1765, in ibid., reel 2.

[26] John Ross to Benjamin Franklin, 20 May 1765, in *Franklin Papers*, 12:138.

[27] Samuel Wharton to Benjamin Franklin, 27 May 1765, ibid., 12:141.

[28] For examples, see Thomas Wharton to Benjamin Franklin, 27 April 1765, and Benjamin Franklin to Charles Thomson, 11 July 1765, both in ibid., 12:113, 12:206.

[29] David Hall to Benjamin Franklin, 20 June and 22 June 1765, in ibid., 12:188-90.

[30] Allen wrote further, in language very similar to the Assembly's protests against Penn, "If the Kings Declaration could deprive us of what we conceive to be our birthright, Viz, being taxed by our own representatives, we never had the rights of freemen, and his will and pleasure might be a law to us in other instances, the fatal consequences of which every lover of liberty must dread, and nothing but the greater force could make us submit to." See William Allen to Thomas Penn, 19 May 1765, in Penn Papers, reel 9.

Even Thomas Penn worked to lower the rate of the tax, even though he conceded nothing could stop it from being passed.[31]

In his own response to the passing of the Stamp Act, Franklin made a grave miscalculation by not strongly objecting. He did not wish to hurt his influence with the Ministry by a strong protest, and he did not anticipate such a strong reaction in the colonies. This acquiescence would cause Franklin problems later as his opponents in Pennsylvania charged him with being an advocate of the act. In July, he compounded his error by arranging the appointment of John Hughes, one of his chief allies in the House, to the position of stamp distributor. Franklin did not recognize the implications of nominating one of his allies for the position, but Thomas Penn did. The proprietor could have blocked Hughes's nomination, but he was fine with it as he did not want to name one of his own supporters, "least [sic] the People might suppose we were consenting to the laying this Load upon them."[32] By nominating Hughes, Franklin gave tacit acceptance to the Stamp Act and appeared to support it. In the political climate of America, this obviously would make him very unpopular until he could prove that he opposed the measure.[33]

The situation in the colony continued to escalate as the November enforcement date approached. Pennsylvanians responded to the Stamp Act more moderately than some other colonies, but the colony still had its share of mobs and protests. Galloway and Franklin both condemned these insurrections and once again blamed the Presbyterian Party for stirring them

[31] Thomas Penn to William Allen, 15 February 1765, in ibid., reel 2.

[32] Thomas Penn to William Allen, 13 July 1765, in ibid.

[33] William Young wrote, "This said ben franklin has been one of the proposer and recommented the Stamp tax to england which had already made some rise here. And if that only could clearly and fairly be proved on him from england then he…would be disspised by almost all people." William Young to Thomas Penn, 14 October 1765, in ibid., reel 9. See also Benjamin Franklin to John Hughes, 9 August 1765, and David Hall to Franklin, 6 September 1765, both in *Franklin Papers*, 12:234, 255; Joseph Shippen to Thomas Penn, 25 September 1765, in Penn Papers, reel 9; Newcomb, *Franklin and Galloway*, 109-15.

up.[34] The province continued headlong in protest, however. David Hall wrote that many thought "their Liberties and Privileges, as English Men lost, or at least in great Danger," and Charles Thomson concurred that "our Liberty and most essential privileges are struck at."[35] In September 1765, the House issued another resolve to protest the Stamp Act and appointed a committee to attend the Stamp Act Congress in New York. On September 23, the Assembly went further, passing a series of ten resolves against the Stamp Act, complaining that the taxes were "highly dangerous to the Liberties of his Majesty's American subjects."[36] The resolves had a very similar tone to those often published against the proprietors two years earlier.

Meanwhile, the 1765 election was rapidly approaching, and the Quaker Party appeared to be gaining strength. In an effort to change the Proprietary Party's fortunes, John Penn attempted to give a boon to the Proprietary Party by granting charters to the Lutheran, Calvinist, and Swedish churches. He then ordered proprietary appointees to vote for their party or risk losing their appointment.[37] Some of their partisans also paid to get foreigners naturalized so they could vote for the Proprietary Party. The Society of Friends countered by pouring their own money into the campaign. The Assembly Party also asserted to those in the East that if the New Ticket was elected, they would increase frontier representation and deprive the predominantly Quaker eastern counties of their majority. They would then be at the mercy of the Presbyterian back inhabitants. In the end, Franklin's Party won back their Philadelphia seats by over 400 votes.[38]

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[34] Galloway wrote, "It is Evident they [the Presbyterian Party] tend with great rapidity to create in the Minds of the Populace and weaker part of Mankind a Spirit of Riot and Rebellion." Franklin concurred that they must avoid supporting "the Madness of the Populace or their blind Leaders, who can only bring themselves and Country into Trouble, and draw on greater Burthens by Acts of rebellious Tendency." See Galloway to Franklin, 18 July 1765, and Franklin to John Hughes, 9 August 1765, in *Franklin Papers*, 12:216, 234. Hughes also blamed the Presbyterians for the riots. See Hughes to Franklin, 10 September 1765, in ibid., 12:263.

[35] David Hall to Benjamin Franklin, 6 September 1765; Charles Thomson to Franklin, 24 September 1765, both in ibid., 12:255, 278.

[36] *Votes*, 5:426.

[37] John Penn to Thomas Penn, 14 October 1765, in Penn Papers, reel 9.

[38] William Young to Thomas Penn, 14 October 1765, in ibid.

Their party now controlled 28 of the 36 seats, and half of the protestors against Franklin's appointment had been turned out.[39] The new 1765 Assembly resolved by votes of 27-3 and 22-8 to retain Jackson and Franklin as agents and reissued the instructions to continue the pursuit of royal government as long as the colony's charter privileges could be preserved.[40]

The focus quickly returned to the Stamp Act, which went into effect in November 1765. Local Philadelphia merchants created a non-importation agreement, which many believed would be more effective than local government measures. Charles Thomson led another effort to refuse to use any stamped paper, effectively dragging the colony's public business to a standstill. Many in Franklin's party, including Speaker Joseph Fox, encouraged the local protests despite the Galloway's objections.[41] Printer James Parker asserted that the situation would continue to deteriorate if Parliament did not act: "Poor America is like to bleed, if the Storm blows not over: Nay, it appears to me, that there will be an End to all Government here, if it does not: for the People are all running Mad; and say it is as good to dye by the Sword as by the Famine."[42]

In January 1766, John Dickinson, John Morton, and George Bryan delivered their report from the Stamp Act Congress. The Assembly approved the petitions drawn up at that Congress that were to be sent to the Crown and both Houses of Parliament. The petitions declared that the late actions of Parliament, if put into effect, would hamper "the Enjoyment of all the Rights and Liberties essential to Freedom."[43] The Assembly also prepared a remonstrance to Parliament against the new law that prohibited "further Emissions of Papers Bills of Credit in the Colonies."[44] Pennsylvanians believed that without paper money, the economy would suffer.

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[39] Joseph Galloway to Benjamin Franklin, 8-14 October 1765, in *Franklin Papers*, 12:304.
[40] *Votes*, 5:432-33.
[41] Thomas Wharton to Benjamin Franklin, 7 November 1765, in *Franklin Papers*, 12:356; Joseph Galloway to William Franklin, 14 November 1765, in ibid., 12:372.
[42] James Parker to Benjamin Franklin, 10 October 1765, in *Franklin Papers*, 12:308.
[43] *Votes*, 5:438.
[44] Ibid., 5:445.

Parliament's credibility in the colonies dwindled daily. The proponents of the change in government had assured everyone that if they made the change, their privileges could only be abridged by an act of Parliament, and Parliament would never do this. Now, however, the benevolence of Parliament was seriously in doubt, with the passing of internal taxes, maintaining them through the colonists' virulent protests, and also passing a law curtailing the creation of colonial paper money.

Thomas Penn and Benjamin Franklin were both working hard in England to bring about a repeal. Penn told Allen that if the colonies acknowledged the right of Parliament to tax them, but asked for the repeal only on the basis that the tax would be too heavy a burden, Parliament would be more likely to repeal it.[45] Many in England had become enraged against the colonies because they had not been obedient to the orders of Parliament and "for shewing their dislike to it in so disrespectful and outrageous a manner."[46] Penn tried to assuage this anger, while admonishing his supporters in Pennsylvania to do what they could to prevent the more violent protests.[47] Franklin agreed that violent measures should be avoided. Many in the Ministry believed that they had to stick by the act to preserve "the Honour and Dignity of Government," and riots would only reinforce their resolve.[48]

While the colony had been focused on the Stamp Act, the movement for royal government had received several setbacks. In July 1765, most of the Ministry changed, and the few men Franklin may have had influence with no longer held their positions. Richard Jackson also lost his post as Secretary to the Chancellor of the Exchequer.[49] When news reached the

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[45] Thomas Penn to William Allen, 15 December 1765, in Penn Papers, reel 2.
[46] Thomas Penn to Benjamin Chew, 11 January 1766, in Penn Papers, reel 2.
[47] For example, he asked the governor for an account of his efforts to prevent mobs from stopping the arrival of stamps. See Thomas Penn to John Penn, 11 January 1766, in ibid.
[48] Benjamin Franklin to [Thomas Crowley?], 6 January 1766, in *Franklin Papers*, 13:23.
[49] Thomas Penn to William Allen, 13 July 1765, in Penn Papers, reel 2.

colony about the change in the Ministry, the Proprietary Party was overjoyed and became extremely confident that the petition would not succeed. William Allen went to a coffeehouse and proclaimed to all that the ministerial change was a great event for their cause and that they need no longer fear the possibility of a change in government.[50]

On 30 November 1765, Thomas Penn reported to the governor that Franklin had presented the petitions to the King in Council, and that they had been laid aside, "sine die, that is, for ever & ever."[51] When this letter arrived in Pennsylvania, it caused quite a stir. The Proprietary Party published in the paper that they had achieved victory and asserted that, as the decision had been made, the two parties should be at peace. Galloway railed against the Privy Council, and declared that if the report was true, "they [Pennsylvanians] have nothing now left, but to groan, if they dare to groan at all, under the Tyranny of a private Subject, without the least Hopes of Redress."[52] Thomas Wharton refused to accept the report, believing it to be a ruse designed "to Lull us asleep, and inch by inch get our privileges from us."[53] The Assembly Party would not yet give up, but they began to doubt their success.

The Ministry was unlikely to give a serious hearing to the petition because they believed the problem was that they had for too long yielded too *much* to the colonies. They would not punish the proprietors in their attempt to exact greater control, when Parliament was attempting the same thing. Just as the Ministry was fighting for the principle of taxing the colonies more so than the money that would be gained, they supported the Penns fighting for the principle of obtaining greater control over their proprietary government.[54]

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[50] Samuel Wharton to Benjamin Franklin, 13 October 1765, in *Franklin Papers*, 12:315.

[51] Thomas Penn to John Penn, 30 November 1765, in Penn Papers, reel 2. Penn uses the same wording in a letter to Allen. See Thomas Penn to William Allen, 15 December 1765, in ibid.

[52] Joseph Galloway to Benjamin Franklin, 17 February 1766, in *Franklin Papers*, 13:179.

[53] Thomas Wharton to Benjamin Franklin, 2 March 1766, in *Franklin Papers*, 13:190.

[54] Thomas Penn to William Allen, 15 December 1765, in ibid.

Penn had wanted to have the petition completely withdrawn and rejected rather than just tabled, but he hoped that the Ministry's cool reception would end the political conflict in the province. This would once again be a vain hope, as Franklin continued to work for the change and remained confident that he would be able to secure it. He reported to the Committee of Correspondence in June that their affairs were proceeding and that he hoped to complete them soon enough to return home the next spring.[55]

In the interim, Parliament finally bowed to colonial pressure and repealed the Stamp Act, while maintaining their right to enforce it. On 3 June 1765, the governor submitted a letter to the House announcing the act's repeal. The governor had also taken care to represent to the Crown the much more muted protest that took place in Pennsylvania compared to the other colonies in hopes of showing their great loyalty to his Majesty.[56] The Assembly sent letters to the Crown thanking it for repealing the dreaded act. It then resolved to grant all the aid the Crown required whenever his Majesty needed it, as "the Circumstances and Abilities of this Province may permit, unless the Proprietaries Instructions to their Deputy Governors, respecting Proprietary private Interest, shall continue to interfere."[57] The Assembly, emboldened with victory over the Stamp Act, seemed prepared to renew its entire focus on ousting the Penns with this not-so-subtle jab against proprietary instructions.

One problem for the Quaker Party was that their Speaker, Joseph Fox, was starting to work against them. John Penn asserted to his uncle that Fox had switched allegiances because he believed Franklin was "making fools of them all."[58] Thus, Galloway began to focus his efforts on removing Fox from the speakership and gaining it for himself. In the 1766 election, Galloway

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[55] Benjamin Franklin to Pennsylvania Committee of Correspondence, recd. 10 June 1766, and Joseph Galloway to Franklin, 16 June 1766, both in *Franklin Papers*, 13:297, 316.

[56] *Votes*, 5:474.

[57] Ibid., 5:478.

[58] John Penn to Thomas Penn, 12 September 1766, in Penn Papers, reel 9.

safely achieved reelection by about 650 votes over Dickinson and got himself elected Speaker when the Assembly convened. While Franklin had been less than successful in England, Galloway ensured that the Assembly's enmity toward the proprietors did not waver and its desire for royal government remained strong.[59]

Under Galloway's direction, the Assembly reissued the instructions to their agents regarding the change. It still eagerly sought a switch from proprietary government, so long as their privileges could be preserved. Nevertheless, the members' confidence in English government seemed to be wavering. Over Galloway's objections and by a slim sixteen to thirteen margin, the House inserted a clause that instructed Franklin not to bring the petitions to Parliament in the event the Ministry rejected them. Parliament, it seems, could not be trusted. The instructions also asked the agents to continue their attempts to reverse the ban on paper currency. The Stamp Act had been repealed, but the House continued to fight other parliamentary acts.[60]

Meanwhile, back in England there had been another change in the Ministry, with William Pitt the Elder assuming leadership in July 1766. This change again complicated the Quaker Party's efforts. Galloway voiced his apprehension in late October: "It was with real Concern, we received the News of a Change of Ministry, as we conclude it will Retard, and, we fear will totally prevent the Change of Government."[61] Franklin promised his supporters that over the

[59] Newcomb, *Franklin and Galloway*, 139-42, 144n; *Votes* 5:498.

[60] Pennsylvania Assembly Committee of Correspondence to Richard Jackson and Benjamin Franklin, 18 October 1766, in *Franklin Papers*, 13:465; William Allen to Thomas Penn, 12 November 1766, in Penn Papers, reel 9. Allen points out that the 16-13 vote would likely have been even more in favor of the clause if not for the absence of five members from the backcountry, who were proprietary supporters.

[61] Joseph Galloway to Benjamin Franklin, 28 October 1766, in *Franklin Papers*, 13:478.

winter of 1766-67 he would finally be able to address their concerns over paper money and once again present the petition, but as the months passed they became less and less confident.[62]

Local politics in Pennsylvania over the next year were relatively calm, with the notable exception being a spat over the creation of new frontier courts.[63] The 1767 election was barely contested by the Proprietary Party, and even Allen's position was thought by some to be in danger, although he did secure reelection. Besides the petition and paper money, the importance of settling a boundary between the whites and Indians became a primary issue. The importance of such a border would be magnified by further bloodshed in early 1768 that hearkened back to the Paxton Boys incident several years earlier.[64]

The biggest political issue in the colony, however, was once again an imperial one. The first of the Townshend Acts had been passed in the summer of 1767, and colonial outrage over parliamentary taxation again exploded. After the October election, the new Assembly's first instruction to the agents did not concern the change in government, but rather insisted that they "give us the earliest Intelligence of every new Measure or Regulation that shall be proposed, or intended to be proposed, in Parliament, wherein the general Liberties of America, or those of this Colony, may, in the least, be affected or concerned."[65] Parliamentary attacks on Pennsylvania's liberty now seemed more pressing than proprietary attacks.

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[62] Benjamin Franklin to Joseph Galloway, 13 December 1766, in *Franklin Papers*, 13:520; John Penn to Thomas Penn, 13 December 1766, in Penn Papers, reel 9.

[63] William Allen proposed a bill to create new courts in frontier counties and increase the number of judges in the colony from three to five. Galloway had prevented the increase in judges but gotten the bill passed otherwise. Allen prevailed upon the governor to send the bill back with the amendment of creating the two new judges. The council also made it be temporary with a 3-year time limit. The House refused to accept the amendments, and the governor removed all but the time limit. The governor believed the bill would not be effective, but was willing to give it a three-year trial run. The House, however, still refused to pass the bill on a temporary basis. See William Allen to Thomas Penn, 8 March 1767, in Penn Papers, reel 9; *Votes*, 5:522, 525, 529.

[64] Thomas Wharton to Benjamin Franklin, 21 September 1767, in *Franklin Papers*, 14:255; William Allen to Thomas Penn, 8 October 1767, in Penn Papers, reel 9; *Votes*, 6:1-2; Joseph Galloway to Benjamin Franklin, 8 October and 9 October 1767, in *Franklin Papers*, 14:273, 276.

[65] *Votes*, 6:4-5.

Both parties equally opposed parliamentary taxation. Allen wrote that they were "under great anxiety" that their "burdens and oppressions should be increased" by Parliament.[66] Everything that was supposedly for their benefit was in reality the opposite. In December 1767, Dickinson published the first of his twelve "Letters From a Farmer in Pennsylvania." He advocated for colonial protest against the Townshend Acts, rejecting the moderation espoused by Galloway. The Speaker was furious over their publication, but Franklin was much more receptive to Dickinson's ideas and even wrote the preface for the British edition. Franklin had in four years gone from writing the preface for Galloway's speech against Dickinson to writing the preface for a publication by Dickinson, the same man who authored a protest against Franklin's appointment to England. The old party divisions were clearly breaking down as both sides united to oppose Parliament.[67]

In January 1768, indignation against proprietary government erupted one last time. A number of Indians were brutally murdered near Middle Creek in Cumberland County by local resident Frederick Stump and one of his servants. Stump confessed that he killed a group of disorderly Indians in his house, then went and killed several others to prevent them from spreading word of the killings. Upon receipt of the news, the House jumped into action, resolving to pay a £200 reward to Stump's capturers. They also took the opportunity to reopen the Paxton Boys incident, promising to reward any who apprehended those involved in the 1763 Conestoga massacre.[68] The Assembly also worked with the governor to pass a law attempting to prevent overzealous colonists from settling on Indian land.[69]

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[66] William Allen to Thomas Penn, 8 October 1767, in Penn Papers, reel 9.

[67] Flower, *John Dickinson*, 63-65; Newcomb, *Franklin and Galloway*, 182-85; The English Editor to the Reader—Preface to *Letters*, 8 May 1768, in *Franklin Papers*, 15:110.

[68] *Votes*, 6:21-25; John Penn to Thomas Penn, 8 February 1768, in Penn Papers, reel 9.

[69] *Votes*, 6:26-30. Although the governor and the House agreed on the need for such a law, they did not agree on its exact specifications. The House passed "An Act to remove the Persons now settled and to prevent others from settling on any Lands in this Province, not purchased of the Indians," which threatened the penalty of death to

Stump was shortly thereafter arrested in Cumberland County. However, the local magistrate refused to extradite Stump to Philadelphia as the inhabitants insisted he be tried in the county where he committed the crime. A group of seventy to eighty rioters then stormed the Carlisle jail and set Stump and his servant free.[70] John Penn maintained that Stump would have been returned to custody if assured that his trial would not be outside the county, but a condemnation the House published in the paper enflamed them and made his return impossible. The governor believed the House did this on purpose in an effort to tarnish the proprietary government and keep alive the movement for royal government.[71]

This conflict also reopened old wounds in regards to the Conestoga massacre, with the Assembly accusing the governor of being lackadaisical in his prosecution of those murderers. The representatives wrote: "We lament with your Honour, 'that the Measures you persued to discover the Offenders, were not attended with Success.' But we cannot think that it was owing so much to a Want of 'Virtue or Resolution' in the People, as to a Neglect of Duty in the Officers of Government."[72] The House blamed the Stump affair on Penn's lack of success in prosecuting the Conestoga murderers. If the governor had been more vigorous in his pursuit of justice in that instance, frontiersmen would not have thought they could get away with it again. The Indians also would have been better placated. John Penn lambasted the House for bringing up old events, but a letter from Sir William Johnson indicated that the Indians continued to hold a grudge and

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any who settled on such lands, excepting those granted by George Croghan, Deputy-Superintendent of Indian Affairs under Sir William Johnson. These lands were mostly around Fort Pitt, and if Croghan allowed the settlements, then they had likely received the consent of the Indians. John Penn wanted to include an amendment to the bill that restricted anymore of these lands being granted, even with Croghan's assent. The House refused to accept this stipulation. Penn pointed out that there was no way to know whether such settlements would annoy the Indians or not, and they could never know for sure until an Indian war started, which was what they were trying to guard against. Penn still agreed to pass the bill anyway as he believed it too important to quibble over certain aspects of it.

[70] *Votes*, 6:32-34.

[71] John Penn to Thomas Penn, 8 February 1768, in Penn Papers, reel 9.

[72] *Votes*, 6:38.

the murder of the Conestoga Indians was "still fresh in their Memories."[73] The Stump affair served to reopen old wounds and temporarily reignited the Quaker Party's fervor against proprietary government.[74]

Despite this rush of anti-proprietary sentiment, the focus quickly returned to opposing parliamentary oppression. On 26 March 1768, a group of Pennsylvania merchants met to decide whether to join Boston in another non-importation agreement. They decided to wait at the time, but many already wanted another widespread protest.[75] The situation escalated when the Massachusetts assembly circulated a letter encouraging opposition to Parliament's taxation. Because of this letter, the Earl of Hillsborough wrote to John Penn in late April that if "there should appear in the Assembly of your Province, a Disposition to receive or give any Countenance to this seditious Paper, it will be your Duty to prevent any Proceeding upon it, by an immediate Prorogation or Dissolution."[76] Here the House saw the Ministry actively encouraging the governor to abridge its rights. How could the representatives turn to the Ministry to save them from proprietary oppression when the Ministry itself was encouraging that oppression? Franklin's doubts about the change in government continued to grow, and he wrote to John Ross in May that the situation in England "weakens our Argument that a Royal Government would be better managed and safer to live under than that of a Proprietary."[77] In addition to Parliament's questionable actions with regard to taxation, Franklin reported that mobs had begun to form around London. If the Crown could not prevent riots in England, it probably could not prevent violence in Pennsylvania either.[78]

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[73] *Votes*, 6:43.
[74] *Votes*, 6:38-43, 49-50.
[75] Thomas Wharton to Benjamin Franklin, 29 March 1768, in *Franklin Papers*, 15:88.
[76] *Votes*, 6:63.
[77] Benjamin Franklin to John Ross, 14 May 1768, in *Franklin Papers*, 15:128.
[78] Ibid.

In September, the Assembly angrily responded to Hillsborough's letter, asserting that the members had an undoubted right to sit on their own adjournments and to communicate with the representatives of the other American assemblies.[79] Allen wrote, "If we are debarred from petitioning for the redress of Grievances we are of all men the most miserable."[80] On September 22, the Assembly sent a petition to the King asking for redress of their grievance against the Townshend Acts and other parliamentary taxation measures. The members wrote: "The Right in the People of this Province, of being exempted from any Taxations, save those imposed by their own Representatives, has been recognized by long established Usage and Custom…without one Precedent to the contrary, until the passing of the late Stamp Act."[81] Parliament's actions deprived them of their essential liberty. The Committee of Correspondence ordered Franklin to present this petition and continue to work with other agents to bring about the Townshend Acts' repeal.[82] Allen only wished for England to follow the golden rule. Surely those in the British Isles would not consent to such external taxation; why did they expect the colonies to do so?[83]

With Parliament continuing to abridge what they believed to be their rights, the representatives were probably ready for the end of the movement for royal government when an August 20 letter from Franklin arrived sometime in October. The agent had met with Lord Hillsborough for a long session, but the two had not been able to come to any sort of agreement on the matter. Hillsborough gave Franklin advice on how to obtain the change in government, but Franklin assured him that he could take none of it. It likely would have meant surrendering too many of the colony's privileges. Franklin had been doubting the efficacy of the petition for at

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[79] *Votes*, 6:93.
[80] William Allen to Thomas Penn, 23 September 1768, in Penn Papers, reel 9.
[81] *Votes*, 6:103.
[82] Pennsylvania Committee of Correspondence to Benjamin Franklin, 22 September 1768, in *Franklin Papers*, 15:210.
[83] William Allen to Thomas Penn, 12 October 1768, in Penn Papers, reel 9.

least several months now, and in his mind this meeting sealed its failure. He asserted that he would "move the matter no farther."[84] This signaled the end of the movement for a change in government.

Although many in the colony were not so disturbed by this news, not everyone took it so well. Galloway was greatly discouraged by the report and could not understand how the Ministry could reject "an application so honourable and beneficial" to the Crown as well as to Pennsylvania.[85] Therefore, Galloway continued to press for the change, getting the Assembly to renew Franklin's instructions for a change to royal government in both 1768 and 1769. These instructions proved ineffectual, however, as Franklin had made up his mind. Although the Ministry changed hands a few months later, Franklin never again reopened the matter of the petition. Much greater issues needed to be addressed as the conflict with Parliament continued. His time in England had destroyed his trust in the benevolence of English government.[86] Parliamentary oppression of the colonies must have convinced many other Pennsylvanians of the same thing. Regardless, without Franklin's support, the movement had no chance of success. Even had Galloway managed to drum up continued support for the petition in Pennsylvania, he could not have moved matters without his partner in England. Thus, the campaign for royal government ended when Franklin decided to stop pursuing it. Galloway never fully forgave his partner for abandoning the quest and continued to rail against proprietary governments even as late as 1780, well after all his allies had abandoned that particular fight.[87]

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[84] Benjamin Franklin to Joseph Galloway, 20 August 1768, in *Franklin Papers*, 15:189.

[85] Joseph Galloway to Benjamin Franklin, 17 October 1768, in ibid., 15:229.

[86] By the time Franklin returned to America, he had lost so much faith in Britain that he had nearly given up on any plan of union. He wrote in 1775 that although he would be willing to try anything "that can be borne with Safety to our just Liberties rather than engage in a War," he feared that to unite the colonies more intimately with the Empire "will only be to corrupt and poison us also." See Franklin to Joseph Galloway, 8 May 1775, in *Franklin Papers*, 22:32.

[87] Newcomb, *Franklin and Galloway*, 151-52, 157-58; *Votes*, 6:112, 194; Julian P. Boyd, ed. "Notes and Documents: Joseph Galloway to Charles Jenkinson on the British Constitution." *The Pennsylvania Magazine of*

The representatives had wished for royal government because they believed it would be less restrictive and oppressive than what they had under the Penns. The events of the mid-1760s, however, had proven that Parliament and the Ministry could just as injurious to the colony's privileges as the proprietors were. Thomas Penn had tried to exempt himself from colonial taxes, but he did not try to impose duties of his own. He had tried to limit the Assembly's creation and disposition of paper money, but he did not ban it completely. He had attempted to gain greater control over the legislature, but he never ordered the governor to disband it if the members did not follow his will. As the House's grievances against Parliament piled up, its grievances against the proprietors did not seem quite as bad.

The movement for royal government had begun because the House feared the loss of its privileges. Thomas Penn seemed intent on asserting his dominance in the government, regardless of the colony's charter rights and established precedent. When his policies contributed to the Paxton Boys riot that threatened to unseat the Assembly itself, the representatives had reached their limit. The debates over the petition and during the next election showed that the question of privilege was the preeminent issue for both sides. After issuing the petition, however, parliamentary taxation, bans on paper money, and other oppressive parliamentary measures convinced Franklin and many other Pennsylvanians that royal government would not be the solution they had hoped for.

As the Revolution neared, many of the arguments that had been used against the proprietors would be turned against Parliament and the Crown. No longer did Pennsylvanians rail against the jaws of proprietary slavery; now they feared the chains of parliamentary slavery. Although the movement against George III did not exactly mirror the battle against Thomas

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History and Biography 64:4 (Oct. 1940): 537, in this Plan of Union submitted to a British minister in 1780 or 1781, Galloway dedicated a paragraph to the "dark Cloud" of proprietary government.

Penn, the similarities in the political verbiage and discourse are extensive. Both contained myriad appeals to precedent set both in America as well as the House Commons, and both relied heavily on the symbolism of slavery and despotism. Significantly, the objections to Penn's efforts show that colonial concerns with despotic external control were nothing new in the mid-1760s. When the Stamp Act passed and raised concerns over parliamentary oppression, the Pennsylvania Assembly had already been fighting that same battle with a different external power for over a decade. In the end, Pennsylvanians—and the rest of the colonists—found that the best way to ensure their privileges was to throw off external control altogether.

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