

**For the Defense of Themselves and the State: Pennsylvania's Contribution to
the Second Amendment and Firearms Ownership**

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Abstract

The ratification of the Constitution in the late eighteenth century was based on a series of political debates in many of the states. States and their individual constitutions, passed during the founding decade, were a direct influence on the United States Constitution, and through the ratification process, the Bill of Rights. Pennsylvania was a direct and important contributor to this process. Centrally located in the English colonies as well as the location of the Continental Congress and the Constitutional Convention, Pennsylvania was truly a keystone for the American Revolutionary period. Furthermore, the unique history of Pennsylvania directly contributed to the inclusion and development of many rights, especially the right to bear arms. Ironically, Pennsylvania, founded by pacifist Quakers based on religious freedom, contributed significantly to the right to self-defense. The Quakers abdicated their governmental role to avoid being responsible for any violence, which privatized the role of self-defense to localities and individuals. Since inalienable rights do not exist in a vacuum, many of the concepts of natural rights were adopted by the Quaker sect and instilled in the Pennsylvania colony in the original charter of William Penn. The debate about the right to bear arms, as represented by the Second Amendment in the Bill of Rights has been studied through legal and historical lenses. A closer look at the history and contributions of Pennsylvania provides a clearer picture of the Second Amendment, its original intent and purpose, as well as its historical significance.

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Dedication

Of the great historical loves, Antony and Cleopatra, Napoleon and Josephine Bonaparte, George and Martha Washington, or John and Abigail Adams, none hold a candle to our story. This work is dedicated to my Nancy, without her understanding, guidance and support, it would not have been possible, not to mention the pizza.

Introduction

For decades a major political debate has centered on the role of the Second Amendment in the modern world. The legality of gun rights and gun control has been the center of much scholarship. The debate has concerned the legality of owning firearms, the legality of limiting certain kinds of firearms, and various legal arguments on all sides of the issue. Calls for various legislative solutions to violence perpetrated with firearms is another motivation for current scholarship. The bulk of the writing centers on the legal implications of the Second Amendment, as well as how the right of firearm ownership should function in the modern world. Firearm technology has advanced since the Constitutional Convention, but as with other amendments, the original intent of the founders must be considered when drafting legislation. The freedoms granted under the First Amendment are not questioned, even though technology has advanced greatly in the field of journalism. The free press contains the printed word, but also includes broadcast and internet journalism as well. The modern public square includes the digital arena. Freedom of speech and freedom of the press have been protected in all modern forums, regardless of the technology used. While there is little argument for limiting the First Amendment, there appears to be a technological test for the Second Amendment. While there has been some scholarship regarding the history of gun ownership, there is room for more. An important contribution would include an academic historical account looking into how America's gun culture originated, how this culture contributed to the development of the right to bear arms, and how it became a protected right under the Second Amendment.

The development of modern firearms that can hold many rounds and shoot them accurately has called into question the founding intent of the right to bear arms. How does the original intent of firearm ownership relate to the technological advances of firearms today? Are

there limits on the amount of firepower an individual citizen should be able to possess? Where does this right come from and how did it become a part of the Bill of Rights?

Determining the ideological and physical origins of Pennsylvanian gun culture and firearms use from primary source materials forms the basis of this work. A historical study of the origins of a gun culture in the American colonies, will add to the perspective of America's relationship with the gun. The United States is the only nation in the history of the world that has no Constitutional limits on the rights of individuals to own firearms. Even in other nations that have private ownership of weapons, the government greatly regulates their sale, distribution and type. The ideological origins of the Second Amendment are only the beginning. There is also a technological aspect to this creation of the right to bear arms, as well as a cultural predisposition to doing so. Furthermore, there is a military connection as well, the founding of militias and the volunteer minutemen providing their own arms, which were essentially the same and, in some cases, better than military weapons of the day.

Today, American citizens privately own almost half of all the small arms available in the entire world. Furthermore, Americans own more guns per capita than any other nation, at 120.5 firearms per 100 people more than doubling the next country on the list, Yemen.¹ The United States is the only country, according to World Population Review that has more guns in civilian hands than people, making the United States unique in the history of the world. From its earliest days, America has had a unique relationship with firearms. American colonists needed firearms not only to feed themselves through hunting, but also to protect themselves from natives, foreign adversaries and even each other. The use of firearms to hunt as well as for defense made them

¹ "Gun Ownership by Country 2023," World Population Review, [Gun Ownership by Country 2023 \(worldpopulationreview.com\)](https://worldpopulationreview.com/gun-ownership-by-country/).

indispensable, in the first English colonies of the early seventeenth century, and later as those colonies grew, and the frontier was expanded.

However, looking at firearms as merely a necessity, a tool for meat and defense would be an inaccurate assessment. Even in the Western Hemisphere, the United States has a unique stance on the presence of firearms in society. Furthermore, there are other factors that contributed to the historical nature of firearms ownership in the United States versus any other country. Factors that contributed to the American ideals of firearms ownership include not only the necessity of defense against natives, as well as a tool for gathering meat for settlers, but also the foundation of the proper use of and right to own weapons carried over from Britain and its unique history in Europe.²

Additionally, firearms in America developed along a unique path, developing according to the needs of guns in the New World, especially on the expansive frontier. The first weapons brought from Europe were useful, but as the needs of the harsh American colonial experience became apparent the evolution of the firearm allowed early Americans to shoot farther, more accurately with a weapon that was more durable to the elements of the frontier. The earliest examples of this new kind of firearm were developed west and north of Philadelphia in Lancaster and Bethlehem, Pennsylvania, respectively. German craftsman immigrants were able to develop weapons for sale in the new world that had unique characteristics and features. Using skills learned in Europe these craftsmen were able to apply them to American conditions. Rifling was being done in Europe, but it was new to the American colonies. A groove was carved into the

² See Alan Taylor, *American Colonies: The Settling of North America*, (New York: Penguin Co, 2002); for use of firearms of early colonists; Stephen P. Halbrook, *That Every Man Be Armed*, (Albuquerque: University of New Mexico Press. 2013); for historical perspective of the American right to bear arms.

barrels of guns, putting a spin on the projectile which allowed for more accurate shooting at distances that could not be matched by the smooth-bore muskets common to that point. American riflemen could therefore shoot farther and more accurately than professionally trained militaries. The rifled barrels of firearms were also lengthened to allow the projectile to gather more energy and therefore go farther. The combination of a firearm with a long barrel and rifling resulted in weapons that were accurate at distances respectable to even most modern firearms. More robust flintlock designs also meant that the weapons could be carried through the American wilderness with less chance of breakage. The construction of these arms for private sale and ownership began a culture of gun ownership in America that carried on throughout the late colonial period, through Revolutionary Period and into the Constitutional period of the early republic.³

By the time of the American Revolution firearms were just a part of life in the American colonies. This American gun culture was already much different than what was common in Europe and firearms were more prevalent and more widely used in the American colonies than anywhere in Europe. This gun culture fed into the colonial militias, and associations in the case of Pennsylvania, where practice and proficiency were prized skills and a danger to the British. Associations of Pennsylvanians would gather as private citizens without the consent or blessing of the colonial government, to attain guns and even artillery, as well as powder, fortifications and other implements of war, training and drilling, for the purpose of protecting their community.⁴ Colonial riflemen were important to the outcome of the American Revolution, from Lexington

³ See Willard M. Wallace, *Appeal to Arms: A Military History of the American Revolution* (New York: New York Times Press, 1951); and Michael Stephenson, *Patriot Battles: How the War for Independence was Fought* (New York: Harper Collins, 2007); for the importance of Americans and their firearms before and during the American Revolution.

⁴ Joseph Seymour, *Pennsylvania Associators*, (Yardley, Pennsylvania, Westholme Publishing, LLC, 2012).

and Concord, through Yorktown. The value of private citizens being proficient with firearms was useful when fighting the British. Private gun ownership was taken up by antifederalists who dissented to the ratification of the Constitution, who wanted a guarantee of their right to bear arms, amongst other rights. These rights were already codified into state constitutions of the Revolutionary era and the dissenters represented the group that wanted to retain this right indefinitely. They saw it as a natural right, just like speech and assembly. State constitutions had already ratified just such a provision, most notably in chronological order, Virginia, Pennsylvania, and Massachusetts. These state constitutions were written in most cases by the same delegates who represented these states in the Constitutional Convention. George Mason of Virginia, Benjamin Franklin of Pennsylvania, and John Adams of Massachusetts were all pivotal in authoring their respective state constitutions as well as participating in the Constitutional Convention. It is little wonder then that the right to bear arms protected in each of these states was also being discussed and included in a national Constitution.⁵

The contributions of the largest and most populous colonies were significant. Perhaps the most significant contribution was by Pennsylvania, which adopted a unique state constitution of 1776. The role of firearms in many of the colonies was similar, but the unique history of Pennsylvania, chartered as a Quaker colony under William Penn, but then rapidly settled by immigrant settlers from around Europe, meant that was a great friction between Quaker pacifism and settlers who needed armed protection. Furthermore, the history of Pennsylvania contributed

⁵ See Bernard Bailyn, *Ideological Origins of the American Revolution* (Cambridge, Massachusetts: Belknap Press, Harvard University, 1967). Jack N. Rakove, *Original Meanings: Politics and Ideas in the Making of the Constitution* (New York: Vintage Books, Random House, 1997). Robert Middlekauff, *The Glorious Cause: The American Revolution 1763-1789* (New York: Oxford University Press, 2007).

to the national debate on the right to own firearms. The Second Amendment and its use in the ratification of the Constitution was an outgrowth of the contributions of Pennsylvania.⁶

How did Pennsylvania's unique history contribute and influence the national debate on the right to bear arms? How did Pennsylvania contribute to the Second Amendment and the ratification of the Constitution? While firearms ownership was widespread throughout the colonies for many reasons, in Pennsylvania the role and development of firearms was unique and more closely related to the modern notions of private gun ownership in America. To determine the role of the Second Amendment today, the history of its development and adoption is critical.

A great deal of the scholarship surrounding the Second Amendment centers on writing in favor of and against legal battles. The Heller decision in 2008 was a foundational ruling that guaranteed the right of individuals to own firearms.⁷ This decision was made based on the historical evidence and legal precedent of the perceived right to bear arms granted in the Bill of Rights. However, what influenced the adoption of the Second Amendment and what were the ideas and reasons for it? How did it come to pass, being ratified by the states?

Contemporary conversations surrounding the viability of the Second Amendment in a modern advanced society may pressure academics to refrain from staking their professional reputation on this important topic, or perhaps they fear the repercussion of fury over interpretations of this right. However, the history of the right to bear arms has not been adequately studied, from an academic perspective. There are many contemporary works that

⁶ Pearl, Christopher Ryan. "Our God, and Our Guns": Religion and Politics on the Revolutionary Frontier." *Pennsylvania History: A Journal of Mid-Atlantic Studies* 85, no. 1 (2018): 58–89. <https://doi.org/10.5325/pennhistory.85.1.0058>; Nathan R. Kozuskanich, "Pennsylvania, the Militia, and the Second Amendment." *The Pennsylvania Magazine of History and Biography* 133, no. 2 (2009): 119–47. <http://www.jstor.org/stable/40543453>.

⁷ District of Columbia v. Heller, 554 U.S. 570 (2008).

discuss this right, how it has legally evolved over the late twentieth century. Excellent academic works about the ideological origins of the founding of America have been written, but little work specifically on the Second Amendment. Excellent monographs, for example, Jack Rakove's, *Original Meanings*, explain the development of many rights in America, such as free speech and assembly, but does not include the right to bear arms. Seeing the impassioned debate that surrounds this right today, legal interpretations have been published on all sides of this issue. However, while there are monographs written to establish a desired policy outcome, there is not a pure academic study of the ideological origins of the Second Amendment from the perspective of the Pennsylvania colony's unique history. America is unique in its relationship with firearms because of the way it was founded and the gun culture that developed on the American frontier. Pennsylvania's contribution to the national right of gun ownership is rooted in its unique history as a Quaker colony.

Most scholarship on the Second Amendment centers on the power of the government to limit this right.⁸ These are legal assessments and not historical, only providing enough

⁸ See Patrick J. Charles, *Armed in America: A History of Gun Rights from Colonial Militias to Concealed Carry*. (Amherst, New York: Prometheus Books, 2019). Patrick Charles argues that the right to bear arms was necessary for the militias of the Revolution but is dangerous and unnecessary in modern society. Saul Cornell, *A Well-Regulated Militia: The Founding Fathers and the Origins of Gun Control in America* Oxford: Oxford University Press, 2006. Saul Cornell argues that the right to bear arms is still relevant to modern society, but it is a communal right and not necessarily an individual right. Therefore, the government can impose restrictions on this right based on their interpretation of the need for the public good. Also, Saul Cornell and Robert E. Shalhope, *Whose Right to Bear Arms Did the Second Amendment Protect?* (Boston: Bedford/St. Martin's, 2000), makes the case that the founders never intended for individuals to be able to carry any kind of weapon in public. Cornell argues in this work that firearms ownership is a right to protect the community and therefore for the safety of the community it can be restricted. Stephen Halbrook, *That Every Man Be Armed: The Evolution of a Constitutional Right* Revised and updated edition. (Albuquerque: University of New Mexico Press, 2013), is a very pro-gun statement. Halbrook argues that the right to own guns is linked

background to build a legal case, not building the historical perspective to determine where this right comes from and therefore making assessments as to the modern legality of it. Patrick Charles falls on the side of using historical reference to support his idea that guns are dangerous in modern society. Some like Saul Cornell make interesting cases for the use of firearms in society for the protection of communities, but not necessarily individuals. Stephen Halbrook is a stern supporter of the Second Amendment and uses historical perspective to help build a case that the right to bear arms is sacrosanct.

The right to bear arms cannot be extracted completely from the other rights of Americans as the nation was founded. Therefore, the ideological origins of the founding of America and how these ideals were ratified into the Constitution must be studied to have a clearer picture of the development of specific rights. The ideological origins of America are well documented. Classics among these are Bernard Bailyn's, *Ideological Origins of the American Revolution* (1967),⁹ and Jack N. Rakove's, *Original Meanings: Politics and Ideas in the Making of the*

throughout the development of Western Civilization. Stephen Halbrook, *The Founders' Second Amendment: Origins of the Right to Bear Arms* (Chicago: Ivan R. Dee, 2008). In this work Halbrook continues his defense of the Second Amendment by comparing the need for militia during the time of the founding to a modern right to bear arms. He contradicts the argument made by Saul Cornell about the Second Amendment being a communal right. And Thom Hartmann, *The Hidden History of Guns and the Second Amendment: Understanding America's Gun-Control Nightmare*. (Oakland: Berrett-Koehler Publishers, Incorporated. 2019). Hartman is decidedly against the right to bear arms and uses this monograph to argue against the right of firearms ownership from the perspective that communities and the nation can enact laws that protect the lives and safety of the citizenry. Finally, Joyce Lee Malcolm, *To Keep and Bear Arms: The Origins of an Anglo-American Right*. (First Harvard University Press paperback edition. Cambridge, Mass: Harvard University Press, 1996), makes a case for the direct relationship between the right to bear arms in America to the England's rights as Englishmen. Only Halbrook and Malcolm discuss the ideological basis for the right to bear arms. Halbrook briefly refers to the ancients and traces throughout the development of Western civilization. Malcolm, as the title suggests, dives deeper into the English formation of rights.

⁹ Bailyn, *The Ideological Origins of the American Revolution*.

Constitution. (1996).¹⁰ These works examined the intellectual and philosophical basis for the American Revolution, but not specifically how the Second Amendment came about. The ratification of the Constitution and the Bill of Rights are discussed, but not with a specific look into the Second Amendment. These excellent works have built a basis for the study of the original intent of the founders during the Revolutionary and the Ratification periods.

Building on the use of American firearms during the Revolution, the importance of American riflemen, and the gun culture of the period, Higginbothams, *The War of American Independence: Military Attitudes, Policies and Practice 1763-1789*, illuminated the role of gun culture and proficiency with firearms into the Revolution.¹¹ Wallace's *Appeal to Arms: A Military History of the American Revolution*, and Stephenson's, *Patriot Battles: How the War of Independence was Fought*, also helped to make a case for the use of proficient riflemen that would not have been possible without a gun culture during the Revolutionary period.¹² John Shy contends that the American militiamen, mostly without formal training, were able to face the British. Though the armed citizens of the colonial militia could be erratic, they were able to defend themselves against the trained soldiers of the British Army.¹³ Shy demonstrates that the idea that minutemen were created expressly as a product of the American Revolution is false. Both Shy and Stephenson contend that the need for both personal and community self-defense as

¹⁰ Rakove, *Original Meanings*.

¹¹ Don Higginbotham, *The War of American Independence: Military Attitudes, Policies, and Practice 1763-1789* (Boston: Northeastern University Press, 1983).

¹² Wallace, *Appeal to Arms*; Stephenson, *Patriot Battles*.

¹³ John Shy, *A People Numerous and Armed: Reflections on the Military Struggle for American Independence*. (Revised edition. Ann Arbor, Mich: University of Michigan Press, 1990).

well as a gun culture had already been established in colonial America. The various dangers of life in colonial America required communities and individuals to have the ability to defend themselves. Militia units were a part of the American colonial experience long before the Revolution.

This work falls into the background for the right to self-defense, based on a network of rights, specifically from the perspective of the Pennsylvania colony. Though the Quakers restricted the involvement of the colonial government to become involved with any violence, Pennsylvanians were left to their own initiative to secure the security that living on the frontier required. The progression of the right to bear arms in Pennsylvania, and later the United States, is derived from the absence of a centralized governing consensus on that subject. The basis for individual rights comes from various English and Western sources, but the fruition of a right to bear arms was developed mainly from perceived needs on the frontiers of Pennsylvania.

A significant work that centered on the Second Amendment, regarding its history is Stephen P. Halbrook's, *That Every Man Be Armed: The Evolution of a Constitutional Right*.¹⁴ As a litigator on behalf of the National Rifle Association his work superficially explained the origins of the right to bear arms through ancient times, through English rights, American colonial times, ratification and into Antebellum America and into the present day. Halbrook glossed over the history in shorter early chapters, just highlighting the events that laid support to the foundation of the Second Amendment. He discussed the history of an individual right to bear arms as it pertained to a modern defense for the NRA.

¹⁴ Stephen P. Halbrook, *That Every Man Be Armed the Evolution of a Constitutional Right*, (Revised and updated edition (1984), Albuquerque: University of New Mexico Press, 2013).

Halbrook's next book, *The Founders' Second Amendment: Origins of the Right to Bear Arms*,¹⁵ was intended to coincide with the Supreme Court's Heller Decision. It provided another legal, not necessarily historical account of the founders and their intent of the right to bear arms, and how that right should be interpreted today. A fierce advocate for gun rights, his views are completely supportive of striking down gun control measures.

Another work that provided a brief outline of the origins of the Second Amendment, which was intended to be more of an educational background tool, rather than a source of serious scholarship is Joan C. Hawxhurst's, *The Second Amendment*.¹⁶ Mainly the author of children's works, she wrote this to be a part of the American Heritage: Bill of Rights Series. David E. Young, in his self-published *The Founders' View of the Right to Bear Arms*, provides another general background to the right to bear arms, which can be used as a primer, but not as a serious historical analysis.¹⁷

Various theories about the origins of an American gun culture are found in monographs including, Joyce Lee Malcolm, a contemporary of Halbrook, who wrote about the English background for the American right to bear arms in, *To Keep and Bear Arms: The Origins of an Anglo-American Right*.¹⁸ Malcolm is a Constitutional Law Professor at George Mason University

¹⁵ Stephen P. Halbrook, *The Founders' Second Amendment: Origins of the Right to Bear Arms*, (Chicago: Ivan R. Dee, 2008).

¹⁶ Joan C. Hawxhurst, *The Second Amendment*, (Englewood Cliffs, N.J: Silver Burdett Press, 1991).

¹⁷ David E. Young, *The Founder's View of the Right Bear Arms*, (Ontonagon, Michigan, Golden Oak Books, 2007).

¹⁸ Joyce Lee Malcolm, *To Keep and Bear Arms: The Origins of an Anglo-American Right*, (First Harvard University Press paperback edition. Cambridge, Mass: Harvard University Press, 1996).

and concentrates on English role in the development of the right to bear arms. While Halbrook traces the origins of the American right to bear arms to the ancient Greeks and traces it forward, Malcolm concentrates on the English Bill of Rights and the rights of Englishmen to bear arms. Both Halbrook and Malcolm agree that this uniquely American right traces its origins back to Europe and the notion of a right self-defense developed in Western Civilization. As a right of Englishmen though, this right was decidedly different in America. Having been based on the rights of Englishmen, the unique American experience, changed that right into something uniquely American. Beyond the unique history of the American frontier, the unique history of Pennsylvania contributed to the American interpretation of firearms ownership as a right to self-defense.

Saul T. Cornell's, *A Well-Regulated Militia: The Founding Fathers and the Origins of Gun Control in America*, concentrates on a debate between whether the Second Amendment is an individual or a collective right.¹⁹ Referring to the Heller decision he concludes that both sides are essentially wrong. Historically, the right to bear arms was a civic right, meaning that it was a civic duty to own weapons to participate in a well-regulated militia. The reason that individuals were allowed to own weapons was so that they be called to use them as part of a well-regulated militia. It is the historical perspective in a work like this that is sorely missing from the current debate. However, research into the established gun culture of the time, as well as the types of weapons owned by colonial Americans, will help to broaden the understanding of this topic. There are other considerations, especially considering the unique history of the Pennsylvania colony that broadens the understanding of the individual right to bear arms on the national level.

¹⁹ Saul Cornell, *A Well-Regulated Militia: The Founding Fathers and the Origins of Gun Control in America*, (Oxford: Oxford University Press, 2006).

More recent works, such as Thom Hartman's, *The Hidden History of Guns and the Second Amendment*, address the subject of the gun control debate in America.²⁰ Decidedly not historical, modern works like this focus on the origins of gun culture and the adoption of the Second Amendment, using modern statistics of gun violence. Hartman observed elements of guns that supported his preconceived notions. He provided only a glancing interpretation of the Second Amendment and do not discern its relevance in the modern world other than a simple support of their preferred policy. Thom Hartmann, a radio talk show host, wrote *The Hidden History of Guns and the Second Amendment*. The hidden history series has more to do with Hartmann's policy preference of strict gun control and not much to do with the actual history of the Second Amendment.

Also published in 2019, Patrick J. Charles's, *Armed in America: A History of Gun Rights from Colonial Militias to Concealed Carry*.²¹ Charles earned an L.L.M. degree in legal theory and history and a J.D. from Cleveland-Marshall College of Law. He is the Senior Historian for the United States Special Operations Command. He builds on Cornell by stating that what was originally intended by the founders as a civic right has evolved through the nineteenth century to be an individual right, though it can be severely restricted by the government's police power. The idea that the original intent is not what the Second Amendment has evolved into is a new view of this right. Though many would use this argument to support the idea that it is outdated and should be removed or restricted from the Constitution. He argues that the role of firearms

²⁰ Thom Hartmann, *The Hidden History of Guns and the Second Amendment: Understanding America's Gun-Control Nightmare*, (Oakland: Berrett-Koehler Publishers, Incorporated. 2019). ProQuest Ebook Central.

²¹ Patrick J. Charles, *Armed in America: A History of Gun Rights from Colonial Militias to Concealed Carry*, (Amherst, New York: Prometheus Books, 2019).

has changed along with technology, that the need for them is lessened today, in the modern world.

The unique history of Pennsylvania gives insight into the development of the American right to bear arms. The Keystone States' contributions to the right of self-defense and firearms ownership are significant. Pennsylvania, where the Declaration of Independence was signed and the Constitution was written, had significant influence on the ideological origins of the right to bear arms. Pennsylvania was one of the last colonies to be settled in America. Yet, its population exploded because of the freedom and opportunity that was established by William Penn's original Frame.²²

The founder of Pennsylvania, William Penn, like most Quakers was a pacifist. He established many of the rights in Pennsylvania that would later be part of the Pennsylvania constitution, with its explicit declaration of rights. William Penn's experience in Britain, being labelled and even jailed for his religious views and the expression of his beliefs, meant that he was a firm supporter of the right of conscience, the ability to follow one's own conscience as well as the right to free speech. Even though he never resorted to it himself, he also understood that individuals needed to retain the right to protect themselves against the government and those that would do them harm. Penn founded Pennsylvania as a Holy Experiment based on the rights of conscience and assembly. Pennsylvania was established to allow people to think and say what they wanted. A contemporary of John Locke, Penn shared some of the same conclusions about the nature of a civil society. Pennsylvania was a place where that society could be attempted for

²² Taylor, *American Colonies*, 263-72.

personal freedom and prosperity. After he was given Pennsylvania, to settle the debt owed his father, he put these ideals into practice and codified them in the Pennsylvania charter.²³

A historical perspective study into how the use of firearms became acceptable, providing the origins of the right to bear arms in Pennsylvania is necessary. The contributions of Pennsylvania to the Second Amendment are significant and therefore have academic value. Current scholarly works support the idea that the original intent of the founders was that the populace should be armed, regardless of contemporary debates. There is still room for the study of where this right originated in America, especially the history of Pennsylvania's contributions.

Pennsylvania grew rapidly, the peace that William Penn established with the native tribes lasted throughout his lifetime, and the Quaker control of the power structure of Pennsylvania remained for almost a hundred years. However, the growth of Pennsylvania westward meant that there would be friction with the native populations. There was a perceived need on the frontier of Pennsylvania for more protection from the colonial government. New settlers coming to Pennsylvania for prosperity and the ideals of the holy experiment were not necessarily pacifists and were therefore more likely to define conflict with violence rather than treaties and negotiation.²⁴

Colonial Pennsylvania, in the first half of the eighteenth century was largely peaceful, but the expansion of foreign powers into contested territory meant that outside pressure would bring violence to the Pennsylvania frontier. France and Spain competed with Britain for control of the North American colonies. The French and Indian Wars brought this conflict into Pennsylvania,

²³ Andrew Murphy, *William Penn: Political Writings* (New York: Cambridge University Press, 2021).

²⁴ John Smolenski, *Friends and Strangers : the Making of a Creole Culture in Colonial Pennsylvania*, (Philadelphia: University of Pennsylvania Press, 2010).

which helped create and define a Pennsylvanian gun culture. Gun ownership would in turn create the basis for the right to bear arms in Pennsylvania and then in the United States.

If the intent of the Second Amendment was to allow individuals and communities the ability to defend themselves against attack from outside the nation, and inside the nation, then the purpose of this right is clearly in the personal protection camp. However, if the right to bear arms is more aligned with Cornell and those who believe that only the government and those authorized by the government are allowed to own firearms, then major restrictions on gun ownership can be legislated across the nation, limited to a well-regulated militia. America has a unique right guaranteed in the Second Amendment, which is constantly being reviewed as part of an assessment of the continued viability of this right. Pennsylvania is a test case for the development and implementation of gun rights in America.

Therefore, research into the origins of the uniquely American gun culture, from the perspective of the Pennsylvania colony, and the use of firearms throughout the colonial and Revolutionary periods will have a significant impact on our understanding of the nature of the right to bear arms. A thorough historical background, of the establishment and growth of the Pennsylvania colony, not only of the colonial period, but also of the background in Europe, that led to the American adoption of this right will be incorporated to provide a practical application for the Second Amendment. Americans grew up as a nation with guns and in Pennsylvania, as well as other colonies, it was a necessary tool. However, in Pennsylvania there were other factors that contributed to the role of firearms, including the Quaker control of government and Pennsylvania's geographic position in the center of the American colonies.

Another question is, what were the practical needs for the American culture of gun ownership? Then the overarching question is, what is it about America that is so unique in its

Constitutional right to personal self-defense in a right to bear arms? Once the American Colonies were established the need for weapons was critical to supplement food sources, as well as for protection from natives as well as each other. The tool of a firearm in the American colonies was so important that colonies had laws which forbade their sale or repair for the Indian population. During the Revolutionary Period, militias were called into service and even the regular Continental Army soldiers were citizen soldiers who brought their knowledge and use of firearms to the front. The right of individuals to own and use firearms for their own defense and the defense of their communities is central to the historical adoption of a right to bear arms.

Published primary source materials from Aristotle, St. Thomas Aquinas, Blackstone, and the English Bill of Rights of 1689, provide the historical background for the right to self-defense in the period preceding and during the establishment of the Pennsylvania colony. To determine the intellectual and moral foundation for the Western right to self-defense, as well as the right to bear arms, this support needed to be made. The ideological founding of Pennsylvania is based on primary source material from the papers of William Penn. *The Pennsylvania Gazette* as well as the *Minutes of the Supreme Executive Council of Pennsylvania*, which has is more commonly called, the *Colonial Record of Pennsylvania*, formed the basis of the study of the Pennsylvanian historical record. William Penn was a student of the major Western political thought of his contemporaries, and he put these into practice in Pennsylvania, based on his experiences of religious persecution and the rights of Englishmen in Britain.

As the talk of independence grew, colonies and later the states began to adopt constitutions. Gun rights of various kinds were included in many state constitutions, and a study into the constitutional conventions of each of the primary states, Virginia, Pennsylvania, and Massachusetts, helped determine the intent of this right. Since the authors of state constitutions were largely responsible for the United States Constitutional Convention, their perspectives

provide insight into the reasoning of the founders. The collections of papers of key founders, like Alexander Hamilton, Benjamin Franklin, George Mason, George Washington, James Madison, John Adams and Thomas Jefferson, helped determine the nature of the rights set forth in the Constitution. Notes from the state ratification sessions were also quite helpful in determining the intent of this right as it was being debated.²⁵

To study the mindset of the founders and for their original intent in the Constitution, *The Federalist Papers*, the *Papers of the Constitutional Convention* by James Madison and the *Documentary History of the Ratification of the Constitution* are relevant but can still be used to further our understanding of the founding intent behind the Second Amendment.²⁶ Primary source materials including *The Pennsylvania Gazette*, Benjamin Franklin's Philadelphia publication, are helpful in determining the mindset of the people and historical perspective at the time. Pamphlets of the era, highlighting the life of settlers or the political situation, help to produce perspective on the gun culture of the Pennsylvania colony. One such pamphlet, *A Just Rebuke to the Quakers Insolent Behaviour*, was written by Francis Bugg, a disgruntled Quaker, who exposes what he thought was dirt on the Quaker governing body.²⁷ His pamphlet identifies some of the issues that Quakers created with regard to protecting colonists.

²⁵ "Proceedings Relative to Calling the Conventions of 1776 and 1790, the Minutes of the Convention that Forms the Present Constitution of Pennsylvania," Pa Constitution: Thomas R. Kline School of Law of Duquesne University, [Constitutional Convention 1776 - PA Constitution](#).

²⁶ Merrill Jensen, John P. Kaminski, and Gaspare J. Saladino, *The Documentary History of the Ratification of the Constitution*, (Madison: State Historical Society of Wisconsin, 1976).

²⁷ Francis Bugg, *A Just Rebuke to the Quakers Insolent Behaviour, in Their Two Books, I.e. A Just Censure, &c. the Other, A Sober Reply, &c. Both Presented to Some Members of Parliament. : Also a Dialogue Between a Civilian and a Quaker*, (London: Printed for the author, by Rich. Janeway, Jun. near Doctors-Commons, 1700).

Chapter one provides the necessary historical and intellectual background of William Penn, as he developed intellectually. William Penn's personal experiences being incarcerated for his religious perspectives made an impact on his political outlook. Penn wrote extensively about the rights of conscience and that of assembly. He was supportive of the idea that there were rights that needed to be linked together, or they would all be lost.

As a Quaker, Penn faced religious persecution, but he was also connected to the royal court. This unique position allowed Penn to negotiate a charter for the colony of Pennsylvania. There he could create a government that was supportive of individual rights, a holy experiment in the New World. Penn's beliefs about individual liberty were codified in his writing and implementing the Pennsylvania Charter with a list of rights for settlers. The right of conscience, that individuals could think as they pleased, meant that there were relatively few laws concerning Pennsylvania settlers. Individual rights of conscience, assembly, speech and property became established in Pennsylvania. Freedom and opportunity were the main reasons for the colony's rapid expansion. Pennsylvania became a civil society, where settlers could profit from their own industriousness.

In the second chapter the growth of Pennsylvania as a pacifistic colony, run by the Quaker majority in Philadelphia, became the norm. It led to friction between the established rule of the entrenched classes in settled and increasingly urban Philadelphia and the practical need for protection in the rural frontier counties to the north and west of the city. Those who lived in Philadelphia felt safe from invasion because there was peaceful coexistence with surrounding Indian tribes, and safety from foreign attack under the cover of the British military. However, this was not the case in rural frontier settlements. On the frontier, the need for self-protection from natives and others that would do them harm was more evident. The right to bear arms in Pennsylvania was born out of necessity. Frontier settlements had to learn to protect themselves

from the encroachment of foreign adversaries, Indian attacks, and the lack of policing power from the colonial government. The neglect of the Quaker majority in Philadelphia to provide adequate protection, they neglected their role as protectors of the colony. While the Quakers did not outlaw gun ownership, they did not support the creation or ownership of weapons, or any violence. There was no colonial militia in Pennsylvania as there was in other colonies like Massachusetts and Virginia. This left the responsibility of self-protection to individuals and organizations within communities.

The civil society that was outlined by political philosopher John Locke, a contemporary of William Penn, was the goal Pennsylvania's charter. However, the reality of carving out a society out of the wilderness was more difficult and complex than any philosophy could have imagined. The need for protection from conflict with Indians, criminals or foreign adversaries meant that arms needed to be part of the population of Pennsylvania, whether the Quakers wanted it or not. The fear of conflict in King George's war helped to create an armed response in Pennsylvania.

Chapter three discusses the way in which Pennsylvania armed against the threat of foreign conflict during the French and Indian Wars. The development of the rights of Pennsylvanians to bear arms was caught between the pacifist Quakerism in Philadelphia and the non-pacifist settlers in western counties. Throughout the mid-eighteenth century, the Indian Wars exacerbated the friction between Quaker pacifist control of government and the need to protect the colony from foreign invasion. King George's War in the 1740's and later the French and Indian War in the late 1750's (ending in 1763) became the catalyst required for those who advocated for firearms ownership to form associations. With no colonial militia, citizens organized themselves in associations to defend their homes and communities. The threat of foreign invasion from adversaries like Spain to the south and France to the north, meant that

many in Pennsylvania were determined to arm and train to protect themselves. Associations organized themselves because without the support of the colonial legislature or the proprietor, they would need to defend themselves. Benjamin Franklin was a big supporter and organizer of the Philadelphia Association.²⁸

Chapter four shows how the need for the colonies to defend themselves became greater during the Revolution and the full explanation of gun rights in the 1776 constitution of Pennsylvania. As the rift between the American Colonies and England became wider, newly formed states wrote their own constitutions, with mini-constitutional conventions. Therefore, the fourth chapter explains how various state constitutions compared with Pennsylvania regarding the private ownership of firearms. The 1776 Pennsylvania constitution was different than the other state constitutions. It became influential in the development of democratic individual rights of all kinds, especially the right to bear arms. The three largest colonies at the time were Virginia, Pennsylvania and Massachusetts, all of which added a right to bear arms to their state constitutions. Studying these constitutions and the debates that surrounded them answers how gun culture and the right to self-defense played into the adoption of state constitutions. These state constitutions in turn form much of the basis for the Constitutional Convention later. How did these important states guarantee the right to bear arms in their states? Pennsylvania's constitution particularly answers these questions by stating that the right of Pennsylvanians to bear arms for hunting, and both civic and personal defense is unique in the world. Virginia's constitution predated Pennsylvania and provided a right to bear arms as well, though not as clearly defined as Pennsylvania, and Massachusetts' constitution stated that rights of citizens to own arms shall not be infringed. The language and intent of these state constitutions was the basis for the United States Constitution. Studying how basic rights, unwritten at first, became

²⁸ Joseph Seymour, *Pennsylvania Associators*.

part of state constitutions answers the question of intent when the Second Amendment is written later during the ratification process of the United States Constitution. The authors of these state constitutions were often the same men who were state representatives in the national Constitutional Convention. Their voices added to the checks and balances of the national Constitution, aiming to protect the rights that were essential in the founding of the nation.

The fifth chapter traces the need for armed Americans in the Revolution and how this translated into the Second Amendment. The ratification of the Constitution needed to include safeguards for the dissenters (anti-federalists) who needed assurances of their rights before they signed on to this new government. The dissenters in Pennsylvania were adamant about the protection of their rights. They believed that they had fought the Revolution to secure the rights of individuals and democracy, but the Constitution was a threat to that. John Dickenson, a key representative of Pennsylvania to the Constitutional Convention, had nuanced views of the nature of rights based on his Quaker faith. Dickenson represented an evolution of the Quaker perspective on rights in Pennsylvania, dating back to William Penn and the original charter. Jane Calvert's, *"The Political Rock of Our Salvation": The U.S. Constitution According to John Dickenson* is invaluable to the ideological perspective of Dickenson during the ratification.²⁹ While the Federalists did not want to end the right of individuals to own firearms, it was the dissenters to the Constitution that ensured that it would be included as a right, second only to the First Amendment.

Dissenters were skeptical of the increased powers of the central government granted in the new Constitution. Their skepticism demanded that guarantees of certain freedoms were written into what would become the Bill of Rights. Like the state constitutions, the antifederalists

²⁹ Jane E. Calvert. *Quaker Constitutionalism and the Political Thought of John Dickinson*. (Cambridge: Cambridge University Press, 2009).

had certain ideological similarities that were somewhat common among the various states. Dissenters, especially in Pennsylvania, were central to the establishment of the rights that would become the first ten amendments to the new Constitution, especially the First and Second Amendments.

The Revolution was hard for the colonials. Just before the end of the Revolution, in 1781, the year that Benedict Arnold betrayed the Revolutionary cause, the Pennsylvania line mutinied. Mutinying Pennsylvanians wanted back pay, food, clothing and armaments. These soldiers were a danger to the entire Continental Army and using the Philadelphia Association, they were brought back to the line of battle. After these sacrifices, it is little wonder that dissenters wanted assurances that their rights would be protected.

The Bill of Rights was a promise to the dissenters that their rights would be protected. The debate in and out of the constitutional convention and throughout the ratification process are studied and presented in this chapter. Based on ideas presented in the *Federalist Papers*, the *Antifederalist Papers*, as well as other primary source materials, the right to personal firearms ownership was eventually codified in the Second Amendment. George Washington himself supported the Second Amendment in his inaugural address, even though he saw the use of firearms in Shay's Rebellion just a couple of years earlier. The right of individuals to own weapons meant that they were also responsible for that power.

The sixth chapter is a presentation of the example of the danger of gun rights in the early republic. The new Constitution was ratified, and the Bill of Rights was newly adopted when the Whiskey Rebellion erupted on the western frontier of Pennsylvania. The new taxation power of the U.S. Constitution meant that Alexander Hamilton could propose and then enforce a new excise tax on whiskey, which the rural farmers and distillers in Pennsylvania thought placed

undue burden on them. The two sides became entrenched and eventually the Pennsylvanians raised arms against the government officials. The first president of the United States, George Washington raised and led an army of militia to western Pennsylvania, but luckily a battle did not ensue. The complexities of a right to bear arms in the new republic had to be determined by those who had a stake in the outcomes. Luckily in this case the needs of the people of western Pennsylvania were addressed, there was not a battle, and even the ringleaders of the rebellion were pardoned by the president (whether it was Washington, Adams or Jefferson).

The modern debate on firearms will certainly persist as a civil society weighs the individual rights of the people and the perceived need for communal safety. This debate has been occurring since the chartering of Pennsylvania. The development of this right in the colony and state of Pennsylvania sheds new light on the role of firearms in a civil society. Furthermore, firearms in Pennsylvania demonstrated the need to balance the rights of individuals to protect themselves and their communities, with the danger of empowering the populace with guns.

Chapter 1

Theory versus Practice: The high ideals of William Penn and the Founding of the Proprietary Government of Pennsylvania.

The right of Pennsylvanians to bear arms was not born out of an impassioned outburst during the tumultuous Revolutionary period. The unique right of personal firearms ownership, found in the Pennsylvania Constitution of 1776, guaranteed, “That the people have a right to bear arms for the defence [*sic*] of themselves and the state; and as standing armies in the time of peace are dangerous to liberty, they ought not to be kept up; And that the military should be kept under strict subordination to, and governed by, the civil power.”¹ The explicit right was the outgrowth of almost a century of tradition and policy in the Pennsylvania colony. Pennsylvania’s first constitution influenced the United States Bill of Rights, which was drafted in the same city, Philadelphia, years later.

The guarantee of the right to bear arms in a state constitutional document was somewhat unique, just one of the more liberal factors of the first Pennsylvania Constitution. The development of these rights is not only tied to the American Revolution, but in Pennsylvania it was also an extension to the original founding of the colony, even preceding William Penn’s founding charter. Private arms ownership was a common part of the culture of Pennsylvania, persisting throughout the colonial period into the ratification era, when ordinary Pennsylvanians demanded that the right to bear arms be guaranteed in the Bill of Rights. The right to bear arms in the Pennsylvania colony as well as in the United States Constitution cannot be discerned without first

¹ “Pennsylvania Constitution of 1776,” Pennsylvania Historical and Museum Commission, Philadelphia, 1776. [Pennsylvania Historical & Museum Commission. Pennsylvania Constitution of 1776 | PHMC > Our Documentary Heritage \(state.pa.us\)](https://www.phmc.state.pa.us/constitution-of-1776)

seeing how the development of inalienable rights progressed from Britain's tumultuous religious and political conflicts of the seventeenth century through the charter of Pennsylvania as a proprietary colony of William Penn.

William Penn developed his understanding of natural rights over the course of his life, as the son of a wealthy land-owning war hero admiral and as a Quaker who sometimes found himself at odds with the law. Proud of his father, William wrote to him often. "I pray God be with you, and be your armour in the day off Controversie: In the deepes they that feare him shall escape, and Learn righteousness: It was good Councill given to Israeli, that when their hosts went out to Battle, they should forbear every evel thing: May that Powr be your salvation for his names sake, and so will he wish and pray that is with all tru veneration Hond Father Your obedient Sonn & ser: Wm Penn."²

Written even before his conversion to Quakerism, William found direction from deep faith. Though his relationship with his father would become strained, due to his conversion to Quakerism, they always remained close. The importance of the Quaker sect was central to William Penn's political ideology. His experiences in Britain, attempting to practice his religion, forged his views on the role of government to protect freedoms, as well as how those freedoms bring about Truth. William Penn saw faith as an armor that would defend the individual against those who would interfere with one's relationship with God. The freedom to decide for himself what the Truth was, became a core value of his intellectual and spiritual development. Becoming a leader in the Quaker sect helped to form a foundation of the important rights that all Englishmen shared, if their society would be free.

² Penn, Dunn, and Dunn, *The Papers of William Penn* 35.

Many of the foundational principles that William Penn wished to instill in Pennsylvania were developed over the course of his lifetime. His experiences in England, expressing his freedom of conscience, the right to assembly and the right to free speech influenced his ideas about natural rights, which would later be put into practice as part of Pennsylvania's founding documents. The Pennsylvania colony, which grew quickly under the original charter became a society that was based on Penn's Quaker sect. Instilled from the founding the Quaker controlled government led to a unique perspective of the right to self-defense, which developed into the right to bear arms.³

In the turbulent years of religious conflict between the Church of England and the many Protestant sects, expression of conscience became dangerous. William Penn was not immune to the conflict. When Penn converted to Quakerism he was accused of objecting to the doctrine of the Trinity, the doctrine of three in one God and the divinity of Christ, which landed him in the Tower of London in December 1668.⁴ While there is some controversy as to Penn's beliefs in the Trinity, and whether he recanted his

³ Penn, *Rise and progress of the people called Quakers*.

⁴ Penn, *The Papers of William Penn*, 82. Justifying William Penn's detention Lord Arlington cited his "blasphemy" in this "Order of the Privy Council," on December 16, 1668. "The Right Honoble the Lord Arlington his Mats Principall Secretary of State, having this day represented to his Maty in Councill That William Penn, author of the Blasphemous Booke lately Printed Intituled. The Sandy foundation Shaken &c had rendred himselfe unto his Lords P & that thereupon in Order to his Mats service he caused him to be Committed to the Tower of London and likewise, that he had caused John Derby who Printed the said Booke to be sent prisor to the Gate House which his Mal y well approving of did Order that the said Lord Arlington be, and he is hereby authorised and desired to give Directions for the Continuing the said Will. Penn, and John Darby Close prisoners in the respective Places aforesaid untill farther Order."

statements about it, he at least questioned it, which is part of the Quaker thought of the period.⁵

Historians differ in their interpretation of this key point of William Penn's belief and statements of the Trinity. Rosemary Moore and Thomas D. Hamm believe that he stated that "Sandy Foundation Shaken" was misinterpreted. Hamm used William Penn expert Andrew Murphy's assessment that Penn is difficult to assess because of the volume of his writing. Often writing because of a social or political situation, Penn was often a contrarian. In this light his views about the Trinity might be viewed as a question of conscience and not a direct representation of Penn's actual beliefs.⁶ Rosemary Moore attributes the confusion about Penn's view on the Trinity directly to the volume of his works. She contends that Penn took many sides of issues depending on the social pressures at the time.⁷ Penn expert Andrew R. Murphy holds that Penn did question the Trinity but evolved his perspective in later writing. "Innocency with her Open Face" exclaims Penn's belief in the divinity of Christ. In this piece Penn explains his views on Christ's divinity as well as his relation to God, thereby offering something of an apology. While not a direct apology, the essay seems to have taken some of the heat from Penn.

⁵ William Penn, *Rise and progress of the people called Quakers: also, Sandy foundation shaken, and, Innocency with her open face*. (Philadelphia: T.E. Chapman, 1855). *Sabin Americana: History of the Americas, 1500-1926*.

⁶ Thomas D. Hamm, "The Perplexing Mr. Penn." *The Journal of English and Germanic Philology* 119, no. 3 (2020): 285+. *Gale Literature Resource Center*. https://link.gale.com/apps/doc/A631574049/LitRC?u=vic_liberty&sid=summon&xid=bcf9282b.

⁷ Rosemary Moore, "Quaker Expressions of Belief in the Lifetime of George Fox," in *The Quakers. 1656-1723: The Evolution of an Alternative Community* (ed. Richard C. Allen and Rosemary Moore; University Park: Pennsylvania State University Press, 2018) 159.

Experts on the life of Penn seem to agree that the volume of writing that Penn produced over his life holds many contradictions. By questioning religious doctrine and political thought William Penn was often in trouble, but he also pushed the envelope of understanding of many contemporary issues. Perhaps the highest ideal held by Penn was that he had the right to personally question “...whilst it is thy know, love and fear God Almighty above men’s precepts, thou mayst not miss so good an end, by the blind embraces of Tradition for truth...”⁸ Whether right or wrong, it was the right of the individual, any individual to question anything in his own mind. The foundation of the right of consciousness was at the core of the Quaker sect, as well as for William Penn, who wished to express his ideas. To question, then to express ideas, is the foundation of a bond between the right to free conscience and the right to free speech.

Though the conditions in prison were poor, and his health became questionable, William Penn spent his time writing and honing his ideas about the need for liberty of conscience. Because he was accused of making a case against Trinity, interpreted as an attack on the church and labelled blasphemy, Penn was unable to express his honest mind. He was also unable to defend himself effectively in court, which added to his understanding of the need for the rights of speech and conscience.

Writing to his father, Penn reiterated that he would rather die in prison than betray his personal beliefs. “...that my Prison shall be my grave before I will budge a jot, for I ow my Conscience to no morall man...”⁹ Dying for one’s beliefs to be a martyr is one thing, but this statement is not only dedication to the ideals of the Quaker faith. Penn said that his conscience is

⁸ Penn, *Rise and progress of the people called Quakers*.

⁹ Penn, *The Papers of William Penn*, 85.

only to be aligned to God, not to any other man, moral or not. By expressing his He goes on to say, “I have not need to fear, God will make amends for all, they are mistaken in me, I callour not their Threats nor resolutions, for they shall Know, I can weary out their Malice & Peevishness.”¹⁰ Penn is not afraid of the things that could be done to him by men on Earth, but only remaining true to God’s law and his judgement after death. Penn is saying that disobeying an unjust law of man and being punished for an immoral law is better than following all the laws of man on Earth and then being judged for them in death. This gave Penn the strength to do what he believed was the truly moral law. “[T]hey all behold a resolution abouve fear, Conscience, above Cruelty, & a baffle put on all their Designes by the Spirit of Patience, the Companion of all the tribulated Flock of the blessed Jesus, who it Author & Finisher of the Faith that overcomes the World.”¹¹ Only through a desire to know Jesus through a search of one’s conscience, without regard for fear and cruelty, would anyone truly become closer to Truth. Conscience above cruelty seems to be a key guiding principle of the Quaker sect and for Penn himself. Later, Penn’s adherence to freedom of conscience would influence the founding ideals of the Pennsylvania colony.¹² In criticizing the law of England, Penn began to develop a series of

¹⁰ Ibid.

¹¹ Ibid.

¹² Ibid., 92-93. “For my own part I know none undeserving the Common benefitt of humain Societys, but such whose principles are distructive of justice & fidelity, Industry & obedience in all matters relative of them (wherefore the Romans exil'd their Mathematecos)²⁰ of which neither my selfe nor any Qkr living, can with any shew of reason be Impeached. But to Conceit that men must Forme their faith In God, & things proper to an other world by the prescriptions of mortall men, or else that they can have noe right to eat, drink, walk, trade, conferr, or enjoy their libertys or lives {in this}, to me seems both rediculous & dangerous: since 'tis most Certain the tmdd understanding Can never be Convinc'd by other Arguments then what are adequate to her own nature; which force is so remote from, that as it abundantly expresseth passion or Ignorance In those who are wont to use It; so experementally do we find, that its not only Insuccessfull by confirming those who really have reason on their side, but greatly obdurates the unreasonable; who are then most apt to loose sight of their own weaknesse, when

ideals that he would in time attempt to use to instill a moral framework for law in the New World. These high ideals would be put to the test later in Pennsylvania, and whether a society could function based on these ideals would be the great experiment conducted there.

While in Ireland overlooking some of his family's property, attempting to get rents on those properties, Penn again found himself in trouble with the law, breaking one that prevented Quaker worship. He was sent to Newgate prison in London in August 1670. However, this trial became an event that helped to spur the development of English Civil Religious Liberties, which guaranteed more religious freedom for all Englishmen, specifically that a jury can render a judgement without fear of reprisals, allowing them to be more honest and forthright.

In a letter to English theologian and bishop Peter Mews, Penn vented his frustration for his view that honest Protestant dissent was being stifled and that they were being persecuted for their beliefs. "Shall the multiplied Oppressions which thou continuest to heap upon Innocent Englishman {People} for their peccable Religious Meetings pass unregarded & unavenged by the eternal God, Dost thou think to escape his fierce wrath, & dreadful! vengeance for thy Ungodly &: Illegal persecution of his poor Children; I tell the No, better were it for thee, that thou hadst never been born."¹³ Spurned by the slights and prejudices of the courts, Penn began to think of his conflict with the law from the perspective of a fight for individual liberty against the institutional powers that would limit the right of men to determine truth for themselves with a personal freedom of conscience. Honest men would spread their understanding of the truth, of

they have so much reason to gaize upon their Persecuters: being well assur'd that whoever is In the right, he certainly is allways In the wrong, who by club-law & Corporall extremetys thinks to Illuminate, & Convince the understanding: They may Indeed make Hypocrates, not Converts; But If I am at any time Convinc'd, He pay the honner of It to truth alone, & not by Betray her dues, by a base & timorous hypocresy to any externall violence, or Compulsion under heaven."

¹³ Ibid., 181-82.

religious matters but also with any other subject, only with a freedom of speech and expression.¹⁴ Truth could only be achieved through the freedom to search one's own conscience. Peter Mews, who was a vicar of St. Mary's in Reading, actively worked to suppress nonconformists. These foundational rights would later translate to the great religious experiment in the Pennsylvania Colony. While in Newgate Prison, Penn had time to develop his perception of the role of Christian witness, and his role in purveying a greater right to the freedom of conscience. In "God's Controversy proclaim'd to the Nation through one of his Servants & Wittnesses," in 1670, he begins to see his own plight as representative of a greater cause. Penn fights for the rights of Englishmen, not just his own innocence. Though he felt that he was "...Despised, Defam'd, reviled, evilly intreated, & counted by the Men of this Generation as Turbulet, factious, seditious, an Enemy to Caesar, & made a gaising-stock to the World & a Spectacle to God, to Angels & to Men," he persisted because God's will made him "both able & willing to endure the Cross, & despise the shame for the Possession of the glorious Mansion of Immortality, & that Inheritance which is reserved for the faithfull eternall in the Heavens."¹⁵ Penn believed that role for Christians, with their own personal interpretation of the Bible as their guide, to use their own conscience to guide their path and dealings with the world around them.

¹⁴ William Penn expressed this sentiment in a letter to Peter Mews, from Newgate Prison in a lightly veiled threat. He, the great Jehova rules amongst those of the Children of men whom thou robbest & persecutes!; Yea the Laws of of the Land will rise up in Judgment, in due time, against thee to the disgracing & punishing of thee & the rest of thy Tyrannical Oppressing Brethren, who make your own Wills Laws to undoe persons & whole Families by; Is this according to the Gospel & Precepts & Practice of that Patient Suffering Lamb of God [Christ Jesus and his] poore Disciples, (incarnat Divels do no worse." Penn and Dunn, *The Papers of William Penn* 182. Peter Mews was particularly detested amongst the Quakers for his stance against the nonconformity of Protestants. He was president of St. John's College and vice chancellor of Oxford. He even placed informants within the ranks of the Friends.

¹⁵ *Ibid.*, 184-185.

A conscience based on honest reasoned interpretation of God’s will, presented in the Bible, would be a guiding light for anyone in a free society. Trusting that whatever the consequence of their conscience, the faithful spend eternity in Heaven. The natural rights of assembly, conscience and speech were bound together for Penn, to help foster the welfare in the world of men. If people were not free to discover the Truth together, then they were not freemen. At the core of all freedom is the freedom to think and figure things out for oneself. Freedom of conscience would be necessary for knowing God, as well as for the free expression of political ideas.

Freedom of thought, to reconcile one’s own conscience is the first step to realizing personal liberty. While freedom of conscience is fundamental liberty, it must be connected to other rights. These would later be developed throughout the colonial period, recorded through many of the various colonial and state constitutions. Freedom of speech, expression, conscience, assembly and the press were later connected to other rights, most notably the right to bear arms in the Bill of Rights.

William Penn determined that his role was to persist in overcoming the evils of his generation to remain, “fixed on the recompens of reward,” and “fear not the Wrath of mortall men.”¹⁶ He would retain this attitude throughout the remainder of his life. He saw his role in the world, as a proud Englishman, was to expand the rights of all, first in Britain, and later in the New World. However, implementing the ideals of the rights of Englishmen would be difficult in a New World where frontier life would challenge settlers and collective effort would be

¹⁶ Mary Maples Dunn, Richard S. Dunn, Richard A. Ryerson, Scott M. Wilds, and Jean R. Soderlund, eds. “THE YOUNG QUAKER CONTROVERSIALIST: 1668–1669,” In *The Papers of William Penn, Volume 1: 1644-1679*, 57–98, (University of Pennsylvania Press, 1981). <http://www.jstor.org/stable/j.ctt1bgz9t5.12>. 185.

necessary to survive. The basis for the right to bear arms is rooted in the experiences of the colonial period.

The demands for freedom of conscience, that individual quest for moral and political enfranchisement came from Penn's own religious principles and his own quest for Truth. Part of the Quaker principle of individual morality was a requirement that ideas must be shared freely necessitating a political protection for freedom of conscience and freedom of speech.¹⁷

William Penn developed a depth of understanding of rights during the time just before he was able to get a charter for Pennsylvania. His understanding of natural rights placed him at the forefront of men during this age when political thought centered on the rights needed for freedom in a civil society. In his, *The Peoples Ancient and Just Liberties*, he states, "Liberty of Conscience, is counted a Pretence for Rebellion, and Religious Assemblies, Routs, and Riots."¹⁸ The future leader of Pennsylvania believed that the search for Truth was at the core of human experience and a natural right. The Quakers were also pacifists, which would align with their belief in conscience. Their own conscience would not allow for violence or the support of violence. Religious assemblies would be one thing, but violence derived from it would be out of the question for Quakers.

Other rights would need to be combined with the right of conscience, such as a right to free expression, to become a foundation of natural rights in the New World. While Penn was not the sole creator of these lofty ideals, he was able to put them in practice to some extent in the colony of Pennsylvania. William Penn was in a unique position to take some of the best political

¹⁷ Rufus M. Jones "William Penn: Apostle of Liberty and Human Rights." *Christian Education* 28, no. 2 (1944): 79–88. <http://www.jstor.org/stable/41175064>.

¹⁸ Andrew R., Murphy ed., *William Penn: Political Writings*, (Cambridge Texts in the History of Political Thought. Cambridge: Cambridge University Press, 2020), 33.

science theories of England and implement them in a way that was different than the foundation of the other English Atlantic colonies.

Penn advocated for individual civil and religious liberties. Even though journals of his personal thoughts are not available, his published writings demonstrate that he defended the rights of others, and not just his own rights. *The Peoples Ancient and Just Liberties*, (1670), which is a published record of his trial, reads like a court record. However, it also shows Penn from the perspective of a freedom fighter, taking on the mantle of religious defender against the tyrannical overreach of the crown. He did become a representative voice of dissent. His perceived persecution at the hands of those in power helped Penn develop a personal philosophy about the nature of a just society. Penn's experiences shaped his understanding of personal freedom, and which freedoms were necessary for a free society.

Another right that Penn sought to protect was the right to personal property. Penn developed strong opinions about personal property over time. "When Property is made subservient to the Will and Interest of his Judges; or, Who can truly esteem himself a Freeman?"¹⁹ If individuals could not rely on some permanence to their possessions, then they could not be considered free. Individuals needed to be able to control the fruits of their labor. Penn began to form ideas about multiple rights and how they would relate to each other, as did others during this time. Questioning what rights a man should have in society and what it meant to be a free Englishman were major questions of the day, as well as for William Penn. He pondered what rights would be necessary for Quakers, as well as other Christians, for the freedom to determine and express ideas based on personal conscience. Therefore, the natural rights of a civil society were developed in concert. One right could not be removed from the others and expect a

¹⁹ Ibid.

society to remain free. As Penn developed his understanding of the nature of rights, it became evident that one right could not be divorced from others. Right would need to be established in a symbiotic relationship with others, or freedom would evaporate. A list of rights that needed to be brought together would be necessary to ensure a freer society. What natural rights were necessary and which ones were not was the overarching question of the period.

As a set of permanent rights for free societies was being developed, Penn was involved with changing political currents in Britain. He championed various causes over time, but always remained central to the theme of the rights of Englishmen. English rights could be divided into two categories, “These Laws are either Fundamental, and so unmutable; or more Superficial and Temporary, and consequently alterable.”²⁰ Since law that could be easily changed could also be directed at the politically unconnected, the rights of individuals needed to be permanently established. Otherwise, they could easily be altered and violated by tyrannical forces. If rights could not be altered by the government, no matter who happened to be in power, then they were permanent and therefore natural rights.

In “England’s Present Interest Discover’d,” Penn lists the fundamentals of the “Rights and Priviledges of English Men.” They included three parts, first of which was “Ownership consisting of Liberty and Property: in that it supposeth English Men to be Free, there’s Liberty; next, that they have Freeholds; there’s liberty.”²¹ In 1675, Penn was already defining the core right to be liberty and property. The ability of an individual to pursue profit by the sweat of their own toil was critical for a free society. The right of individuals to do what they wanted for their own subsistence was central to individual liberty. Property needed to be connected to other

²⁰ Ibid., 88.

²¹ Ibid., 101.

rights, such as conscience and expression. The right to think for oneself, as well as the right to express oneself would be connected to the right to pursue property. This collection of rights, theorized and developed in England in the seventeenth century, would be fostered into a new colony, Pennsylvania, and flourish there throughout the eighteenth century.

After the ability to be free from the constraints of property loss to a tyrannical government and allowing men to interact freely, there is the relationship between the citizenry and the law. That fair creation of the law as the second fundamental right is therefore not surprising. “That they have the voting of their own Law; for that was an ancient free Custom, as I have already prov’d; and all such Customs are expressly confirm’d by this Great Charter, Besides, the People helpt to make it.”²² The power of a government must therefore be derived from the consent of the governed. The laws must be created only when there is representation in their creation and implementation. “An Influence upon, and a real Share in the Judiciary Power, in the Execution and Application of Law.”²³ Not only must laws be created with the consent of the people, but the judiciary must apply the law fairly and equally. The development of the rights of men during the seventeenth century was under way as Penn represented this ideal especially regarding the perceived plight of the dissenting Protestant sects, especially the Quakers.

Other struggles would force Penn to navigate the path to a future where he could put these ideals into practice. Regarding the fight for increased freedoms for dissenting Quakers, the ideals held by Penn were not unlike other contemporaries. However, there is a case that he became a standout when he also advocated for developing theory of toleration to other sects and beliefs, even if they were contradictory to his own. Therefore, not only did Penn make a name

²² Ibid.

²³ Ibid., 102.

for himself defending and increasing the rights of Quakers to disseminate their beliefs, but he also defended the rights of other dissenting groups to exercise their own freedom of conscience. Penn's best known and most insightful treatise on his beliefs about freedom of conscience is in the very specifically entitled, "The Great Case OF Liberty of Conscience Once more Briefly Debated and Defended, BY THE Authority of Reason, Scripture, and Antiquity: Which may serve the Place of a General Reply to such late Discourses, as have Opposed a Tolleration."²⁴

Penn examined the power of a government to coerce the population by force. He argued for the necessity for the freedom of speech when he said, "...neither can any external Coercive Power convince the understanding of the poorest Idiot, nor Fines and Prison be judg'd fit, and adequate Penalties for Faults purely intellectual; as well as that they are destructive of all civil government."²⁵ If the government attempted to convince the lowest among us or coerce the most intellectual through a false narrative, the just power of the government would be destroyed. People need the freedom to think and express themselves as they wished, which is the basis of freedom for the entire civil society. In Penn's view no government had the power to force what people thought. Every person was an island where individual freedom to determine what was right and just was maintained. The only end of a government that attempted to enforce Truth through the power of government, was the eventual destruction of that government. He established that these laws are already granted under the laws of England and that he is fighting for the freedoms already granted under British common law, not to mention natural law.

Penn continued to develop his views and theories of political science and the application of a just government, based on the individual rights that centered on conscience and speech in a

²⁴ Ibid., 163-206.

²⁵ Ibid., 165.

pamphlet entitled “The Proposed Comprehension Soberly, and Not Unseasonably, CONSIDERED”. Though concise titles were not a strength for Penn, the ever more focused view of the need for certain rights was evident by 1673, the publication of this pamphlet.

The first liberty Penn describes is Liberty of Conscience which he asks, “What Ground can there be, why Some, and not All, should be Tolerated?”²⁶ Expanding on his views of conscience he recognized the necessity of respecting the views of others. A responsibility for citizens with the freedom of speech and conscience was to allow others to have their own views as well. Penn allows for “the free Exercise of any Dissenting Perwsasion.”²⁷ He defends the idea of a robust freedom of conscience by using the very religion that he is trying to protect. He defends not only his own Quaker beliefs but those of other dissenting groups and even the Catholic religion. He expresses that government cannot force anyone to believe something, especially something as personal as faith. However, persuasion that, "Sound Reason is the only Weapon which can Disarm the Understanding: that Coertion doth rather Obdurate then Soften; and that they therefore chuse to be Sincere Dissenters, before Hypocritical Conformists.”²⁸ Penn was fostering a world where a robust debate without coercion from the governmental position would allow those citizens who were working within the confines of their own conscience, to have the freedom to speak, to persuade, free from coercion and persecution. It is an early development in England of the need for freedom of speech to debate freedom of conscience. These rights would be developed further in England and in the New World as diversity of thought and religion dictated a need for tolerance. By defending the rights of other dissenting sects and even Papal power, he was advocating for toleration of all sects.

²⁶ Ibid., 207.

²⁷ Ibid.

²⁸ Ibid., 208.

William Penn believed throughout his life that religious dissidence would exist together with civil society, that those who believed differently on subjects as fundamental and intimate as personal religious beliefs could coexist together in a society harmoniously. This belief would be put into the great experiment in Pennsylvania, and later in the new American nation. In addressing the views of toleration to the Parliament, Penn did not call this a civil society but rather a “Common Civil Interest.” Directed at Parliament, he stated that religion is the noblest end of a man’s life, necessary for a “Humane Society,” and teaches to love God above all, that men need to treat our Neighbours as our selves.”²⁹ Furthermore, for men to have the ability to live up to these ideals that they need to be “Protected from Violence or Injury, they cheerfully yield their Obedience, and pay their Contribution to the support of that Government.”³⁰ When men are free to worship and believe what they will, then they are better citizens. They are more obedient to a government that respects them and willingly pay their taxes. “But on the contrary, where men are Insecure of their Civil Rights, nay, where they are daily violated, and themselves in danger of Ruin, and that for no sin committed ag[a]inst the Nature of Civil Interest...we ought to suppose their Affection will flagg....”³¹ The protection of the individual to exercise the freedoms of conscience and speech and to feel safe in doing so, was basic to a civil society. This led to the growth of the idea that personal liberty to speak freely and believe freely was tied to freedom from violence from the government. It was therefore the job of the government to protect the rights of groups, especially those who had differing or unpopular beliefs. By allowing people to think and speak freely, a government could gain the respect from grateful citizens,

²⁹ “One Project for the Good of England: That is Our Civil Union is our Civil Safety: Humbly dedicated to the Great Council, The Parliament of England,” Murphy, Andrew R., ed., *William Penn: Political Writings*, (Cambridge Texts in the History of Political Thought. Cambridge: Cambridge University Press, 2020), 212.

³⁰ Ibid.

³¹ Ibid.

which would in turn mean much less chance of a revolt or other violence. Britain's fractious society, with many factions and religious groups, could be united under the umbrella of a just government. That government need only protect the rights of a free people.

Penn argued that England was both populous and Protestant, with many dissenting views, but with an allegiance to the Civil Government of England. Insisting "that they only owe Allegiance and Subjection unto the Civil Government of England, and offer any Security in their power to give of their Truth in this Matter,"³² the security of a free state would compel various dissenting groups to work together for the common good.

In a letter to Parliament Penn said that when a government does not hold up their end of the bargain to protect people and their civil right to expression, or worse, to enforce laws detrimental to speech that the individual would not owe allegiance to that government and would seek new government. A century later this would become a very American point of view. Penn would set the groundwork for this point of view in his colonial experiment in Pennsylvania, which in turn would be expressed throughout America in the Revolution. But it was in Pennsylvania that these ideas developed by Penn would be first attempted. High ideals are worthless unless they can be instated in a working society. While Penn did not have much experience in the New World, other than helping negotiate between Quakers in New Jersey in a land dispute, he would be given a nation unto himself. He saw the possibility of being able to begin a totally new society in the wilderness.

Colonies along the eastern seaboard of North America were established for many reasons and had many different founding causes. Pennsylvania, rather late to this collection, became a unique and very successful addition to the American Colonies. William Penn was an eager

³² Ibid., 215.

Quaker who had spent his life spreading the word of the ideals that his sect offered. This unabashed dedication to his ideological beliefs had led to his being repeatedly arrested and imprisoned. However, he continued to work with other Quakers to spread the word and increasingly fight for their rights of expression as Englishmen. The right of speech, along with the right of conscience, would be tied to other rights of property, and even self-protection. These would be developed over time through a political process in the Pennsylvania colony, tied so closely together that the loss of any one of them would be seen as a blow to the others. However, all the high ideals of William Penn were just theoretical. They would mean nothing unless he could find a way to put them into practice.

William Penn's "Holy Experiment" was to build a place where his ideas about freedom and the nature of mankind could be put into practice, as well as a place where people could discover God in whatever way their conscience directed. However, the experiment also referred to the fact that this new government in Pennsylvania would be dependent on people rather than the people on the government, a truly holy experiment.³³ It would be one thing to theorize about what rights were eternal and quite another to allow individuals to have these rights. How would William Penn react when immigrants to his holy experiment became dissenters? This history of the Pennsylvania colony through the American Revolution would be the answer to that.

In March of 1681 Penn was given Pennsylvania as a sole proprietorship, via a royal charter. One man was given this enormous and beautiful land, as repayment for service by William Penn's father who defeated the Dutch fleet commanded by Van Opdam in 1665. The sum of the repayment was £16,000, a great deal for the Penn family. The charter provided the

³³ Rufus M. Jones "William Penn: Apostle of Liberty and Human Rights." 79–88.

land to William Penn and his progeny for all time, who would be “absolute proprietaries of the Country.”³⁴

The story of Penn being granted Pennsylvania for a debt is widely accepted, but the political issues underlying this agreement must also be stated for the purpose of highlighting the complex nature of the period and the various motivations of the political players involved. The situation in England at the time of the Pennsylvania Charter was full of strained relationships between the Tories and the Whigs, between royal and parliamentary power, and between Catholic and protestant factions. King Charles was beginning to demonstrate that he was more interested in defeating his opponents than coming to terms with them, and the Whigs in Parliament focused on preventing Catholic power. These times left little hope for Penn to find a place to advocate for his freedoms in England, so a colony in America was a more logical outlet for his plans.³⁵

A colony without settlers is just land, so the first order of business for Penn was to advertise for settlers. Penn authored an advertising pamphlet, “Some Account of the Province of Pennsylvania in America”. The basis for this colony and for its founding was to provide a place where the spirit of the individual could be explored and left to fulfill its full potential. By providing a historical background to the spirit of working together in a civil society, Penn contrasted the lives of those in the old world with his new colony where, “rewarded Virtue and Industry,” as opposed to those who “addicted themselves to Pleasure and Effeminacy.”³⁶ Pennsylvania was to be a land where rugged individuals could carve out a profitable life for

³⁴ “Pennsylvania Charter to William Penn – March 4, 1681,” Pennsylvania Charter, sections I-IV, Pennsylvania Historical and Museum Commission, [Pennsylvania Charter | PHMC > Our Documentary Heritage \(state.pa.us\)](https://www.pahmc.org/our-documentary-heritage)

³⁵ Mary Maples Dunn. “An Opening of Joy.” In *William Penn: Politics and Conscience*, (Princeton University Press, 1967), 73-107. <http://www.jstor.org/stable/j.ctt183pkp2.6>.

³⁶ Murphy, *William Penn: Political Writings*. 286-87.

themselves. To partake in this promise settlers would need to undertake some hardship, as the land was largely untamed, but also full of promise. Freedom would be a great draw for the new colony of Pennsylvania.

Even before he set sail for the New World, Penn wrote to those who had already settled on the borders of what would become Pennsylvania to notify them that they did not need to worry about his arrival or the establishment of the new colony. He ensured those settlers that they would remain free and live under laws of their own making, a testament to the adherence of the freedom of conscience.³⁷

The labor invested in this new land would need to be more beneficial and profitable than remaining in Europe, otherwise it would not be worth the dangerous passage and hardship. Penn stated that an acre of land in the New World is worth the danger and the toil. “Their Industry there is worth more than if they stay’d at home, the Product of their Labour being the Commodities of a superiour Nature to those of this [England] Country.”³⁸ The land in Pennsylvania would be a great opportunity for enterprise, but what of the government? If land was the primary reason to settle in the New World, then Penn’s Charter that guaranteed freedom to settlers would be the second.

The intention and purpose of this new colony was evident from the beginning. In Penn’s account of Pennsylvania, he outlined four reasons to settle this new land that would be guaranteed in the state’s constitution. First. “The People and Governour have a Legislative Power, so that no Law can be made, nor Money raised, but by the People consent.”³⁹ Long before the colonies united in no taxation without representation, the Pennsylvania Constitution

³⁷ Rufus, “William Penn: Apostle of Liberty and Human Rights,” 79–88.

³⁸ Murphy, *William Penn: Political Writings*, 287.

³⁹ *Ibid.*, 292.

promised this for new settlers. It was evident that the government of Pennsylvania would be responsive to the settlers and individuals would have a voice in their government. The Pennsylvania government would rest on the consent of the governed.

These rights in the New World would be based on the previously established rights of the old. The second guarantee was “That the Rights and Freedoms of England (the best and largest in Europe) shall be in force there.”⁴⁰ The first two guarantees of rights demonstrate a clear path from English common law based on a long process of development in Western Civilization, through the establishment of more individual rights in a new place, where more modern theory of a civil society would be created.

By stating that Pennsylvania would be an extension of the rights of English common law, he admitted that England was an advanced society with respect to the rights of individuals. Even though Penn’s personal experience meant that he was imprisoned due to his personally held beliefs and the expression of those beliefs, England was still, in his view, “the best ... in Europe.” His intention was to expand on these in Pennsylvania, where he could create a place where rights would be tolerated and guaranteed by the government.

The third, further tying the settlers to a government that would be accountable to its citizens, stated “That making no Law against Allegiance (which should we, ‘twere by the Law of England void of it self that moment) we may Enact what Laws we please for the good prosperity and security of the said Province.”⁴¹ The government of this colony (like many of the others) would be able to make laws that would benefit the inhabitants. This independence of the colonial state fosters the same kind of independence that the individual settlers would enjoy. Local

⁴⁰ Ibid.

⁴¹ William Penn, “Some Account of the Province of Pennsylvania in America” Murphy, Andrew R., ed. *William Penn: Political Writings*. 292.

governance and the ability of self-governance would be a very important aspect of creating a free society in America.

The laws of Pennsylvania were created to meet the needs of the various localities. However, local laws could not conflict with the needs and interests of England. This would make a local government that was more responsive to the needs of the people. In the case of the Quakers, this meant the Quakers who would settle in Pennsylvania, other settlers that came from England and Europe, as well as the native inhabitants. Idealistic as these points were, they were the ideals of Penn and his experiment in the colonies of the New World.

Lastly, the fourth promise was “That so soon as any are engaged with me, we shall begin a Scheme or Draught together, such as shall give ample Testimony of my sincere Inclinations to encourage Planters, and settle a free, just and industrious Colony there.”⁴² Penn recognized that the reality of a new colony based on his ideals would also need to be productive and profitable, or it would not succeed. The harsh reality of creating a colony in the New World was well understood by the late seventeenth century. The hard lessons and losses in early colonies, Massachusetts and Virginia, that were well established by the time of the Pennsylvania Charter, meant that creating Pennsylvania would be a little safer, trading with established colonies, but no less difficult creating a society carved out of the dense woods of eastern Pennsylvania. William Penn needed to attract colonists who would have the skills and the drive to build the early settlements of Philadelphia.

In a plea to attract particular people who would be successful in a frontier situation, Penn invited those who had the skills, drive and character to succeed. Those who would be needed in this new and raw country were a plethora of industrious and skilled laborers and craftsmen.

⁴² Ibid., 292.

“Industrious men” and “men of universal spirits”⁴³ would provide the labor. He further explained how Pennsylvania was the place where the industrious could trade their investment in effort into profit. In this case as in others the founders of Pennsylvania attempted to learn from the mistakes of the earlier colonies, and Penn highlighted to possible settlers that Pennsylvania would benefit from the establishment of other colonies both north and south of Pennsylvania.⁴⁴

Penn attracted settlers by highlighting the freedoms that they could enjoy in Pennsylvania. He expressed how the king ensured that Penn could ensure these freedoms as stated in the Charter. He also said that Pennsylvania was a vast territory where the industrious and adventurous could go and expand as much as they wanted to. Settlers would not be tied to the land and could enjoy freedom of movement within Pennsylvania. As situations arose, the Charter allowed colonial freedom to make laws locally to address concerns would be left to the colonial governmental structure.⁴⁵

To help ensure the safety of the colonists Penn was given the “Power of safety and defence in such way and manner as to the said William Penn, &c. Seems meet.”⁴⁶ There would be a call for the colonial government of Pennsylvania to provide for the common defense of the colony, as well as within the colony. This duty would mostly fall to the individual colonists because of a Quaker belief in strict pacifism, as well as the logistical impossibility of protecting such a vast expanse of land with the limited number of resources available. Penn tried to put his

⁴³ Ibid., 293.

⁴⁴ Ibid., 293-95.

⁴⁵ William Penn, “Some Account of the Province of Pennsylvania in America,” Clauses I-III grant various freedom of movements, IV-VII deal with lawmaking and appointment of judges and magistrates, VIII-XII deal with colonial expansion, XIII and XIV deal with defense and XV-XX deal with use of land and power of officials to govern land.

⁴⁶ Ibid.

ideals to the test. He established treaties with the Indians that would provide peace for settlers for an extended time in Pennsylvania.

Many freedoms were granted first in the mind of Wiliam Penn in an original draft of the Pennsylvania colonial constitution called the “Fundamentall Constitutions”⁴⁷ However, it would later be ratified by the Pennsylvania colonial legislature with just a few changes from a final version of Penn’s own draft, called “the Frame.”⁴⁸ The most significant alteration to the final document is that there is a little more power for the colonial legislature to make laws without the consent of the proprietor. This minor change would mean that Penn could not control the colony by himself, and eventually he would lose control of it altogether.

The establishment of a colony as an experiment in tolerance and freedom of conscience was secured in the original Frame stating, “That all Persons living in this Province, who confess and acknowledge the One Almighty and Eternal God, to be the Creator, Upholder and Ruler of the World, and that hold themselves obliged in Conscience to live peacable and justly in Civil Society, shall no wayes be molested or prejudiced for their Religious Perswasion or Practice in matters of Faith and Worship, nor shall they be compelled at any time to frequent or maintain any Religious worship, Place or Ministry whatever.”⁴⁹ Penn established his ideal of freedom of conscience.

⁴⁷ Ibid., 299. “The Fundamentall Constitutions of Pennsilvania as they were drawn up Settled and Signed by William Penn Proprietary and Governour, and Consented to and Subscribe by all the first Adventurers and Free holders of the Province, as the ground and Rule of all future Government.”

⁴⁸ Andrew Murphy, “The FRAME of the GOVERNMENT OF THE Province of Pennsylvania IN AMERICA,” *William Penn: Political Writings*. 315.

⁴⁹ Ibid., 330. - ”Laws agreed upon in England BY THE GOVERNOUR And Divers of the Free-Men of Pennsilvania. no XXXV.

There is even evidence that he extended his ideal to the Jews, who were addressed in Penn's pamphlet "The Harmony of the Old and New Testament and the Fulfilling of the Prophets, Concerning Our Blessed Lord and Savior Jesus Christ, and His Kingdom." Penn may try to show others his views on the Bible and try to convince people that his interpretation is superior, but he would allow individuals to exercise their own freedom of conscience to determine the Truth.⁵⁰ The holy experiment was being established, not only for the persecuted protestant sects in Britain, but from other areas of Europe, as well as Catholics and even Jews. The was truly a holy experiment.

The offences for criminal activity were laid down here as well, but did not provide terms for fines or imprisonment, nor the creation of a force to enforce these laws. The only mention of "Justice, Peace or Safety" was left to the Governor, Freemen in Provincial Council and General Assembly, who met "from time to time".⁵¹ Therefore, at the dawn of this new colonial adventure the need for protection against the wide variety of settlers, coming from a variety of cultures, who promised to live in civil society, as well as native conflicts that would inevitably arise, was mostly left to the individual settlers.

Ironically, the highest ideal upheld by Penn for his Pennsylvania colony was the freedom of conscience. People were allowed to believe whatever they wanted and more importantly speak to the Truth as they saw fit. However, it was dissention that fractured the Quaker control of the

⁵⁰ John Tomkins and William Penn, *The Harmony of the Old and New Testament And the Fulfilling of the Prophets, Concerning Our Blessed Lord and Saviour Jesus Christ, and His Kingdom. And the Grace and Glory That Shall Be Reveal'd in the Latter Days. Published for the Benefit of Christians and Jews, by J.T. One of the People in Scorn Call'd Quakers. With an Appendix to the Jews by W.P.*, (London: printed for Tho. Northcott in George-Yard in Lombard-street, 1694).

⁵¹ *Ibid.* 233.

colony, which when reported back to Parliament, forced Penn to return to England to protect his colony and defend it against claims of chaos under the rule of the Quaker proprietor.

One of the most significant detractors was Francis Bugg, who after being arrested and fined for going to a meeting of the Friends in 1675 that was abruptly interrupted by soldiers. Bugg held the Quakers responsible for his financial loss, and at the 1677 yearly Quaker meeting in London complained to none other than William Penn himself. Not satisfied by the results of the meeting and arbitration, he spoke against the Quaker sect. He officially left the Quakers in 1680 and wrote against them.

Bugg accused the Quakers often with statements like, “meeting with Doors Lock’d and they assume Rules of Discipline, and Forms of Church Government are expressly against the Rights of Parliament, the King’s Prerogative, the Liberty of his Subjects.”⁵² The accusation that the Quakers were holding locked meetings to rule, against the rights granted by Parliament and the King’s wishes was enough for Penn to need to defend his colony, returning to England to defend his Pennsylvania colony.

A great mind of political science, Penn found it more difficult to run a government in the real world. His answer to the accusations of tyranny in Pennsylvania was an ironic statement about the nature of government. “But as we are for Liberty of Conscience every where, so we are no where for having Government affronted and abused, in the name of Conscience, by Gross and

⁵² Francis Bugg, *A Just Rebuke to the Quakers Insolent Behaviour, in Their Two Books, I.e. A Just Censure, &c. the Other, A Sober Reply, &c. Both Presented to Some Members of Parliament. : Also a Dialogue Between a Civilian and a Quaker*, (London: Printed for the author, by Rich. Janeway, Jun. near Doctors-Commons, 1700).

Insolent behavior.”⁵³ The ideals of freedom of conscience smacked directly up against those who would use that freedom to criticize the government of Pennsylvania either justly or unjustly. The basis of freedom in a civil society would take a leap of faith that the governing body of Pennsylvania could weather the accusations of those who wanted to tear it down.

The ever-changing political situation in England, such as the transfer of power from James II to William and Mary left Penn out of favor in London. It made ever greater demands on his time and effort to reconcile the needs of the colonists in Pennsylvania with the shaky support for him and his colony in England. Penn attempted to keep Pennsylvania out of the attention of the English government so that there would not be a need to make sweeping changes. Pennsylvania was William Penn’s last asset. He spent his time trying to protect himself, his property rights, and his province.⁵⁴

William Penn wrote that the liberty of conscience was the free exercise of any dissenting persuasion. The dissent that criticized, even falsely, the government of the Pennsylvania colony had to be recognized. Penn succeeded in keeping the government of Pennsylvania out of the direct control of England. The responsibility of a civil society was to combat that dissent with more speech, which was done in pamphlets and with debate in Parliament. It was a good representative test for future generations in colonial America.

The needs of Pennsylvania needed to be secured by Penn in England, the strain of this endeavor took its toll, and he suffered a stroke.⁵⁵ Thankfully, many of the idealistic rights

⁵³ William Penn, *A Just Censure of Francis Bugg’s Address to the Parliament Against the Quakers*, (London: Printed and sold by T. Sowle ..., 1699).

⁵⁴ Mary Maples Dunn, “Persuasives to Moderation.” In *William Penn: Politics and Conscience*, 132–61. <http://www.jstor.org/stable/j.ctt183pkp2.8>.

⁵⁵ *Ibid.*, 159–61.

William Penn established remained. However, as the needs of a colony being created out of the wilderness began to create many political divisions, Pennsylvania would change. In response to these changes the established Quaker power center in Philadelphia came into conflict with the more rural settlements in more western counties. Urban versus rural, east versus west, and Quaker versus all the other settlers created a political structure that would shape the future of Pennsylvania, and the rights that those would hold. Key among these rights was the right of self-protection. The right of conscience meant the Pennsylvanians could believe what they wanted and even speak about it.

The varied beliefs of colonists meant that Quaker pacifism would come into conflict with settlers who found that they needed to be prepared for violence in areas of the colony that were not so civil. Settlers needed security that those in Philadelphia did not. Freedom of expression for Pennsylvanians would become part of a network of established liberty, that included the right and necessity of self-protection. By the late eighteenth century speech was used to demand that protection for the freedom to firearms ownership be protected.

Chapter 2:

Liberties in Practice: the development of self-defense in the Pennsylvania Colony .

The development of the Pennsylvania colony is much different than the other American colonies. Not only was it proprietary, under the direct ownership of William Penn, but his “Holy Experiment” was overseen by those of his Quaker faith. This made Penn’s Woods a unique and appealing place to settle. The Quakers endeavored to create and maintain fair dealings with the native populations of Pennsylvania, which is also different than other colonies. For a time, there was peace. However, much like a microcosm of the entire American continent, the diversity of settlers from various cultural and religious backgrounds meant that there would be a friction between the original intent of the Quaker proprietor and the settlers that would have their own free ideas based on their own unique backgrounds. A divide between the Quaker power center of Philadelphia and the more rural frontier began with the founding of the colony and continued through Pennsylvania’s meteoric rapid growth. It deepened the divide of ideology and political representation of two distinct groups, with Quakers and their supporters on one side and everyone else on the other.

William Penn largely succeeded, during his lifetime, in creating a culture of peace between the settlers who were mostly Quakers in the earliest days, and those who settled after the initial charter in the early eighteenth century. The relations between the Quaker government and the natives were largely peaceful, and Penn used this fact as a selling point to lure settlers to the new colony.

Penn took the time to explain to those who were possible emigrees, what the native population looked like and sounded like. “The Natives I shall consider in their persons, language, manners, religion, and government, with my sence of their original.” He describes the native (Lenni-Lenape) as tall and well-built, likening them to Romans. Their language he compares to Hebrew, with much interpretation made by the hearer or reader in determining meaning. The childrearing customs of the natives were described as nurturing yet designed to toughen the youth into the tribal ways. They placed their children as soon as possible into water, “So soon as they are born, they wash them in Water, and wile very young, and in cold Weather to chuse, they Plunge them in the Rivers to harden and embolden them.”¹ William Penn saw the native population as God’s children and even though they were not part of the Christian religion, he recognized their right of conscience to believe in their own way, upholding his own earlier writings and contributing to his world view being established in Pennsylvania.

Even though he may have embellished the language for the purpose of selling the idea of these noble natives to gain more settlers to Philadelphia, Penn described the Indian houses in comparison to English barns. He explained how the natives were very generous as well, “If an European comes to see them, ...they give him the best place and first cut.” The natives are described as generous, easy-going and kind. However, as the narrative of the settlement of Pennsylvania unfolded, sadly, this would not last.² Generosity and fellowship were part of the relationship between the earliest settlers and the natives. As the population of the Pennsylvania colony expanded, new immigrants who did not share the Quaker faith or their ideals of fair

¹ William Penn, *A Letter from William Penn, Proprietary and Governour of Pennsylvania in America, to the Committee of the Free Society of Traders of That Province Residing in London: Containing a General Description of the Said Province, Its Soil, Air, Water, Seasons*, (London, 1683), 6.

² *Ibid.*, 7.

dealing with the natives, or the practical requirement of more land, strained native/colonist relations.

As the Eighteenth Century dawned, the New World was still a very dangerous place. Among a great many other powers William Penn was granted the power “to make warr and pursue the enemies and Robbers’ aforesaid, as well by Sea as by Land, yea, even with the Limits of the said pvince, . . . which to the charge and office of a Captaine generall of an Army belongeth or hath accustomed to belong, as fully and freely as any Captaine Generall of an Army, hath ever had the same.”³ Penn’s assigned powers, including defense, as commander in chief of the colony, as well as its owner, made him essentially a feudal lord. However, he had to reconcile his pacifistic views with the real need for state security. The native tribes were a constant threat in other established colonies up and down the eastern seaboard and the English colonies were still contested by other foreign powers including Spain and France. Penn was forced to oversee the military matters from threats within Pennsylvania, as well as foreign threats from enemies to England. His first instinct was to use the good will and Christian fellowship to make peace treaties with the natives and alliances to keep Pennsylvania safe from foreign powers. The plan largely worked during Penn’s lifetime.

William Penn’s notoriety as the leader of a dissenting Protestant sect meant that when the Glorious Revolution would make him a target of suspicion. Ironically Catholic James II was more supportive of Penn than his Protestant replacement William III. William Penn’s dissenting pacifism caused a falling out of favor in the royal court. England’s political turmoil spilled over to Pennsylvania, as King William expected the large and wealthy colonists in Pennsylvania to

³ “Pennsylvania Charter to William Penn – March 4, 1681”. Pennsylvania Historical & Museum Commission. SectionXIV. [Pennsylvania Charter | PHMC > Our Documentary Heritage \(state.pa.us\)](https://www.pahmc.org/our-documentary-heritage/state.pa.us)

pay for military protection, which went unanswered. The situation became so dire that in 1691 Pennsylvania was made a royal colony, removing it from William Penn, and placing it under the leadership of a military governor, Captain Benjamin Fletcher.⁴

The Quakers in control of the assembly obstructed every directive from the crown and the governor. They insisted that their taxes that went to war violated their religious principles and their personal consciences. William Penn's ideal about the freedom of conscience remained instilled in the Pennsylvania government, even if he, back in England, defending his interests as proprietor of Pennsylvania, was not there to oversee it. By 1694, King William gave up on trying to get Pennsylvania to do what he pleased and restored William Penn's ownership of the colony. England was in the middle of the Nine Year's War with France and the Grand Alliance and needed money to fight. Even though most of the conflict was in Europe, the conflict did spill over to the American colonies. Putting Penn in charge of Pennsylvania, William attempted to win support for the war, which failed.⁵ Putting a leading pacifist in charge of getting military support from Pennsylvania was a bad idea. It did not work in the late seventeenth century during the Nine Year's War, and it would not work in the conflicts of the eighteenth century.

The threat of French conflict through their support of native tribes attacking English settlements was more prevalent in New England and New York, as well as in Maryland to the south. Pennsylvania did not see the same level of French-backed Indian uprising. But the fear of the surrounding threat was present throughout the turbulent years of the Glorious Revolution and the Nine Year's War.

⁴ Taylor, *American Colonies*. 283.

⁵ *Ibid.*, 280-84.

Pennsylvania never made anything more than a token contribution in taxes for the war, even when reports of violence in frontier settlements came to Philadelphia. On June 28, 1689, the Provincial Council met to discuss the communications from the governor concerning danger from the Papists and Indians, as well as the French. Governor John Blackwell had called the council to discuss the rumors of the danger from French and Indians, who along with Papists were attempting the ruin of the Protestants in Pennsylvania as well as in New England. The rumor was substantiated by a Marylander Frenchman “living up in the Countrey,” stating, “Crueltyes and barbarous usage of y french Indians upon y people of New England; murthuring about 100 persons, burning houses, & plundering y people of their goods and Cattell.”⁶ The image of French aligned Indians plundering and murdering across the frontier settlements alarmed the people and the Provincial Council. Friction between Pennsylvania colonists, who feared for their safety, collided with the Provincial Council that remained Quaker and therefore unwilling to participate in any violence.

Illustrating the situation with a proverb, “there was no smoak without some fyre,” the council took up the matter to protect the people of Pennsylvania. However, most of the council was more interested in, “settling the mindes of y People,” rather than establishing a common defense. In fact, there was mention that those in New Castle had taken up arms, which was easing their minds. No support from the county seat as well as the colonial government would

⁶ Colonial Records of Pennsylvania, Volume 1; Volume 1852, Pennsylvania Provincial Council, T.Fenn and Co, Philadelphia, Pennsylvania, 1852. Digitized by Google, from New York Public Library Collection. 306-7. [Colonial records of Pennsylvania, Volume 1; Volume 1852 : Pennsylvania. Provincial Council : Free Download, Borrow, and Streaming : Internet Archive](#)

assist these colonists. Governor Blackwell would be able to do nothing but “suffer with them, which he feared was neare at hand, &c.”⁷

One member of the council, William Markham was most concerned that talk of danger from the Indians would scare the women and children, yet “our Constitution will not admitt us to defend ourselves.” They agreed to quash the knowledge of the events to prevent the people from becoming frightened, “unless we were under such a Constitution of Governmt as to take to armes, to be ready upon occasion if any thing should come.”⁸ From early colonial precedent the establishment of a Quaker proprietary government within the power structure of the colony would prevent a unified defense, either by establishing a militia, as in other colonies, or by a state military apparatus. Since there was no colonial martial structure, the personal need for security would fall to localities and individuals.

Another case of a conflict which raised the question of who was responsible for the defense of individuals and communities was an attack on a man named Henry Webb in Menesincks, (now Minisink in the northeastern portion of the state in the Delaware Water Gap). The townspeople of Menesincks wrote to the governor for support in dealing with a native, named Awannemeak, who assaulted and severely wounded Webb. Though the details of this incident have been lost, it is uncertain whether Webb provoked Awannemeak, the townspeople called “that if he was not demanded and delivered up to be punished, they should be obliged to

⁷ Ibid., 306-7. John Blackwell was the Deputy Governor of Pennsylvania from 1688-1690.

⁸ Ibid., 307.

defend themselves.”⁹ The settlers called for Awannemeak to be arrested and tried, not hunted down and assassinated, essentially living under the same laws as they had chosen to live under.

Rather than enforcing laws and defending the safety of individuals in the northeastern area of Pennsylvania, the Governor and the Council voted to write a letter to protect the treaty between the colonial government and “the King or Chiefs of the Indians to whom Awannemeak is Subject.”¹⁰ The governmental structure had made the decision that the peace of the colony and its relationship with the natives was more important than securing the safety of Henry Webb or bringing his attacker to justice. The record contains numerous examples of the colonial government abdicating their responsibility for defense to localities and individuals. Webb recovered, though he was missing a large portion of his jaw. As in many affairs of state the conversation about bringing Awannemeak to justice was lost between the colonial government in Philadelphia and negotiations with the Five Nations.¹¹

The example of Awannemeak’s criminality highlights the disconnected attention of the colonial government from the safety issues of the frontier settlers. Time after time, the threat of conflict would create a call for defense of the citizenry. However, the colonial government of Pennsylvania, chiefly the Provincial Council, would relinquish their duty to protect the populace to the crown. The stalemate between provincial and royal responsibility for security meant that it was largely left to the individuals and local communities. Even though the original charter of

⁹ “At a Council held at Philada., May 19th, 1740,” Colonial record of Pennsylvania, Volume IV. Harrisburg, Pennsylvania 1838. 413. [Colonial records of Pennsylvania : Free Download, Borrow, and Streaming : Internet Archive](#)

¹⁰ “May 20th, 1740.” Colonial record of Pennsylvania, Volume IV. Harrisburg, Pennsylvania 1838. 420-2. [Colonial records of Pennsylvania : Free Download, Borrow, and Streaming : Internet Archive](#)

¹¹ The Five Nations was an Iroquois Confederacy, including the Mohawks, Oneidas, Onondagas, Cayugas, and Senecas. By dealing with white settler governments, they extended their power westward and northward throughout the colonial period.

Pennsylvania provided the Governor and his colonial government the right and responsibility of protecting Pennsylvania, the Provincial Council relinquished that right to the Crown, leaving it to Parliament to create and activate a militia in the New World. John Blackwell, the Deputy Governor of Pennsylvania 1688-1690, addressed the Provincial Council. Blackwell reminded the Council that “The Militia Declared to be in the King.”¹² Ever more frustrated he later argued that the proprietor and governor could not, “use Armes for its Defence.”¹³ Pennsylvania would not take its own security into consideration from the proprietary seat, Philadelphia. The settlers outside of the established city would be left to their own devices for security and the royal directives would also be left unanswered. If there was peace in Pennsylvania with Indians and no conflict with other European nations, then the Quaker government could distance themselves from their responsibility to provide for the security of the colony.

Other colonies had similar experiences attempting to match the needs of the rural and urban population centers. North Carolina’s Regulators were a notable pre-Revolution uprising of farmers, which on the surface appears much like Pennsylvania’s conflict. Farmers took up arms for their defense. However, whereas Pennsylvania had relatively low conflict with Indians, in North Carolina, Moravian Bishop Spangenberg said, “whites must needs fear them,”¹⁴ Pennsylvania was filling with new settlers so quickly that North Carolina absorbed some of the spillover. Therefore, in many ways the settlers coming to Pennsylvania in the mid-eighteenth century were like those moving into North Carolina. They were Irish Protestants and German Pietists, looking for the opportunity to settle and build a life.¹⁵

¹² *Colonial Records of Pennsylvania*, Volume 1, 307.

¹³ *Ibid.*, 308.

¹⁴ Marjoleine Kars. *Breaking Loose Together : The Regulator Rebellion in Pre-Revolutionary North Carolina*. Chapel Hill: University of North Carolina Press, 2002. 10-11.

¹⁵ *Ibid.*

In Pennsylvania and in North Carolina settlers joined together to defend their homesteads and communities. However, the root causes of the friction between the rural and urban colonists were different. Though land was cheaper and more available in North Carolina, small farmers had to battle the monetary interests of local elites and speculators.¹⁶ The origins of the Regulator movement in North Carolina were largely small farmers, who found themselves indebted and without recourse from the colonial government.¹⁷

In Pennsylvania the decentralized system of Philadelphia Quakers meant that the colonial government did not get involved rural settlements. The arms raised by the Regulators were to defend their freedom from an overbearing and restrictive colonial government, but the Pennsylvania Associations armed themselves to protect rural settlements from foreign and Indian attacks. Even the name Regulator was named after the English officials who were appointed to address abuses of power during the reign of Oliver Cromwell.¹⁸

Friction within the colonies between rural and more established areas was one aspect of life in colonial America, but the New World was also a theatre where friction from competition between European powers erupted. The impending and recurring conflicts between France and England made protection of the colonies more imminent. But the view of the Quaker controlled Provincial Council of Colonial Pennsylvania was to defer this obligation to the Royal government. The question was raised about defensive arms being granted in the original charter of Pennsylvania, including, “the defence of this Province against the French or any other invader of this Province and Countyes annexed, in all things as neare as may be according to the Laws of England.”¹⁹ The balance between taking the initiative to prevent wars and defend the territory of

¹⁶ Ibid., 28.

¹⁷ Ibid., 55.

¹⁸ Ibid., 187.

¹⁹ Ibid., 309.

England, was set off against the worry that an unruly populace would help to start a war. John Simcock, member of the Provincial Council, said, “We can neither offensively nor defensively take Arms.”²⁰ He expressed the Quaker position on this subject by stating, “We would not be understood to tie others’ hands; they may do every One what they please. We do not take upon us to hinder any.”²¹ The Quaker code of conduct dictated that they would not be a part of a government that realized violence, even if it was a defensive measure. They would have no part in arming or organizing any kind of defense of the colony, deferring that to the crown, or individuals, leaving that to the citizenry of the colony.

Griffith Jones, another Quaker member of the Provincial Council, directly stated the position of Quakers.²² Admitting that the case was difficult, the desire of himself, as well as other Quakers, was to be passive, unconcerned with either affirmative or negative consent to defense. The Quaker position was that God had protected his people in the past, he would work through his instruments to protect his people in the future. This would leave these matters, “to his own discretion, & others to do as they see cause with safety to themselves.”²³ This was the position of the Quakers, who held a great deal of political power throughout the Colonial and Revolutionary Periods. It was also a core reason for their loss of power during the Revolutionary Period.

Not only was the absence of a martial governmental structure in Pennsylvania a catalyst for citizens and communities to take up these rights for themselves, but a right of self-defense

²⁰ Ibid. John Simcock was a Quaker, member of the Colonial Assembly and a friend of William Penn. He served as Speaker of the Assembly in 1696 and owned 10,000 acres of land in Chester County Pennsylvania. Chester is one of the original three counties.

²¹ Ibid.

²² Griffith Jones was a prominent Quaker merchant, bought his land from William Penn, and became the fourth mayor of Philadelphia.

²³ Ibid., 309-11.

had also been established in England. This provided the foundation for individuals to own weapons, not just for hunting, but for the protection of their homes and communities. The philosophical basis for this right was developing in western Europe for centuries but was constitutionally established in the 1689 English Bill of Rights. The turmoil between Catholic and Protestant factions within England was a catalyst for the long developing idea of an individual right to bear arms.

Adding to an individual right to bear arms, in 1689 the establishment of the English Bill of Rights, included the Lockean foundational principles of a right to free speech, especially in Parliament. This document also guaranteed the right to bear arms. “Protestants may have arms for their defence suitable to their conditions and as allowed by law.”²⁴ The development of individual rights in the New World was part of a larger movement occurring in Europe, especially in England. The right to bear arms was established in connection with the right to free speech and the right of conscience. Even though there were political concerns that added to the English Bill of Rights, the underlying principles of that document were to increase the individual rights of Englishmen. These were based on some of the Lockean, and others, principles of the day.

William Penn attempted to put some of John Locke’s theories into practice in his woods. The relationship between John Locke, the famous philosopher, and William Penn, the religious dissenter, provides an interesting insight into the development of religion as the basis for the freedom of speech and conscience in England, as well as in the New World. John Locke and

²⁴ “1689: English Bill of Rights,” An Act for Declaring the Rights and Liberties of the Subject, and Settling the Succession of the Crown. [1689: English Bill of Rights | Online Library of Liberty \(libertyfund.org\)](https://www.libertyfund.org/resources/collection/1689-english-bill-of-rights)

William Penn were contemporaries and at a time when dissent from the Catholic King was dangerous William Penn used his influence to try and help bring Locke out of exile in Holland.²⁵

Upon the death of the restoration King Charles, the openly Catholic James II took the throne. For dissenters this development caused greater concern for the freedom they hoped to achieve as well as for their own well-being. John Locke was one of eighty-four Englishmen who were accused of being complicit in aiding rebellion and plotting against the king. Locke was already living in Dutch exile, but in danger of being arrested and extradited back to England, since the ruler of Holland, William of Orange, was the son-in-law of James.²⁶

William Penn, knowing the danger of his former professor from his days at Oxford University, used his influence and power to arrange for Locke to be pardoned and given permission to return to England. However, Locke did not trust the king and refused his former pupil's help. He remained in secrecy in Holland until the "Glorious Revolution" when a Protestant King was put on the throne, in 1688.²⁷

Penn was a religious dissenter himself, but he used his family's connections to the Stuart court to advance his wishes for tolerance for dissent as well as help those who he wanted to see pardoned. Penn and the Stuarts wanted to help create a level of peace that could only occur if religious minorities were not threatened. Toleration was the course that needed to be pursued if there was going to be peace in England and stability for the crown.

²⁵ Nicholas Patrick Miller, *The Religious Roots of the First Amendment: Dissenting Protestants and the Separation of Church and State*, (Oxford: Oxford University Press, 2012). 50-51.

²⁶ Ibid.

²⁷ Ibid., 52.

The personal connection between Lock and Penn is tenuous. There is no direct evidence that they knew each other personally, though it is likely that they at least met.²⁸ Intellectually though, William Penn's published works were present in Locke's library where he was living in exile in Holland. Most notably present in his library was *The Great Case of Liberty of Conscience* (1670). These men did not need to meet to share and collaborate academically for the cause which they were both committed. Locke and Penn were involved in the same intellectual circles and were part of the same social movement towards liberty, especially liberty of conscience and speech, through republicanism. In the late seventeenth century, both Locke and Penn were writing and advocating for the establishment of individual rights, and both were able to participate in putting these ideas into practice, through their projects in the New World, Lock in South Carolina and Penn in Pennsylvania.²⁹

Penn opined in his *Great Case for Liberty of Conscience*, for, "The Free and Uninterrupted Exercise of our Consciences, in that Way of Worship, we are most clearly perswaded, God requires us to serve him in (without endangering our undoubted Birthright of English Freedoms) which being matter, of FAITH, we Sin if we omit, and they can't do less, that shall endeavour it."³⁰ Penn was drawing a connection between rights as Englishmen and God-given rights. He explained that the God-given right of freedom of conscience should be supported by English freedoms and provided as rights for all Englishmen. He explains further stating that it is a sin to omit or even curtail the right of this basic, though he does not say it in

²⁸ Nicholas P. Miller, 'The Philosopher and the Enthusiast: The Collaboration of John Locke and William Penn', *The Religious Roots of the First Amendment: Dissenting Protestants and the Separation of Church and State* (New York, 2012; online edn, Oxford Academic, 20 Sept. 2012), <https://doi.org/10.1093/acprof:oso/9780199858361.003.0003>.

²⁹ Ibid.

³⁰ Penn, *Political Writings*, 166.

this manner, natural right. For Penn the right to free conscience and free speech was fundamental to any other right, and the basis for a just society.

Written in exile, John Locke wrote about these same liberties in his, *A Letter Concerning Toleration*, published in many languages, including Latin, English, Dutch, German and later French, in 1689. Locke clearly explained the goal of those who shared Whiggish republican ideals. “Absolute liberty, just and true liberty, equal and impartial liberty, is the thing that we stand in need of. Now, though this has indeed been much talked of, I doubt it has not been much understood; I am sure not at all practised, either by our governors towards the people in general, or by any dissenting parties of the people towards one another.”³¹ The liberties that were not practiced during this turbulent period included those , “...that persecute, torment, destroy, and kill other men upon pretence of religion... .”³² The role of the government was not to destroy the lives of men who held differing views on religion. A government that ruled to “follow but the religion of the court, and were put under necessity to quit the light of their own reason, to oppose the dictates of their own consciences, and blindly to reign up themselves to the will of their governors, and to the religion, which either ignorance, ambition, or superstition had chanced to establish in the countries where they were born?,” had oppression and not liberty for their society.³³ The role of the government was not to tell individuals what to think. They were not responsible for the salvation of the citizenry, that must be done by individuals, what Penn and other Quakers would call their *inner light*.

³¹ John Locke, “A Letter Concerning Toleration,” In *Two Treatises of Government and A Letter Concerning Toleration*, John Dunn, Ruth W. Grant, Ian Shapiro eds., (New Haven: Yale University Press, 2003). 216. <http://www.jstor.org/stable/j.ctt1npw0d.8>.

³² Ibid.

³³ John Locke, “A Letter Concerning Toleration.” In *Two Treatises of Government and A Letter Concerning Toleration*, 220.

The guiding principle of these men and others, was that a society that was not oppressive needed to be based on the basic freedom of conscience. The right to believe and question as one pleased are the basis for the First Amendment later. It is also necessary to see that these rights were developed in concert with other rights, including the right to self-defense and the right to bear arms.

The seemingly contradictory connection between John Locke and William Penn is fascinating. Penn, a wealthy aristocratic force within the court, was a dissenter and member of a radical religious sect, and therefore used his influence to attain toleration for his sect and philosophically for all the others as well. Whereas Penn was an aristocrat from birth but became an outsider because of his religious beliefs, John Locke began as a man of middling wealth to achieve prominence with his philosophy, somewhat distrustful of religious passions, preferring to use reason to determine the natural rights of man. Locke much like the founders believed in God, but exposed his philosophy of natural rights based on reason, rather than just a blind belief in biblical scripture regarding the role of government and its relationship with the individual. These two philosophers crossed paths from opposite ends, one religious man using reason to assess the greatest freedom to pursue that religion, and the other using reason to allow individuals to pursue whatever freedom they wanted, most importantly their faith. Another example of William Penn and John Locke working in different areas of the same tide of history is the relationship between William Penn and the founding of Pennsylvania and John Locke's contribution to the founding of South Carolina. In a historical account of the founding of South Carolina, written by Alexander Hewatt,³⁴ he explains how South Carolinians, "who had long

³⁴ Alexander Hewatt (1739-1824) was a Scottish Presbyterian minister, who remained a loyalist during the Revolution. He returned to England, but always remained fond of South Carolina.

laboured under innumerable hardships and troubles, from a weak proprietary establishment, at last obtained the great object of their desires, a royal government, the constitution of which depended on commissions issued by the crown to the Governor....”³⁵ He goes on to explain how this new constitution for South Carolina was created by men who created a provincial government, borrowed from the mother country, not with systematic rules and regulations, but “a constitution which was the result of many ages of wisdom and experience.” for the purpose of promoting the public good.³⁶

The system established in the *Fundamental Constitutions of Carolina* (1669) was guided by John Locke for the purpose of creating a system that would provide for the public good. This document provides a clear link between Locke’s political theory and colonial interests. Even though many supported this arrangement, including Voltaire, the famous French author, others were not convinced. Reasons for dissent included the fact that this constitution included the existence of slavery and created the first hereditary nobility in North America.³⁷ John Locke did not write the *Fundamental Constitutions of Carolina*, but he did influence it. So, the criticisms of this document cannot be brought wholly on Locke himself. Anthony Ashley Cooper (Lord Shaftsbury), one of the proprietors of Carolina, employed Locke as his secretary. Later he was also the treasurer to the English Council for Trade and Foreign Plantations.³⁸ The work that

³⁵ Alexander Hewatt and John Locke, *An historical account of the rise and progress of the colonies of South Carolina and Georgia*. Vol. 2. (London: Printed for A. Donaldson, 1779). *Sabin Americana: History of the Americas, 1500-1926*.

https://link.gale.com/apps/doc/CY0105240698/SABN?u=vic_liberty&sid=summon&xid=d042d1ce&pg=3. 1-2.

³⁶ *Ibid.*

³⁷ David Armitage, “John Locke, Carolina, and the Two Treatises of Government,” *Political Theory* (2004) 32:5, 606-07.

³⁸ *Ibid.*, 603.

Locke contributed to the South Carolina constitution is, for the most part, undocumented. However, some of the ideas that Locke supported are present in the structure of the constitution and the creation of a civil society in Carolina. Cooper and Locke worked together to ensure that the right of private property was the key to protecting colonists from the power of royal overreach.³⁹

There are criticisms of this document, lacking some of the ideals that would expand natural rights. There are also obvious connections to John Locke and his philosophy of a natural state of mankind. There was hereditary ownership of the land (and even people), yet the idea of property was central to the philosophy of Locke. Much like the difficulties reconciling the private property rights of citizens with the despicable practice of slavery, the *Fundamental Constitutions* made the best government possible including that which was already present. Sadly, it would be left to future generations to use their freedom and reason to end unjust practices. The law would need time to catch up to the evolving thought of a South Carolina civil society. That future settlement in South Carolina would include some principle of religious toleration. Christian dissenters as well as even Jews were not to fear the enforcement of the enforcement of Christianity as a state religion as a state religion. The religious tolerance of South Carolina would attempt to win over these colonists through debate to arrive at the truth.⁴⁰ For Locke the connection between reason and religion needed to work in concert for a society to flourish. Man could improve society through a long process called “natural revelation” whereby God would convey truth to mankind.⁴¹ The public would need to determine for themselves the viability of those who professed enlightenment in the natural world. Reason was the guiding

³⁹ Samuel Smith, *A Cautious Enthusiasm: Mystical Piety and Evangelicalism in Colonial South Carolina*. (University of South Carolina Press: Columbia, South Carolina, 2013). 70.

⁴⁰ *Ibid.* 71-72.

⁴¹ *Ibid.*, 74-75.

principle for individuals to make these decisions. While Locke was certainly on the reason side of the scale, he certainly saw the value of religion to society. A worthy virtuous society needed to be religious. The process whereby citizens could improve themselves through freedom of conscience would inevitably help to improve their society, which would certainly be the case with unjust practices.

One way in which man used reason to organize a just society was to balance the protection of private property rights with the proprietary rights of South Carolina colony. Many of the articles in the South Carolina *Fundamental Constitutions* included securities that one proprietor could not accumulate too much power and take over the property of other proprietors. As protection for the colonists, this check was included to prevent one proprietor from taking over the power of the others. For example, number six states, “That the number of eight proprietors may be constantly kept, if, upon the vacancy of any proprietorship, the seven surviving proprietors shall not choose a landgrave to be a proprietor before the second biennial parliament after the vacancy, then the next biennial parliament but one, after such vacancy, shall have power to choose any landgrave to be a proprietor.”⁴² The assumptive basis for this law was that the proprietors would guard their own power and create a balance amongst the eight owners of the country, to assure that the government would not fall under the rule of a single proprietor.

There are other connections to liberalism, held by Locke, in the South Carolina Constitution. Men like William Penn in Pennsylvania and John Locke in South Carolina were trying to advance a natural state of nature in the New World. Both men were trying to create the best environment to create and foster a civil society, which would be based on reason and faith.

⁴² “The Fundamental Constitutions of Carolina: March 1, 1669,” The Avalon Project, Yale Law School, Lillian Goldman Law Library. [The Avalon Project : The Fundamental Constitutions of Carolina : March 1, 1669 \(yale.edu\)](http://avalon.law.yale.edu/fundamental/fundamental.asp)

The philosophical principles that underpinned the various freedoms proposed by William Penn and John Locke were documented in the founding documents of Pennsylvania and South Carolina. Penn adhered to the Quaker faith but wanted everyone to be able to question and discover the Truth for themselves through their faith. John Locke advanced a theory of a state of nature for mankind to flourish, wanted freedom for anyone to use their own reason to determine their personal philosophy and actions, that would fall within the behaviors of the civil society.⁴³ The purpose of the ideals expressed by these men was to create a civil society that could function and grow in a way that provided the most freedom possible for the people.

A civil society could be created where men could be free to attain a state of nature where individuals could enjoy freedom. Since a government could not be trusted or capable of securing the circle of liberty around the individual citizens, they would necessarily have to take up that work for themselves.⁴⁴ “The state of nature has a law of nature to govern it, which obliges every one: and reason, which is that law, teaches all mankind, who will but consult it, that being all equal and independent, no one ought to harm another in his life, health, liberty, or possessions.”⁴⁵ Individuals would in the absence of a tyrannical government be able to work together in a state of nature that is governed by reason, protecting each other's rights of life and liberty, possessions and property.

⁴³ For a good explanation of relationship between Quakerism and Locke’s philosophy see, Peter R. Anstey, “Locke, the Quakers and enthusiasm,” *Intellectual History Review*, (2019)_29:2, 199-217, DOI: [10.1080/17496977.2018.1450008](https://doi.org/10.1080/17496977.2018.1450008)

⁴⁴ There is some debate about whether John Locke would support individual rights of gun ownership, and whether his principles should be brought into a modern gun debate, but these arguments miss the point of reasoned philosophy of the Enlightenment. These principles are universal over time, the product of thousands of years of human experience, not the product of the political situation of England during the seventeenth century. See Tunick, Mark. “John Locke and the Right to Bear Arms.” *History of Political Thought* 35, no. 1 (2014): 50–69.

⁴⁵ Locke, *Two Treatises of Government and a Letter Concerning Toleration*.

Not everyone would be governed by reasoned morality. To protect the rights of expression and speech, life and property would necessarily have to be backed by a right to bear arms. "...[B]y right of self-preservation, as every man has a power to punish the crime, to prevent its being committed again, 'by the right he has of preserving all mankind,' and doing all reasonable things he can in order to that end: and thus it is that every man, in the state of nature, has a power to kill a murderer."⁴⁶ Locke expresses his view that an armed society would deter murderers as well as other criminals who, "...having renounced reason, the common rule and measure God hath given to mankind, hath, by the unjust violence and slaughter he hath committed uon [sic.] one, declared war against all mankind."⁴⁷ Furthermore, even though it is impossible to know if this provision was created by Locke, the South Carolina constitution did include a right to bear arms. Article one hundred sixteen states, "All inhabitants and freemen of Carolina above seventeen years of age, and under sixty, shall be bound to bear arms and serve as soldiers, whenever the grand council shall find it necessary."⁴⁸ Locke's philosophy is evident in this document. Most of the provisions of this document deal with property rights, but there are rights of religious worship and also this single provision for firearms ownership. Those between seventeen and sixty were part of a citizen army that would be necessary to fight against enemies of the grand council. While this is not the direct claim to firearms ownership of later documents, it is a clear statement of the need for individuals in colonial America to either own or at least be familiar with firearms. Property and liberty would need to be defended to protect the natural state of the colony. It seems that a civil society with guaranteed rights for the individual would have to

⁴⁶ Ibid.

⁴⁷ Ibid.

⁴⁸ *The Fundamental Constitutions of Carolina: March 1, 1669*. The Avalon Project, Yale.

be supported by an armed populace that could defend their society. They may also be called together, as in the case of a militia, to defend society from an outside threat.

The political theory of Locke included the idea that the state should not hold a monopoly on force, leaving it to local associations of individuals, who would help to preserve civil society. This would of course be a check on tyranny, even if some individuals do not necessarily have the maturity or moral fortitude to use these rights for the common good. Locke extended the right to bear arms further in his *Second Treatise*, to include war, or a communal right to bear arms. Fearful that a man or men would “using force, where he has no right, to get me into his power, let his pretence be what it will, I have no reason to suppose, that he, who would take away my liberty, would not, when he had me in his power, take away every thing else.”⁴⁹ In a state of nature, reason would prevail, but in a state of war, the individual or community of individuals has the right to resist an aggressor. It is likely that for this reason article 116 was included in the South Carolina constitution. If individuals were needed to fight when the grand council required it, they could also perhaps be used to defend their own rights.

The shared academic liberalism of both Locke and Penn suggests that they both endeavored to find a way to make a stable society that would allow for the greatest freedom for individuals. While Locke’s contributions to the *Fundamental Constitutions of Carolina* made that document a clear protection of property rights, as exposed in his *Second Treatise*, other rights were included in that society. The complex nature of creating a colony in unsettled territory, for example the existence of slavery in South Carolina, meant that compromises were necessary to forge the new colonial government. However, the basic structure that protected

⁴⁹ Locke, *Two Treatises of Government and a Letter Concerning Toleration*, 102.

property rights, religious rights to practice, and even a right to bear arms, allowed for the advance of the principles set forth in Locke's political theory.

In the case of Pennsylvania, there are similar concerns about creating a society where liberal principles could be established. Also being a proprietary colony, William Penn had vast power to create a society that he envisioned. While William Penn does not specifically state that Locke's principles were the basis for Pennsylvania, his own beliefs, evidenced in his writings, connect to those of Locke. The Quaker beliefs that were instilled in Pennsylvania, the absence of a governmental structure to protect the individual citizens led to what Locke would call a state of nature, where individuals would do what was reasonable to protect themselves, protecting their freedom. In Penn's civil society, he did not express the right of gun ownership, but there were no laws against them either. So, the right to firearms was left to the conscience of the individual. This practice of leaving it up to the individual would be borne out in later documents.

William Penn's *Frame of Government of Pennsylvania* (1682) provided for similar protections of property rights, but also provided for the basic structure of the colonial government, even for public schools and some basic criminal codes. It did not provide for defense of the colony or for a right to bear arms.⁵⁰ Quaker pacifism and Penn's optimism would not allow for the idea that violence would be part of this new colony. From a Quaker governmental perspective, reasoned treaties and negotiations would protect the colony, not guns and wars.

The optimism of Penn for this colony is expressed in his preface to the *Frame of Government*. He states that there is a new kind of government in Pennsylvania that will provide

⁵⁰ *The Frame of Government of Pennsylvania*, May 5, 1682, The Avalon Project, Yale Law School, Lillian Goldman Law Library.

as few governmental structures as possible because, “there is hardly one frame of government in the world so ill designed by its first founders, that, in good hands, would not do well enough; and story tells us, the best, in ill ones, can do nothing that is great or good; witness the Jewish and Roman states.”⁵¹ If all individuals could be trusted to conform to the best examples of human nature, then a strong central government would not be necessary. However, since this has never been the case, then, like Rome, the role of government would always increase. The greater the strength of civil society the less need there would be for a powerful government. He added, “Governments, like clocks, go from the motion men give them; and as governments are made and moved by men, so by them they are ruined too. Wherefore governments rather depend upon men, than men upon governments. Let men be good, and the government cannot be bad; if it be ill, they will cure it. But, if men be bad, let the government be never so good, they will endeavor to warp and spoil it to their turn.”⁵² The people will get the government that they accept. If the citizens of a society remained good and strong, then the government would be required to be responsive to society. A people of strong moral fiber would get the government that they allowed.

Pennsylvania would need good men to provide good government. It is for that reason that public schools and mandatory trades were established. Penn wanted to create a society where individuals could pursue their own endeavors to use their talents to make as good a living as possible. Citizens of Pennsylvania could pursue their happiness in whatever way they wanted, provided it was within the parameters of a good and free society.

The *Frame* was written with the power of government to trample the rights of people in mind. Penn stated as much in the preface, “liberty without obedience is confusion, and obedience

⁵¹ Ibid.

⁵² Ibid.

without liberty is slavery.”⁵³ The relationship between the government and the people was not static and the government could only rule if it was given the consent of the people. This was a great plan, but the reality was very different. As Pennsylvania became a destination for a great migration of settlers, the governmental need to address the wide range of people would arise. Furthermore, the financial needs of the proprietors dictated the direction of the colony. As the needs of the people for protection became necessary, the pacifist control of Philadelphia strained Penn’s relationship between liberty and violence.

The political situation in Pennsylvania, regarding the Penn proprietorship of the colony, as well as the tensions between the Quaker control of the government and the rapidly increasing population of immigrants who did not share the Quaker principles of non-violence, meant that matters of liberty, especially self and community defense were left to a more local and even individual level. The growth of Pennsylvania is a testament to the powerful draw of its founding principles. Though Pennsylvania was the next to last colony chartered by the English crown, it was the most heavily populated by the time of the Revolution. Even though Charles II gave the entire portion of land to Penn and his heirs, Penn fostered a good relationship with the natives, by negotiating purchases of land from them. After Penn died in 1718, his sons inherited Pennsylvania and they, in debt, were forced to acquire more land, essentially the only way they could make the financial capital needed to survive.

The long period of peace, while always shaky, was greatly hurt by a land deal called the “Walking Purchase.” This land deal between the proprietors and the natives was the biggest event to hurt colonial relations with the natives, ending the long peace, and creating a new level

⁵³ Ibid.

of danger for the colonists, necessitating a need for protection, which Pennsylvanians largely took upon themselves.⁵⁴

As the colony grew the original three counties, Philadelphia, Bucks and Chester, began to fill and settlers looked westward to find the land they needed for their homesteads. However, this meant that there was a need for protection, not only from natives that were there, but also from “Thieves Vagabonds & Ill people--Boldly infest our parts (Counting themselves beyond the Reach of Law).”⁵⁵ Outside the confines of the more settled and urban Philadelphia, the surrounding frontier counties became more lawless and much less controlled.

A political concern about expansion into other counties and their management developed over time creating a widening rift between the original power structure of the Quakers and the newer and notably non-Quaker immigrants and settlers to Pennsylvania. The Old Party, which was what the Quakers had taken to calling themselves, unquestionably controlled the political apparatus of Pennsylvania for about the first fifty years. The Quaker stronghold counties held a majority of the votes in the assembly, and therefore (if they remained united) enjoyed a large margin of the controlling votes until about the middle of the eighteenth century.

Comprehensive records of law infractions during this period of colonial history are not available. Certainly, many went unreported or locally resolved. The reports in the *Pennsylvania Gazette* provide a glimpse into the crimes and need for self-protection during this period. An armed burglary in Lancaster by someone who stole, “thread and yarn stockings, a piece of Irish

⁵⁴ Steven C. Harper, “Making History: Documenting the 1737 Walking Purchase,” *Pennsylvania History: A Journal of Mid-Atlantic Studies* 77, no. 2 (2010): 217–33. <https://doi.org/10.5325/pennhistory.77.2.0217>.

⁵⁵ “Petition For the Establishment of Lancaster County – February 6, 1728/9,” Pennsylvania Historical & Museum Commission. [Lancaster Petition | PHMC > Our Documentary Heritage \(state.pa.us\)](#)

sheeting linen, one piece of plain English drab cloth, several parcels of snuff boxes, and steel tobacco boxes, three or four pieces of shirting linen, with a great many other things, ... also a quantity of money, both pieces of Eight and paper, amongst which were two Twenty Shilling bills, New Castle money, the dates whereof are almost worn out.”⁵⁶ The article requested the seizure with reward for this robber, who was armed. It even provided a description of the criminal, “a middle sized man, pock fretten, about 40 years of age, talks very quick, and sometimes pretends he lives near Lancaster, and others nears Harris Ferry, says he was with Braddock, Harris and Armstrong in their late engagements, carries a gun with him.”⁵⁷ This ugly description would be fearful to non-violent folk, but to have a chance at apprehending this armed criminal one would have to be armed as well. In a land without police, it would be left to individuals to protect themselves, and to defend against this “pock fretten” armed thief, one would also necessarily be armed. Whether this man was apprehended is unknown, but he was used as an example of an outsider to the goals of the Holy Experiment. It would be nice if everyone worked together in a peaceful state of nature and treated everyone with the golden rule, but the reality of life was that there were those that would take advantage of others and do them harm.

Defense against the theft of personal property was another issue in a land that was mostly outside the law. Horse thieves appear to have been a problem. Reports about them being frequently published in *The Pennsylvania Gazette*, during the 1750’s through the 60’s. The thieves were often reported in rural Lancaster County, which was beyond the reach of law enforcement. A middle-sized grey horse was stolen with saddle and bridle, in the more urban centers of the city, but later had reportedly been seen in Lancaster County, possibly because it

⁵⁶ “Philadelphia, October 1, 1756,” *The Pennsylvania Gazette*, October 21, 1756.

⁵⁷ *Ibid.*

would be easier to get beyond the reach of the law.⁵⁸ Even in the more urban county of Chester (one of the original three counties), crimes were left to personal action. One Joseph Curin allegedly stole a “Great Coat” and a long French gun. He fled the scene on horseback, but it was a reward for his apprehension, forty shillings, paid by John Downing that exhibits a personal need for self-protection.⁵⁹

In addition to the need for protection from those settlers who would do harm, there was a constant influx of new settlers into the colony, which in turn necessitated a need for more land to be acquired from the natives. Even though there was peace during the proprietorship of William Penn, after his stroke he died in England in 1718. As the colony was transferred to four of his sons, John, Thomas, Richard and Dennis, greater friction with natives and between established and frontier counties increased. Penn’s transfer to his sons was contested by William Penn junior, from his first marriage, in the courts, but he ultimately lost his claim.⁶⁰ The four sons each held twenty-five percent ownership of the colony and much like other families the children attempted to settle the estate which was always in need of more capital.

Land for the population explosion grew to the north of Philadelphia as well, which required the purchase of more land from the Indians. The Lenni Lenape tribe, known as Delaware Indians to the English, agreed to the “Walking Purchase” in 1737, which allowed for land that could be walked in a day and a half, which would be purchased by the Pennsylvania government and then in turn sold to settlers. Unfortunately, those in power, most notably James Logan, Provincial Secretary, hired “walkers” who would not walk but rather run to get as much

⁵⁸ “Supposed to be stole, by a thief now in Lancaster,” *Pennsylvania Gazette*. December 24, 1761.

⁵⁹ “Was stolen, last night, out of the house of John Downing,” *Pennsylvania Gazette*. April 19, 1770.

⁶⁰. Penn Family Papers, *The Historical Society of Pennsylvania*. [Penn family papers, 1629-1834 485A0485A \(hsp.org\)](http://www.hsp.org)

land as possible, furthermore, frontiersmen cleared a path so that they could make rapid progress. Living under the rule of the Iroquois the Delawares agreed to this purchase. However, this would give them the motive to join with the French in the coming years, attacking the Pennsylvania frontier, requiring the need for an organized defense of the frontier lands. ⁶¹

However, a prevailing attitude in the Quaker stronghold of Philadelphia did not believe that there was a necessity for armed defense of either individuals or organized defense of communities. The belief by those in Philadelphia, who were not Quaker, observed that the Quakers were unwilling to do anything to defend themselves. If Philadelphia was safe from Indian attack because it was such an established city, it was not safe from the predation by foreign powers. In fact, Philadelphia, being a busy trading port, would be a target by enemies of English colonialism, France and Spain. In a letter by John Swift to his uncle John White, he explains how a Spanish privateer, took eight ships from Philadelphia. The ten-gun vessel worked with impunity to the dismay of the merchants. He noted the attitude of the Philadelphians.

“The success the Spanish privateers had upon our coasts last summer, has much alarmed the inhabitants of this town, and a pamphlet published here a few days ago, setting forth the miserable calamities that may befall us, if something is not done for our security against next spring, has raised a military spirit amongst the people.”⁶² The people of Philadelphia themselves had the martial spirit, not the Quaker controlled government. The businessmen who needed to make their living by trade, with the use of merchant

⁶¹ Harper, “Making History: Documenting the 1737 Walking Purchase,” 217–33.

⁶² “John Swift to John White, London,” *Letters and Papers Relating Chiefly to the Provincial History of Pennsylvania with some notices on the writers*. Philadelphia: Crissy & Berckley, Printers, Goldsmiths Hall, Library Street, 1855), 148-9. [Letters and papers relating chiefly to the provincial history of Pennsylvania : with some notices of the writers - Document - Sabin Americana: History of the Americas, 1500-1926 \(liberty.edu\)](#).

shipping, had to decide for themselves how they could best protect their property.

“Yesterday there was a grand meeting of all ranks and conditions at Whitefield building, where they signed an association for forming themselves into a militia for the defense of the city. And there is to be a lottery set on foot immediately, to raise money towards fitting out a vessel, to protect the trade.”⁶³ The course of action by the business interests of Philadelphia was to organize together and create a lottery to raise the money to outfit an armed vessel to protect their common interest. In this assembly of common interest there was no authorization from the colonial Assembly. However, these men did try to get the governmental structure to do something. “And a petition will be presented to our worthy Assembly, (who are now sitting), praying them to take it into their considerations, and do something for the common security.”⁶⁴ The merchant association provided a pamphlet and a copy of the association, “and three papers relating to the Quakers’ principles of not defending themselves, which have been of great service to some of them, and convinced them that they have been in a mistake about that matter.”⁶⁵ This would not be the last time that the people of Pennsylvania petitioned the Quaker controlled government for protection from a danger.

To outfit a vessel for the protection of Philadelphia trade at the mouth of the Delaware River would take a concerted effort by a group. But individuals had to make arrangements for some sort of protection as well. Individuals would need to bear arms for their own defense, and possibly to associate with others for the common defense of the community. John Swift attempted to get the tools of self-protection from his uncle back in London. “As the London gentlemen volunteers have no use for their fire-arms, now the

⁶³ Ibid.

⁶⁴ Ibid.

⁶⁵ Ibid.

rebellion is over, I suppose some of them will be disposed of a reasonable rate. In that case I should be glad if you would send me one, as I am bound in reason, duty and honor, to have one of some kind or other, and my fowling-piece has no bayonet to it. I can sell it when I leave the country.”⁶⁶

There was certainly at least a perceived notion that firearms were necessary for the protection of Philadelphia. The average citizen likely looked at the Quaker government and believed that any protection for the city must be accomplished through efforts of their own undertaking. Security through the use of firearms was achieved through private ownership and used for the purpose of defending the individual and the community. Interestingly, the use of firearms in England, “now that the rebellion is over,” demonstrates how the political situation in Europe spilled over to the colonies in unintended ways.⁶⁷

The First Jacobite Rebellion in England was an attempt by James Francis Edward Stuart, son of James II, to regain the crown of England as a Catholic. He was prohibited from the crown, by the Act of Settlement of 1701, which prohibited Catholics from ever taking the throne.⁶⁸

William died in 1702, and the next Protestant monarch was George I. The political swings

⁶⁶ Ibid., 148-9.

⁶⁷ Ibid.

⁶⁸ *An Abridgment of the Act of Parliament for the Better Execution of His Majesty's Gracious Declaration for the Settlement of His Kingdom of Ireland, &c. Made in the 14th and 15th Years of the Reign of King Charles the Second, Sess. 4. Cap. 2. And Also of the Act of Parliament for the Explaining of Some Doubts Arising Upon the Aforesaid Act; and Making Some Alterations of, and Additions to the Said Act, &c. Made in the 17 and 18 Years of the Reign of King Charles the Second, Sess. 5. Cap. 2. With a Copious Alphabetical Table to the Same. By G. Meriton, Esq; Barrister at Law. Dublin: printed by and for Andrew Crook, Printer to the King's Most Excellent Majesty, on the Blind-Key, for Matthew Gunne at the Bible and Crown in Essex-Street, and Eliphaz Dobson at the Stationers-Arms in Castle-Street, 1701.*

between Catholic and Protestant, the Stuart and Hanover dynasties, must have made the colonial relationship with Europe uncertain.

Quaker adherence to pacifism was noble, but impractical in the minds of those Pennsylvanians who feared for their safety. The Quaker control of the colony had been diluted throughout the early eighteenth century and by 1740 Pennsylvania would have been much different than what William Penn had first envisioned. By 1740 Pennsylvania would contribute to a conflict which highlighted the need for legislative action concerning military matters, even if the Quaker majority in the state Assembly did not want to. The great colonial powers of Britain, France and Spain, always in tension for holdings in the New World, would ignite into conflict, throwing the colonies themselves into wars that were often centered in Europe, but would spill into the Western Hemisphere. The 1740's were a violent decade for the American colonies, first with a call to conflict with Spain and then against France. These conflicts outside the borders of Pennsylvania would demonstrate the need for military infrastructure as well as bring a political struggle to the forefront, with a Quaker majority stronghold on one side and immigrants to the colony like Benjamin Franklin on the other.

The conflict with Spain was indirectly responsible for inflaming the Pennsylvania political situation. Like earlier conflicts, there was a call for security. However, this time the call was made by King George to raise troops. Pennsylvania was a large and populous colony, and therefore expected to support the recruitment needs of the crown. Part of the War of Austrian Succession, which had been going on since 1740, Britain became increasingly involved first diplomatically and then militarily. It would be fought in Europe and in the colonial empires of key belligerents. In America it was called King George's War and did not begin until 1744. With the threat of conflict on the horizon, it was logical and necessary for the crown to assume that the colonies would participate in their own defense, if the need arose. If conflict spread to the

colonies, then their inhabitants would need to shoulder some of the responsibility of their own self-defense.

There was considerable patriotism in Pennsylvania, despite the pacifism of the government. *The Pennsylvania Gazette* reported,

The People express'd their Joy in loud Huzzas; And the Cannon from the Hill, and the Ships in the Harbour, were discharged, while the following Healths were drank, viz. The KING. The Prince and Royal Family. Success to his Majesty's Arms. My Lord Cathcart. Col. Spotswood. Col. Blakeney. Success to the new Levies, and intended Expedition, &c. Plenty of Liquor was given to the Populace; and in the Evening they had a Bonfire on the Hill.

As a Design against some of the rich Spanish Settlements appears exceedingly agreeable to the People in general, and there is truly a great Prospect of Success, it is not doubted but a considerable Body of Men will be raised on this Occasion, even in Pennsylvania.⁶⁹

During this time the pride of being part of a colony that was freer than other places, part of a grand colonial empire, based on English rights and traditions, as well as Pennsylvania's economic growth and standing, meant that many colonials were excited to defend their territory as Pennsylvanians. Of course, this account was printed in *The Pennsylvania Gazette*, Benjamin Franklin's publication, which was more pro-military defense than other segments of the colony. Nevertheless, it was an explanation of an event that demonstrates the exuberance of the people of Philadelphia and the surrounding counties for the martial defense of a colony they valued. However, the exuberance of the initial call for troops waned in the coming years as those men from Pennsylvania endured horrendous conditions, poor supply and a lack of organized support for martial activities. Another Pennsylvanian institution regarding martial service was that once

⁶⁹ *The Pennsylvania Gazette*, April 10, 1740, *Accessible Archives* [Accessible Archives | Browse \(liberty.edu\)](#)

individuals volunteered to serve, they would need to pay for their own upkeep because the colonial Assembly could not be counted on to support Pennsylvania troops.

Governor of Pennsylvania, George Thomas, addressed the Provincial Council, scolding them for creating a resolution to adjourn when he pressed them about defense of Pennsylvania and the crown's call for preparation. He explained that "...every Account from Europe gives us more and more reason to apprehend a general War, you must excuse me if I still consider you as the Representatives and the Watchman of the whole People of the Province, and not as a particular religious Society..."⁷⁰ Governor Thomas asserted his role for the people of Pennsylvania. "[T]he Providence of God having appointed me, too, at this time over them, and I hope as an Instrument of good to them, and not a Witness only of their Destruction."⁷¹ Addressing the need to support a general defense of the colony, even if it is counter to the pacifistic beliefs of the Quakers, was called for when much of the world was in conflict.

Thomas continued to berate the assembly by accusing the Quakers of "under Pretence of Liberty and Love for what they miscal the Constitution of the Country, licentiously traduce their Superiors (a practice most unworthy of the Christian Profession) and do what has a Tendency to destroy that Constitution, and to deliver up this part of His Majesty's Dominions into the hands of his Enemies, and the Enemies of our Religion and Liberties."⁷² Governor Thomas believed that if Pennsylvania did not contribute to the war effort that they would be betraying their Christian ideals. They had a responsibility to protect the Constitution of Pennsylvania, to protect the rights and liberties that were enshrined there. While the Deputy Governor of Pennsylvania

⁷⁰ "May 6, 1740," Colonial record of Pennsylvania, Volume IV. Harrisburg, Pennsylvania 1838, 401. [Colonial records of Pennsylvania : Free Download, Borrow, and Streaming : Internet Archive](#)

⁷¹ Ibid.

⁷² Ibid., 401.

often represented the proprietary interests, Sir George Thomas was an English royal colonial official and remained true to the crown's interests throughout his tenure in the colonies.

In a May, 1740, address, Sir Thomas tried to use scripture to convince the Quaker Assembly to change their minds to help the cause of defense for Pennsylvania and the rest of the English empire.

When I bring the Sword upon a Land, if the People of the Land take a Man of their Coasts & set him for their Watchman. If, when he seeth the Sword come upon the Land he blow the Trumpet and warn the People, Then whosoever heareth the sound of the Trumpet and taketh not warning, if the Sword come and take him away, his Blood shall be upon his own Head. He heard the sound of the Trumpet and took not warning, his Blood shall be upon him; but he that taketh warning shall deliver his Soul. But if the Watchman see the Sword come and blow not the Trumpet, and the People be not warned, If the Sword come and take any Person from among them, he is taken away in his iniquity, but his Blood will I require at the Watchman's hand.⁷³

It did not work. The support of a militia from Pennsylvania was not called. The awkward position of the people of Pennsylvania taking up their own defense, as well as the royal government being unsuccessful in raising money for the defense of Pennsylvania would continue past this conflict.⁷⁴

The crown forwarded instructions, read to the Assembly in May, 1740, explaining why this war was necessary, "not to gratifie any Ambitious Views or Deisgns, but at a desire of His Parliament, to vindicate the Honour of His Imperial Crown, to revenge the Injurys done to His Subjects by an insolent and barbarous Nation, and to assert their undoubted Rights of Commerce and Navigation." The instructions explained how the crown had raised the bulk of the funding necessary to conduct this war from increased taxes on the landed estates in Great Britian. Then the statement included a dig on the colonial lack of tax revenue stating, "however grievous it

⁷³ Ibid., 402.

⁷⁴ Ibid.

may possibly appear to you who live free from Taxes.”⁷⁵ The tension between the crown and colonial legislatures concerning the costs of protecting the colonies appears to have been foreshadowed in Pennsylvania for many years before the Revolutionary Period.

In this case, however, the crown set the concerns of the Quaker government to ease by providing the necessary military funding to the troops raised in Pennsylvania, leaving the non-military support for the local legislature. “His Majesty expects no more of you, tho' your Interests are as much at Stake as any of His British Subjects, 'than a Provision of Victuals, Transports, and all other necessarys for the Troops to be raised in this Province till their Arrival at the general Rendez- vous in the West Indies.”⁷⁶ The Pennsylvania Quakers would only be responsible for the food and transportation of the troops, which would sidestep their pacifism. The crown would, “furnish them with Cloaths, Tents, Arms, Ammunition, and Pay from the Day of their Inlisting.”⁷⁷ The King would provide all the munitions, but Pennsylvania would provide food, necessities, and transportation. The crown attempted to work with the governing body of Pennsylvania, making concessions to alleviate their conscientious objections. Since the government was still controlled by Quaker sensibilities and adamantly pacifistic, they would not provide funding for military arms and other weapons of war or violence. The crown accommodated this expression of freedom of conscience by asking Pennsylvania to provide for non-military items. How could the Quakers object to funding for clothing and food?

The Quaker adherence to pacifism at all costs persisted. They responded to the royal instructions by stating that “We have ever esteemed it our Duty to pay Tribute to Ceasar [sic.],

⁷⁵ “At a Council held at Philada., May 19th, 1740,” Colonial record of Pennsylvania, Volume IV. Harrisburg, Pennsylvania 1838. 422-424

⁷⁶ Ibid., 422-23.

⁷⁷ Ibid., 423.

and yield Obedience to the Powers God hath set over us, so far as our Consciences Persuasions will permit; but we cannot pre-serve good Consciences and come into the Levying of Money and appropriating it to the uses recommended to us in the Governor's Speech.”⁷⁸ They would not provide any funding to support a military conflict, “because it is repugnant to the religious Principles professed by the greater Number of the present Assembly, who are of the People called Quakers.”⁷⁹ Essentially, they reverted to the old preaching of freedom of conscience espoused by William Penn. The relationship between the government of the mother country and their need at this juncture for defense of the colonial empire in the colonies, came into conflict again with the pacifistic principles of the Quaker majority in the colonial council. Furthermore, the structure of the government started by William Penn meant that the locally elected council would have the greatest influence on the decisions of the colony. The governor only set the direction, and was often ignored, and the assembly often went unheard as well. The power and direction of Pennsylvania remained in the hands of those councilmen who were largely elected in Quaker controlled districts. But the pressure brought by the Assembly forced movement by the Council.

The political pressure brought to bear on the Assembly, elected by the various rural districts, meant that it was more responsive to the needs of those on the frontier. The many men who had already enlisted with great zeal to fight for England, meant that the Provincial Council relented. Thomas Lawrie, Secretary of the Provincial Council, entered the service as an officer for the troops raised in Pennsylvania. The expectation of at least 3000 troops to be divided into eight companies was not reached. By August 1740, only seven companies had been created.⁸⁰

⁷⁸ Colonial record of Pennsylvania, Vol. IV. Pg. 425.

⁷⁹ Ibid.

⁸⁰ “At a Council held at Philada., July 29th, 1740,“Colonial record of Pennsylvania, Vol. IV. Pg. 431.

Even though the Assembly would not raise troops, they did see the wisdom of not offending the King, Therefore, the Assembly voted to, "...[T]o demonstrate our Obedience to our present Sovereign King George, by yielding a ready and cheerful Compliance in the Matters recommended to Us, so far as our Religious persuasions would permit, and willing to give ample Testimony of the Loyalty & sincere Affections of his loving Subjects within this province, We determined at our last Meeting that a Sum of Money should be raised for the Use of the Crown, exceeding in proportion, as we think, what is given in some neighbouring Colonies.⁸¹ From the king's perspective, Pennsylvania was a colony with a large and financially successful population. Therefore, his subjects should willingly contribute to their own protection through the donation of funds and materials to the troops. He even compares Pennsylvania to other colonies, to entice them to contribute as much.

The Quakers in the Assembly relented to funding the non-martial expenses of the troops that were from Pennsylvania. However, they still reminded the governor that "...acquaint the Governor that ...the greater Number of the present Assembly are of the people called Quakers, principled agains [sic] bearing of Arms or applying Money to any such purposes."⁸² They reiterated their belief that they would not bear arms or raise others to bear arms in matters of their control. If others did it out of their own free will and conscience, they would have no say in that. The Pennsylvania colonial government would not become embroiled or even support any violent acts. The Quakers would not fund or support any military action, including the purchase of weapons, or even outfit a military establishment with supplies.

The conflict between the Quaker majority in the Assembly and Provincial Council meant that funding and support for the troops was always in question. The governor scolded the Quaker

⁸¹ "Assembly of the 31st of July". Colonial record of Pennsylvania, Vol. IV. Pg. 435.

⁸² Ibid.

majority. “[I]t is a piece of Injustice to involve a People of which you are not above one-third in Number, in the ill Consequences that must attend a Government under such a Direction.”⁸³

Though Quakers only consisted of a third of the population they persisted in maintaining a political stranglehold on the legislative branch. He invoked the ideals of William Penn the first Proprietor of Pennsylvania, in rebuking the efforts of the Quaker majority. “This is a Behaviour very different from that Spirit of Christianity you profess, and I think as different from that of your Friends in England.”⁸⁴ The governor was saying that the Quakers in England had a better hold on the need to support the war effort than did those in Pennsylvania. They held on to too much power in Pennsylvania and therefore were not representative of the larger interests of the colony.

The support that was compelled by the crown meant that soldiers were not cared for adequately. The Assembly slow-walked and avoided, whenever possible, the funding and support of the Pennsylvania troops. Conditions for the poorly supplied soldiers from Pennsylvania meant that desertions were high. The names and descriptions of deserters from units of Pennsylvania men peppered *The Pennsylvania Gazette* throughout the duration of the conflict. Rewards ranged from a few shillings to many pounds. Harboring a deserter also came with a penalty of forty pounds. The initial huzzas for the conflict turned to a bad situation where soldiers were not adequately supported and many just left. A constant call for soldiers to serve King George and serve in the West Indies against Spain. The need for soldiers was so great that, “...whereas, several of those who inlisted at the first raising of the Companies, and several of those inlisted last fall by Lieutenant Whiteford, and some from the West Indies, have deserted His Majesty’s Service, and are now skulking about the Town and Country; This is to give Notice

⁸³ Ibid.

⁸⁴ Ibid., 443.

that if they will come and surrender themselves to Captain Clark on or before the 25th Day of September Inst. They shall be civilly treated and all Faults forgiven.”⁸⁵ Of course, harboring these deserters came with a penalty, but if a deserter wanted to join back up with the expedition in the West Indies, then they would be welcomed back into the military with open arms.

The failures of martial organization, due to the friction between the crown's expectations for Pennsylvania and the religious ideals of the Quaker majority meant that much of the responsibility for protection and defense fell to the individuals and the associations they made. Men like Benjamin Franklin urged the organization to be taken up by the people. He called for Associations, to protect in the face of a pacifist government in Philadelphia, and a Royal Government that was much too far away to be effective in a timely manner.⁸⁶

Benjamin Franklin, publisher of *The Pennsylvania Gazette* and Secretary of the Pennsylvania Assembly, published a pamphlet in 1747 during King George’s War, making the case for defense of Philadelphia and the rest of the colony warning that “When the Steed is stolen, you shout [sic.] the Stable Door.”⁸⁷ Shutting the stable door after the horse was stolen was too little too late. That was the point that Franklin was making about the Pennsylvania Assembly. If they took it upon themselves to do what was necessary after the attack, then what would be the point. He warned that the need for protection should be a priority of the state legislature, but if they did not answer the need due to their own religious convictions that “an ASSOCIATION for the Purposes herein mentioned, together with a practicable Scheme for raising the Money

⁸⁵ *The Pennsylvania Gazette*, September 2, 1742.

⁸⁶ Benjamin Franklin, *Plain Truth, or, Serious Considerations on the Present State of the City of Philadelphia, and province of Pennsylvania*, (Philadelphia, Pennsylvania, 1747), 3. [Plain truth, or, Serious considerations on the present state of the city of Philadelphia, and province of Pennsylvania - Document - Sabin Americana: History of the Americas, 1500-1926 \(liberty.edu\)](#)

⁸⁷ *Ibid.*

necessary for the Defence of our Trade, City, and Country, without laying a Burthen on any Man.”⁸⁸ This idea of an association of free men for the purpose of defending the community would take shape in Pennsylvania out of necessity. There was no militia law and there would be no law that supported any military defense. It would be left to the individual initiative of Pennsylvanians and their associations.

Franklin provided reasons for defense and the necessary preparations for possible conflicts. They range from Biblical examples to the contemporary practical need for defense. He referred to the Laish inviting conflict by being defenseless. The attacks by privateers and foreign actors on shipping in and out of Philadelphia were bad for business in direct costs of lost goods but also in terms of increased insurance rates. He warned about the Indian tribes that would ally with the French raiding western New York and into Pennsylvania because there were no consequences. Therefore, the costs of arming for war in the face of impending conflict was cheaper than the loss of business and life that would occur if Pennsylvania were attacked with no defenses.

Franklin resorted to fear tactics when he warned that “Persons, Fortunes, Wives and Daughters, shall be subject to the wanton and unbridled Rage, Rapine and Lust, of Negroes, Molattoes, and others,” but also stated that the wealthy had the means to leave if Philadelphia were invaded, leaving the “middling People, the Tradesmen, Shopkeepers, and Farmers,” to contend with the lack of defense.⁸⁹ Franklin’s multi-faceted argument was intended to appeal to all classes, enticing them to join and support an association in any way that they were able. Citizens could join the ranks, become officers or administrators or contribute through funding.

⁸⁸ Ibid. 21-2.

⁸⁹ Ibid., 14.

Franklin optimistically stated that there were enough Pennsylvanians who were proficient in firearms to make a defense if the situation called for it. He wrote off the government's willingness to defend the citizenry but considered the 60,000 Pennsylvanians who were acquainted with firearms to be an excellent deterrent to invasion.⁹⁰ Though how he determined the number of those who knew how to fire a weapon is unclear, the only thing that these people needed to do was form an association to work together to protect themselves, their neighbors, their city and their colony, not to mention the crown.

Franklin was largely successful in setting in motion the idea of an association, for the purpose of self-defense. Whether these men were needed or not to protect the city, Franklin did get many to enlist in the newly organized regiments. John Swift, a resident of Philadelphia, wrote to his uncle in London about the "pamphlet published here a few days ago, setting forth the miserable calamities that may befall us, if something is not done for our security against next spring, has raised a military spirit amongst the people."⁹¹ Swift explains to his uncle how there were many who signed an association for forming a militia.⁹² Swift asked his uncle to send a weapon if he could. He said he had a fowling gun, but he thought a better weapon for the defense of his community was one that had a bayonet.⁹³ The defense of the city of Philadelphia, the surrounding counties as well as other more rural areas around the colony would be taken up by

⁹⁰ Ibid.

⁹¹ "John Swift to John White, London - Philadelphia, November 29th, 1747." Balch, Thomas; Edward Shippen. *Letters and Papers Relating Chiefly to the Provincial History of Pennsylvania: With some notices of the writers*. Crissy & Markley, Philadelphia, 1855. 10.

⁹² Reference is to the Jacobite rebellion of 1745 which ended the Jacobite's political force in Britain.

⁹³ "John Swift to John White, London - Philadelphia, November 29th, 1747." Balch, Thomas; Edward Shippen. *Letters and Papers Relating Chiefly to the Provincial History of Pennsylvania: With some notices of the writers*. Crissy & Markley, Philadelphia, 1855. 10.

those who settled there. The citizens of all backgrounds would work together to defend Pennsylvania, if the need arose. They would provide for their common defense.

The idea of an association for the purpose of defense of the community may not be radical, but rather the expansion of purpose of other associations that had come to be common in Philadelphia society. There were already associations in the form of fire companies and library companies. The idea that a group of individuals could pool their resources to purchase books from which all could borrow, or equipment and volunteers to fight fires, was well established in Philadelphia. Therefore, pooling resources to protect from fire was a short leap to pooling resources to protect from invasion and occupation. While other colonies had governmental structures to organize and fund a militia, in Pennsylvania this was left to the community.⁹⁴

From the late seventeenth century through most of the eighteenth, a series of what many historians have taken to calling the French and Indian Wars forced colonial governments to form defensive groups called militias. The New England militia created a military governmental structure that could be effectively used more quickly in case of larger conflict, and it created a defense for the local communities. This was an institution that was locally controlled and loosely organized if a great need due to war was required.⁹⁵ Participation in the militia was voluntary and often looked on by the other colonials as doing good service for the community. Accommodations were made to repair and replace firearms lost or damaged during service if the militia was called to service.⁹⁶

⁹⁴ Jessiac Choppin Roney "Ready to Act in Defiance of Government: Colonial Philadelphia Voluntary Culture and the Defense Association of 1747—1748," *Early American Studies* 8, no. 2 (2010), 358-385.

⁹⁵ Steven Eames, *Rustic Warriors: Warfare and the Provincial Soldier on the New England Frontier, 1689-1748*. (New York, NY: New York University Press, 2011), 21-29.

⁹⁶ *Ibid.*, 112-13.

The New England colonies had a history of using militia to defend themselves against Indian raids. Pennsylvania was blessed for a time with more peaceful terms with Indians. To the south of Pennsylvania, the large colony of Virginia also had use of the militia there. Virginia militia law required each man to maintain a pound of powder and four pounds of lead, in addition to a maintain musket for service in times of danger.⁹⁷ Virginia's militia differed from New England's because men did not enlist in the militia, every white male between eighteen to sixty were required to enroll. From this pool of manpower, a force could be organized for military service.⁹⁸

In every colony except Pennsylvania, a militia system had been created for the common defense of the territory, and for use in the Indian skirmishes that were present in eighteenth century America. Militia laws created and provided for the maintenance of citizen military forces in every other colony.⁹⁹ Pennsylvania was the only outlier due to its Quaker influence. There was some discussion about the nature of a militia in various colonies and what a militia should look like. For example, in Massachusetts, arming citizens was not enough. For these men to defend their homes and communities effectively, they needed to also have a level of military training. A group of men with guns was not a defense, but needed to train to form discipline and cohesion, fighting as a unit.¹⁰⁰

Lacking the military bureaucracy to organize men into a defense, as well as the lack of support from the legislature to ensure that citizen soldiers were adequately equipped, meant that

⁹⁷ Glenn F. Williams, *Dunmore's War: The Last Conflict of America's Colonial Era*. (Yardley, Pennsylvania: Westholme Publishing, 2017).

⁹⁸ Ibid.

⁹⁹ Howard H. Peckham, *The Colonial Wars, 1689-1762*, (Chicago: University of Chicago Press, 1964).

¹⁰⁰ Charles, *Armed in America*, 74-76.

Pennsylvania was unique amongst colonies in America. As times became less safe in the second half of the eighteenth century, the role of individuals in contributing to their community's security was essential. Aspects of society were not left to the government which was divided and inefficient, but to those who had the willingness and ability to contribute. Therefore, the role of defense, both individual and community, fell to the citizens, which would later become part of the Pennsylvania State Constitution. The need to foster and nurture civil society was critical to the functioning of the community.

There are two main reasons for the development of the right to bear arms in Pennsylvania. First, the Quaker control of the Pennsylvania colonial government did not ideologically allow for a government to be capable of violence. The Quaker pacifist ideology just would not allow it. Therefore, they had foregone a key duty of government, to protect the citizens. The citizens who were becoming more diverse and notably less Quaker, would be required to protect themselves, from natives, from foreign actors and from each other, either individually through ownership of firearms and collectively through associations and later militia. The second, and more important reason, was due to the Lockean right to life and liberty to be protected by the personal right of self-defense. As this right was being codified in Britain, so too was it being adopted in Pennsylvania. In many ways the establishment of this right in Pennsylvania was foreshadowing the events that would affect the rest of the English Colonies. The distrust of centralized governments, the real dangers of living in the New World, and the established rights of self-defense all combined to provide an established basis for the rights of individuals and militia to bear arms in America.

It is easy to point to the Quakers as the reason that Pennsylvanians would own personal firearms. However, there is a larger story, going well beyond the pacifist origins of the colony, localizing and individualizing the right of firearms ownership. Where the state did not establish

or protect individuals, for religious reasons, the citizenry took it upon themselves to uphold their own safety, either through individual ownership of firearms, or through the local associations, proposed by none other than Benjamin Franklin (as well as others) of individuals creating an ad hoc militia. Personal defense through the ownership of firearms was one step on the way to an organization of individuals who worked together to defend communities. If a firearm could be used to defend a homestead, then an association of individuals could organize to defend the community.

Chapter 3

Pennsylvania Takes up the Right to Bear Arms: The Necessity and Danger of an Armed Frontier Militia.

Pennsylvania is located at the geographic center of what was the English Atlantic colonies but became a central player in the direction of the how the United States was born with respect to the Declaration of Independence and how the war for independence was fought. The role of Pennsylvania as a keystone to the new nation is an understatement. The Pennsylvania State House is Independence Hall, where in Philadelphia, the Continental Congress met, the Declaration of Independence was signed as well as the meeting place of the Continental Congress and the Constitutional Convention. If one place could be said to be the heart of the American nation, Independence Hall is the birthplace for the United States of America.

The continued ideological and political friction between immigrants and other non-Quakers who wanted to take up arms in self-defense, and the Quakers who strictly adhered to pacifism, but who had a stranglehold on the assembly, was strained and enflamed by military conflicts in the mid-eighteenth century. Not even a decade after the conclusion of King George's War, which largely left Pennsylvania untouched, the French and Indian War (last of the French and Indian Wars) exposed the tensions between colonists and natives as well as political ideologies about the nature of defense in the Quaker run colony. The French and Indian War brought conflict to Pennsylvania in a way that was previously unknown.

With only six years between the conclusion of King George's War and the hostilities that led to the beginning of the French and Indian War, the idea of organizing associations did not have time to dissipate. The associations created out of the fear of attack in King George's War were still present during the French and Indian War and beyond. The uneasy peace with the

Indians further added that a case could be made for the continued support of an organized citizen defense. Furthermore, since any association of armed Pennsylvanians was not under the control of the colonial government, they did not need the blessings of the Colonial Legislature to continue to train and arm for the defense of the town or colony.

Firearms ownership in Pennsylvania was shaped by two events. The first event that catalyzed the development of firearm ownership in pre-Revolutionary Pennsylvania was the French and Indian War, which highlighted the need for self-defense in a way that the Quaker political power in Philadelphia did not understand. This conflict would arise from outside the colony to threaten Pennsylvania, that essentially had no defense against an outside threat. The inability of Pennsylvania to defend itself would create a political rift that kept widening. The second was the rise of the Paxton Boys and their march on Philadelphia, again highlighting the need for defense, this time from an inside threat. Again, even in a city like Philadelphia, there was no organized defense, which was blocked by the Quaker majority. When the Philadelphia Associators were called to defend the city, only the diplomacy of Benjamin Franklin himself ended the bloodshed. The conditions that led frontier colonists to arm themselves endured and were like those of many other colonists. This assembly of armed colonists who took the law into their own hands highlighted the underlying issues of private firearms ownership and the need to protect individuals and communities with firearms.

The political situation in Pennsylvania in the mid-eighteenth century was the continued maintenance of a Quaker majority in the original three counties in southeastern Pennsylvania. They were Philadelphia, Chester and Bucks counties, with twenty-four representatives in the state assembly, which had more than double the next five counties which included, Lancaster, York, Cumberland, Berks and Northampton, that only had ten. The political map was arranged

so that the Quaker controlled counties had more representatives and therefore more votes in the Colonial Legislature, securing their control of colonial matters.

Philadelphia was a major center for trade and enjoyed the protection of British regular troops. If there were troops in Philadelphia, to help protect trade, the Quakers would not protest, as long as they were not asked to support them materially or monetarily. However, the more dangerous rural and frontier counties did not have this luxury. In other colonies, most notably Massachusetts, the colonists mobilized based on a charter right to protect themselves. While Massachusetts had long endured conflicts and other issues with natives, they had a unique relationship with their neighbors that was not shared with the British.¹ In a situation that would be mirrored in Pennsylvania, the relationship between the colonists and the Indians was different than between the Indians and the British, who were often seen as outsiders. With varying points of view based on local perspectives, it was the British who were often called to protect the colonies, which contributed to the strained relationships between varied colonial groups as well as varied Indian tribes. The British were not appraised to the nuances of colonial politics and negotiations, yet carried the big stick of Redcoats to quell conflicts.

The end of King George's War brought an end to the outright conflict, but did nothing to alleviate the underlying tensions between the key powers of the North American colonies. The English colonies, the French influence and desire to expand as well as Indian tribes who aligned with either side, were all still present after the war ended. From the 1750's, the increased tensions with the French and the increased conflict with the Indians meant that there was an added focus on the need for self-defense in Pennsylvania, not only in the urban center of

¹ James F. Hrdlicka, "The Attachment of the People: The Massachusetts Charter, the French and Indian War, and the Coming of the American Revolution," *The New England Quarterly* (2016) 89 (3): 384–420. doi: https://doi.org/10.1162/TNEQ_a_00546

Philadelphia and the surrounding counties, but especially in the rural and frontier counties. Increased Indian attacks were real, but how these attacks were represented and interpreted influenced colonial policy as well as individuals and their decisions regarding self-defense.

The continued friction between Indians and the frontier settlers increased throughout the 1750's. As the prospects for war between European powers, England and France, became more likely, the need for Pennsylvania to create laws that would establish a military force became more critical. Even though King George's War largely left Pennsylvania untouched, the last of the French and Indian Wars that marked the early eighteenth century was focused on rural western Pennsylvania. The peace that Quakers had envisioned was not to last. Western Pennsylvania in the Ohio Valley was contested land between the English colonists moving ever more westward from more settled areas of Pennsylvania. Land speculators from Virginia also saw the Ohio Valley as a rich prospect to expand their wealth. The French were also had claims to that territory trading and settling southwest from Quebec, through Niagra.²

The Appalachian Mountains made westward expansion for the English difficult. Travel through the Ohio Valley for the English moving west and the French moving southwest, became the spark that would ignite the French and Indian War, as English and French interests clashed in what is modern western Pennsylvania, Ohio and Michigan.³ Also known as the Seven Year's War in Canada and Europe, this conflict would shape the Atlantic world, the relationship and

² Alfred A. Cave, *The French and Indian War*. (Westport, Conn: Greenwood Press, 2004), 5-6.

³ Richard Hall , *Atlantic Politics, Military Strategy and the French and Indian War*, (Switzerland: Palgrave Macmillan, 2016), 21.

power structure of the British and French Atlantic Empires, and even the birth of the United States.⁴

The link between the French and Indian War and the American Revolution, though related by political, diplomatic, economic and military interests, is also directly related in a personal way. George Washington found himself in command of Virginia militia and Iroquois scouts, mounting a surprise attack on a French outpost called Great Meadows, now called Uniontown about 45 miles from Pittsburgh. On May 28, 1754, Washington won this engagement killing the French commander and sending prisoners back to Virginia. A little over a month later, on July 4 no less, Washington's hastily constructed and aptly named Fort Necessity fell to a French attack.⁵ George Washington was present at the start of the colonial conflict as well as throughout the American Revolution. Perhaps some of the lessons he learned about fighting in the wilderness in the 1750's were applied to his command of the Continental Army in the 1770's.

Since the Virginia militia seemed unable to represent British interests in western Pennsylvania, and the Pennsylvanians did not have the organized military establishment to participate, England sent General Edward Braddock to defend the western frontier. He commanded 1000 professional soldiers and 2500 militia, and Washington returned as his aid.⁶

⁴ See Richard Hall's *Atlantic Politics, Military Strategy and the French and Indian War*, for an excellent comprehensive overview of the significance of the French and Indian War to the relationship between Britain and France and the beginning of the schism between American colonies and the British Empire.

⁵ Cave, *The French and Indian War*, 6-8.

⁶ Hall, *Atlantic Politics, Military Strategy and the French and Indian War*, 27-28.

After the failure of the Albany plan, proposed by Benjamin Franklin,⁷ England took control of the defense of the American colonies, Braddock was given command of a mix of British regulars as well as the creation of American colonial regiments. These would be created from New York, Maryland, Virginia and South Carolina.⁸ Notably absent was Pennsylvania, refusing to participate in the military on pacifistic grounds.

Braddock failed spectacularly. In another foreshadowing of events that would link the French and Indian War to the American Revolution, George Washington, an aid to General Braddock witnessed the loss of professional British regular troops to a much smaller contingent of French militia and their Indian allies. Braddock did not trust or even like the American colonials or the native Americans. Abandoned by the Indians, Braddock blundered into a skirmish unprepared. He formed lines of battle, but the small road became congested. The French took cover in the surrounding wilderness, and they took an enormous toll on the British including killing Braddock himself. The French lost 39 and the British over 1000.⁹ Washington who saw the slaughter noted, "We have been most scandalously beaten by a trifling body of men."¹⁰ Seeing the defeat of a great British army, at the hands of a much smaller militia force must have made an impression on the young officer, who later led a much smaller and poorly trained army to victory over a professional grand British army. Furthermore, the realization that western Pennsylvania was likely lost to the French until another force could be raised and an

⁷ Commonly accepted as the first attempt at colonial unification, the representatives of colonies adopted the plan on July 10, 1754, but not one legislature adopted the proposal. Franklin saw a need for the colonies to band together for a common defense, and published his famous, "Join, or Die" political cartoon snake in his *Pennsylvania Gazette*.

⁸ Peckham, *The Colonial Wars*, 136-38.

⁹ Cave, *The French and Indian War*, 7-10.

¹⁰ Peckham, *The Colonial Wars*, 147.

attack mounted, created more pressure for the Philadelphia pacifists to reexamine their consciences.

With no commonwealth-wide military organization the likelihood of Pennsylvania as a central colony was not as secure as surrounding colonies. The Quakers relied on an attempt to treat the Indians fairly in treaties, and they did enjoy a more peaceful history with the Indians than other colonies. However, by the time of the French and Indian War the massive immigration to Pennsylvania of non-Quakers, who were less tolerant and not pacifists, meant that frontier friction would erupt into open conflict.¹¹ Since the conflict encroached from the western frontier of Pennsylvania, the Quakers, whose power was concentrated in eastern Philadelphia, found it ever more challenging to maintain their pacifist ideology. The Quakers may not have started or wanted this conflict, but it was here. Benjamin Franklin proposed the Albany Plan to strengthen the ties between the various colonies for their defense, but the plan failed miserably. Not one colonial legislature voted for a unified defense. Owner and contributor of *The Pennsylvania Gazette*, Franklin had his own bullhorn to convey his ideas, but they did not catch on.

The Quaker majority in the colonial assembly refused to take up the idea of a militarized Pennsylvania. However, many like Benjamin Franklin had only intensified their criticism and political pressure to ensure that Pennsylvania had what they perceived as the right to defense. This defense took the form of associations and in more rural frontier areas, individuals would defend themselves and their communities. Through his widely popular publication *The Pennsylvania Gazette*, Franklin pushed for his political goals. The paper highlighted gruesome explanations of Indian attacks all along the frontier, as well as the steps that other colonies took to ensure the protection of their citizens.

¹¹ Hall, *Atlantic Politics, Military Strategy and the French and Indian War*, 23.

In Pennsylvania, the Assembly questioned Governor Morris's representation of the crown's interest in forming an American colonial army. The Assembly defended the largely Quaker point of view, regarding the pacifism, stating that their perspective, "was too much Truth in it and too little Flattery."¹² They continued to chide the governor, by reminding him that the first right of Pennsylvania, granted in the original charter was that of freedom of conscience. "We trust they will rather be more cautious of suffering such dangerous Precedents, when they see how fond Governors are of seizing the Advantage for diminishing our Privileges."¹³ While other colonies rejected the Albany Plan, mainly because they were skeptical of their neighboring colonies, Pennsylvania refused largely due to an objection on the grounds of conscience, as well as the same skepticism. Ironically the proponent of the Albany Plan was Benjamin Franklin, a Pennsylvanian, representing a colony that was least likely to adopt the measure.

The central conflict in Pennsylvania was that the continued westward expansion necessitated the further protection of a more central government. Either the further expansion of the western counties of Pennsylvania would need to be stopped, which was not likely because settlers were constantly moving out there with or without permission, or they would need to be protected to some extent from a more central governing body. This would eventually lead to a Pennsylvanian policy that supported a military establishment, whether the Quakers liked it or not. The necessity and demands of a multitude of settlers who vastly outnumbered the Quakers, outweighed the political policy preferences of the Quaker power structure within the legislation. However, the Quakers did not relinquish power until the situation became so dire that they could not ignore it any longer.

¹² "A Message to the Governor from the Assembly," *The Pennsylvania Gazette*. October 2, 1755.

¹³ *Ibid.*

The constant danger of attacks on the frontier would erupt into a full-scale conflict, dragging colonial empires into a war that would change the map of the New World. These events were documented in *The Pennsylvania Gazette*. The *Gazette* was very popular in Pennsylvania, and Franklin attempted to spread his paper to other colonies as well, with varying degrees of success. Benjamin Franklin used his paper to advance his personal interests and perspectives. The pages of *The Pennsylvania Gazette* presented a great deal of graphic details of Indian attacks along the frontier. The reporting on the frontier heightened colonial awareness of the dangers surrounding the lower counties. It also contributed to the concerns many had about the danger being faced in other colonies to the north and south. This had the effect of mobilizing pressure on the Legislature to act and slowly change policy.

In May 1754, *The Pennsylvania Gazette* reported that the French were settling and hunting ever closer to the English settlements with the blessing of many of the Indian tribes. “They had given the new French Settlers upon the Carrying Place, Liberty to hunt any where in that Country, as a Recompence for the great Service they will be of them, in a time of War with the English by supplying them with Provisions and Military Stores.”¹⁴ The article went on to state that many Indians who professed to commit hostilities against the English were being assisted by “a number of French from Canada, disguislike Indians.”¹⁵ The threats faced by colonials were not just the anger of displaced natives, but by European world powers attempting to expand their presence in the New World. Indian allies for both the French and English meant that they were always being courted with gifts and trade agreements. The shifting associations meant that Indians would be allies one day and enemies the next. But since knowledge of the

¹⁴ “Speech of his Excellency William Shirley, March 28, 1754,” *The Pennsylvania Gazette*, May 9, 1754.

¹⁵ *Ibid.*

land and the use of tribal warriors could mean the difference between victory and defeat, they would be constantly courted for treaties of alliance.

The complex associations of the frontier created competition not only between Indians and whites, French and English, but between colonies as well. Pennsylvania land traders convinced Indians, particularly the Delawares (Lenni Lenape) that Virginians were after their land. George Croghan, chief Indian agent for Pennsylvania persuaded the Delawares that they would get the best treatment from Pennsylvania, but this treaty was never ratified. The Quaker controlled assembly did not fund the venture for a fort and a trading post in what would become Pittsburgh. This left the job to Virginians who took full advantage.¹⁶

George Washington, who at this time was an eager young officer in the Virginia Militia, attempting to gain a commission in the British Army, commanded the doomed detachment at Fort Necessity. Washington “was compelled to surrender his small fort at the Forks of Monongahela to the French.”¹⁷ The only surrender by George Washington, the vastly outnumbered and outgunned Fort Necessity was ceded to the French. A wise decision due to the imminent arrival of an enemy force of over 1000 men, with artillery support, arriving from Canada. The situation meant that settlers were obliged to return to the safety of a more populated area. The need for defense on the Pennsylvania frontier was the need for personal and community defense against Indians, but also against the invasion of the French. The pacifism prized by the Quakers, with their attempts to treat the Indians fairly had worked in the past. But by the 1750’s, it became more evident that they were up against an expanding Pennsylvania that

¹⁶ Peckham, *The Colonial Wars*, 126-29.

¹⁷ *The Pennsylvania Gazette*, May 9, 1754.

was running up against new Indian territories in the west, competition from Virginia, as well as the constant English nemesis the French.

The defensive issues were not limited to Pennsylvania, though the area was central to the colonial geography. Franklin called attention to other colonies in his push to militarize Pennsylvania. One such example William Shirley, the British Army officer who was governor of Massachusetts, famous for the capture of Louisbourg in the just completed King George's War. He requested of the Massachusetts legislature the means for the defense of the English territories, because the French had not complied with the terms of the previous conflict and would only be compelled to the terms if the colonies had the wherewithal to defend themselves.¹⁸ Though Shirley was speaking directly to the needs of Massachusetts, the same arguments and the same enemies would be a concern for Pennsylvania.

Reporting on another speech by Jonathan Belcher, serving as governor of New Jersey from 1747 until his death in 1757, *The Pennsylvania Gazette*, published an article explaining how Belcher stated that, "the French are making upon the King territories in New England; and they seem to be laying Schemes for a general Destruction and Ruin of the English Provinces on this Continent."¹⁹ Belcher stated that the English had made inroads to treaties with the Six Nations (Iroquois) to support the English, but that the future peace would rest with peace with Indian tribes, but also with an association between the American colonies for the purpose of defense. While he had some luck with New York and Virginia, there was no mention of Pennsylvania, most likely due to the entirely private nature of the Pennsylvania defense.

¹⁸ "Speech of his Excellency William Shirley, March 28, 1754," *The Pennsylvania Gazette*, May 9, 1754.

¹⁹ *The Pennsylvania Gazette*, May 9, 1754.

Military tactics on the frontier was a much different kind of warfare than more conventional wars. In the American colonies, the forests were filled with danger from unseen enemies. Reports in *The Pennsylvania Gazette* matter-of-factly explained the danger in frontier situations. "...two men...within about two Gun shot of the Fort, they were firupon by the Indians, who kill one of them and scalp him, but in their Hurry took but about half the Scalp and half the Scull, the other was wounded, but is likely to do well."²⁰ Occurring in British controlled Nova Scotia, being outside of a protected zone of the fort, was dangerous. The strategy of the competing powers was to make living in frontier settlements so dangerous that settlers would retreat to the safety of their more urban areas, leaving the undeveloped lands open to settlement by themselves. The only way to counter this strategy was to make any settler as protected as possible. Carrying firearms in frontier areas must have been the most basic of precautions, and the organization of settlers into defensive teams, as a militia, would also make logical sense.

In New Haven, Pennsylvania, southeast of Pittsburgh, the need for citizen soldiers was presented to a still skeptical Pennsylvania public. "...the whole Army was surrounded by French and Indians, and wanted Help; whereupon the whole Town was alarmed and beat up for Independents, and in less than six Hours about 80 healthy able bodied Men offered their Service."²¹ In this small frontier settlement, the needs of the New Haven dictated that they organize themselves for service, without the support of their colonial government. What could the inhabitants of this town do? Forced to defend themselves, They assembled all the able-bodied armed men they could muster. In New Haven, as in other areas, the men self-organized to defend their homes and their community. This process of preparing for the security of the community would continue throughout the period of the French and Indian War in rural Pennsylvania.

²⁰ "Halifax, in Nova Scotia, August 30," *Pennsylvania Gazette*, October 9, 1755.

²¹ "New Haven, September 20," *The Pennsylvania Gazette*, October 9, 1755.

The danger of not being prepared for violence was real. “Indians, supposed to be Shawanese appeared on Green Briar River in the County, and that they killed and captured 15 People, burnt 11 Houses, and drove off 500 head of Cattle, Horses, & Several of the Inhabitants fled to a small Fort, and were there blocked up by the Enemy four Days.”²² The message was clear. There was not enough professional military from Britain to end this conflict and protect everyone on the frontier. America was too vast a territory to protect along a great border with French Canada, and down through the western rural areas of Pennsylvania, and even Massachusetts and New York.

Securing the rural areas meant fortifications in northern colonies. When friendly Indian scouts returned with news of evidence of enemy movements to William Johnson, in command of a small, fortified encampment at Lake George (west of Vermont, near Lake Champlain), he warned another encampment called the Carrying Place under threat with word, “to withdraw all the Troops there within the Works thrown up.”²³ There were troops from New Hampshire and New York.

Word to that encampment never made it, the Indians reporting that they heard, “a Gun fire, and a Man call upon Heaven for Mercy.” The Carrying Place retreated under attack from Canadians and Indians. General Johnson fortified his own defenses and accepted the retreating troops from the Carrying Place. The battle began with regulars firing from 150 yards from the hastily constructed breastwork defenses, with little effect being beyond the effective range of muskets. Johnson determined that these were regular troops firing from the middle by their, “bright and fixed bayonets.” However, English artillery responded, firing more steadily and more accurately, which eventually broke the lines of French troops. The defenses were able to hold the

²² “Williamsburg, September 15,” *The Pennsylvania Gazette*, October 9, 1755.

²³ “Boston, September 22,” *The Pennsylvania Gazette*, October 9, 1755.

flanking maneuvers of the attackers, and the seven-hour engagement ended with a counterattack by the colonial militia and Indians who, “jumped over the Breast Work, pursued the Enemy, slaughtered Numbers and took several Prisoners, amongst whom was the Baron de Dieskau, the French General of all the regular Forces lately arrived from Europe.”²⁴ In a time when good news about the war was scarce, William Johnson’s victory at Lake George was welcomed. Perhaps the support of the New England colonies and New York, contributing substantial militia to this campaign helped create a stronger defense against the French and their allies. Whereas the lack of a strong defense in frontier Pennsylvania made mounting a defense much more difficult.

The natural result was that these pioneers and others in more rural areas would need to protect themselves. There was not necessarily going to be a strong defense mounted by British regular troops and there were no Pennsylvania militia. Frontier settlers would need to take matters into their own hands if they wanted to survive.

Accounts of Indian mischief, either by their own account or supported by their French allies, abound in the many reports from rural villages. “Two Indians, who shot a Couple of Arrows into a young Man within Musket Shot of the Fort,” and “a brisk Lad, who was taken Prisoner by two Frenchmen and five Indians, but made his Escape from them, after receiving a Blow with a Hatchet. I fear a great Deal of Mischief, there is a body of the Enemy around us.”²⁵ These reports pepper the editions of *The Pennsylvania Gazette*. This report came out of Fort Cumberland, where Braddock began his disastrous campaign in Western Pennsylvania, and where George Washington retreated after that defeat. This report demonstrates the extent of the conflict of the French and Indian War. Fort Cumberland is in Maryland, and the danger from

²⁴ “Camp at Lake George, September 8, 1755,” *The Pennsylvania Gazette*, October 9, 1755.

²⁵ “Philadelphia, October 9,” *The Pennsylvania Gazette*, October 9, 1755.

French allied Indians was everywhere. The excerpt from the Fort Cumberland communication is illustrative of the danger that was evident there, but also representative of the larger picture.

There was danger all around the English colonists of the northern, middle and even southern colonies. This was not just a conflict of the northern border with Canada, but in New England, New York, western Pennsylvania and even into Maryland and Virginia frontiers.

The collaboration between French forces and their Indian allies was well reported. However, this eyewitness account of the action at Lake George on September 11, 1755, demonstrates the massive effect of having citizen soldiers available to act when necessary. The relationship between the English and English friendly tribes, such as the Six Nations Iroquois, were in a state of uncertainty. In a speech to the legislature of Massachusetts, Governor Shirley explained how the French and their support of certain Indian tribes went in direct violation of the Treaty of Utrecht designed to protect British interests in North America.²⁶ The French were hindering the free trade between English colonials and their native allies. Furthermore, they were constructing forts all along the Mississippi to control trade as well as working to turn the Six Nations against the British. This necessitated the need for a “Coalition of the Colonies for their Defence” would present a more united front for the safety of the English as well as their Indian Allies.²⁷

Benjamin Franklin had long supported laying the foundation for uniting American colonies for the purpose of their mutual defense. Citing that since Pennsylvanians on the frontier outside of Philadelphia needed to ensure their own self-protection by stating that the relatively small number of raiders on the frontier was enough to keep the entirety of English colonies in

²⁶ The Treaty of Utrecht treaties ended the War of Spanish Succession, known as Queen Anne’s War in the American colonies.

²⁷ Peckham, *The Colonial Wars*, 136-38.

constant alarm. For the peace of mind of those in these colonies, their strength needed to be manifested in the alliance of all the English Colonies as well as the arming of men who would see action in the protection of their homes.²⁸ The famous political cartoon of the join, or die, snake was created by Franklin, originally printed in *The Pennsylvania Gazette*, and then reprinted throughout the American Colonies. The message was clear and resonated throughout the colonies. So significant was this first political cartoon that it is still relevant today. It is regarded as the first published political cartoon. It was created and published by Benjamin Franklin in the May 9, 1754, edition of his *Pennsylvania Gazette*.²⁹

With stories in this single edition of *The Pennsylvania Gazette* highlighting French and Indian conflict and danger throughout the colonies, including New York, New Jersey, Virginia and Massachusetts, it appears that Franklin was using accounts of frontier terror to further his policy pursuit of a greater state of readiness for defense in Pennsylvania. The Association in Philadelphia would protect that area as well as the relative lack of possibility of attack from Indians in that well developed county. Franklin often published his perception for the necessity of individuals to be armed and organized.³⁰

As if to reinforce the idea that it was an Indian threat against the settlers, this early political cartoon (if not the first), highlights the result of not working together. The tongue of the snake was drawn as an Indian arrow, and the snake must decide to work together or perish separately. The lines of communication for collaboration in the spirit of self-defense became stronger through the French and Indian War. Benjamin Franklin helped organize the Associators of Philadelphia for that purpose. He also was instrumental in trying to establish a colonial wide

²⁸ *The Pennsylvania Gazette*, May 16, 1754.

²⁹ "Join or Die," *The Pennsylvania Gazette*, May 9, 1754.

³⁰ *Ibid.*

defense with the Albany Plan. Though that plan failed, Franklin's support for Pennsylvania through any means possible, either by intra-colony associations or militia or by inter-colony agreements and the creation of an English trained British-American colonial army, was clear.

In many respects the French and Indian War can be seen as the catalyst by which the American Colonies began to communicate with one another and recognize their common interests, especially the need for defense. However, the various colonies had differing views on the need for defense. From Virginia, an estimate of 1100 men were to be added to those "from Pennsylvania, Maryland, South Carolina, &c, and a great Number of Indians that are ready to join us."³¹ Various tribes had varied allegiances during this as other conflicts.

The detailed description of Indian attacks, presented in many colonial publications beat the war drums ever louder. It was clear that like it or not there would be a conflict between France and England, and it would be fought in the American colonies. The fear of a possible attack was probably overstated by many publications. The horrific descriptions in Franklin's paper were likely printed to help steer public opinion. The selections and descriptions of incidents contributed to the underlying belief that Pennsylvania needed to better organize its military defenses over the objections of the Quaker majority in the Assembly.

Throughout the last quarter of 1755, *The Pennsylvania Gazette* reported on many Indian attacks, but used language that would instill maximum sympathy and fear in its readers. One account stated, "Indeed no less than the Fate of North America depended on that bloody Day; and we fought for no less than Life itself, for no Quarter was given."³² The account stated that the French were using some kind of "poison Ball" to which any wound became mortal. The

³¹ "Williamsburg," *The Pennsylvania Gazette*, May, 23, 1754.

³² "September 11, 1755," *The Pennsylvania Gazette*, October 16, 1755.

French commanders denied any knowledge. The military action, at Lake George, highlighted that the men from New York and New Hampshire were under armed and ill-prepared, to face the French who were better armed and with their Indian allies, better able to fight in a battle that lasted over five hours. The French were repulsed from the encampment fort with great loss of life on both sides. The article made special note that many, “were scalp and horribly mangled.”³³ Speculating the cause of the conflict, another article stated that from the *London Magazine*,³⁴ that the French were severely limited by the climate in Canada having no navigable water in the winter months, little in the way of farmland to produce the grains necessary to sustain the population and cattle above subsistence. The London article stated that it is no wonder that the French would use the Indians to help them gain control of the better land to their south.³⁵

The image of the rough frontiersman, able to overcome the hardships of fighting in the wilderness must have made a strong impression on those who would need to fight this war in the woods. Referring to the French, “They become acquainted with the Woods, whence named Coureurs de Bois, or Wood Rangers; are inured to Hardships, become enterprising and are as good at Bush fighting, as the Indians themselves.”³⁶ The idea that individuals who were proficient with their weapons and their use on the frontier would directly benefit their service to their nation was clear. “At home they are mustered and exercised; all excepting Ecclesiasticks and some others, may be accounted so many Soldiers, who are better for the Service of that Country than their best Veteran Troops, and even the Indians themselves.”³⁷ This would weigh on those who wished to have more militarized Pennsylvania. Young men were encouraged to

³³ Ibid.

³⁴ *The London Magazine* was also called *Gentleman’s Monthly Intelligencer*. It concentrated on the arts and literature, but also on news and scientific topics.

³⁵ “From the LONDON Magazine for June, 1755,” *Pennsylvania Gazette*, October 16, 1755.

³⁶ Ibid.

³⁷ Ibid.

gain the benefit of a frontier lifestyle, to learn woodcraft as well as firearms proficiency, so that these skills can be translated to the communal defense of the nation. A body of men who were knowledgeable and capable of fighting a campaign were necessary to the continued existence of English colonies, and later for an American nation.

London Magazine reported that Canada was divided into two parts, the “Seignories,” the landowners, and the lands held by the “Soccage,” the tenants who would be indebted to the owners. Part of that arrangement was that they were obliged to “take up arms for their Defence.” The positive effect being “in Case of any Attack, they all fly, on the first Notice, to the Place of Danger, as readily as in a Garrison on beating or founding a Call.”³⁸ This idea would tie into the proficiency of the average citizen with firearms, using them frequently, to participate in a more general safety of the community. However, in the English colonies, where more personal liberty was prized, matters of arming for defense would be handled on a more individual basis.

Much like the Quaker philosophy, the French attempted whenever possible to ally the natives to their cause. This would help with trade as well as with defense. The article lamented that the French had almost total control with the Indians. Then contrasted with the New England colonies, that did not work effectively with the natives. The animosity from years of friction meant that many natives were either gone or unwilling to work with the English.

New Jersey and Pennsylvania had relatively few Indians, and they were not to be reasonably relied upon. Their friendship to the English was questionable. New Jersey had so few Indians that they could not be considered a resource in time of war. By 1755, Pennsylvania was estimated to have only six or seven hundred, but since half of them were Shawanese, who would leave for the Ohio when conflict with the Six Nations arose. They put themselves under the

³⁸ Ibid.

protection of the French, though they “generally are, or pretend to be, Friends to the English.”³⁹ Alliances changed often, with natives often changing sides to whoever gave them the best deal for treaty or gifts. The idea that Indians were constantly taken advantage of by the savvy and unscrupulous English traders is not entirely correct. Indians made reasonable deals for their own self-interests. Some tribes allied with the English seeing the power that they could bring to the New World. Others would side with the French, seeing the rapid expansion of settlement in English colonies. They allied to the side that would, in their own mind, provide for their most profitable existence, either by safety of territory or by outright trade. It is for this reason that often the Indians would shift allegiances.

The Indian tribes could not be relied upon because sometimes their own self-interest would make complex Indian allegiances part of a treaty with a European or colonial power. Various conflicts between Indian tribes, as well as the decisions about which colonial nation showed more capacity for defense, contributed to the confusion of allegiances. It was not the number of men that lived in an area but the number of men that could be reasonably quickly deployed to the field, with enough proficiency with firearms, spirit to fight, and the number of firearms, that would make the difference in a conflict.

Reports of the French using the gruesome act of scalping, paying for the scalps of English settlers, spread fear among the colonists. The *Gazette* reported “a large Number of Scalping Knives, which were sent from France for the Indians.”⁴⁰ At least from the English point of view, the Indians were more firmly in the French camp. In a letter to the people of Philadelphia, General Shirley⁴¹ lamented the Pennsylvania colony’s obliviousness to the dangerous situation to

³⁹ Ibid.

⁴⁰ “Halifax, in Nova Scotia,” *The Pennsylvania Gazette*, October 16, 1755.

⁴¹ Known for his success capturing Louisbourg during King George’s War, he was a British Army Officer as well as the Governor of Massachusetts Bay.

the north and south. On his way from Massachusetts to Williamsburg, Virginia to rescue Fort Cumberland under siege by Indians, Shirley described the situation. This band of Indians attacked down the Patowmack River, describe as, "nothing is to be seen but Desolation and Murder, heightened with every barbarous Circumstance, and new Instances of Cruelty."⁴² To draw on the emotions of the citizens of Philadelphia as well as provide reasonable support for the need to provide military contributions, Shirley added, "They at the Instigation of the French with them, burn up the Plantations, the Smoke of which darkens the Day, and hides the neighbouring Mountains from our Sight."⁴³

He directly addressed the people of Pennsylvania for their help. "Notwithstanding this Havock our Country People seem asleep, and nothing but Force will engage them to go against the Enemy."⁴⁴ General Shirley noted that the colonies to the north and south were engaged with the French, and their Indian allies, but in the colony of Pennsylvania, there was no urgency to help. However, the danger was getting closer and there would be no place to hide from the attacks. Benjamin Franklin's paper highlighted the same idea by adding context to the story. "There are a Number of other Letters in Town confirming the above melancholy Accounts, one of the which says, that it is the Shawanese and Delaware Indians (our pretended Friends) that have perpetrated these horrid Cruelties in Virginia: That the Number of the Enemy, and the Mischief they have done among the Virginians: and that some of the Inhabitants, on the Frontiers of this Province, were leaving their Habitations, for fear of falling into the Hands of these Blood thirsty Savages."⁴⁵ Franklin, pushing for increased militarism in Pennsylvania, underscored that this was a Pennsylvania issue and not just a conflict outside the commonwealth.

⁴² "Philadelphia, October 16," *The Pennsylvania Gazette*, October 16, 1755.

⁴³ Ibid.

⁴⁴ Ibid.

⁴⁵ Ibid.

As the need for greater defense became apparent, the level of gruesome Indian attacks increased. Attacks backed and armed by the French led Governor Morris of Pennsylvania to speak to the Assembly in October 1755, to attempt to get support for the defense of the colony. He knew and understood the Quaker resistance to militarization. Morris scolded the Assembly stating that they concerned themselves with things that were not important to public safety, “you should still delight to introduce new and unnecessary Disputes and turn the Attention of the People from Things of the last importance to their future Safety.”⁴⁶

Governor Morris accused the Assembly of being unwilling to do what was politically necessary, raising the money to support a military, by raising taxes. He concluded that the Pennsylvania Assembly was not doing its patriotic duty. He challenged the Assembly to review its own records “for fifteen Years past, not to go higher, and in them will be found more Artifice, more Time and Money spend in frivolous Controversies, more unparalleled Abuses of your Governors, and more Undutifulness to the Crown, than in all the rest of his Majesty Colonies put together. And while you continue is such a Temper of Mind, I have very little Hopes of Good either for his Majesty Service, or for the Defence and Protection of this unfortunate Country.”⁴⁷ The thinly veiled verbal scolding from the governor to the Quaker majority in the Assembly demonstrates that those who were opposed to the Quaker control thought they were undutiful to the will of the crown and its directives for the purpose of security, as well as negligent in their duties to protect the colony and its citizens. The pressure for the Legislature to do something, as the danger grew ever more present, was coming to critical mass.

⁴⁶ “A Message from the Governor to the Assembly,” *The Pennsylvania Gazette*, October 2, 1755. [Accessible Archives | Browse \(openathens.net\)](#)

⁴⁷ Ibid.

By November 1755, the danger was getting closer to Pennsylvania. First on the distant frontier towns and then moving toward the “settled parts of this Province.”⁴⁸ Governor Morris reported that the French and their Indian allies were destroying towns along the Susquehanna, killing inhabitants and taking others prisoner. The most shocking part of this tale is that Morris reported to the Assembly that the enemy had penetrated as far as Kittochtinny Hills, about eight miles from Philadelphia.⁴⁹ The enemy had also penetrated through to Harris Ferry (the father of the namesake of the capital of Pennsylvania, Harrisburg) with a force of about fifteen hundred. With the defeat of Braddock, Morris stated that a stance which he had supported, putting Pennsylvania in a defensive position, would have negated the current situation of invasion.⁵⁰

Governor Morris speculated that the Delaware and Shawnee Indians had, with the promise of restoring their lands, traded sides to align with the French. The situation was dire, and Morris admitted that the state of the province was especially poor, being unprepared for any conflict. He contacted other colonies and the crown for any assistance that could be provided. Morris “acquainted them with the defenceless State of the Province.”⁵¹ Without the association of Pennsylvanian colonists for the purpose of their own defense, the province was defenseless. The responsibility of personal and community safety was squarely in the hands of the individuals.

Rural Pennsylvanians were forced to defend themselves due to the lack of a colonial militia and the failure of the English force. Braddock had been defeated and they were left to

⁴⁸ “Philadelphia. A Message from the Governor to the Assembly,” *The Pennsylvania Gazette*, November 13, 1755.

⁴⁹ The Kittatinny Ridge traverses northwestern New Jersey through Pennsylvania, just north of Philadelphia.

⁵⁰ “Philadelphia. A Message from the Governor to the Assembly,” *The Pennsylvania Gazette*, November 13, 1755.

⁵¹ *Ibid.*

their own defense because the pacifist Quaker controlled Assembly would not provide the military materials necessary to defend the colony. Morris commented about those frontier people. “The People in the Back Counties have, on this important Occasion, behaved themselves with uncommon Spirit and Activity, but complain much of the Want of Order and Discipline, as well as of Arms and Ammunition, at my Disposal.”⁵² Morris realized that frontier settlers would do what was necessary if they could be armed and supported properly. He tried to organize these men by issuing, “Commissions to such as were willing to take them, and to encourage the People to defend themselves and their Families till the Government was enabled to protect them.”⁵³ The natural right of self-defense was democratized in the Pennsylvania colony. Without a central source of protection from governmental structures, settlers were forced and even encouraged to defend themselves and their communities. This Pennsylvania tradition contributed to the establishment of personal firearms ownership rights and a Pennsylvania gun culture.

The need for firearms and defense on the frontier was profound and the government of the Pennsylvania colony as well as the distant British monarchy was unwilling or powerless to help them. The lack of aid to frontier settlers was consistent throughout the colonial period. Governor Morris asked the Assembly to support the safety of the inhabitants of the colony by providing the funding necessary to raise a volunteer militia and provide the materials necessary to equip them. General Shirley, Major General and Commander-in-Chief of his Majesty's Forces in North America, called for the muster ten thousand troops. Pennsylvania's contribution of fifteenfif hundred men was only to be outdone by Massachusetts and Virginia.⁵⁴ Pennsylvania furnished almost as many recruits as the large and established colonies, Massachusetts and

⁵² Ibid.

⁵³ Ibid.

⁵⁴ “Minutes of the Provincial Council of Pennsylvania from the organization to the termination of the proprietary government,” *Colonial Records of Pennsylvania*, Vol. 7, 129.

Virginia. The English must have thought that with so many Pennsylvania men in the field that they would curtail their pacifism and supply their men with the military funding necessary to succeed.

The Assembly responded by slow-walking the facts that led to the request for funding. They highlighted the need for prudential and cautious methods to contact and deal with the Indians. The Assembly stated, “we are resolved to do every thing in our Power to redress them, if they shall appear to have received an Wrong or Injury at our Hands, tho nothing of that Kind hath come to our Knowledge, and if possible to regain their Affections, rather than by any Neglect or Refusal of that Justice we owe to them and all our Indian Allies.”⁵⁵ The result of these incursions would be a redoubling of the hand of friendship from the Assembly. Even though this extension of friendship in the face of hostility may seem ludicrous, the tactic of treaties of peace had worked before and to the Quakers, did not seem to be unable to continue to succeed.

Governor Morris continued to reiterate in more stringent terms the dire need for governmental protection of those settlers on the frontier. He described houses being burnt and slaughter on the frontier, with survivors taken prisoner. In another message to the Assembly he chided them for “sitting six Days and instead of strengthening my hands, and providing for the Safety and Defence of the People and Province in this Time of imminent Danger, you have sent me a Message, wherein you talk of regaining the Affections of the Indians, now employed in laying waste the Country....”⁵⁶ Morris complained that the Quaker sensibilities meant that they were trying to make a peace treaty to the Indians while there were on a killing rampage. He continued by raising the issue of what the Indians were doing to citizens of the colony. Indians

⁵⁵ “A Message to the Governor from the Assembly,” *The Pennsylvania Gazette*, November 13, 1755.

⁵⁶ *Ibid.*

were, “butchering the Inhabitants, and of enquiring what Injustice they have received, and into the Causes of their falling from their Alliance with us, and taking Part with the French.” The governor added that he only wished for the Assembly to provide the necessary funding to support “my Countenance and Assistance to those that are willing to take up Arms in Defence of their Country.”⁵⁷ There were those that were willing and able to take up arms for their own defense, but they would need greater support from Philadelphia, which would not come.

The Indians were also not of a single mind. Some sided with the English as they always had, and others with the French, hoping to better their situation. The Indians too wanted support from the Assembly, to support their decision to remain with the English against the French. “Living upon the Susquehannah, who were about Three Hundred Fighting Men, were now the only Indians in this part of the Continent besides the Six Nations that remained firm to the English Interest, the French having at great Expence, and by Variety of Artifices, gained to their Alliance not only the Delawares and Shawanese, but other very numerous Nations to the Westward.”⁵⁸ The stronger nations of Indians who were threatened by the English and had suffered due to the rapid growth of settlers not of Quaker beliefs and held bad blood to the English colonists as they were forced to move ever westward, left the weaker Indian tribes who were ever more desperate for protection from the unwilling Quaker legislature. The English were bound to the Indians for their help, but the Indians bound to the English as well, for their own protection.

As the war continued into 1756, the stories included in *The Pennsylvania Gazette* became noticeably more graphic, though it is doubtful that the Indians were more violent than earlier.

⁵⁷ Ibid.

⁵⁸ Ibid.

Rather, the stories became more graphic to illicit the response Franklin wanted out of the government in Philadelphia. Demonstrating a need for that would go far to help his case.

Indians beset the house of one Meaks, went up to his Chamber, and hual him, his Wife and Child out of Bed; after which (while the Woman was suckling the Chile) the inhuman Blood thirsty Wretches fired and kill the Child which cut Part of the Woman Breast off, they then fired and kill the Man, and as they thought his Wife, and took her Sister Prisoner. A young Man being in the upper Chamber, and hearing the Noise, loaded his Gun, and observing a good Time, fired, and kill one Indian, when the other 4 ran off, and left the Woman and the Dead without scalping them.⁵⁹

The graphic nature of the story and the dehumanizing language of the article stressed Franklin's perception of the need for government to support those that would defend their communities.

This case also demonstrates the clear need of private firearms ownership to the colonial frontier settlers, not only for hunting to get food, but to defend the homestead against threats both personal and national. The use of scalps, paid on receipt by the French, to terrorize the English settlers, must have struck fear into those living in rural Pennsylvania. The image of "bloodthirsty wretches" breaking into the home, killing a suckling child and his father, and they thought the mother as well, would drive public opinion in rural Pennsylvania. The horrific images described in this paper were likely intended to foster public support for a military response from the colonial government.

Furthermore, the threat of future Indian attacks was reported as well. "That a body of near 250 Indians, all of the Tribes we declared War against last summer, had determined to come to our Eastern Frontiers."⁶⁰ The *Gazette* presented the danger looming ever closer, perhaps to heighten the hysteria and place pressure on political leaders, but at least in some measure

⁵⁹ *The Pennsylvania Gazette*, June 3, 1756.

⁶⁰ *Ibid.*

because it was true and there was need for some modicum of defense of one of the largest cities in North America.

Another threat on the eastern frontiers came from New Jersey. In a graphic description, Luckes Scumahorne checked on a neighbor named Anthony Swartwout, “where he found his Wife shot dead with a Bullet through her Back; and at a little Distance from her three of his Children lying murdered, having their Heads split open with a Hatchet, but none of them scalped; and that Swartwout himself, and three more of his Children, were missing, supposed to be carried off by the Enemy.”⁶¹ Taken in total, the impression of these reports was that Pennsylvania was surrounded by enemies and forced to defend itself against an ever-tightening noose of vicious invaders.

While attempting to get the Pennsylvania Assembly to vote for the necessary legislation that would help defend the colony, Governor Morris reiterated his support for individual initiative for the purpose of self-defense of individuals and the frontier communities. In a proclamation printed in *The Pennsylvania Gazette*, he stated that he would not hinder, “any of the Inhabitants within this Province, from defending themselves, or attacking, annoying, killing or scalping, any Enemy Indians, who shall be found committing any Acts of hostility against any of the Forts, or upon any of His Subjects within this Province.”⁶² The sentiment contained within this, and other statements would become a foundation of the Pennsylvania right to bear arms. Though there were many arms found throughout the colony, the need for widespread armament during the crisis of invasion meant that many firearms were needed quickly. Governor Morris

⁶¹ Ibid.

⁶² Pennsylvania Colonial Record, Vol. 7. Pg. 129-131.

begged for arms that were sent from England, for the defense of the colonies, so that Pennsylvania could be protected.

So struck by the violence and danger in the Pennsylvania colony, William Smith was motivated to write and publish a pamphlet, “A Brief View of the Conduct of Pennsylvania, for the Year 1755.” William Smith, born in Aberdeen, Scotland, was appointed as a professor at the College of Philadelphia (later the University of Pennsylvania) and later elected as a member of the American Philosophical Society. In his “Brief View,” he stated, “My Life is at Stake, and the Cry of Blood, Death and Desolation hourly pierces my very Heart from the Country round about”⁶³ was the opening thesis of this work. Smith continued by laying out the issues at hand in the colony. “A French Enemy and their Savage-allies being advanced into our Country, and fortified, within a few Days March of our Metropolis [Philadelphia].”⁶⁴ The largest city in the colony was in danger, but so was the frontier areas. “The People on our Frontiers liable to be murdered and driven from their Habitations!” The danger was real, but the problem, as seen by Smith, was the Quakers in control of the Assembly. “Lives and sacred Rights exposed an easy Prey, by the Infatuation of a Sect of Men amongst ourselves, who are principled against Defence, and regard no Consequences provided they can secure their darling Power and keep their Seats in

⁶³ William Smith, (1727-1803), *A brief view of the conduct of Pennsylvania, for the year 1755*, (London: Printed for R. Griffiths, 1756, Sold by William Bradford in Philadelphia), 3. [A brief view of the conduct of Pennsylvania, for the year 1755 \[microform\] : so far as it affected the general service of the British colonies, particularly the expedition under the late General Braddock : with an account of the shocking inhumanities, committed by incursions of the Indians upon the province in October and November ; which occasioned a body of the inhabitants to come down, while the assembly were sitting, and to insist upon an immediate suspension of all disputes, and the passing of a law for the defence of the country : interspers'd with several interesting anecdotes and original papers, relating to the politics and principles of the people called Quakers : being a sequel to a late well-known pamphlet, intituled, A brief state of Pennsylvania : in a second letter to a friend in London : Smith, William, 1727-1803 : Free Download, Borrow, and Streaming : Internet Archive](#)

⁶⁴ *Ibid.*, 4.

Assembly.”⁶⁵ In agreement with Governor Morris, Smith saw the problem in Pennsylvania in terms of the governing body in the Assembly.

The issue in the Pennsylvania colony was that control of the Quakers of the Assembly meant that there was a sincere religious conviction of pacifism, which had worked in the past but had not been tested during a time of invasion. The Assembly refused to pass any kind of militia law, seeing it as supporting militarization of the colony. Associations such as the ones created in the more urban Philadelphia could privatize the defense of the city, but in the more sparsely populated and less affluent frontiers, this was not practical. Smith asked for interference from the British government. Ironically, the colony founded on the principle of freedom of conscience, in Penn’s original chartering documents, was accused of “them hinting Designs of Oppression and Slavery.”⁶⁶ Smith assessed the situation in the Assembly as a theocratic dictatorship, with the Quakers retaining political power, even though they were increasingly a minority of the population, and while the colony was under invasion by the French and their Indian allies. He appealed to the England for rights as Englishmen, “There can be no such Thing as partial Slavery and Oppression under an English Constitution.”⁶⁷ By asking the English to overcome a local theocratic tyranny endangering the natural rights of citizens’ safety, Smith may have foretold a structure of federalism.

It is important to note that the Quakers were not solely attempting to retain their power, but also strictly adhering to their code of pacifism. The Quaker conscience could not support the arming of men for the destruction of others. They wrote to Governor Morris, “With hearts sorely distressed and deeply affected with the Calamities of our Fellow-Subjects, and painfully

⁶⁵ Ibid., 4-5.

⁶⁶ Ibid., 11.

⁶⁷ Ibid., 12.

apprehensive of the impending Desolations consequent of an Indian War, ... we consider that all Wars are attended with fatal Consequences...” They wanted “some Further attempts may be made by pacific Measures to reduce them to a Sense of their Duty.”⁶⁸ Throughout the French and Indian Wars the Quaker majority wished to pursue a path of peace with the Indians, maintaining that relationship from the first days of Pennsylvania.

The dissent in the ranks of Quakers in the Assembly was debated in a public battle of words. In William Smith’s “A Brief View of the Conduct of Pennsylvania,” that a mill owner and assemblyman, named Nathaniel Grubb, considered those that lived in western frontier counties of Pennsylvania, less important. “That there were only some Scotch Irish killed, who could well enough be spared.” Grubb denied having said this in a response in the pages of *The Pennsylvania Gazette*, “I declare to the Puclick, that the above Report is a wicked Falsehood, and without the least Foundation.”

Another Pennsylvanian who went to England to help explain the situation in the colony was Benjamin Franklin. As Agent for the Province of Pennsylvania in London, Franklin voiced complaints about the proprietary interests of the colony. Franklin accused the Deputy Governors of Pennsylvania for not making the laws necessary to secure the colony. He added that “being on the Spot, he can better Judge of the Emergency, State, and Necessity of Affairs, than Proprietaries residing at a great distance, by means of which Restraints Sundry Sums of Money granted by the Assembly for the Defence of the Province have been reected [sic.] by the Deputy, to the great Injury of his Majesty’s Service in Time of War, and Danger of the Loss of the Colony.”⁶⁹ Franklin explained how the proprietary governor of the colony was only interested in the owners of the colony, but that even when the sums of money could be raised for

⁶⁸ Colonial Records of Pennsylvania Vol. VII. Pg. 84-5.

⁶⁹ “Heads of Complaints,” Colonial Records of Pennsylvania, Vol VIII. pg. 279.

defense, that the governor would not use it. He tried to explain how the political situation between the proprietary interests of the governor clashed with the representative interests of the assembly to create gridlock. In the case of gridlock, the defense of Pennsylvania would be absent.

Franklin explained further how the Assembly was not at all united in providing the necessary military resources for the defense of the colony. According to Franklin, the Assembly was too restrictive in granting supplies, “infringed by Instructions that enjoin the Deputy to refuse his assent to any Bill for raising Money.”⁷⁰ This forced the Assembly to “in time of War, are reduced to the necessity of either losing the Country to the Enemy, or giving up the Liberties of the People, and receiving Law from the Proprietary.”⁷¹ If the Assembly would succumb to the gridlock, Pennsylvania would be left defenseless. If they provided for the defense of the colony, which meant taxing people and creating a situation that would hinder the religious liberties of Pennsylvania, they would be doing the will of the proprietors, making and directing laws, and Pennsylvania would cease to be the free land that it was. They needed to work a deal to defend the colony, the gridlock was hurtful to the existence of the province.

Franklin explained the extent of the gridlock. “That the Proprietaries have enjoined their Deputy by such Instructions to refuse his Assent to any Law for raising Money by a Tax, tho’s ever so necessary for the Defence of the Country, unless the greatest part of their Estate is exempted from such a Tax.”⁷² The owner of the colony, all the land, did not want a tax on that land. Whether the Penn family could not afford it or just because they did not want to pay it because the tax would be used for war, is uncertain. But the problem was that there was a war, an

⁷⁰ Ibid.

⁷¹ Ibid.

⁷² Ibid., 280.

invasion, and the crown needed the funding for defense. Money could not be raised, and the situation was dire. That the colonial government was unable or unwilling to provide for the danger of those on the frontier was certain. “This to the Assembly and People of Pennsylvania appears both unjust and Cruel.”⁷³ The cruel reality of this situation fell to individuals and groups of individuals to defend their own interests, which was done, and protected in a new constitution. That there was a feud between the Quaker Assembly and the Proprietorship of the executive branch, neither wishing to defend the colony at all costs. The Assembly would raise money, but with a tax on the lands of the proprietor of the colony, which of course, they did not want to pay. The gridlock surrounding the provision of defense meant that the responsibility of defense fell to the more local or individual residents and settlers of Pennsylvania. This in turn would be represented in the 1776 Constitution of Pennsylvania. Once the right of securing defense was established as a natural law, and as the colonists and settlers determined that they could not trust the governmental structure to provide protection, they would not relinquish the right again.

The nearness of the conflict to Philadelphia meant that action needed to be taken, with or without the consent and support of the Quakers in the Assembly. By June 1756, there was raiding in Lancaster County, to the west of Philadelphia. In a report from Bethel Township, “In a Road, if they [Indians] find themselves a less Number, they will run from you; and if a superior Number, they will fight till they defeat you, for our Men will not be subject to Command, and they are not experienced in the proper Manner of Wood fighting.”⁷⁴ The men who joined together to defend their homes and communities did not have the proper training to fight the more organized and better supplied Indians with French support.

⁷³ Ibid.

⁷⁴ “Extract of a Letter from Bethel Township, In Lancaster County,” *The Pennsylvania Gazette*, June 17, 1756.

The situation was dire enough that a political change in the stalwart Pennsylvania Assembly, with far reaching consequences, occurred. Rather than support the obviously military situation at hand, the Quaker Assemblymen adhered to their pacifist beliefs and resigned from the legislature, leaving their spots to be filled by others. Quaker representatives could not in good conscience be a part of raising an army or even raise and support an army. On May 17, 1756 King George declared war on France, listing the invasion of territories in the New World and their use of the Indians to spread terror in the American Colonies⁷⁵ Previously, he had also ordered his subjects in the colonies to take action to prepare for their own protection. However, Pennsylvania lagged other colonies because the Quaker majority would not support military matters. Another serious issue in the Assembly was how to tax Pennsylvanians and whether to include the Penn Proprietors who controlled vast lands but consistently were cash poor. This issue went as far as many questioning whether the colony would be better off as a royal province instead of a proprietary colony. Franklin was one supporter of making Pennsylvania a royal colony, under the direct control of the crown.

Many Quakers could not be party to funding the military actions being undertaken around them. However, they could not do anything to stop these actions. The pacifists could not in good conscience support any violence especially military conflict. James Pemberton and Joshua Morris, from Philadelphia County, William Callender, from Philadelphia city, William Peters, from Chester County, Peter Worrall, from Lancaster County, and Francis Parvin, from Berks County, resigned their positions in the Assembly which allowed for new elections. If Indian allies and private associations took up the charge of defense, they were at liberty to do so, but

⁷⁵ *The Pennsylvania Gazette*, July 29, 1756.

they would do it without the blessing of funding from the colonial legislature. The Quaker stranglehold of the Assembly was beginning to wane.

By the summer of 1756, the king took some action on behalf of the colonies by appointing, John Campbell, “Earl of Loudon Commander in Chief of all his forces in North America, and ordered two Regiments of Foot, a Train of Artillery, and a sufficient Quantity of Warlike Stores for the Service and Defence of these Colonies.”⁷⁶ However, shipping materials from Europe to North America was expensive. Governor Morris directed the Assembly to fulfill the king’s order to assist the troops and appropriate funds to support the military in the public service.

On July 29, at the same time as the English declaration of war was printed in *The Pennsylvania Gazette*, the report that Indian tribes of the Six Nations helped to persuade the Delawares to choose to “lay down the hatchet”. The representatives of Pennsylvania, including Benjamin Franklin and others, held many meetings to help align Indian tribes that could be either allied to the English, or at least opposed to the French. In these discussions the overlapping interests of securing the help of the Indians to buffer to the French incursion made headway. It was more palatable to the Quakers to have Indians take on the fighting instead of funding a military from Pennsylvania. Using Indian allies was also a smart strategy in the larger plan to defeat the invasion. As discussions progressed through the end of 1756, the Assembly worked to secure funding for the King’s use. The Assembly passed a one hundred-thousand-pound bill funding the defense of the colony, on January 22, 1757.⁷⁷ The case for security and popular support for it finally secured the necessary funding.

⁷⁶ *The Pennsylvania Gazette*, July 22, 1756.

⁷⁷ Colonial Records of Pennsylvania Vol. VII, 396.

John Campbell, reminded the Pennsylvania legislature that he had put in place royal troops to protect the “back Parts of Pennsylvania,” but reminded “the Provincial Troops who remain and are employed for the Defence of the respective Provinces shou’d be entirely supported and maintained by the Provinces by whom they are raised.”⁷⁸ He went on to ensure that “the Militia of your Province shou’d be properly armed and furnished with Ammunition.”⁷⁹ The reminder that not only did Pennsylvania need to continue to provide soldiers for the defense of the colony, but also that they needed to be supported with arms and ammunition.

The inner conflict about how to support a war effort against the French and Indians, as well as how to pay for it and who should pay for it, persisted throughout the execution of the war. When the war finally ended in 1763, with the signing of the Treaty of Paris on February 10, France had lost many of their holdings in North America, securing a larger role for Great Britain. However, caught between the larger geopolitical issues that were the cause of the conflict, the residual issues within the American colonies, as well as in Pennsylvania remained. In fact, some of them were exacerbated. The relationship between the frontier settlers and the Indians was still fraught with misunderstandings, complexities and prejudices.

The use of firearms on the frontier for hunting and self-protection was not an issue of controversy. However, the unintended consequence for the colonial government was that an armed population could use those weapons to display and express their anger at the colonial government forcefully. They could no longer be taken for granted, while those in power lived in the relative safety of the established counties surrounding Philadelphia.

⁷⁸ Ibid., 525.

⁷⁹ Ibid.

The long series of events that led to the Pennsylvania Assembly overcoming the Quaker majority to pass funding for a state militia, expanding the use of firearms not just for hunting, but self-defense against those that would do harm, was also used in an unintended consequence, the Paxton Massacre. The stresses between Indians and frontier settlers were not resolved with the end of the French and Indian War. Friction between the Indians, and the continued reports of Indian attacks on the frontier, left some who did not believe that the government in Philadelphia would do anything to protect the lives of settlers. The end of King George's War did nothing to reduce the friction between settlers and Indians, neither did the conclusion of the French and Indian War. The uprising known as the Paxton Boys Massacre, named for Paxton township, began with a massacre and ended with a march on Philadelphia, and demonstrated just how much the political situation had deteriorated, but it also showed the dangers of an armed populous. Just as freedom of expression warrants that there are going to be reprehensible ideas expressed, the freedom to bear arms meant that there will be people who will do reprehensible things with those arms. Many Pennsylvanians had taken up arms to defend Pennsylvania from the French invasion, or to defend their communities from harm, or to protect their homesteads, but how would they use them in peacetime was uncertain.

The end of the war did not end the conflict with some Indian tribes. Lord Jeffrey Amherst, Britain's supreme commander in North America, did not listen to Sir William Johnson or George Croghan, about the need to provide gifts to Indians to demonstrate resolve in alliances. Sir William Johnson, the was the hero known for his defense of Lake George, and an expert on Indians in what would be upstate New York. George Croghan, also an expert on Indian relations in the Ohio valley, was the Pennsylvania Deputy Indian Agent. Amherst refused to give gifts to the Indians who had become dependent on British goods for their well-being. Indians relied on powder, shot and firearms for their hunting, and they were now very difficult to acquire. In 1763,

Ottawa Chief Pontiac and other tribes tried to remove the white settlers from the western regions. However, they could not achieve their goal. The frontier was settled by a flood of armed settlers.⁸⁰

Pontiac's Rebellion had done much to heighten the concerns of the Paxton belief that those in power in Philadelphia cared little about their real concerns for safety. December 1763 was the point when this tension exploded. A mob, believing that Conestoga Indians were harboring a fugitive, killed six on December 14. The survivors of that encounter, fourteen Indians were killed by Paxton Boys on December 27.⁸¹

The Paxton Boys, beginning with an estimated fifty to fifty-seven men, picked up other settlers on the way, began their march toward Philadelphia, where more Indians were being held for their own protection. Causing a panic, enough for Governor John Penn⁸² to want to declare an emergency, he could not do so because using the redcoats to quell a riotous mob of settlers would likely not be tolerated. The Philadelphia Association was called up, met in the home of Benjamin Franklin to protect the city. The Paxton Boys began to congregate in Market Square in Germantown but did not attack the city. The Associators manned guns including cannons outside

• ⁸⁰ Cave, *The French and Indian War*, 90-92. See also: Mullin, Michael J. "Personal Politics: William Johnson and the Mohawks." *American Indian Quarterly* 17, no. 3 (1993): 350-358. Mullin's explanation of the personal relationship between Sir William Johnson and his politics within the Indian nations provides a valuable insight into his motivations and achievements.

⁸¹ John Smolenski, "Murder on the Margins: The Paxton Massacre and the Remaking of Sovereignty in Colonial Pennsylvania," *Journal of Early Modern History*. 19, no. 6 (2015): 513–538.

⁸² John Penn is known as, "the American" because he is the only one of William Penn's children to be born in America. He is also the last proprietor and governor of Pennsylvania, when he gave up that right during the American Revolution.

the courthouse. Formerly peaceful Pennsylvania, with its pacifist leadership, was now almost in a civil war, with frontier settlers on one side and colonial associators on the other.⁸³

The situation was defused by Benjamin Franklin himself, who rode about six miles to the encampment in Germantown, and promised to voice their concerns to the Assembly so that they would be heard. The gravitas of Franklin alone was able pacify the assembly of militant settlers. The immediate danger was over, but the war of words continued in the form of a pamphlet war of ideas.⁸⁴



Image courtesy of Historical Society of Pennsylvania,⁸⁵

⁸³ Scott Paul Gordon. "The Paxton Boys and Edward Shippen: Defiance and Deference on a Collapsing Frontier." *Early American Studies* 14, no. 2 (Spring, 2016): 319-47.

⁸⁴ Smolenski, "Murder on the Margins," 513–538.

⁸⁵ "Quakers and Benjamin Franklin political cartoon," (1764) Public Domain image. Historical Society of Pennsylvania. <https://digitallibrary.hsp.org/index.php/Detail/objects/1478>

The political cartoon “Quakers and Benjamin Franklin” epitomizes the complexity of issues surrounding the varied views of providing for the security of Pennsylvania. In this cartoon the political situation in Pennsylvania is concisely represented. The continued influence of the Quakers, the need for a military establishment, and the problems with dealing with the Indians, as well as the concerns of the frontier settlers all have a place in this illustration. The Quakers seated at the table are portrayed as being too conciliatory to the Indians. They are speaking about making concessions and providing the Indians with support, gifts and treaties that are quite favorable to the Indians. By giving the Indians so much the Quakers are shown to be giving away everything through treaties to the Indians, and they are sitting apart from the rest of the people of Pennsylvania.

Franklin, who does not have a seat at the table of power, is shown with all the money of Pennsylvania in a sack, with a colonist looking on saying “that is where our money goes.” He was a supporter of many of the projects that became institutions of government including the College of Philadelphia, that later became the University of Pennsylvania, the Philadelphia Library, the fire department, the Philadelphia Association, and others. However, these projects sometimes required support from the government which is why many wondered where their tax revenue went.

Another Quaker, who was dancing with the topless Indian woman is being pickpocketed by the same, demonstrated a view that the Quakers were naïve concerning their dealings with the Indians. This shows that the Quakers were enamored with them and were not savvy with their dealings with Indians, who were looking out for their own interests. The situation was complex and there was no winner. The friction between these groups would continue until there were not enough Indians in the colony to influence colonial policy, and the events that led to the Revolution engulfed all other issues, making them mute points.

The difference at that time was that there were armed citizens on both sides to advance their ideas and force them to be heard because the frontier settlers feared for their safety and the safety of their families and their way of life. The city of Philadelphia was also protected, not by the military, but by citizens who were themselves private owners of firearms. This was a dark day for Pennsylvania because the violence was real, but it was also a bright day. It could have been much worse, cooler heads prevailed and the one aspect that persisted was that the citizenry would not be disarmed.

Chapter 4

“The people have a right to bear arms for the defense of themselves and the state:” Pennsylvania’s Radical Revolutionary Constitution

By the American Revolution, sparking first in Boston and then spreading throughout the colonies, Pennsylvania had been changed from a colony run almost entirely by the Quakers, who held great power along with the proprietors to a much more balanced government. The experience of dealing with Indians peacefully throughout the first half-century of rapid colonial development, changed due to King George’s War. The French courted Indian alliances and in some cases succeeded in turning apprehension or dissatisfaction by the Indians towards settlers into full scale conflict. The raids on the distant frontiers of Pennsylvania demonstrated that there was a need for an organized defense. Other colonies had organized militias to defend the communities and the colony from threats, but Pennsylvania’s Quaker political majority refrained from organizing a colonial military establishment. They had believed that their fair treatment of the Indians through treaties that benefitted both parties would continue to provide a lasting peace. Though rational, this plan proved to be unrealistic.

The next blow to the peace and security of Pennsylvania, and the Quaker belief that their colony could remain peaceful through negotiation was the French and Indian War. This conflict began on the Western frontier of Pennsylvania where settlers and land speculators from other American colonies, including Virginia, New York and New England, competed with Pennsylvanians for easily accessible new land to the west of the coastal colonies. The French allied themselves with as many Indians as possible, such as the Algonquin, Delawares and Shawnees, to counter this westward expansion, as well as find their own route to valuable

western lands. The lack of a unified colonial response to an invasion by a foreign power forced reluctant British interference. Colonel Braddock's defeat in the Pennsylvania wilderness highlighted the type of warfare that would come to mark the rest of the French and Indian War, and in some respects the American Revolution.

Fighting the French in America and elsewhere around the globe was a very expensive prospect for the British. From their point of view the American colonies did not bear enough of the burden of the cost for their own defense. Pennsylvania was probably atop their list of governments that did not want to pay for a conflict that started on their soil. Furthermore, the friction between Indians and settlers in Pennsylvania did not subside with the end of the war but increased. In some ways, Pontiac's rebellion was more damaging to frontier settlement than the French. Indians saw their lands being gobbled up and attempted to side with whatever power suited their own interests. The end of the French and Indian War meant that the French were out of the picture, and English colonials were open to unfettered western expansion. Pontiac's rebellion only briefly hindered this trend, but it did demonstrate that there was a need for organized defenses, especially in frontier territories. The lack of a desired response from Philadelphia prompted some settlers from Paxton Pennsylvania to take up arms and tragically massacre Moravian Indians who were under the protection of the colony. The Paxton Boys marched on Philadelphia to demand the deaths of the remaining Indians, who were placed in custody for their own protection, demonstrating their dissatisfaction with the lack of protection in rural areas. It was through the diplomatic negotiations of Benjamin Franklin that ended the standoff and ended the bloodshed. A clash between Franklin's Associators and the Paxton Boys would be violently ugly.

The danger of an armed population aside, the issues surrounding the security of individuals and communities mandated that settlers create private associations who armed

themselves and trained as they were able, rather than a colonial militia as in the other English colonies. Pennsylvanians were armed to defend themselves, in the absence of a colonial bureaucracy. If the Pennsylvania colonial government in Philadelphia or the British government in London were not able or unwilling to provide the protection for western settlers, then they would need to take that responsibility on for themselves.

That the British tried to recap some of the costs associated with the defense of the colonies during the French and Indian War, which contributed to the events of the American Revolution, has been well documented. The militia in colonies like Massachusetts, that would be called upon to defend their communities, was not present in Pennsylvania. The rising conflict of the Revolutionary period would bring a change to the political status quo in Pennsylvania, removing the Quaker proprietary hold on the colony, and bringing about the first militia laws.

Even without the structure of a militia in Pennsylvania, the raw materials of an armed response to threats were present. Pennsylvania had a homegrown arms industry and a gun culture that ensured that most Pennsylvanians knew how to use a firearm. The need for arms also manifested itself in an industry that grew from the needs for a firearm that was available for customers. There was also a need for firearms that were adapted to the environment of those living in rural areas. By the mid-eighteenth century, small firearms manufacturers in the townships to the north and west of Philadelphia were largely employed in the repair and maintenance of firearms that had been previously purchased, though they did make some new weapons for customers. Firearms were expensive and fragile items during this time, requiring a lot of maintenance to ensure their proper operation. The European craftsmen, most often from Germany, who brought their skills to Pennsylvania, developed firearms more suited to the conditions of the American continent. The development of what has become known as the

Pennsylvania long rifle was a firearm that was well adapted to the life of settlers on the frontier and probably the most advanced firearm of the day.

European craftsmen settled in Pennsylvania, bringing with them the skills they had learned, often developed over generations. What they developed in Lancaster and Northampton Counties became known as the Pennsylvania long rifle, which has also become popularly known as the Kentucky rifle.¹ The needs of frontier life dictated the form and function of these weapons. First, was the length of their barrels, giving them the name long rifle. The typical military firearms of the day had barrels of about thirty inches in length, the Pennsylvania rifle had a barrel of at least forty inches, with some going over four feet. The extra weight that this added to the rifle was necessary because the longer barrel provided a much more accurate shot. Some of the weight was made up because the long rifles used a much smaller caliber projectile. The British used a .75 caliber ball, weighing about an ounce. The long rifles were most commonly of .50 caliber, providing significant weight savings.²

Accuracy was further enhanced by another part of the name of the gun, rifling. The barrels were not just bored out to be smooth, as in shotguns and muskets. Barrels were rifled, meaning that there was a groove cut into the barrel that when contacting the projectile would put a spin on it, much like the added accuracy of a football with a properly thrown rotation. Rifles

¹ The American long rifle, first crafted in Pennsylvania, became so famous under the exploits of Daniel Boone that it has also become known as the Kentucky long rifle. It is the same gun.

² Neil L. York, "Pennsylvania Rifle: Revolutionary Weapon in a Conventional War?" *The Pennsylvania Magazine of History and Biography* 103, no. 3 (1979): 302–24. <http://www.jstor.org/stable/20091374>. Caliber refers to the diameter of the projectile. In this case .50 caliber is half an inch. This method is still in use today, though the calibers of weapons have been continually reduced to save weight, allowing soldiers to carry more ammunition. The most common caliber for long guns today is .223 caliber.

were harder to load, due to the tighter tolerances of the barrel and they needed more frequent cleaning, but they were much more accurate. Whereas the typical battlefield gun was made to shoot quickly with little training, the Pennsylvania long rifle was made to make every shot count. These were expensive weapons and the craftsmanship that went into each of these meant that their cost was prohibitive to many, but they were also well made and passed down from generation to generation. The pride of ownership of many of these expensive tools was demonstrated in their beautiful ornate finishes and decorations. It was still a tool however, and they were accurate to one hundred or even two hundred yards. These were tools used to put food on the table of many settlers, could also be used to defend their homes, and though they provided a slower rate of fire than the military weapons of the day, they were much more accurate, making them a fearful battlefield weapon, essentially they functioned as an early sniper rifle. Men learned from childhood how to care and use these firearms, which translated well to the battlefield of the American Revolution.³

Of course, the Revolution was not a forgone conclusion during the 1760's. The long road toward the American Revolution and eventually independence was a series of events and policies based on need for the British to try and regain some of the costs associated with defending the North American colonies. The French and Indian War, while it had become a world war, started in North America, with a French attempt to expand their possessions and influence into the contested British held territory.

³ Scott Paul Gordon and Robert Paul Lienemann. "The Gunmaking Trade in Bethlehem, Christiansbrunn, and Nazareth: Opportunity and Constraint in Managed Moravian Economies, 1750–1800," *Journal of Moravian History* 16, no. 1 (2016): 1-44.

Each event that brought the American colonies closer to full rebellion against the British, also brought Pennsylvanian preparations for better defense. Differing from earlier conflicts, the preemptive preparations for defense did not mean that there was a unified consensus on what preparations needed to be made and how to make those preparations. The unique position of Pennsylvania meant that in addition to the militia laws (as in other colonies) there was a wide array of associations. Even though there were still a wide variety of perspectives regarding whether to prepare and how to do so, and whether the colony should be taking up arms for a possible conflict with England, preparations were made, the Associators and militia laws went into effect. There was not universal support for any of the measures being undertaken by the Pennsylvania colonial government in the years leading up to the adoption of the first constitution of Pennsylvania which was adopted the same year and in the same city as the Declaration of Independence. By looking at three men, prominent in the Pennsylvania state politics during the period leading up to the American Revolution and the Declaration of Independence at the Second Continental Congress, a better picture of the varied viewpoints, as well as political affiliations of Pennsylvania politics can be determined.

One man who is representative of the conservative beliefs of the Philadelphia city is Edward Shippen IV. A conservative during this period meant that Shippen was loyal to the crown, but also was sensitive to the causes of the Rebellion, as well as to the proprietary leadership of Pennsylvania. He also wanted to ensure that trade was as unrestricted as possible, and the structure of the colony was there to ensure peace of the business interests of the colonists. Born Presbyterian in Philadelphia in 1729, Shippen later joined the Church of England, became a lawyer, trained in America and then in England. He was practicing law when, “the war of our revolution interrupted the civil pursuits of our citizens, and suspended, more or less, their

private business.”⁴ An established citizen of the colony during the Revolution, Shippen was privy to the workings of the colony, its role in the founding of the United States and the legal precedents that would need to take place as the new country was established. Under the first Pennsylvania Constitution in 1776, Shippen was appointed as President of the Court of Common Pleas, and then in 1791, after the Constitution was revised in 1790, Shippen was one of the judges of the Pennsylvania Supreme Court. Elected to that position, he demonstrated his public confidence. He was Chief Justice of the Commonwealth of Pennsylvania from 1799 to 1805, dying one year later at the age of 77.⁵

Shippen was a fierce supporter of the military actions taken by the militia in Pennsylvania, supporting the British troops, during the French and Indian War. An Episcopalian, he was also a supporter of the Proprietary and Quaker Party. However, he was not anti-defense of the colony. “The Assembly know not how to stomach this military address, but ‘tis thought it will frighten them into some reasonable measures, as it must be a vain thing to contend with a General at the head of an army, though he should act an arbitrary part; especially as in all probability he will be supported in everything at home.”⁶ Even though he supported the Quaker proprietary government of Pennsylvania, Edward Shippen was not a pacifist, demonstrating that

⁴ Thomas Balch, 1821-1877 and Edward Shippen 1729-1806. *Letters and Papers Relating Chiefly to the Provincial History of Pennsylvania, with some Notices of the Writers*, (Ann Arbor, Michigan: University of Michigan Library, 1855).

⁵ Gordon, "The Paxton Boys and Edward Shippen," 319-47.

⁶ Lawrence Lewis, *A memoir of Edward Shippen, Chief Justice of Pennsylvania: together with selections from his correspondence*, (Philadelphia: Collins, 1883). *The Making of Modern Law: Legal Treatises, 1800–1926*. 13.
https://link.gale.com/apps/doc/F0104121122/MOML?u=vic_liberty&sid=summon&xid=3197f33c&pg=2.

even within this restrictive caste there was differentiation of ideals. Pennsylvania was a diverse community and represented a diverse collection of viewpoints.

Shippen urged the Assembly to support the protection of those living in Lancaster County, who were under threat of attack from Indians. “In order to Agree upon a plan of Marching up to Colonel Armstrong in case we should be alarmed with an Account of his being Attack’t; but to my great Astonishment no body appeared except the Chief Gurgess & myself and two or three more, so that your Honour can judge by this how insensible we are of our approaching Danger, and unworthy of the good Counsel you were please to give us.”⁷ Being an elite in Lancaster County, perhaps its wealthiest citizen, he was also involved with the Paxton Boys. While there is some debate surrounding whether Shippen was an active accomplice in their activities or whether he was just a bystander.⁸

He did dutifully report the action of the murder of Conestoga Indians to the governor stating that “the Conestogoe [sic.] Indians are going to leave their Town.” He warned the governor that the Indians were going to possibly help the French.⁹ So many of the Indians who were having difficulties with the settlers found the French with open arms, waiting for the opportunity to use them to attack the frontier settlements. However, the Conestoga Indians were Christianized and westernized. They wore the clothing of the colonials and adopted their religion.

In his explanation about the rise and actions of the Paxton Boys, Shippen conveyed the danger they would present in Philadelphia. “A Company of People from the Frontiers had killed

⁷ “Lancaster, 15 October, 1756,” Colonial Records of Pennsylvania. Vol. VII. Pg. 294.

⁸ Gordon, “The Paxton Boys and Edward Shippen,” 319-347.

⁹ “A Letter from Mr. Shippen, of Lancaster, on this Subject, was read,” Colonial Records of Pennsylvania, Vol. VIII. Pg. 133-114.

and scalped most of the Indians at the Conestogoe Town early thi Morning.”¹⁰ Being treated like the scene of a crime, “Mr. Slough has been to the place and held a Coroner’s Inquest on the Corpses, being Six in number” with “Warrants are issued for the apprehending of the Murderers, said to be upwards of fifty men, well armed & mounted.”¹¹ He later wrote how “upwards of a hundred armed men, from the Westwars, rode very fast into Town, ... stove open the door and killed all the Indians, and then took to their Horses and rode off.”¹² Perhaps the Paxton Boys expected, or at least hoped for, some sympathetic leniency for their actions. Shippen was appointed by the proprietary government, and living in Lancaster County, he was subject to the same dangers of other frontier settlers.

The same issues that were objected to throughout the colonies were similarly detested in Pennsylvania. As with many of the other Quakers, there was widespread disapproval of the Stamp Act. The Quakers were pacifists, but they were often savvy businessmen and lovers of freedom. The Stamp Act hurt their profitability and their sense of freedom. As an American, Shippen wrote to his father that he was “stopt short with the joyful news of the Stamp Act being repealed. I wish you and all America joy.”¹³ As the tensions between the colonies and England became hotter, the split between those who wished to be independent and those who wished to remain under the protection of England became more pronounced. While some patriots came to prominence for their steps to break America from Britain, others whose conscience brought them to a different conclusion had reputations ruined in the colonies.

¹⁰ “A Letter to the Governor from Edward Shippen, Esquire.” Colonial Records of Pennsylvania, Vol IX. Pg. 89-90.

¹¹ Ibid.

¹² “Lancaster, 27th December 1763, P.M.,” Colonial Records of Pennsylvania, Vol IX. Pg. 100.

¹³ Lewis, *A memoir of Edward Shippen*, 14.

Edward Shippen, as many others supported the non-importation of British goods during the days of the Stamp Act, and he even supported the military and the military action taken during the French and Indian War, but he did draw the line, as a proud Englishman, at breaking from Britain entirely. “A Book called Common Sense, wrote in favor of a total separation from England, seems to gain ground with the common people; it is artfully wrote, yet might be easily refuted. This idea of an Independence, tho’ some time ago abhorred, may possibly by degrees become so familiar as to be cherished.”¹⁴ He is referring to Thomas Paine’s *Common Sense*, which was popular throughout the colonies, but Shippen disagrees with the premise of independence as a natural state for the American colonies. In his view supporting Pennsylvania and the colonies did not mean leaving the protection of England.

Shippen was a patriot, but also supported the proprietary government established almost a century before. He did not wish to see the destruction of the Indians, believing that the relationship between settlers and Indians could be maintained. Even though the Paxton Boys situation ended that hope, Shippen remained a proud patriot of Pennsylvania. Like other members of the proprietary government, he did not wish to leave the protection of England. Possibly because he would lose his appointment in Lancaster, and the wealth that would go with that, but perhaps also because he believed it was the right thing to do. As a supporter of the established political treaties with the Indians, he shared many of the same ideas about treating Indians with fairness. But he also did not share every belief of the Quakers, being supportive of armed defense of the Pennsylvania frontier. It may have been his perspective living away from urban Philadelphia with its greater safety, but he is one of the voices adding to the harmony of the era.

¹⁴ Ibid., 16.

A Quaker who did not share the typical beliefs of that sect was Joseph Galloway. A friend of Benjamin Franklin he was a Quaker who was not part of the Quaker Proprietary Party, but the Popular Party headed by Franklin.¹⁵ Unlike Shippen and Franklin, Galloway was a Quaker who adhered to Quaker beliefs, but not all of them. Even though he was a Quaker, as a member of the Popular Party he opposed the Proprietary Party. Galloway served as Speaker of the Pennsylvania Assembly, opposing the Stamp Act. He did not want the colonies to be reduced to a subordinate of the crown, without representation.

As a member of the Pennsylvania Committee of Correspondence, one of the busiest committees along with the Committee of Grievances, Galloway helped to draft communications “on the unhappy Dispute with the Mother Country.”¹⁶ He like others saw the Parliament’s taxation as just a way of extorting money from the colonies, without representation in its use. However, Galloway wanted a peaceful end to the tension between England and America, to the delight of the Quakers in power.¹⁷

As a loyalist, when the Revolution exploded into violence, Galloway left public office. However, when the British took Philadelphia, in December 1776, Galloway became an

¹⁵ "Joseph Galloway (c. 1731-1803)." In *The Encyclopedia of The Continental Congresses*, edited by Mark Grossman. (New York: Grey House Publishing, 2015.) https://go.openathens.net/redirector/liberty.edu?url=https%3A%2F%2Fsearch.credoreference.com%2Fcontent%2Fentry%2Fgreycc%2Fjoseph_galloway_c_1731_1803%2F0%3FinstitutionId%3D5072

¹⁶ Joseph Galloway (1731-1803). *Joseph Galloway to Committee of Correspondence for the Colony of Virginia*, The Gilder Lehrman Institute of American History. GLC07666. Available through: Adam Matthew, Marlborough, American History, 1493-1945. <http://www.americanhistory.amdigital.co.uk.ezproxy.liberty.edu/Documents/Details/GLC07666>

¹⁷ John E. Ferling, “Joseph Galloway’s Military Advice: A Loyalist’s View of the Revolution.” *The Pennsylvania Magazine of History and Biography* 98, no. 2 (1974): 171–88. <http://www.jstor.org/stable/20090838>.

intelligence official for Sir William Howe, and police commissioner for British occupied Philadelphia. These actions could not be tolerated by the patriots and when Philadelphia was freed, Galloway left for London. The end of the Revolution did not allow him to return to his Pennsylvania home, dying in London in 1803.¹⁸

Galloway was a loyalist, and a voice for Pennsylvania, but against cutting ties with England. Living in Philadelphia probably aided his belief that the Penn family proprietorship of Pennsylvania was not helpful to the freedoms of individuals, but no more than living in Lancaster County and taking on some of the perspectives of the frontier settlers. Shippen remained in Pennsylvania after the Revolution, becoming Attorney General of Pennsylvania. From his new home in England, Galloway wrote one of the first histories of the American Revolution, from a loyalist perspective.

Joseph Galloway began a long relationship with Benjamin Franklin, which began as members of the Popular Party, in opposition to the Proprietary Party, in Pennsylvania colonial politics. Galloway was elected to the Assembly in October 1756, at twenty-five years old. He was already one of the wealthiest men in Pennsylvania.¹⁹ But no history of Pennsylvania could ignore the impact of Benjamin Franklin. His name is linked to the history of the commonwealth more closely than anyone except for possibly William Penn.

Franklin began his long association with the Assembly in 1730 when he was appointed to print the minutes. He remained the public printer of Pennsylvania until 1764, which must have

¹⁸ Ibid.

¹⁹ William S. Mason, "Franklin and Galloway," *Proceedings of the American Antiquarian Society* 34 (Apr 09, 1924): 227.

<https://go.openathens.net/redirector/liberty.edu?url=https://www.proquest.com/scholarly-journals/franklin-galloway/docview/1305086772/se-2>.

been convenient since he was also the publisher of *The Pennsylvania Gazette*. He became a member of the assembly in 1751, elected from Philadelphia. He was ousted by the Proprietary Party in 1764 but was appointed as colonial agent to Great Britain within a month. Franklin had experience with negotiations in Britain since he was already the colonial agent from 1757-1762, while he served as assemblyman.²⁰

It was during the late colonial period that Franklin and Galloway collaborated as part of the same party to oppose the power of the proprietary government of Pennsylvania. During the French and Indian War, Galloway filled in for Franklin on the Committee of Correspondence and the Committee of Grievances, while Franklin represented Pennsylvania in Britain. They worked together to help reduce the influence and power of the Penn family proprietors, which during the French and Indian War meant that the taxation on lands should be paid by the owners of the colony as well as the citizens.²¹

There was a coalition of eastern Pennsylvania interests that was led by Joseph Galloway, who was the very personification of a conservative, loyalist, pacifist and largely looked to protect business interests. Though this may appear to counter a son of liberty, like Benjamin Franklin, they actually worked together during the early years of the Revolution. They worked together to moderate support for Massachusetts during the Intolerable Acts.²² However, while Galloway remained mainly in the seat of his power in the eastern county of Philadelphia, Franklin's political supporters were spread throughout the rest of the colony. The collaboration would only

²⁰ *Ibid.*, 227.

²¹ *Ibid.*, 239-41.

²² J. Paul Selsam (John Paul), *The Pennsylvania Constitution of 1776: a Study in Revolutionary Democracy*, (Philadelphia: University of Pennsylvania Press, 1936), 49-51.

go so far, as Franklin knew that Quaker control of the Assembly would control the direction Pennsylvania would take regarding support for Massachusetts, let alone a motion for independence. An end to Pennsylvania as a colony would mean the end of the original charter, leaving the Penn's out, and the ruling class that they established from that original charter.²³

1776 would be an eventful year for all of America, but especially in Pennsylvania. Of all the varied positions in Pennsylvania at the time, there were two main parties, the Whigs and the Tories. When questioning the independence of the American colonies, there were those that wanted to remain loyal and those that were more inclined to independence. The Society of Friends was mostly aligned with the Tory loyalists.²⁴ Joseph Galloway remained in this group, and it began the split with his friend Benjamin Franklin. It made sense that those who had made their money based on the prestige and honor of the proprietary government would not wish that to change. In a new world, how would the ruling class retain their influence?

Even among the more liberal party, the Whigs were split between those who wanted independence only after every other conceivable avenue had been exhausted and a more liberal faction that wanted immediate independence for America. Notable Pennsylvanians who wanted to patiently exhaust other solutions before declaring independence were John Dickenson and Robert Morris. John Dickenson, who wrote "Letters from a Farmer in Pennsylvania," wanted to exhaust all avenues before breaking from England.²⁵ His pamphlet attempted to get the British to understand the difficulties and dangers of living on the Pennsylvania frontier, the life in the colony from the colonial point of view, but by the time of the Revolution he was more inclined

²³ Ibid., 93.

²⁴ Ibid., 94-95.

²⁵ Ibid., 95.

to use his pen to help the cause of liberty in America. He has become known as the “Penman of the Revolution.”²⁶ Robert Morris who has been labelled the “Financier of the American Revolution,” took his time before being swayed to the side of independence. He later signed the Declaration of Independence, the Articles of Confederation and the U.S. Constitution. Perhaps as a conservative wing of the Whig Party, they wanted to conserve the traditional structure of Pennsylvania, while removing it from the tyrannical aspects of British Rule. They walked the line between loyalist and patriot.²⁷

The extremist wing of the Whigs was those who wanted a total break with Great Britain as well as tearing up the original Penn Charter. This would create a totally blank slate, for the creation of a new state. Most notable in this group were Benjamin Franklin and George Clymer. Their gripes about the charter were real, including inadequate representation of all western counties and the undemocratic nature of the original proprietorship of the colony.²⁸ The long brewing sentiment of those on the frontier, that the established power structure in Philadelphia, controlled by Quakers, was undemocratic and unrepresentative of their needs and interests, would boil over during the Revolutionary period. As America declared its independence, a new constitution in Pennsylvania would change the colony’s power structure.

One reason that the new frame of government for Pennsylvania took longer than some other states, like New Jersey, New Hampshire and South Carolina, was that the 1776 Constitution was considered something that would be permanent and not just a stop gap

²⁶ John Dickenson, *Letters from a Farmer in Pennsylvania: to the Inhabitants of the British Colonies*, (Philadelphia, Pennsylvania: Perlego, 2014).

²⁷ Thomas R. Eddlem, "Financier of Freedom," *The New American*, Nov 18, 2002. 37. <https://go.openathens.net/redirector/liberty.edu?url=https://www.proquest.com/magazines/financier-freedom/docview/218080339/se-2>.

²⁸ Selsam, *The Pennsylvania Constitution of 1776*, 96-97.

measure.²⁹ In Pennsylvania the ideas of the Revolution were established in the new state constitution.

Those loyal to the Crown during the American Revolution were not the only source of tragic or unhappy stories. For example, George Croghan, previously presented for his tenure as the Pennsylvania Deputy of Indian Affairs, was also a significant figure regarding negotiations with the Indians involved with Pontiac's Rebellion. He helped end the bloodshed between Indian tribes in rebellion and Jeffrey Amherst, British army general and later royal governor of Virginia.³⁰ Croghan and Sir William Johnson were of a similar mind. Both men wanted to enrich themselves through land speculation, and the best way to do that was through negotiations with the Indians.

By creating land deals with Indians, these men could avoid the hostilities that would bring conflict and war. The native cultural act of providing gifts when dealing with the Indians was far cheaper than the possible expense of a military campaigns. They knew Indian languages and cultures and put that knowledge to quench their thirst for land.³¹ Croghan specifically was a dedicated agent of the crown as well as for Pennsylvania, but mostly for his own enrichment, even going so far as to marrying the daughter of Mohawk Indian Chief Nicolas to give himself more access to their trade.³² The American Revolution halted his income because western

²⁹ Allan Nevins. *The American States During and after the Revolution, 1775-1789*. (New York: A.M. Kelley, 1969), 127-30.

³⁰ Taylor, *American Colonies*, 436-37.

³¹ Campbell, William J. "An Adverse Patron: Land, Trade, and George Croghan," *Pennsylvania History: A Journal of Mid-Atlantic Studies* 76, no. 2 (2009): 117-40. <http://www.jstor.org/stable/27778883>.

³² *Ibid.*, 119-20.

expansion was largely halted during that time. Croghan spent the last years of his life avoiding creditors, poverty stricken and living off the graces of others.³³

William Johnson died in 1774 before the Revolution. George Croghan survived the war but had diminished to a sad representation of his former importance. The American Revolution produced a whirlwind of change for those who became caught between the dispute of Britain and her colonies. Those loyal to the crown found themselves at odds with their neighbors. In the case of many of the loyalists who returned to Britain, they were not treated well in the old country either. They became people without a country. Galloway maintained that the failure of Britain in America was due to poor generalship. The control of Pennsylvania, as part of the united colonies, would change drastically as the views of the people shifted to the patriotic.

The varied viewpoints of the many sects within the power structure of the Pennsylvania government changed drastically during the early Revolution. Edward Shippen, who was conservative and a champion of business interests in Pennsylvania, wanted to hold on to the traditional Quaker/proprietary government for as long as possible. He did not originally want to declare independence. Even though he was not a Quaker he saw the value of having a stable structure for doing business. He also wanted to make peace with the Indians since it was better for business. His involvement with the Paxton boys balanced his role in the judicial system in Lancaster and his want for peace. However, his views evolved as the Revolution expanded. While not originally aligned with Franklin, he did change as the Revolution became a reality and the war for independence spread.

As the Revolution spread, Joseph Galloway changed his view of Pennsylvania defense, believing that it was the government's responsibility. The change affected his relationship with

³³ Ibid., 134-35.

Franklin as well. Galloway helped found the Philadelphia Association, getting around the non-support of military activity by the government. As the Revolution expanded Franklin became more respected and influential and Galloway, who remained loyal to the crown, lost his clout. Galloway's perspective on the war effort had changed so much that he was fled Philadelphia and eventually aided the British with intelligence about the city. Like other Quakers, the Revolution meant the end to their control of Pennsylvania.

The Quaker support for the crown during the Revolution hurt their political standing as the wave of patriotism swept across Pennsylvania. This time their political power would not return but continued to diminish in the post-Revolutionary period and into the early republic. One of the greatest voices for the ideals of the Revolution in Pennsylvania was Benjamin Franklin. His contributions through *The Pennsylvania Gazette* as well as other writings provide a clearer image of his intent to liberty and how to best secure that liberty.

Franklin and Shippen contributed to the original Pennsylvania Constitution of 1776, though Galloway, who had fled Philadelphia as a well-known loyalist, did not. Though he participated in the First Continental Congress as leader of the Pennsylvania delegation, he did not want to be part of what he thought was the radical direction of the Pennsylvania Assembly. The constitution for Pennsylvania, written after the Declaration of Independence was radical in its power distribution. The power that rested directly with the people was greater than any other constitution. Pennsylvania eliminated property ownership as a requirement to vote in the new constitution. This greatly expanded suffrage, including any freemen, over twenty-one years old, lived in the state for over a year and paid taxes.³⁴ With nearly ninety percent of the free adult

³⁴ Peter J. Galie, Christopher Bopst, and Bethany Kirschner, *Bills of Rights before the Bill of Rights: Early State Constitutions and the American Tradition of Rights, 1776-1790*, (Cham, Switzerland: Palgrave Macmillan, 2020), 122-23.

male population able to vote, this was the most liberal voting representation in the Western world at the time.³⁵ Suffrage and other rights were based largely on a long tradition of written bills of rights, the original frames of government (1682) and the Charter of Privileges (1701). William Penn envisioned a society where liberty of conscience, the expression of that conscience with freedom of speech could be protected by law. The diverse population of Pennsylvania settlers meant that the Quaker proprietorship would own up to their ideals of conscience. By the time of the Revolution, Pennsylvania had a long tradition of many fundamental rights, the freedom of conscience and connected with that a level of speech, a system of fair trial by jury, and a history of self-government. These basic rights were brought together in the Pennsylvania Constitution of 1776.³⁶ While other colonies had some of these rights, none had all of them.

Part of the history of self-government was due to the Quaker belief that they should not be parcel to conflict or impede on other's rights of conscience. If settlers decided in their hearts to arm themselves for their perceived necessity of defense, the Quakers, even if they disagreed with it, would not interfere. There is no other colony that was based more on the ideas of a Lockean civil society, where a moral people, based on a religious principle, could live, "peaceable and justly in civil society."³⁷ The history of that society conceived in a free expression of religious interpretation had unintended effects on the state constitution of 1776. This included a written bill of rights. The 1776 constitution also established a government that would correct the perceived injustices of those settlers who lived on the frontier regions of

³⁵ Gary B. Nash, *The Unknown American Revolution: The Unruly Birth of Democracy and the Struggle to Create America*, (New York: Viking Press, 2005), 269.

³⁶ Galie, *Bills of Rights before the Bill of Rights*, 115-20.

³⁷ "Frame of Government of Pennsylvania (1682)," Avalon Project, Yale Law School, Lillian Goldman Law Library.

Pennsylvania.³⁸ It is therefore not an accident that the right of the people to bear arms was also guaranteed in Pennsylvania's first constitution. This right was to be left to the people to make Pennsylvanian society more secure.

The events and varied perspectives, as represented by these representative personalities, contributed to the unique and radical Pennsylvania Constitution. Unique in many ways, it was a very important forerunner to the U.S. Constitution a decade later. If the states are the laboratories of experimentation of the Constitution, then the state constitutions of the 1770's were the foundation of the national Constitution.

The collection of state constitutions beginning with New Hampshire in January 1776, provides a clear insight into the way that various colonies, eventually states, were thinking about their security and their perspectives on the right to bear arms, whether it was collective or militia, or a personal right to self-protection. The New Hampshire Constitution, adopted on January 5, 1776, presented a hope that the conflict with Great Britain could still be resolved. "That if the present unhappy dispute with Great Britain should continue longer than this present year, and the Continental Congress give no instruction or direction to the contrary, the Council be chosen by the people of each respective county in such manner as the Council and house of Representatives shall order."³⁹ The document goes on to state that generals and field officers of the militia and the army were to be selected by the two houses of the legislature, but that "inferior officers" could be chosen by the respective companies.

³⁸ Selsam, *The Pennsylvania Constitution of 1776*, 175-76.

³⁹ "Constitution of New Hampshire – 1776," The Avalon Project, Yale Law School: Lillian Goldman Law Library. www.avalon.law.yale.edu/18th-century/nh09.asp

There was no mention however of the right to bear arms, just the ability to select officers within the militia and the army of New Hampshire. This document outlines the reason for its existence, that they are meeting together to make laws that are necessary for the public good. As 1776 unfolded, the structure and focus of the state constitutions became more precise, with many beginning to list a declaration of rights. The statement of these rights being important for the justification of the state constitution in the first place.

By March 26, South Carolina adopted their new constitution, again holding out hope that the colonies could resolve their issues with the crown. However, they did state some of the reasons for the need to take up arms against their mother country. "...hostilities having been commenced in the Massachusetts Bay, by the troops under command of General Gage, whereby a number of peaceable, helpless, and unarmed people were wantonly robbed and murdered, and there being just reason to apprehend that like hostilities would be committed in all other colonies. The colonists were therefore driven to the necessity of taking up arms, to repel force by force, and to defend themselves and their properties against lawless invasions and depredations."⁴⁰ The change in eighty days since the adoption of the New Hampshire Constitution was a more forceful explanation of the reasons that the colonies were in open rebellion. Another highlight of this document is that it shows the relative defenselessness of the colonies, that "unarmed people were wantonly robbed and murdered," a clear statement of self-defense, at least in the community realm.

These first two constitutions documented the hope that issues could be resolved, but also that there was a need to defend the lives of the people living in the colonies. Virginia's Constitution, adopted on June 29, was a marked difference in the presentation of a state

⁴⁰ "Constitution of South Carolina – March 26, 1776," The Avalon Project, Yale Law School: Lillian Goldman Law Library. www.avalon.law.yale.edu/18th-century/sc01.asp

government because it showed a detailed list of the grievances. The hand of Thomas Jefferson is evident in this document, retaining some of the structure of the Declaration of Independence as well as some similar language.

The statement, “in times of peace, standing armies and ships of war; lacking to render the military independent of & superior to the civil power,” demonstrated the colonial fear of the military, rectified by always remaining under the control of the civil government. If the military was not subservient to the civil power, then the result would be tyranny, was clearly stated.⁴¹ The civil authority was representative of the will of the people and therefore had to control the martial aspects of government. The fear of standing professional armies remained in those who would draft state constitutions and later the American Constitution. The fear of the role of a military would be discussed further during the ratification of the American Constitution.

Another feature of the Virginia Constitution was that it states, “No freeman shall be debarred the use of arms [within his own lands].”⁴² This tentative basic statement of the right to bear arms was simple. However, since it was only within his own lands, it was perhaps more akin to securing the ability to prevent a slave revolt, but also for the protection of a homestead. Interestingly the importation of new slaves to Virginia was also banned. There was no mention of the use of these arms to deter tyrannical government or specifically what the use of these arms might be.

Simultaneously, the Constitution of New Jersey was also adopted, just three days later, on July 2, 1776. Again, the concerns in New Jersey were practical, outlining the selection of officers in the militia. “That captains, and all other inferior officers of the militia, shall be chosen by the

⁴¹ “Draft Constitution of Virginia 1776,” The Avalon Project, Yale Law School: Lillian Goldman Law Library. www.avalon.law.yale.edu/18th-century/jeffcons.asp

⁴² Ibid.

companies, in the respective counties; but the field and general officers, by the Council and Assembly.”⁴³ They too wanted to ensure that the leadership of the militia was selected by the elected representatives of the state.

There is no mention of a right to bear arms, or any representation of the right to self-defense. The New Jersey Constitution is very conservative in its many articles, which is a mix of governmental structure statements, as well as declarations of rights. “That the common law of England, as well as so much of the statute law, as have been heretofore practiced in this Colony, shall still remain in force...”⁴⁴ They were more concerned with consistently transposing the rights of the people, rather than making radical changes. The common law of England though, would include the Declaration of Rights of 1689, which included a basic right to self-defense, at least for Protestants.⁴⁵ Many of the state constitutions differed from Pennsylvania’s by being a stop gap measure, written for a short period of time until a more permanent document could be drafted. Pennsylvania’s constitution differed by attempting to be a more permanent solution to issues plaguing the commonwealth.⁴⁶

The Constitution of Delaware was not adopted until September 21, 1776. Similar in structure to New Jersey, Delaware listed articles that defined the role and function of government, as well as rules for the public. Article 9 speaks to the militia and its governance. “The president, with the advice and consent of the privy council, may embody the militia, and

⁴³ “Constitution of New Jersey; 1776,” The Avalon Project, Yale Law School: Lillian Goldman Law Library. www.avalon.law.yale.edu/18th-century/nj15.asp

⁴⁴ Ibid.

⁴⁵ “1689: English Bill of Rights,” An Act for Declaring the Rights and Liberties of the Subject, and Settling the Succession of the Crown. 1689: English Bill of Rights | Online Library of Liberty (libertyfund.org)

⁴⁶ Selsam, *The Pennsylvania Constitution of 1776*, 176.

act as captain-general and commander-in-chief of them, and the other military force of this State, under the laws of the same.”⁴⁷ The chief executive would be the commander-in-chief of the militia. Later, in Article 16, “The general assembly, by the joint ballots shall appoint the generals and field-officers, and all other officers in the army or navy of this State; and the president may appoint, during pleasure, until otherwise directed by the legislature, all necessary civil officers not hereinbefore mentioned” So, the state of Delaware followed the same suit of the other colonies in making certain that the civil control of the military was under the elected legislature.

Delaware also included the statement that the laws of England would remain in effect, unless altered by the local legislature. So, the local government of Delaware would control the military being raised in that state, as well as retaining the power to change and create laws for Delaware. To further ensure that these elections of civil representatives would be fair, the one mention of firearms or weapons in the Delaware Constitution was “To prevent any violence or force being used at the said elections, no person shall come armed to any of them.” They only passed a negative law on the ownership of firearms and were mostly concerned with the role of the military on election days.

Pennsylvania adopted their first constitution on September 28, 1776. Borrowing from the Declaration of Independence, which was also adopted in Philadelphia, the Pennsylvania Constitution of 1776 includes some of that high language in the preamble and the Declaration of the Rights of the Inhabitants of the Commonwealth or State of Pennsylvania. “That all men are born equally free and independent, and have certain natural, inherent and inalienable rights, amongst which are, the enjoying and defending life and liberty, acquiring, possessing and

⁴⁷ “Constitution of Delaware; 1776,” The Avalon Project. Yale Law School: Lillian Goldman Law Library. www.avalon.law.yale.edu/18th-century/de02.asp

protecting property, and pursuing and obtaining happiness and safety.”⁴⁸ Included in Article I were the rights of life and liberty but clearly stated as, “enjoying and defending life and liberty.” The pursuit of happiness is further explained as “possessing and protecting property, and pursuing and obtaining happiness and safety.”⁴⁹ This is different than any of the other period state constitutions. The clear statement in all of the inalienable rights, as well as the defense of these rights sets the Pennsylvania constitution apart from other state constitutions.

One of the key reasons that the Pennsylvania Constitution was unique was the clear statement of the freedom of speech, the press, and the right to bear arms. Later, as in the Bill of Rights, there is a statement of “freedom of speech, and of writing, and publishing their sentiments; therefore, the freedom of the press ought not to be restrained.” Earlier in the Declaration of Rights, Article II guarantees the freedom of religion and conscience, then article XII provides the freedom of speech and the press, and XIII is a right to bear arms. “That the people have a right to bear arms for the defence [sic] of themselves and the state; and as standing armies in the time of peace are dangerous to liberty, they ought not to be kept up; And that the military should be kept under strict subordination to, and governed by, the civil power.”⁵⁰ This clear statement of the right to bear arms, as well as the reasoning behind it, was unique to all the state constitutions of the period. The syntax of the sentence is also like the structure of the Second Amendment which is a clear influence on the Bill of Rights later.

In Pennsylvania the people had established the right to defend themselves. Whether it was established because the Quaker power structure refused to do govern effectively by protecting its settlers, or because it was necessary to defend the province from a tyrannical

⁴⁸ “Constitution of Pennsylvania – September 28, 1776,” The Avalon Project, Yale Law School: Lillian Goldman Law Library. www.avalon.law.yale.edu/18th-century/pa08.asp

⁴⁹ Ibid.

⁵⁰ Ibid.

mother country, the result is the same. In Pennsylvania's first constitution there was the explicit right for individuals to bear arms. Furthermore, the reason behind this right was clearly provided. First, and most significantly, individuals had the right to own a firearm to defend themselves. Beyond the individual, they also documented the right to band together to defend their communities or the state. In Pennsylvania, arms could be acquired as a primary line of defense. This would be adopted in other colonies, and in the Second Amendment.

A notable feature of the Pennsylvania Constitution, the right of free speech and the press is directly before the right to bear arms. This is also like the later Bill of Rights. There is a link between the freedom to make statements and criticisms of the government, the protection of free speech and the right to bear arms. The proximity in the early founding documents, like the Pennsylvania constitution, and in later documents, such as the declaration of rights in other newly minted states, suggests that there is a link between the freedoms of speech and conscience, and the right to bear arms. Their proximity as stated in so many documents, including the Bill of Rights, is too much to merely be coincidental. These rights are related, intertwined, and cooperative. The loss of one would mean the loss of others. Natural rights must be bound together, or they will all certainly be lost.

The idea of rights during the founding era, especially the right to bear arms, is somewhat different than the general understanding of that right today. The right of self-defense was held by the public, meaning that it was the responsibility of the public and not the government. This would have been the role and responsibilities of individuals and their free assemblies, as was the

case with Pennsylvania Associations, or using militias, as in all other colonies. The right of self-defense was also a duty, in the hands of the people not the government.⁵¹

The fear of standing armies was common throughout America. The founders in each state drafted articles that would help protect the rights of the people by limiting standing armies. Article XIII clearly states that the right to bear arms is for the defense of individuals as well as in support of the state. Later, stating that standing armies are bad for liberty, they should not exist and when they are enacted they must remain subordinate to the civil authority. Therefore, the right to bear arms in Pennsylvania was another check on the power of government to become tyrannical. It also provides the citizens of Pennsylvania the right to protect themselves when the government of the commonwealth does not fulfill that function of government.

There was also a right stated in article VIII that even if “any man who is conscientiously scrupulous of bearing arms” he could not be compelled to service in the military. This constitution took the time to include conscientious objectors, in a state where many pacifists lived, including the Quakers, the Moravians and the Anabaptists, better known as Amish. In a colony that was protected by free associators as well as militia, the right to not defend or to be pacifist was upheld. Clearly, the right of conscience envisioned by William Penn in the late seventeenth century was established in Pennsylvania in 1776. Pennsylvanians enjoyed the right to bear arms for any of the stated reasons, but they also had the right not to bear arms. This is perhaps the freest expression of conscience in any of the colonies turned states. It is also an example of the positive right of self-defense, meaning that individuals had an obligation to self-

⁵¹ Jud Campbell, "Natural Rights, Positive Rights, and the Right to Keep and Bear Arms," *Law and Contemporary Problems* 83, no. 3 (2020): 31+. *Gale OneFile: LegalTrac*. https://link.gale.com/apps/doc/A635179029/LT?u=vic_liberty&sid=summon&xid=da513921.

defense, but also a negative right, that the government may not govern the restriction of this natural right.

Furthermore, regarding the role of the right to bear arms in a civil society, the power of the right to bear arms is different than the right to express speech and conscience. Words may direct public opinion, but a weapon can take life. Therefore, as John Locke theorized, a balance must be achieved between the needs of society and the needs of individuals. There must also be room for individuals to use their own right of conscience to determine how best to defend themselves, their communities, and when a government becomes tyrannical.⁵²

After Pennsylvania, four more colonies adopted their own form of constitution. First Maryland on November 11 included a Declaration of Rights, much like Pennsylvania, but without including a direct right to bear arms. Article XXV stated “That a well-regulated militia is the proper and natural defence of a free government.” XXVI added “That standing armies are dangerous to liberty, and ought not to be raised or kept up, without consent of the Legislature.” And XXVII ensured “That in all cases, and at all times, the military ought to be under strict subordination to and control of the civil power.”⁵³ These are much like the other colonial constitutions, but with a different history of defense in Maryland, their view of a personal and community right to bear arms differed.

Of the other constitutions adopted in the first year of American independence, North Carolina had the closest verbiage to Pennsylvania. Adopted on November 18, this constitution limited the right to bear arms, not for personal defense but for the defense of the state. Article

⁵² Mark Tunick, “John Locke and the Right to Bear Arms,” *History of Political Thought* 35, no. 1 (2014): 50–69. <http://www.jstor.org/stable/26227264>.

⁵³ “Constitution of Maryland - November 11, 1776,” The Avalon Project, Yale Law School: Lillian Goldman Law Library. www.avalon.law.yale.edu/18th-century/ma02.asp

XVII of the North Carolina Constitution stated, “That the people have a right to bear arms, for the defense of the State; and, as standing armies, in time of peace, are dangerous to liberty, they ought not to be kept up; and that the military should be kept under strict subordination to, and governed by, the civil power.”⁵⁴ The similarities between the Pennsylvania and North Carolina constitutions are evident. However, it is only the Pennsylvania Constitution that expressly dictates that the right of self-defense is a natural and a personal right.

The most common thread between these assessments is a real fear of standing armies, and armies that are not subordinate to the civil elected power of the state. The next two state constitutions Georgia, adopted of February 5, 1777, and New York, adopted on April 20, 1777, both included the statements about the military being subordinate to the elected civil power, as well as a statement about how to select military officers in the militia, but neither had the statement of the right to bear arms.⁵⁵

Perhaps the best representation of the perspective of Pennsylvania and the right to bear arms comes from another adopted Pennsylvanian, John Dickenson, whose prospective pamphlet “Letters from a Farmer in Pennsylvania,” highlighted many of the ideas and issues of the colonies, but specifically Pennsylvania. “To talk of ‘defending’ them, as if they could be no otherwise ‘defended’ than by arms, is as much out of the way, as if a man having a choice of several roads to reach his journey’s end, should prefer the worst, for no other reason, but because it is the worst.”⁵⁶ Dickenson states that the only defense that would make a real difference to a tyrannical power is that of the force of arms. The awfulness of the use of arms is not made better

⁵⁴ Ibid.

⁵⁵ “Constitution of Georgia: February 5, 1777,” The Avalon Project, Yale Law School: Lillian Goldman Law Library. www.avalon.law.yale.edu/18th-century/ga02.asp

“Constitution of New York: April 20, 1777,” The Avalon Project, Yale Law School: Lillian Goldman Law Library. www.avalon.law.yale.edu/18th-century/ny01.asp

⁵⁶ Dickenson. “Letters from a Farmer in Pennsylvania.” Letter 3, Pg. 11.

because they are prevalent, but because they are prevalent in society, they make society freer and therefore better.

Dickenson's statement about the need for arms in the hands of the public to defend a free society is echoed in the state constitutions immediately after the Declaration of Independence. Of the ten state constitutions adopted in 1776 and 1777, only three expressly state that individuals had the right to bear arms. Virginia stated that individuals retained the right to own firearms on their own lands. North Carolina, much like the later Second Amendment, spoke to arms in terms of protection in a well-regulated militia. Pennsylvania directly stated that the right to bear arms was for the personal and community defense of all. This right would apply to individuals and to communities, a drastic change from the recent Quaker pacifist control, a right dictated by the needs of the people. Pennsylvania's constitution is the only state constitution that identified not only the right to bear arms but clarified the reasons for it.

Though Pennsylvania and North Carolina both state the right to bear arms for personal purposes, neither addresses any right of the people to have militia. The understanding was that individuals with arms would necessarily organize for community defense, as was the historical case in Pennsylvania. Associations defended communities and even the city of Philadelphia. There was also the sad case of this use of arms by the Paxton Boys. Therefore, Pennsylvania made certain to include the personal use of firearms and left the organization of that right to the people as they saw fit.

In the other state constitutions, the right of a militia was the right to community safety, but the understanding was that the right of the people to bear arms would be a necessary prerequisite to a militia. Other states did not have the longstanding tradition of right of conscience, as did Pennsylvania, so they had a right to militia service and the obligation to serve,

but they did not proscribe the right to object to that service or the right to own or not own a firearm. It is the case of Pennsylvania, derived from Penn's original charter that would translate into this unique perspective on the right to bear arms in the Revolutionary Period.

North Carolina, like Pennsylvania, had a specific right to bear arms, also the statement that there should be no standing army, as well as a statement that the military is subordinate to the civil power. Pennsylvania added to that the obligation to contribute towards protection and give personal service, but also a right to not be forced into violence or for having his property confiscated towards a legitimate conscientious objection to violence.

Virginia differed with a specific statement of the use of arms on one's own property, but also had a clear statement of the fear of a standing army, that the military needed to be subordinate to the civil powers, and that the people retained the right to their militia.

Perhaps the other states did not make a statement of these rights in their constitutions because the right to bear arms was widely understood. For example, South Carolina had the good fortune of having John Locke contribute to the chartering constitution. His belief in the right of the people to defend themselves as a natural right is well documented. However, there is no statement about firearms or militia in their 1776 Constitution, and in 1778 they only added the statement that the military was under the control of the civil authority.

Vermont in 1777 and Massachusetts, years later in 1780 included the same language about the right to bear arms in their constitution, though stated for the common defense and not necessarily for individual. All of the other states either made a statement of a right to a militia, the right to raise a militia, or made no such statement at all, New Jersey and New Hampshire.

The idea that the majority of states made a clear statement about the obligation to defend the public by serving in the militia was a clear understanding of the right to bear arms. How

could a militia be assembled and regulated if there was not a body of armed and trained men to use them. The difference for the purpose of this project is the unique statement in Pennsylvania for the expressed uses of arms. Not only was there a right to bear arms for the militia service, but also for other purposes of a personal nature. It was a clear connection between the right to bear arms and the right of conscience. People had the right to defend themselves in the way that they personally saw fit. The link between the pacifist Quaker founding of Pennsylvania and the nature of firearms ownership was clear in the 1776 Constitution.

Pennsylvania's unique constitution can be explained in terms of the conflict between freedom-seeking rural frontier settlers and established aristocratic urban colonists in Philadelphia. The colony was sold as a Holy Experiment, where the pious and industrious could excel, but with that freedom came dangers as well. The external pressures of the various wars and the real need to defend the life and property of Pennsylvania was also a main factor in the development of the right to bear arms in Pennsylvania. The unique history of Pennsylvania, founded by idealistic Quaker William Penn, and the subsequent conflicts between France and their Indian allies, the Indian uprisings after the French and Indian War, the Paxton Boys Massacre, created the unique constitutional right to bear arms in the Pennsylvania constitution of 1776, which was echoed in other state constitutions in the founding decade.

Chapter 5:

“Arms for the defense of themselves and their own state, or the United States”

The experience of the Revolution, requiring the need for weapons, ammunition and men who could effectively use them, was well understood to the men at the Constitutional Convention. During the earliest days of the Revolution, one of the first resolutions passed by the Continental Congress was for the items that would be needed to defend the united colonies, and later the new nation. “[R]esolutions were passed for the collection of saltpetre and sulphur, and the manufacture of gunpowder. On the 14th of June, Congress resolved to raise several companies of riflemen, by enlistment, for one year, to serve in the American continental army.”¹ Furthermore, the companies of men used for fighting are listed here as riflemen. The founders were very precise in their language and therefore, the new soldiers would be organized under General George Washington would be armed with rifles. These rifles would most likely be of the design described in the previous chapter, which were much more accurate though harder and slower to load than the typical musket of the era. These men would be fighting with their own weapons, such as the Pennsylvania Long Rifle (or Kentucky Long Gun), that they brought with them from home, learned to use out in the woods of the various colonies, and have become familiar, in fact lethal with, on the frontier. However, making and training men to use these weapons effectively was much more difficult than creating a resolution to do so.

¹ Elliot Jonathan, Ed., *Debates in the Several State Conventions on the Adoption of the Federal Constitution, as Recommended by the General Convention at Philadelphia in 1787*. (Washington). 78-9. *Saltpeter* is potassium nitrate, the largest part of gunpowder. When mixed with sulfur and pulverized charcoal becomes black powder, or gunpowder. The ratio is 75% saltpeter, 15% charcoal and 10% sulfur.

These weapons were so valuable in the field that Washington had ordered his soldiers not to take their own weapons with them when their term of service had ended. Though he had intended to reimburse the soldiers for their weapons, most soldiers brought their weapons home after their term of service ended. In November 1775, Washington ordered, “No Soldier whenever dismissed, is to carry away any Arms with him, that are good, and fit for service; if the Arms are his own private property, they will be appraised, and he will receive the full value thereof.”² Washington’s Continental Army needed weapons desperately and so he would purchase them just as he would food to feed his army. Compensation for personal property would be made, whether it was grain for the soldiers’ bellies or the necessity of firearms for their hands. Furthermore, during this period Washington turned to whatever weapons he could acquire, and muskets which required less training to fire, and were cheaper to manufacture, more readily available, and so became the standard of the Continental Army.³ The need for weapons, and the need for men who came to the army knowing how to use them already was essential for Washington, especially in the early days of the Revolution.

The need for colonials to maintain their own armaments in defense of their communities was highlighted by the British taking the powder stores of Williamsburgh, Virginia, April 21, 1775. “[T]he inhabitants of this city were this morning exceedingly alarmed by a report that a large quantity of gunpowder was, in the preceding night, while they were sleeping in their beds, removed from the pucker magazine in this city, and conveyed under an escort of marines on board one of His Majesty’s armed vessels lying a ferry on James River.” Like the British goal at Lexington and Concord, they were taking the ability of the colonists to resist from them by

² “General Orders, November 20, 1775,” *Founders Online*, National Archives, <https://founders.archives.gov/documents/Washington/03-02-02-0369>.

³ Stephenson, *Patriot Battles*, 120-1.

taking their weapons and munitions. In the polite language of the day, they argued that “to have the chief and necessary means of their defence removed cannot but be extremely alarming.” To which the response was that it was surprising to see the colonials under arms for this occasion and that it would not be prudent “to put powder into their hands in such a situation.” The government would determine if the people should be allowed to have their powder.⁴ If a public magazine, whether in Concord, Massachusetts, or in Williamsburg, Virginia, was a target for an increasingly tyrannical British government, then perhaps a better system would be to democratize the stores of weapons and powder, into individual homes of the populace. Private ownership would be another option, for decentralizing the means of defense.

The Articles of Confederation, adopted on November 15, 1777, was a governmental organizing structure, including defining the relationship between the states in The United States of America. Each of the new states, “retains its sovereignty, freedom, and independence, and every power, jurisdiction, and right, which is not by this Confederation, expressly delegated to the United States in Congress assembled.”⁵ The protection of rights for these states was essential to their decision to join the confederation. The states would be responsible for retaining their own laws, just as they had done before the Revolution when they were all colonies. State legislatures would therefore maintain the level of state’s rights that were developed over a century or more of colonial rule. Pennsylvania would retain the developments that had been hard won over the course of the history of the commonwealth. The new states would have some things in common, but they would be their own state. Pennsylvania remained unique in many ways compared to the other states.

⁴ Henry Steele Commager, & Richard B. Morris, Ed., *The Spirit of ‘Seventy-Six: The Story of the American Revolution as Told by Participants*. (New York: Bobbs-Merrill Company, Inc, 1958), Vol. 1, 109-10.

⁵ Elliot, *Debates in the Several State Conventions*, 107-8.

A central reason for the establishment of the Articles of Confederation was the need of defense. States bound together as a confederation to help organize as a country in opposition to the English tyranny. Therefore, a loosely organized government was created for national defense. Colonies had conducted their own trade before the Revolution, and they could continue to do so. There was no need for a national association to help regulate trade. The individual states had done well over the course of colonial rule determining the laws that were appropriate for that colony. Therefore, defense of the state was the catalyst that drew the colonies together. In some cases, the populations of the states did not even like each other, but they realized a powerful common enemy created strange bedfellows. The Quakers of Pennsylvania did not appreciate the “illiberality” of the Massachusetts New Englanders. Quakers still upheld the strictest interpretation of the right of conscience. John Adams recalled that Israel Pemberton, said, “The laws of New England, and particularly of Massachusetts, were inconsistent with it, [freedom of conscience] for they not only compelled men to pay to the building of churches and support of ministers, but to go to some known religious assembly on first days, etc.”⁶ To unite the colonies some assurances would need to be made. The founding principles of the various colonies needed to be considered when joining with others. Pemberton “and his friends were desirous of engaging us to assure them that our State would repeal all those laws, and place things as they were in Pennsylvania.”⁷ The ideas of freedom and what liberties should look like were being developed throughout the colonies, represented in the various state constitutions as well as in their bill of rights. Just as Pemberton needed assurances that individuals’ right of conscience would not be violated by national law. Pennsylvanians would also help to include stronger guarantees of liberty by insisting that protections be added at the Constitutional Convention. The proposals

⁶ “John Adams’ account of a Philadelphia Conference,” Commager. *Spirit of '76*, Vol. 1, 395.

⁷ Ibid.

needed to be organized in collaboration with those of other colonies to determine what a new nation's rights and laws should be.

To help provide for a common defense the Articles of Confederation included language to outline how defense would be organized in the new United States. "No vessel of war shall be kept up in time of peace, by any State, except such number only as shall be deemed necessary by the United States in Congress assembled, for the defence [sic] of such State, or its trade."⁸ The idea of a navy for defense could not be enforced unless by the Congress. The navy, such as it was, would only be large enough to do the job of protecting American trade. Navies are inherently offensive in nature, and the new states did not want to be involved in wars beyond the shores of America. The idea of a standing army was reprehensible to the founders, so they added language to prevent a peacetime military. "[N]or shall any body of forces be kept up by any State, in time of peace, except such number only, as, in the judgment of the United States in Congress assembled, shall be deemed requisite to garrison the forts necessary for the defence of such State; but every State shall always keep up a well regulated and disciplined militia, sufficiently armed and accoutred, and shall provide and have constantly ready for use, in public stores, a due number of field pieces and tents, and a proper quantity of arms, ammunition, and camp equipage."⁹ The militia was the first line of defense for the American states. They were directly accountable to the laws of each state. In Pennsylvania the tradition of privatized defense could continue. The weapons of war would be kept in the hands of the people, not in a large centralized governmental structure.

⁸ Elliot *Debates in the Several State Conventions on the Adoption of the Federal Constitution, as Recommended by the General Convention at Philadelphia in 1787*, 109.

⁹ *Ibid.*, 109.

Each state would still need to maintain the weapons of war that they thought necessary, just as before. In Pennsylvania that meant that the new Constitution of 1776 would remain in effect. In that document, the Declaration of the Rights of the Inhabitants of the Commonwealth or State of Pennsylvania, article XIII stated “That the people have a right to bear arms for the defence [sic] of themselves and the state; and as standing armies in the time of peace are dangerous to liberty, they ought not to be kept up; And that the military should be kept under strict subordination to, and governed by, the civil power.”¹⁰ The influence of that document within Pennsylvania would ensure that the citizenry had the right to bear arms. Furthermore, the individual right to bear arms was secured by this document, in addition to the communal right, as part of an association or the militia.

The next reference to defense in the Articles of Confederation is found in Article 9, which apportions the arming of an army and navy from the states. This refers to the standing army being a bane to society. The founders reserved the issue of raising an army during a time of war to the states, negated some of their fear of a standing national army. While fighting a tyrannical government, that had restricted the rights of colonists to defend themselves and confiscating legal stores of colonial munitions, the new confederated government would not have the power to maintain a standing army, throughout conclusion of the Revolution, into the Constitutional Convention and through the ratification process. Revulsion to the idea of military power in the hands of the national government was central to the need to protect individual and state rights.

Written during the Revolutionary War, the Pennsylvania Constitution was already in practice when the founders put pen to paper for the Articles of Confederation. A convention of

¹⁰ “Constitution of Pennsylvania – September 28, 1776”.

various states, fearful of a standing army was forced to participate in the supply of an army during the Revolution. There were those that were critical of the Army and even Washington, wishing for direct control by the Congress over the army instead of an officer like Washington. Washington in turn was critical of the Continental Congress because they never were able, in his view, to support him with enough men and materials to turn the tide of war decidedly in the Continental's favor.¹¹

An armed populace has some inherent dangers. Before the Pennsylvania Constitution of 1776, The Paxton Boys took the law into their own hands, thinking that they were doing the right thing for their families and communities. Yet, they committed a massacre of Indians who were friendly to settlers. These Indians were even Christianized and therefore largely assimilated into colonial European culture. The danger of men who were armed with a mob mentality was a considerable threat. The examples of mutiny within the Continental Army, when times were dire, support the danger of the power of individuals to bear arms. Towards the end of the Revolution, there were times when the situation became dire enough that some men mutinied. In the case of the American Revolution, the success of the cause was certainly darkest just before the dawn. Before the British surrender at Yorktown in 1783, the American lines faced severe shortages, combined with examples of high-level betrayal that seemed to support the feeling that the war effort was falling apart, on top of terms of enlistment conflicts. For some this was enough to take their arms and point them inward instead of at the enemy.

One of the most disheartening and frustrating events for the patriots during the American Revolution was the treasonous defection of Benedict Arnold. Here was an officer hero of the Revolution who betrayed his comrades and defected to the British to fight the very Americans he

¹¹ Wallace, *Appeal to Arms*, 172-3.

defended before. Arnold became synonymous with the act of treason on September 6, 1781. He led a raid against Connecticut, his home state. His tactical surprise and defeat of the privateer base in New Haven Connecticut was complete, Arnold was still the daring effective military commander that he had been for the rebel cause.¹²

In an interesting connection to Pennsylvania, while Benedict Arnold was left by General George Washington to govern Philadelphia, after the British left that city in 1779, he met the young Margaret “Peggy” Shippen. She was much younger than him, and from a famous Pennsylvania family that had loyalist tendencies on her mother’s side. Peggy was also the daughter of Edward Shippen IV.¹³ There is some conjecture between the possibility of her swaying Arnold to the British, an interesting sidenote into what made Arnold turn traitor to the rebel cause.

However, the more relevant aspect of the traitorous defection was that he was representative of the sad situation that the Continental Army had fallen to by 1781. The Revolution was at a nelly, only comparable to the dark winter of 1776, when all seemed lost. Again, the Continental Congress seemed unable to finance the war effort and neither were the state legislatures. In the winter of 1780, the Continental Army, as it had done before, was fighting more for survival than for outright victory. Supplies of everything were scarce. There was little to no food, the men often not eating for days until shipments arrived. Military stores of

¹² Mark Edward Lender and James Kirby Martin, “Target New London: Benedict Arnold’s Raid, Just War, and ‘Homegrown Terror’ Reconsidered,” *The Journal of Military History*. 83, no. 1 (2019).

¹³ James Kirby Martin, “Traacherous Beauty: Peggy Shippen, the Woman Behind Benedict Arnold’s Plot to Betray America by Mark Jacob and Stephen H. Case.” *Pennsylvania History*. 81, no. 2 (2014): 265–268.

arms, shot and powder were dangerously low. If the old saying is true, that an army marches on its stomach, then the Continental Army was going nowhere. Even clothing was in short supply.¹⁴

Perhaps part of the reason that Arnold defected to the British was due to his conclusion that the American cause was waning and that support for the Revolution was coming to an end. His Virginia Campaign has been explained as a test case to inspire soldiers, who may be tiring of the Patriot cause, to take up arms with the British. If enough men could have been swayed to the British, then a reconciliation could end the war. However, in this battle Arnold failed. He could not get enough men to change their allegiance. The Patriot cause in Virginia was strong enough to weather Arnold's attempts to crush the rebel cause. It was after Virginia that he commanded the attack at New London, Connecticut, which sealed his reputation for treason.¹⁵ The treason of Benedict Arnold and his successful attack on New London, in his home colony, demonstrated to many in the American lines that the cause was wavering, if not lost.

By the spring of 1781, the lack of basic necessities like food and clothing became critical, and the Connecticut regiments, furious about not receiving pay for five months, assembled. The situation had become serious enough that a Pennsylvania brigade had been summoned to stop Connecticut. This ended the short scuffle, but the Connecticut troops did not forgive the Pennsylvanians for raising their arms against them.¹⁶

In the darkest days of the Revolution, some of the Pennsylvania line mutinied, for not being paid, and for endless terms of enlistment, not to mention the absence and poor quality of food. On New Year's Day, 1781, the revelries of the holiday got a little out of hand, spirited by rations of rum. Soldiers fired their weapons erratically. When officers tried to control the

¹⁴ Wallace, *Appeal to Arms*, 216-17.

¹⁵ *Ibid.*

¹⁶ *Ibid.*, 217.

soldiers, they were treated roughly. General Anthony Wayne left his own New Year's Party to control the troops. He displayed his fiery personality when he opened his coat bearing his chest telling the soldiers to shoot him.¹⁷ It worked and the soldiers relented, saying that they had no hatred for their officers, just issues with Congress. Wayne was sympathetic to the plight of his men stating, "Our soldiery are not devoid of reasoning faculties, nor are they callous to the first feeling of nature, they have now served their country with fidelity for near five years, poorly clothed , badly fed and worse paid; of the last article, trifling as it is, they have not seen a paper dollar in the way of pay for near twelve months."¹⁸

It is important to note that these soldiers were dissatisfied with the way they were being treated, but they were not traitors. They discovered two of General Clinton's spies in their ranks and handed them over for execution. As no general would want a mutiny to spread throughout the ranks, Washington employed the same Connecticut troops, as well as others, that the Pennsylvanians subdued the previous spring. There must have been an element of revenge in this action. General Wayne oversaw a negotiated end to the hostility, promising the soldiers part of their back pay and clothing.¹⁹

However, the same treatment would not befall the New Jersey troops who mutinied on January 20. Sympathetic to the plight of the Pennsylvanians, because they too were enduring similar hardships, New Jersey troops were hungry, cold and broke. George Washington would not be as accommodating as he had been with the Pennsylvanians because mutiny was spreading throughout the Continental Army, and this could not be tolerated. What is more relevant is that

¹⁷ Wallace, *An Appeal to Arms*, 225.

¹⁸ John A. Nagy, *Rebellion in the Ranks: Mutinies of the American Revolution*. (Chicago: Westholme Publishing, 2007), ProQuest Ebook Central. 39-41.

¹⁹ Wallace, *An Appeal to Arms*, 224-27.

Washington contacted Continental Congressman Colonel Frederick Frelinghuysen of the Somerset County, New Jersey Militia to call up the men to control the mutineers.²⁰

George Washington ordered the Somerset Militia to, “cooperate with us, by representing the fatal consequences of the present temper of the soldiery not only to military subordination, but to civil liberty. In reality both are fundamentally struck at by their undertaking in arms to dictate terms to their country.”²¹ Washington who was leading a rebellion against the British, invoked the militia to stop a mutiny in that army. The complex web of rights and responsibilities exhibited here is interesting. The rebel army was being subdued for mutiny by a citizen militia. The practical execution of the war needed soldiers who would fight even under harsh conditions, even if the officers sympathized with their plight. However, the army could not take up arms against the civilian authority.

State constitutions reflected the distrust of a national standing military and they expressed that the military should always remain under the authority of the civilian government. These mutinies exemplified a military that would become tyrannical if they could control enough political power. The civilian militia was therefore called upon to defend the rights of the citizens against a threat to their safety. Ironically, the armed citizenry of New Jersey was called to quell a revolt within the revolutionary military.

In addition to the militia, Washington called General Robert Howe of South Carolina to put down the mutiny. By January 28, the huts of the mutineers were surrounded. The chief ringleader of each of the regiments were pulled from their men and two of the three were

²⁰ Nagy, *Rebellion in the Ranks*.

²¹ “George Washington to Colonel Frederick Frelinghuysen, 21 January 1781,” *Founders Online*, National Archives, <https://founders.archives.gov/documents/Hamilton/01-02-02-1029>. [Original source: *The Papers of Alexander Hamilton*, vol. 2, 1779–1781, ed. Harold C. Syrett. New York: Columbia University Press, 1961, p. 540.]

executed by firing squad. One was spared by a reprieve by his officer.²² The mutiny collapsed, and the Continental Army was able to survive the harsh winter of 1781.

The British, not wishing to miss an opportunity, offered the mutineers pardons, back pay and food, but to their credit, the Pennsylvanian did not take that offer “All the boats on the Delaware have been secured to prevent mutineers from making use of them to pass the river to Philadelphia. The country is in great confusion, and the persons in authority under Congress dread the effects of this revolt, as the people in general are tired of the oppression and difficulties they suffer and earnestly wish for a return of peace and the old Government.”²³ From the British point of view, this mutiny was a wish of return to the peace and grace of the crown, but nevertheless, the Americans did not take the offer, in fact they hung the messengers.²⁴ Considering the conditions that these men, who were not professional soldiers, endured for so long, it is hard to believe that there were not more mutinies.

The darkest days of the Revolution, where patriotic soldiers, who had some legitimate grievances, were pulled out and executed without a trial are presented as an example of the danger and balance between individuals and groups having the power of arms. Would Washington who had seen this breach of trust of soldiers with arms continue to support an armed populace? Perhaps the right to bear arms would not be a wise way for peace to be maintained.

The mutinies of the Pennsylvania and New Jersey lines were caused by the harsh conditions, and the lack of pay and support from the elected government. Washington was caught between his sympathies for his men and the fact that he could do nothing about it.

²² Wallace, *An Appeal to Arms*, 226-27.

²³ “The British Plan to Profit by the Mutiny – Diary of Captain Frederick Machenzie of the Royal Welsh Fusiliers,” *The Spirit of ‘Seventy-Six*, 771-2.

²⁴ “Mutiny,” *The Spirit of ‘Seventy-Six*, 767-74.

However, taking force into their own hands was not an option for Washington. He was charged with winning the Revolution for the cause, which could not happen if the Continental Army fell apart. The hard decision to use the militia to quell a mutiny in his own army must have been difficult for the general. This was not the last time that Washington would be called upon to make the difficult decision to suppress the overreach of people who took up arms against the government. Maintaining a civil society in a democratic republic would be messy.

While food and clothing were difficult to procure for the army and the funds necessary to pay the soldiers was also a challenge. The one thing that an army could not do without is armaments. Finding the munition necessary for carrying on the war effort was a chronic difficulty. Supporting the idea that men should be armed in their own homes, fully supplied with ammunition and powder, was that the population would function as a decentralized armory. In the stressful times of conflict, the people would already be armed. It would also be difficult to destroy military stores if they were spread out amongst the population. The inflation of market prices for everything during the Revolution meant that gun makers needed to renegotiate their contracts upward to subsist. “The humble address and petition of James Walsh and Samuel Kinder, gunlock makers of the City of Philadelphia...from many unforeseen difficulties attending their business, and the extravagant advance on the necessities of life, have been obliged to solicit your honorable board for redress.”²⁵

However, if the people of a nation acted as a national armory as well, holding their own weapons and caring for them, becoming proficient with them, even in an extended conflict, the time would be such that weapons could be manufactured at a more leisurely pace. This would also negate the need for a standing army, since the people would be armed, ready to be called

²⁵ “Prices and Wages Add to Gunsmiths’ Difficulties,” *The Spirit of ‘Seventy-Six*, 777.

when needed. This was the case with militias in Massachusetts and elsewhere, as well as with the Pennsylvania Associators. The private stockpile of munitions and the private practice with arms meant that a standing army, which is a danger to liberty, was not necessary. General Washington would know better than anyone what the impact of having a body of private men who knew how to operate their own weapons. He wrote as much to Lieutenant Governor Robert Dinwiddie of Virginia, a decade earlier during the French and Indian War. Washington said, "I am convinced that no other Method can be used to raise 2000 Men, but by draughting; I hope to be excused, when I again repeat, how great Care should be observed in choosing active Marksmen."²⁶ Men should be selected for the draft by their acumen at marksmanship. If care were taken to be that accurate with a gun, it was likely that their firearm was a rifle, passed from father to son. "[T]he manifest inferiority of inactive Persons, unused to Arms, in this Kind of Service (tho. Equal in Numbers) to lively Persons, who have practised hunting, is inconceivable; the Chance against them is more than two to one."²⁷ A long experience with personal firearms from personal ownership and use would double the chances and effectiveness of soldiers. Having these men would certainly fortify the fighting effectiveness of the military.

Standing armies, used to enforce tyrannical policy, was a fearful reality while the new state constitutions were being drafted. Understandably, the multitude of state constitutions beginning in 1776 mandated that the military was subservient to the civilian authority. The duty to serve in the militia was combined in Pennsylvania (and later other) state constitutions to the right with right to bear arms. The central power of military force came directly from the individual right of the people to personal ownership of firearms. The clauses that dealt with the militia were to limit standing armies, a fear from their situation fighting the professional British

²⁶ "From George Washington to Robert Dinwiddie, April 16, 1756," *Founders Online*, National Archives, <https://founders.archives.gov/documents/Washington/02-03-02-0001-0001>.

²⁷ *Ibid.*

army. They did not want to limit the power of force to the government. If the government could be tyrannical, then why should they have the monopoly on force? The power of force should be controlled by the public. This was exemplified by the use of the militia to stop the mutiny of the New Jersey line.

Support for the military would also be manifested with the need for war supplies. Lead, required for ammunition, was chronically in short supply. In May 1776, “The Committee of Safety in Philadelphia having already made known to the inhabitants of that city, the pressing occasion there is for a large quantity of LEAD, to be employed in the defence [sic] of this country, and requested them to spare for the public use the various species of leaden weights in their respective families.”²⁸ Appointed by the Committee of Safety, Thomas Nevill, Frazer Kinsley, William Colliday and John Darcy went from door to door paying sixpence per pound of lead. Clock weights were exempted from the collection because iron weights meant to replace them were not yet available. The Committee “...expected that every virtuous citizen will immediately and cheerfully comply with this requisition, but if any persons should be so lost to all sense of the public good as to refuse, a list of their names is directed to be returned to the committee.”²⁹ Again, the need for munitions took precedence over the right of personal property rights. The defense of the city would require the use of everyone’s lead weights. Firearms and ammunition were both in short supply and highly inflated due to the immediate massive need for these items. Just like Washington taking stores of food for his army, citizens would be paid for their lead, whether they liked it or not.

²⁸ Frank Moore, Ed., *The Diary of the American Revolution: 1775-1781*. Washington Square Press, New York, 1967. 112-3.

²⁹ *Ibid.*

A large problem, in addition to the manufacture of firearms, was feeding them with gun powder. The objective at Lexington and Concord was gun powder stores. The ability to make mass quantities of salt petre (potassium nitrate) was difficult, requiring special skills. John Adams wrote to James Warren “I am determined never to have Salt Petre out of my mind.”³⁰ The situation was never fully addressed until the support of the French with support from military stores. This would have urged the Congress to provide the rights of a militia to support more local ownership and production of these stores. The dire need for firearms, ammunition, powder, essential for carrying on warfare, would all need to be created from scratch. Even if the individual citizen did not make their own ammunition and powder, they would necessarily have some on hand, and support the local production of these stores so that a standing army would not need to be maintained to support these industries. Thus, the United States would be more prepared for war, without a standing army, and therefore, more secure.

Allowing the new states to come together for the purpose of their common defense, the Articles of Confederation was a necessary measure for the new American nation. The same logic, that free and independent entities would unify under a common banner for their common defense, could be applied to the founders’ view of the right to bear arms. The retention of the right to bear arms for individuals would provide a common defense for the community and themselves. The experience in Pennsylvania with the defense of frontier towns, requiring the use and organization of militia and associations, was a basis for the right to self-defense for individuals, communities and militia.

Even though General Cornwallis surrendered at Yorktown, on October 19, 1781, over five years after the signing of the Declaration of Independence, the Treaty of Paris that finally

³⁰ “John Adams to James Warren - October 21, 1775,” *The Spirit of ‘Seventy-Six*, 776.

ended the Revolution was not signed for almost another two years, on September 3, 1783. By this time the weaknesses of the Articles of Confederation were becoming apparent, notably the proportion of war debt and the interest on that debt, being allotted to each of the states. Allowing Congress to regulate trade and create treaties with other nations, instead of each of the original states, was the main issue with the Articles as they saw it. The rights of citizens were left to the states and were therefore not a concern of the national government. However, when the convention of states made a new constitution a possibility, then the necessity of protections for individual liberty became more apparent.

Commissioners met to discuss remedies to defects of the federal government in Annapolis, but with only five states represented (New York, New Jersey, Pennsylvania, Delaware, and Virginia) “to consider how far an uniform system in their commercial intercourse and regulations might be necessary to their common interest and permanent harmony.”³¹ They agreed to meet again with all of the states’ representatives. “That there are important defects in the system of the federal government, is acknowledged by the acts of all those states which have concurred in the present meeting; that the defects, upon a closer examination, may be found greater and more numerous than even these acts imply, is at least so far probable, from the embarrassments which characterise the present state of our national affairs, foreign and domestic, as may reasonably be supposed to merit a deliberate and candid discussion, in some mode which will unite the sentiments and councils of all the states.”³² The issue of the weakness of the Confederation was addressed, but a meeting of all the states needed to occur before any changes could be made. That meeting would happen in Philadelphia, with state representatives charged with bringing concerns and ideas to the convention.

³¹ Elliot Jonathan, *Debates in the Several State*, 151.

³² *Ibid.*, 152.

The Convention, during the summer of 1787, strengthened the federal government, while addressing concerns about the creation of a tyrannical national government. They created a new constitution to address the issues of the Articles of Confederation, with regard to national defense proposed, that “The legislature of the United States shall have the power to... raise armies; to build and equip fleets; to pass laws for arming,, organizing, and disciplining the militia of the United States; to subdue a rebellion in any state, on application of its legislature, ... to provide such dock yards and arsenals, and erect such fortifications as may be necessary for the United States...”³³ It was clear that the national government would have more power to conduct military action, without expressly relying on the militia of each of the states. They were not creating a standing army, but they could raise an army if the need arose.

By the middle of August 1787, the Constitution was taking shape, the proposal to create a standing army was voted down. The founders still did not believe that a standing army would be safe for a free society. However, they did take up the following: “To establish a uniformity of exercise and arms for the militia; and rules for their government, when called into service under the authority of the United States; and to establish and regulate a militia in any state where its legislature shall neglect to do it.”³⁴ In fact, it was reiterated the “No troops shall be kept up in time of peace, but by consent of the legislature.” The fear of a standing army, being used by a tyrant, was real.

Even though the Revolution was over, the need for defense of the United States was still a concern. A revised draft of the Constitution was ready on September 12, 1787. It clearly stated in the preamble that among other things, the people of the United States, would “provide for the common defense.” Many were excited about the new governing document. *The Pennsylvania*

³³ Ibid., 184-5.

³⁴ Ibid., 280.

Gazette reported “In consequence of the arrival of the unanimous resolution of Congress, and the adoption of it by our Assembly, the bells of Christ Church rang during the greatest part of Saturday.” The crowds that attended the final voting, “unusual joy appeared in every countenance (three or four officers of government excepted) and the day exhibited everywhere the most agreeable marks of the speedy resurrection of the prosperity and happiness of Pennsylvania.”³⁵

The work of getting this document ratified by the states had just begun. How would the states react to the strengthening of the federal power? What guarantees would there be that this new federal government would not be a tyrannical institution in this new nation? However, the path for the federalists to ratify the Constitution needed to overcome the opposition of the antifederalists. The debate for whether to adopt this new form of government had begun, with fierce arguments on both sides of the issue. Edmund Randolph, of Virginia, reported that he had left the Constitutional Convention before it had ended because he was sure of its outcome and could not be a part of it any longer. Arguing as an antifederalist in Virginia, he appears to have been most concerned about the national defense clauses and with the power of the new government to raise and maintain armies.³⁶

Believing that if the need arose that the individual states would take up the charge of a national defense, without a federal mandate, Randolph recalled the recent Revolution for evidence. “I do not forget indeed, that by one sudden impulse, our part of the American continent, has been thrown into a military posture, and that in the earlier annals of the war, our armies marched to the

³⁵ John P. Kaminski, Gaspare J. Saladino, Richard Leffler, Charles H. Schoenleber and Margaret A. Hogan, eds., *The Documentary History of the Ratification of the Constitution Digital Edition* (Charlottesville: University of Virginia Press, 2009).

³⁶ Elliot Jonathan, *Debates in the Several State Conventions*, 520.

field on the mere recommendations of congress.”³⁷ Congress recommended the war, but the states had to fulfill that request or the war effort would be completely lost before it began. Edmund Randolph assured his Virginians that as long as the will of free people existed, then the want of a military would always be met. “But ought we to argue from a contest, thus signaled by the magnitude of its stake, that as often as a flame shall be hereafter kindled, the same enthusiasm will fill our legions, or renew them, as they may be filled by losses?”³⁸ If the threat was real then the states would do what was necessary. They would raise their own militias and defend the nation and therefore a national army was unnecessary. “If not, where shall we find protection? Impressions, like those, which prevent a compliance with requisitions of regular forces, will deprive the American republic of the services of militia.”³⁹

Randolph was concerned about a federal government that would carry on wars with only a portion of the states behind it, but then all the states would need to “maintain large military establishments” so that “all questions are to be decided by an appeal to arms, where a difference of opinion cannot be removed by negotiation [Sic].”⁴⁰ The wealth and prestige of the nation would be at risk if major concerns like national defense were decided by minorities or by regions of the nation. Randolph suggested, “that the state conventions should be at liberty to amend, and that a second general convention should be hoiden, to discuss the amendments, which should be suggested by them.” He did not sign the Constitution because he wanted to hold out for the states to ratify the document and propose amendments, which is what happened.

George Mason, also from Virginia, had reservations about the guarantee of rights to individuals in this new Constitution. “There is no declaration of rights: and the laws of the

³⁷ Ibid.

³⁸ Ibid.

³⁹ Ibid., 520.

⁴⁰ Ibid., 525.

general government being paramount to the laws and constitutions of the several states, the declarations of rights, in the separate states, are not security.”⁴¹ Mason was concerned that the new power of this federal government would swallow up state powers and take away the rights of individuals. He was also worried about the constant erosion of rights of the people by the federal legislature, “and their being a constant existing body, almost continually sitting, ... will destroy any balance in the government, and enable them to accomplish what usurpations they please, upon the rights and liberties of the people.”⁴²

James Wilson tried to convince his fellow Pennsylvanians that other states did not have a bill of rights, yet their rights were not in question. He listed Virginia, South Carolina, Delaware, New Jersey, Connecticut, Rhode Island and New York, stating that they had individual liberties in these states without the added document.⁴³ New Yorker, John Jay, agreed with Wilson about the lack of a need for a Bill of Rights. He explained his views to the people of New York, to allay their concerns about the new government. Addressing the freedom of the press, there being no guarantee of it in the national constitution, he stated that the United States Constitution says no more or less than the New York Constitution.⁴⁴ It is likely that in these state ratifications, especially in the states that adopted constitutions with declarations of rights, as in the Pennsylvania and others, that the Bill of Rights, the first ten amendments to the Constitution were discussed and adopted. It is therefore not an accident that these rights on the national level reflect the rights presented in the state constitutions. The influence of Pennsylvania, with its radical declaration of rights at that time, became evident.

⁴¹ Ibid., 533.

⁴² Ibid., 534.

⁴³ Allison, *Essential Debate on the Constitution*, 272-73.

⁴⁴ Elliot Jonathan, *Debates in the Several State Conventions*. 548.

John Jay said, “Complaints are also made that the proposed constitution is not accompanied by a bill of rights: and yet they who make these complaints, know and are content that no bill of rights accompanied the constitution of this state.” New York had no bill of rights, but many other states did. Furthermore, Jay did not want to limit the rights of the people by enumerating them on a list. He stated that the government of the United States is not a monarch who was forced to admit that the people had rights as individuals, but a government of the people. All rights reside with the people unless granted to the power of government. Therefore, the Constitution would enumerate powers granted to the government and all the others would be left to the people.

In Pennsylvania, the perpetually existing conflict between Philadelphia and the rural counties persisted. Governor Morris wrote to George Washington about the likelihood of ratification of the Constitution in Pennsylvania. “I am far from being decided in my opinion, that they will consent. True it is, that the city and its neighborhood are enthusiastic in the cause, but I dread the cold and sour temper of the back counties.”⁴⁵ That cold and sour temper had developed over time, with varied perspectives from interests that supported the safety, security and prosperity of the urban center and the rest of the commonwealth. The beliefs of those in rural Pennsylvania might therefore hold up the ratification of one of the largest and most populous states in the union, and therefore prevent the new Constitution from being ratified.

Benjamin Rush attempted to convince Pennsylvanians that a Bill of Rights was unnecessary and even damaging to the liberties of individuals. Doctor Rush referred to William Penn’s original treaty not put to paper, and yet the only one that was faithfully adhered to.⁴⁶ The

⁴⁵ Elliot , *Debates in the Several State Conventions*, 548.

⁴⁶ Allison, *The Essential Debate on the Constitution*, 276-77.

only thing that would ensure the rights was to keep the spirit of liberty alive in the hearts of the citizens.

Surprisingly, there was no mention of the right to bear arms or the right of self-defense in the convention. Perhaps the lack of concern openly expressed in the convention meant that this right was so common that it was not thought to be in danger. It is unknown whether these conversations took place outside the convention, but it is in the presentation of the Constitution to the states, selling it in the Federalist Papers, that there is some mention of the concern for these rights. The Constitutional Convention was conducted in secret. The discussions and debates inside Independence Hall were unincumbered from public opinion in Philadelphia. However, the ratification was completely public. James Madison believed that the study of the Constitution should not be on the convention that proposed it, but on the state conventions that debated it.⁴⁷ The debate for and against the Constitution was published in various letters and pamphlets as well as discussed in countless meetings across the United States.

From the dissenters to the Constitution, the Bill of Rights was created as a statement of assurance that the hard-won rights of individuals, communities and the states would not be infringed upon. Whereas the federalists believed that a Bill of Rights was unnecessary because the Constitution already limited the power of the national government, the antifederalists required clear guarantees that universal inalienable rights would be protected.⁴⁸ This was most evident in the “Dissent of the Minority of the Pennsylvania Convention,” published in the Pennsylvania Packet on December 18, 1787.⁴⁹

⁴⁷ Ibid.

⁴⁸ McDonald, *E Pluribus Unum*, 195-96.

⁴⁹ Allison, *The Essential Debate on the Constitution*, 281.

The minority dissenters argued that the majority that ratified the Constitution allowed debate about each of the articles but limited that discussion not allowing for the proposal of amendments.⁵⁰ Hamilton, a federalist, said, “Why declare that things shall not be done which there is no power to do?”⁵¹ However, the Pennsylvania antifederalists espoused their reasons for their dissent, not being permitted to, “enter on the minutes one reason of dissent against any of the articles.”⁵² The proposed amendments to the constitution are an initial draft to the Bill of Rights. The list of fourteen proposed amendments includes personal rights that would become the First Amendment. “The right of conscience shall be held inviolable,” was included in the first of these proposed amendments.⁵³ The governmental power of the United States could not infringe on, “liberty in matters of religion.”⁵⁴ Freedom of speech and the press are included in the sixth proposed amendment. Other proposed amendments ensure trial by jury, the right to face an accuser, protection from illegal search and seizure, and excessive bail.⁵⁵

The basis for the Second Amendment was the seventh proposed amendment in the “Dissent of the Minority.” There is no clearer statement of the reason behind the Second Amendment than in this proposal.

That the people have the right to bear arms for the defence [sic] of themselves and their own state, or the United States, or for the purpose of killing game; and now law shall be passed for the disarming the people or any of them, unless for crimes committed , or real danger of public injury from individuals; and as standing armies in the time of peace are dangerous to liberty, they ought not to be kept up: and that the military shall be kept under strict subordination to and be governed by the civil powers.⁵⁶

⁵⁰ Ibid., 286.

⁵¹ McDonald, *E Pluribus Unum*, 195.

⁵² Allison, *The Essential Debate on the Constitution*, 286-87.

⁵³ Ibid, 287.

⁵⁴ Ibid.

⁵⁵ Ibid.

⁵⁶ Ibid., 288.

As an explanation, the dissenters in Pennsylvania wanted to ensure that they retained the right that they already exercised to be able to defend themselves and their communities. The antifederalists in Pennsylvania had the right, “to bear arms for the defence [sic] of themselves and the state,”⁵⁷ guaranteed in the state constitution of 1776. In the proposed Constitutional amendment, the Pennsylvanian right would include the right to defend their nation.

No mention of a militia was made in the seventh amendment proposal, but the language of what arms were to be used for is quite clear. Mention of use of firearms for hunting is also included, after the critical use of firearms for defense. The eighth proposal further explained the right to “fowl and hunt” as well as fish. Furthermore, the danger of a national standing army is included as well, ensuring that it is always subordinate to the elected civilian government.⁵⁸

Even as a federalist, Alexander Hamilton echoed many of the same concerns as the antifederalists, when he quoted the Pennsylvania and North Carolina Constitutions in his Federalist 24, regarding “standing armies in time of peace are dangerous to liberty, they ought not to be kept up.” However, after discussing the dangers to this nation from the north and south and from other nations who are not necessarily friendly to the United States, and to the west where Indian conflict is likely, and to the east where a navy would be necessary to protect trade and shipping, that some military must be maintained, even a small one, for the defense of the new nation. This military would be under the consent of the legislature, and therefore not a threat of tyranny to the people. Hamilton noted that state militia’s will not be useful for the purposes he presented because the private citizens in these organizations would not wish or could not leave

⁵⁷ *Pennsylvania Constitution, September 28, 1776*, Avalon Project, Yale.

⁵⁸ Allison, *The Essential Debate on the Constitution*, 288.

their lives to maintain the peace on the frontiers. It would require a professional military, even a small one to deter the encroachment of foreign powers and defend the frontiers of America.⁵⁹

Hamilton continued this line of reasoning in Number 25, stating that foreign nations border only some of the United States and not all of them. Therefore, it would not be reasonable to expect that Maine and Georgia to provide their militia for the defense of the entire nation, just because they are border states. He adds that the militia of the many states would be a natural bulwark of America defense, but a professional military would be much more efficient. He said, “The American militia, in the course of the late war, have, by their valor on numerous occasions, erected eternal monuments to their fame; but the bravest of the feel and know that the liberty of their country could not have been established by their efforts alone, however great and valuable they were. War, like most other things, is a science to be acquired and perfected by diligence, by perseverance, by time, and by practice.”⁶⁰ Even though militias were important to the independence of America, the army was necessary to reach this goal. What was not said was that the army would be created out of men who were likely in militia units, or at least would be better soldiers if they had experience with firearms.

Again, Hamilton refers to Pennsylvania’s influence in regard to this idea of self-defense. “Pennsylvania at this instant affords an example of the truth of this remark. The Bill of Rights of that State declares that standing armies are dangerous to liberty, and ought not to be kept up in time of peace. Pennsylvania, nevertheless, in a time of profound peace from the existence of partial disorders in one or two of her counties, has resolved to raise a body of troops; and in all

⁵⁹ Hamilton, Alexander, James Madison, and John Jay. *The Federalist Papers*. No.24. (New York: Open Road Integrated Media, 2020), 109-12.

⁶⁰ Ibid.

probability will keep them up as long as there is any appearance of danger to the public peace.”⁶¹ The argument here is that even Pennsylvania, with its aversion to military action, kept a standing army when the need for it arose.

A large part of that aversion to bearing arms derives from the Quaker founding of the colony. However, they remained averse to bearing arms throughout the early republic. In one instance, “a number of inhabitants of Chester county, of the people called Quakers, in behalf of themselves and others in similar circumstances, stating that being conscientiously scrupulous of bearing arms, they have been fined in considerable sums for not attending militia musters, and their property seized to satisfy the same by Collectors who have neglected or refused to give receipts therefor, and to render proper accounts of their proceedings, by reason of which neglect the petitioners are still chargeable with the same fines, and praying Council to grant them some relief in the premises, was read.”⁶² The objection to arms was part of the sect of Quakerism, and they remained so. Ironically, the colony that was created by this pacifist sect, had now a generous declaration of the right to bear arms. Pacifist Pennsylvania had the greatest statement of the right to bear arms.

Pennsylvania did use the state militia to help capture Daniel Shays [of Shays Rebellion fame] as well as to quell a disturbance in Wyoming, Pennsylvania. Benjamin Franklin, President of the Executive Council, on October 27, 1787, wrote, “There has been a renewal of the disturbances [sic] at Wyoming, some restless spirits there having imagined a project of withdrawing the inhabitants of that part of this state, and some part of the State of New York, from their allegiance, and of forming them into a new State, to be carried into effect by an armed

⁶¹ Ibid.

⁶² *Colonial Records of Pennsylvania*, Vol. XV. 417-8.

force, in defiance of the laws of the two States.”⁶³ Pennsylvania, “ordered a body of militia to hold themselves in readiness to march thither.”⁶⁴ The need to protect the northern frontier from rebels who wanted to create their own state was an example of the use of state power. It can also be considered one of the weaknesses of the Articles of Confederation.

Hamilton did not give much credence to the Declaration of Rights first found in Pennsylvania and then in North Carolina, guaranteeing personal right to bear arms for self and state defense. As a federalist he wanted the Constitution and did not see the necessity for a stated Bill of Rights. “The idea of restraining the legislative authority in the means of providing for the national defense is one of those refinements which owe their origin to a zeal for liberty more ardent than enlightened.”⁶⁵ The idea of being able to defend one's home and community is more emotional than reasonable. Hamilton stated that Pennsylvania and North Carolina were the only two states that have severe restrictions on a standing army for national defense, “and that all the others have refused to give it the least countenance; wisely judging that confidence must be placed somewhere; that the necessity of doing it is implied in the very act of delegating power.” His concern was that a lack of national military establishment would be embarrassing for the government and dangerous for the public.⁶⁶ He concluded that military and public safety is the responsibility of the government, so they needed that power under the elected branch to be successful.

However, this does not negate the right to bear arms, just that the government should be instituted to organize a national defense. Hamilton attempted to ease the fears of the antifederalists by highlighting the built-in Constitutional protections that states would have

⁶³ *Ibid.*, 304-05.

⁶⁴ *Ibid.*, 305

⁶⁵ *The Federalist Papers*. No. 26. 117.

⁶⁶ *Ibid.*

against a national military. “State legislatures, who will always be not only vigilant but suspicious and jealous guardians of the rights of the citizens against encroachments from the federal government, will constantly have their attention awake to the conduct of the national rulers, and will be ready enough, if anything improper appears, to sound the alarm to the people, and not only to be the VOICE, but, if necessary, the ARM of their discontent.”⁶⁷ Arguing that the states would jealously defend their rights over the national government, they would provide a constant check on the federal government. Within the states that had a guarantee of the right to bear arms, especially Pennsylvania with its broad guarantee of gun ownership, the federal government would be held in check. It is for this reason that the Second Amendment was advocated and adopted.

In Pennsylvania, one of the main criticisms of the Constitution was, tyranny of the majority, taking away individual and state rights. “Could a minority of 49 govern a majority of 51, there would be no possibility of saying at what number it would end.”⁶⁸ The fear of the federal government taking away the protections of the state constitution was a primary concern. Since Pennsylvania had one of the strongest, if not the strongest protection for the right to bear arms, it would follow that this was a concern for those skeptical of the Constitution.

From the founding of Pennsylvania, William Penn tried to ensure that certain rights would be protected, understanding that they worked in concert and the loss of one would mean the loss of all. The dissenters also expressed their direct concerns that freedoms are linked together and that the loss of one is the loss of all. Just as William Penn had intimated in the earliest days of Pennsylvania, that “the rights of conscience may be violated, as there is no exemption of those persons who are conscientiously scrupulous of bearing arms. These compose

⁶⁷ Ibid., 119.

⁶⁸ Kaminski, *A Documentary History of the Ratification of the Constitution*, 320.

a respectable proportion of the community in the state [Pennsylvania].”⁶⁹ That many people in the state already owned weapons, likely long rifles, but also muskets, they would use these tools in conjunction with their own conscience. This is the ultimate expression of Penn’s “Holy Experiment.”

The right of conscience was tied closely to the right to bear arms. It was explained by the dissenters in Pennsylvania, referencing the Revolutionary War. “This is the more remarkable, because even when the distresses of the late war, and the evident disaffection of many citizens of that description, inflamed our passions, and when every person, who was obliged to risk his own life, must have been exasperated against such as on any account kept back from the common danger, yet even then, when outrage and violence might have been expected, the rights of conscience were held sacred.”⁷⁰ Pennsylvania, even when times were the toughest did not interfere with the individual right of conscience. People in Pennsylvania could take up arms if they saw fit to defend the colony, or they could conscientiously object to the taking up of arms. At the heart of this decision was the personal rights and freedoms. “At this momentous crisis, the framers of our state constitution made the most express and decided declaration and stipulations in favor of the rights of conscience; but now when no necessity exists, those dearest rights of men are left insecure.”⁷¹ The dissenters in Pennsylvania made sure that they underscored the idea that when rights were being fought for, they were secure, but as soon as the people felt that these

⁶⁹ Ibid., 638.

⁷⁰ Ibid.

⁷¹ “The Address and Reasons of Dissent of the Minority of the Convention of the State of Pennsylvania to their Constituents,” *The Documentary History of the Ratification of the Constitution*, 639.

rights were secure, then they were not. This would be the basis for demanding a written bill of rights for the American government.

The Pennsylvania dissenters to the Constitution made sure that the right to bear arms was closely tied to the right of conscience. These rights were tied together and could not be selected from a list. It was either all of them or none of them. If the general population could not be trusted to own their own protection in the form of firearms, then how could they be trusted to think for themselves in other matters? This is essentially the reason for the right of conscience and the right of assembly, dating back to William Penn's charter. A civil society could have these rights established for individuals. If the citizenry could be trusted to think for themselves and express their ideas freely, then surely, they could be trusted to protect themselves too. For the dissenters the new more powerful central government was a threat to the individual liberty that they had fought for in the Revolution.

So contentious was the dissent that, when the Constitution was adopted, at the celebration a riot in Carlisle broke out. The Carlisle riot began as a celebration featuring a bonfire and cannon were being set for the celebration. Words turned to blows and "The armed party having accomplished their premeditated designs of preventing the public rejoicing, proceeded to spike the cannon, and having made a large fire, committed to the flames the cannon and its carriage, together with a sledge on which it had been drawn to the ground."⁷² Eventually cooler heads prevailed, and the situation was nullified. The extent to which the dissenters were prepared to prevent the adoption of the new Constitution was great.

⁷² "An Old Man, Carlisle Gazette, 2 January 1788," *The Documentary History of the Ratification*. 671.

The national bill of rights was an outgrowth of the establishment of the state declarations of rights. Of the states that created their own constitutions during the founding decade, the development of many declarations of rights, included with these documents, was a guarantee of the rights that should be enjoyed by all. Beginning with Virginia's right to own firearms on one's own property, through other colonies that only made mention of the limits of standing armies, such as New Jersey and Delaware, the Pennsylvania Constitution of 1776 is a radical departure. By guaranteeing that "people have a right to bear arms for the defence of themselves and the state", this document provided a clear departure from limiting government military establishments to empowering individual citizens.

Other colonies, most notably North Carolina further secured these rights in their own colonies, later states, by guaranteeing the right to bear arms. Massachusetts in 1780 guaranteed that "people have the right to keep and bear arms for the common defence." While not as broad as Pennsylvania's, the right to bear arms became more prevalent as the states documented their rights in their constitutions.

Looking at the development of these rights, first granted by colonies, then as states, and finally as part of a national constitution, by granting more power to the federal government through the new Constitution, that citizens would want the same guarantees of freedom to be documented in the national document. It is little wonder then that the first two amendments reflect the same as in the state constitutions.⁷³ First with freedom of speech, conscience,

⁷³ I am referring to the amendments that were passed and became the Bill of Rights. The first two proposed amendments were not ratified by the states. These included the first proposed amendment, "After the first enumeration required by the first article of the Constitution, there shall be one Representative for every thirty thousand, until the number shall amount to one hundred, after which the proportion shall be so regulated by Congress, that there shall be not less than one hundred Representatives, nor less than one Representative for every forty thousand

assembly and press, and then with the ability to enforce those fundamental rights with the Second Amendment. While not ideal, the guarantee of individuals to keep and bear arms became the basis of state militias, and later part of the national fabric of the United States. A governmental protection for individuals to bear arms would create a gun culture in the United States.

The issues of Pennsylvania, with the contrast between urban and rural, settled and frontier, with dangers to the north and west, all contributed to a right that has been added to the national Constitution, as well as a right that has not been duplicated elsewhere in the world. Just as other nations do not have a First Amendment, like the United States, other nations do not have anything like the Second Amendment. The United States is unique in this manner.

persons, until the number of Representatives shall amount to two hundred; after which the proportion shall be so regulated by Congress, that there shall not be less than two hundred Representatives, nor more than one Representative for every fifty thousand persons.” which would explode the number of representatives as the population of the United States grew. The second proposed amendment,” No law, varying the compensation for the services of the Senators and Representatives, shall take effect, until an election of Representatives shall have intervened.” would limit the pay of representatives until the next session of Congress started. Representatives could only vote on the pay of their successors. The rest of the twelve amendments were ratified and became the Bill of Rights. [The Bill of Rights: A Transcription | National Archives](#)

Chapter 6

Second Amendment Epilogue: The Whiskey Rebellion and the Extent of William Penn's Personal Liberties.

The Whiskey Rebellion in the early years of the new Constitutional Republic challenged the viability of the United States, testing the new nation's durability going forward.

Pennsylvania's contributions to the Second Amendment should have ended with dissenters advancing the position of the right to bear arms in the 1791 ratification of the Bill of Rights. However, the tax revolt known as the Whiskey Rebellion demonstrated the dangers of an armed population, as well as highlighting many of the factors that helped make Pennsylvania unique regarding the right to gun ownership and self-protection.

Even though the Quakers were removed as the overwhelming political force within Pennsylvania, the issues that helped to spurn the Whiskey Rebellion remained. These included sectional strife between the rural and urban areas of the state, the view that the urban areas did not care or respect the conditions of those living on the frontier. Religious values that differed from many in the eastern counties, and the view that religion was a part of the community, also helped to intensify sectional strife. The Pennsylvania frontier, that stretched all the way to Pittsburgh and Erie, helped establish the role of guns for self-protection. Pennsylvania was a vast landscape, and most of it was very rural. Pennsylvania gun culture connected closely to the religious aspects of rural communities, and a long established state and national right to bear arms. The church was often the center of the community, both for religion and culture. For the community to come together for prayer, they also came together for the defense of their neighbors.

Rural Pennsylvanians had participated in arming for self-defense since the frontier settlements had been established. They had a long tradition of resisting state government policies of pacifism when Quakers controlled colonial Pennsylvania during the French and Indian War and even during the early years of the American Revolution. The fight against what locals believed was a deeply unfair tax, and then the strict enforcement of that tax, was just the next fight for these communities' independent protection. While taxes were never popular, the practice of an excise tax to a new federal government was added to the other factors that led to the protest, and then a rebellion.

The connection between the Paxton Boys in Pennsylvania, the Regulator Rebellion in rural North Carolina, as well as the post-Revolutionary Whiskey Rebellion, highlight the balance between a society based entirely on freedom and the need for order pushed by the Federalists. This connection reflects the unique situation of rights and the right to bear arms from the point of view of the founding era Pennsylvanians. The Whiskey Rebellion, which occurred during the first administration of George Washington, is the focal point where the limits of the Second Amendment were tested. So how did this extralegal revolt against the new republic demonstrate the limits of the right to bear arms? It was no accident that this rebellion took place in Pennsylvania, in western counties where the limits of state and federal control were less able to be enforced. Pennsylvania contributed to gun rights both positively, as in the state constitution of 1776, as well as through the antifederalists who dissented to the Constitution giving rise to the Second Amendment. There were negative influences as well, as in the cases of the Paxton Boys and the Whiskey Rebellion. By examining the Whiskey Rebellion, a clearer picture of the role of firearms in Pennsylvania and the right to bear arms there, as well as the contributions to the national narrative on this subject, can be better understood.

The longevity of the republic depended on the national government's power to tax and raise an army. Beginning with the underlying religious principles, a spirit of freedom through communal cooperation was a general practice of settlements on the western frontier of Pennsylvania.¹ To be a part of the small frontier community in Pennsylvania, as well as other western frontier settlements, communities needed to cling to God for salvation and community, and to their firearms to protect themselves and their community. These two factors of community life were part of the rural experience. Over two hundred years later the same sentiment was echoed by presidential candidate, Barack Obama, who stated in a speech at a San Francisco fundraising event in 2008, "You go into these small towns in Pennsylvania, ... the jobs have been gone now for 25 years... it's not surprising then they get bitter, they cling to guns or religion...." Even though he was criticized at the time, Presidential Candidate Obama may have been correct in his observation about rural western Pennsylvania, and their view of the state of the nation in the eighteenth century as well as the twenty-first century.² Rural Pennsylvanians from the earliest days of the Pennsylvania colony were at odds with their view of government overreach into their freedom and for the absence of governmental protections from various attacks. The idea and tradition of God and guns dates to the early days of settlement on the frontier. A tradition of this gun culture was based on a religious belief in the right of self-protection both for the individual as well as his community. The pacifistic Quaker controlled

¹ Christopher Ryan Pearl, "'Our God, and Our Guns': Religion and Politics on the Revolutionary Frontier." *Pennsylvania History: A Journal of Mid-Atlantic Studies* 85, no. 1 (2018): 58–89. <https://doi.org/10.5325/pennhistory.85.1.0058>.

Pearl, "Our God, and Our Guns," 58–89.

² Ben Smith, "Obama on small-town Pa: Clinging to Religion, Guns, Xenophobia." *Politico* 4/11/2008. [Obama on small-town Pa.: Clinging to religion, guns, xenophobia - POLITICO](#)

colony from the founding through the American Revolution, helped foster this culture throughout Pennsylvania.

Religion was part of the cultural fabric of the Pennsylvania frontier. Cultural religiosity consisted of more than arriving at church on Sunday; it was a significant part of the fabric of the community. Historian Marjoleine Kars explored how the religion of the Regulator Rebellion settlers of rural North Carolina allowed them to work together and trust one another.³ In North Carolina the rural people shared common cultural attributes like their religion, which helped them to justify working together against the eastern interests that they viewed as dishonest. In many ways the frontier settlers of Pennsylvania shared more culturally with the rural North Carolinians than either did with their colonial governments, and certainly more than to the English government. The link between the various communities was the thread of religion, and as Kars explains it, "break loose together."

The religious convictions of frontier settlements were a testament to the ideals set forth by William Penn during the founding of Pennsylvania. The opening charter guaranteed the rights of individuals to pursue the truth of their own conscience. However, after the French and Indian War, the view that the frontier was in extreme danger from Indian attack, the Paxton Boys took matters into their own hands, massacring Christianized Conestoga Indians. They exhibited the fear and distrust of the governmental structure of Colonial Pennsylvania, because if they determined that the colonial government would do what was necessary to protect them, they would not have taken up arms themselves. Frontier settlers were dismayed about their view that the French and Indian War demonstrated just how much they were on their own. The Colonial elites would not defend the needs of the frontier. Many settlers turned rioters followed the

³ Kars, *Breaking Loose Together*.

preaching of John Elder, “The Fighting Parson.” The pastor of Paxton Church, a Scottish born Pennsylvania settler, Elder was one of the many Scots Irish who feared the animosity of the Indian tribes brought to a head by the recent French and Indian War and later Pontiac’s Rebellion. Unfortunately, the poetic justice of the Paxton Boys Massacre of Conestoga Indians was the remains of the original treaty of peace between William Penn and the natives.⁴ The relationship between settlers and Indians had become strained, but after some tribes allied with the French against the English, and Pontiac led a revolt against all white settlers, the dream of a peaceful coexistence with Indians ended. The peace treaty that was a bridge between Pennsylvania and the Indians was literally burned.

The conflict between settlers and Indians ended in stalemate. While the settlers were unable to rout all the Indians from western Pennsylvania, the Indians were unable to take the major forts protecting the west. Christopher Ryan Pearl examined the religious undertones of the Paxton Boys Massacre, even though much of the literature on that event has focused on the secular nature of it. He connects the religious ideology of the Ulster settlers with the frontier spirit of community and distrust of the more urban east, where the power of the colony was centralized. These ministers went beyond the world of spiritual and moral guidance and preached about the importance of a civil society.⁵ Religion was as much a part of the rural settlements as any other protection, industry or endeavor.

During the dangerous days of the French and Indian War, John Elder, the “fighting parson,” preached in the Paxton Church with a rifle set beside him. The Scots Irish parishioners of the Presbyterian church, listened to Elder preach, “manfully under the Banner of ye Captain of

⁴ Taylor. *American Colonies*, 436.

⁵ Pearl, “Our God, and Our Guns,” 58–89.

our Salvation having put on ye whole Armour of God.” Church attendance and the danger of the day mean that parishioners brought their guns with them as well.⁶ This was a community that worked and prayed together, and when necessary, defended each other as well. The same ideology of community welfare and protection endured into the early republic. Ministers preached the theme of community and law because Pennsylvania had a historical lack of social organization. The connection between natural law’s freedom for the individual and the connection to the community had grown stronger in the founding era.⁷ Individual freedom tapered by community involvement was linked to the need for protection and the role of firearms for that protection.

The Whiskey Rebellion was largely about a protest to a federal tax to help fund the new federal government’s role in paying off the war debt incurred by the Revolution. To gain the much-needed capital investment in America money needed to be invested from the European financiers that the United States just broke away from. The new republic needed capital. War debts were staggering and ironically America had just finished a Revolution for the purpose of ending economic colonialism.⁸

Part of the reason that the founders determined that the Articles of Confederation were too weak was that interstate trade needed to be regulated and that the United States needed to get its financial house in order. The new federal Constitution would be necessary to counter the sense that the states were too democratic. The Articles were too weak to counter the rising tide of unrelenting democracy. The Federalists urged that the financial concerns of the new Constitution

⁶ Ibid., 64.

⁷ Ibid., 65.

⁸ Terry Bouton, *Taming Democracy “the People,” the Founders, and the Troubled Ending of the American Revolution*. (Oxford : Oxford University Press, 2007), 175-76.

would need to tame popular economic policies of the various states. Pennsylvania was atop that list of democratic states.⁹ Shay's Rebellion exposed the weaknesses of the Articles of Confederation, and the need for a stronger central government. It helped to foster the Constitutional Convention and the formation of a new federal government. Like the Whiskey Rebellion, taxes and their perceived unfairness was at the center of the revolt. And like the Whiskey Rebellion it ended badly for the rebels, but forced the government to take a look at the policies that were required.

In Pennsylvania especially, but in other states as well, there was an economic and political battle between the landed and wealthy elites and the poorer working classes of farmers. Popular resistance to tax collection and foreclosures on debtors forced the wealthy to determine how they could reign in some of the unchecked democracy of the Pennsylvania constitution of 1776. However, changing the Constitution away from more popular principles would be difficult.¹⁰

Furthermore, European investors could not be attracted to a country that did not have a stable economic law, where their money would not be protected in a country that was too responsive to the public will. In fact, European investors used the word "America" to describe investment failure.¹¹ If America could not attract new investment either in land sales or other enterprises, then the new nation would never gain a stable currency or be able to effectively pay off war debt. The U.S. Constitution, in part was established to create a stable economic system. The founders needed to create a balance between purely democratic popular influences, which

⁹ Ibid., 176.

¹⁰ Bouton, *Taming Democracy*, 171-72.

¹¹ Ibid., 173-74.

some saw as the purpose and spirit of the Revolution, and the need for a more stable rule of law, with a more powerful federal government, with the ability to tax, and enforce that taxation.¹²

Pennsylvania had undertaken a great war debt, which after the war they paid to war debt speculators an inflated market value, rather than the face value for certificates. When the new Constitution took that burden and responsibility from the states, Congress incurred all that debt nationally and would pay it in gold or silver.¹³ Alexander Hamilton's plan to stabilize the national currency included the assumption of state debts, as was granted under the new Constitution, as well as using tariffs and a new excise tax to fund the government.¹⁴ The U.S. Constitution had ended the policy of states printing their own currency. Debts could only be paid with gold and silver. It became illegal to enact a law that impaired the obligation of contracts, meaning that debt could not be paid with anything other than national currency. This was seen by ordinary Pennsylvanians as a shift in power from ordinary Americans to wealthy Americans and Europeans.¹⁵ The Constitution was not popular in the rural areas of Pennsylvania.

While taxes and tax collectors were never popular, especially in colonial America, being a tax collector during the Whiskey Rebellion was downright dangerous. Reminiscent of the American Revolution, tax collectors were viewed as supporting a powerful central government, who would use the tax to fund a standing army that would be used to collect the tax.¹⁶ The

¹² Ibid., 177.

¹³ Ibid.

¹⁴ Farley Grubb, "The Net Worth of the US Federal Government, 1784-1802." *The American Economic Review* 97, no. 2 (05, 2007), 280-4, <https://go.openathens.net/redirector/liberty.edu?url=https://www.proquest.com/scholarly-journals/net-worth-us-federal-government-1784-1802/docview/872522310/se-2>.

¹⁵ Bouton, *Taming Democracy*, 178.

¹⁶ Thomas P. Slaughter, *The Whiskey Rebellion: Frontier Epilogue to the American Revolution*, (New York: Oxford University Press, Incorporated, 1988), ProQuest Ebook Central. 12-20.

“Whiskey Tax,” enacted in 1791, was the first excise tax levied by the United States on a domestic product. Before taxes of this kind were placed on imported goods. The recently adopted Constitution of the United States gave Congress to the power to levy taxes, which was a vast power that the Articles of Confederation did not.¹⁷

Alexander Hamilton, the first Secretary of the Treasury, helped organize taxes using tariffs, including wine, tea, coffee, hemp, shoes, china and glassware, clothing and hammered or rolled iron. Since these taxes were added onto imported goods, the consumer in America did not necessarily see the tax imposed, and he could choose not to purchase this imported good. A side benefit of this type of tax would be a protection of the nascent American industries. Since more money needed to be raised, a tax on distilled spirits, a luxury item, would be necessary, or so Hamilton thought.¹⁸

The tax on distilled spirits was not insignificant, amounting to as much as a full day’s wages per gallon. Furthermore, the tax disproportionately affected western Pennsylvanians for two key reasons. First, western Pennsylvanian farmers were more likely to sell their grain for distilling because it was cheaper and easier for that use, due to the Mississippi River’s closure to American shipping. Second, with an apology to Kentucky, over a quarter of all the whiskey stills in the United States were in the vicinity.¹⁹ Kentucky’s rise to fame for Bourbon began as Virginian settlers, many who were Scottish, moved further west in search of fresh lands with

¹⁷ Cynthia Krom and Stephanie Krom. “The Whiskey Tax of 1791 and the Consequent Insurrection: ‘A Wicked and Happy Tumult’,” *The Accounting Historians Journal* 40, no. 2 (2013): 91–113. <http://www.jstor.org/stable/43486736>. 91-92.

¹⁸ *Ibid.*, 94-95.

¹⁹ *Ibid.*, 99-101.

fertile soil. These settlers were moving in great numbers into what would be named Bourbon County, named to honor the French, for their support during the American Revolution.²⁰

The rural farming families were hardest hit by the new tax.²¹ Therefore, it is not a mystery why the protest turned rebellion began in Western Pennsylvania. As of 1792 no tax was collected in the western counties of Pennsylvania surrounding Pittsburgh. Because of the failure to collect the tax, combined with violence against tax collectors, Alexander Hamilton, Secretary of the Treasury, asked President Washington, "...to ascertain in person the true state of the Survey; to collect evidence respecting the violences that have been committed in order to a prosecution of the Offenders."²² As chief executive he could not have allowed his tax collectors to be brutalized. He needed to enforce the power of the federal government.

This was not just a tax on the distilled spirits that many enjoyed, but it was a financial necessity. Farmers in rural areas had little choice but to take their surplus grain and distill it. Not only did distillation increase profits, but it was easier to transport because it would not spoil *en route*. A grain had a set area from which it could reasonably be transported without becoming spoiled. Whiskey could be sent throughout a region more easily and expand the customer base. The tax hit the rural farmers and distillers the most, and their perception that they were being targeted for an unfair tax led the way for public anger and opposition.²³

²⁰ Alan E. Fryar. "Springs and the Origin of Bourbon," *NGWA: Groundwater*, V. 47, I. 4, July 2009.

²¹ Krom. "The Whiskey Tax of 1791 and the Consequent Insurrection," 101.

²² "To George Washington from Alexander Hamilton, 1 September 1792," *Washington Papers*, The National Archives, <https://founders.archives.gov/documents/Washington/05-11-02-0030>

²³ Kevin T. Barksdale. "Our Rebellious Neighbors: Virginia's Border Counties during Pennsylvania's Whiskey Rebellion," *The Virginia Magazine of History and Biography* 111, no. 1 (2003): 5–32. <http://www.jstor.org/stable/4250075>.

An unfair tax was not the last of the issues that western Pennsylvanians had with the new federal tax. Many could not pay the tax in cash, so there was a great deal of bartering going on in cash-poor rural areas of Pennsylvania. There was not a lot of cash circulating in the western Pennsylvanian region. Those who could not pay the tax would were required to travel across Pennsylvania to Philadelphia, home of the federal court, at great expense and sacrifice to their livelihood, not to mention the still dangerous situation on the frontier and rural areas by Indians.²⁴ The practice of taking individuals accused of a crime and sending them to a distant area was still fresh in the minds of Pennsylvanians. It was reminiscent of the practice by the British to punish patriots during the Revolutionary Period.²⁵

While the tax was hated, it was not the tax that prompted Pennsylvanians to take up arms. Just as the French encouraged Indians to attack English colonial settlements, the recently spurned English did the same for the American settlers. Hating the English was easy for these settlers, but the fact that the federal and state government seemed unconcerned about their plight, yet still collected the tax, was the final insult.²⁶ To many rural Pennsylvanians the spirit of the 1776 Revolution, with popular representation for all, seemed to be fading.²⁷ Many in Pennsylvania jokingly refer to rural parts of the state as “Pennsylvtucky,”²⁸ but there was a movement and committees of correspondence to create a western independent state called, Westsylvania. It

²⁴ Krom, “The Whiskey Tax of 1791 and the Consequent Insurrection,” 102.

²⁵ Slaughter, *The Whiskey Rebellion*, 95. See also, Bouton, Terry. *Taming Democracy “the People,” the Founders, and the Troubled Ending of the American Revolution*, for an interesting observation about the nature of the new federal government’s more tyrannical use of power in the early republic.

²⁶ Krom, “The Whiskey Tax of 1791 and the Consequent Insurrection,” 105.

²⁷ Bouton, *Taming Democracy*, 178.

²⁸ Pennsylvtucky has been popularized in many references in popular culture including a 1942 Popeye Cartoon and Jeannie Seely’s 1972 song, “A Farm in Pennsylvtucky”.

would include western Pennsylvanian counties as well as rural Virginia and Kentucky.²⁹ A state of frontier regions that had more in common with each other than the states they came from, demonstrates just how far a sectional fracture was during the founding era. Pennsylvania settlers had more in common with rural Virginia, Maryland, Kentucky and North Carolina than they did with Philadelphia.

The rift between east and west was so drastic that when George Clymer, the supervisor for tax collection in Pennsylvania, travelled from the perceived safety of Philadelphia to the barbaric western frontier, he went in disguise. With a variety of aliases and disguises for protection against what he perceived was the dangerous outrage of the frontiersmen against the tax collectors. Unfortunately, Clymer was the chief source of information about the unrest on the frontier. The fact that he went in disguise demonstrates that Clymer's views about the civility of rural Pennsylvanians were questionable.³⁰ Unrest on the frontier did not need to be an armed uprising.

The two competing political ideological viewpoints during that founding decade were liberty and straight democracy versus order a representative republic. Those who wanted to jealously protect the freedoms against tyranny granted by the original revolutionary spirit were on one side. The other was the need by many, who had concerns about the financial system of the United States, as well establishing a stable economy, on the other. To see what would happen if the balance between order and liberty, with tyranny of the state on one side and the example of the French Revolution on the other.³¹

²⁹ Slaughter, *The Whiskey Rebellion*, 54-55.

³⁰ *Ibid.*, 125-26.

³¹ Bouton, *Taming Democracy*.

Americans, and the rest of the world, would see this competing battle play out in France beginning on July 14, 1789, with the storming of the Bastille. In some ways there was a connection between the French Revolution and the Whiskey Rebellion. For the purpose of this work, rural Americans and their right to bear arms were also challenged, again in Pennsylvania.

During the early days, the French Revolution was popular in America, seemingly standing for the same ideals of freedom as the recently concluded American Revolution. One anonymous posting in the *General Advertiser*, a Philadelphia publication, stated, "...compare the situation of the French with the situation of this country at the commencement of the war here."³² Clearly some were connecting the freedoms that were fought for and attained in America, with those of the French Revolution. The same posting went on to say, "then need we one moment doubt the issue of a contest between Liberty and Despotism. That had which enabled us to surmount every difficulty under every disadvantage, will support the French and bring confusion on the enemies of the RIGHTS OF MAN."³³ For many this was the clear distinction between freedom and tyranny, just as it had been in America.

Connecting the freedom in America, unique in the world, to the attempt to gain freedom in France, was on the mind of Benjamin Franklin Bache, editor of the *General Advertiser*. At the same time as the unrest in Western Pennsylvania was beginning to heat up, Bache stated, "Upon the establishment or overthrow of liberty in France probably will depend the permanency of the Republic in the new world."³⁴ If France lost, then the powers of the old world would come to the new and endeavor to retract the freedoms that were so hard won. Support of the French

³² Carol Sue Humphrey, *The Revolutionary Era Primary Documents on Events from 1776 to 1800*. "The Justice of the French Cause" *General Adviser* (Philadelphia) 18 September 1792, (Westport, Conn: Greenwood Press, 2003), 226.

³³ *Ibid.*

³⁴ *Ibid.*, 228.

Revolution was a fight for world freedom. “[I]f complete success attends the arms of the combined powers, that they will endeavor directly or indirectly totally to extinguish the fire of freedom in every part of the globe.”³⁵ The spirit of ’76 was alive and well in the hinterland of the Pennsylvania frontier and they saw it spreading to France.

The unfortunate direction of the French Revolution, as it fell into the Reign of Terror, is well documented. Americans could see the direction of unfettered freedom. Though there are many other reasons for how the French Revolution proceeded, for the purposes here, the direction towards constant revolution without enough regard for order is the important idea. Pure democracy and ultimate power to the people could have dire consequences. Tyrannical mob rule was just as much a fear of the founding era as a tyrannical king. In France they traded one for the other, and this lesson was not lost on many Americans.

In January 1793, the situation changed because the people of France executed their king, Louis XVI and queen Marie Antoinette. The people went on to execute over 200,000 people, mostly from the aristocracy, which is known as the Reign of Terror. For Americans seeing that the French Revolution was begun by fighting for liberty, equality and fraternity, to a Reign of Terror, with a more tyrannical government than before, was eye-opening. The use of the guillotine to execute so many in a bloody terror was difficult for Americans who had championed the original French cause, believing that it was an outcropping of the American Revolutionary ideals.

As the French Revolution turned bloody, some still supported the French cause for liberty. They linked the fate of the French to the American cause for liberty. Publications presented the idea that the democracy movement in France should overcome their tyrannical

³⁵ Ibid.

government, just as the colonies did in America. "...America maintained her ground, and became free and independent in spite of tyrannic power. And shall France fall! The nation who stepped forward to save us from impending ruin?"³⁶ This article echoed the idea that if France fell, then America would be next. In the years after the American Revolution there was Francophile sentiment because of their aid during the Revolution, as well as a similarity of national ideals. The revolutionary spirit of American was viewed as giving rise to the French Revolution, that they were continuing the fight that America started.

The violence and destruction of the French Revolution continued throughout the Reign of Terror. "[O]nly prostrated despotism but have replaced it, with the seeds of faction which will continue to distract the councils and waste the blood of the best citizens of France, for a long time to come."³⁷ France became a test case for the danger of allowing unfettered freedom without a requisite social order. The freedom in France that erased everything that had come before it, both good and bad, was the danger that might revert to America. The founders did not want a direct democracy, seeing that it was just as dangerous as a monarchy. Tyranny could come in many forms, either by a tyrant or the mob. It is under this lens that the Whiskey Rebellion in Pennsylvania was brought to a conclusion.

By looking at the armed uprising that was the Whiskey Rebellion it is easy to assume that a group of rural yahoos were unwilling to pay a tax on whiskey. However, much like the American Revolution, taxes were only a part of the larger picture of the natural rights of individuals. Rural Pennsylvanians did not believe that they were being represented in state government, and their dissent for the new Constitution grew more intense after the ratification. In

³⁶ Ibid., 267-68.

³⁷ Ibid., 272.

the view of many rural Pennsylvanians, the men who assembled at the Constitutional Convention were representing the monied classes. It was an assembly to hinder the revolutionary spirit that had been fought for in the American Revolution.³⁸

The product of the Constitutional Convention was a compromise to reign in the out-of-control democratic policies of the 1780's, such as paper money printing, war debt revaluation, debt relief and other popular policies that were detrimental to the economy. The Pennsylvania delegation to the convention, other than Benjamin Franklin was made up of men who were of the elite class of Philadelphia. This included George Clymer who became the main source of information about rural Pennsylvania during the Whiskey Rebellion.³⁹ The Constitution was a Federalist victory because it curtailed the unchecked rights of the popular masses to get the policies that they wanted. Now there would be checks and balances in the government. Popular reforms passed by the House of Representatives could be vetoed by the Senate, or the President, or even the Supreme Court. However, there was a democratic victory as well, The Bill of Rights. If there was going to be a check on the power of the masses, then there had to be a guarantee of the rights held by all Americans.⁴⁰

Rural Pennsylvanians took their freedom seriously, protesting in a unique way. They closed roads throughout the state. In the span from the Constitutional Convention through the Whiskey Rebellion, a span of eight years, rural Pennsylvanians obstructed roads at least sixty-two times.⁴¹ Obstructions were either six-foot-high fences that stretched across a highway, or more simply just felling timber (there are a lot of trees in Penn's woods) across the road. Sometimes piles of logs, stones or brush were stacked on the roads. Most often they dug ditches

³⁸ Bouton, *Taming Democracy*, 176-77.

³⁹ *Ibid.*, 177-78.

⁴⁰ *Ibid.*, 196.

⁴¹ *Ibid.*, 197.

in the road, deep enough to stop any wagon. Central Cumberland County had the smelliest idea, dumping many wagonloads of manure on the road.⁴² A search of *The Pennsylvania Gazette* for the years leading to the Whiskey Rebellion did not report on the road closures, perhaps being a Federalist newspaper.

Anti-Federalists saw themselves as protectors of the ideals of the Revolution. The lower classes more likely to be dissenters of the new Constitution. Many, believing that they were continuing the fight for liberty against tyranny, took up what they thought was their natural right of self-protection. Once again associations and township militia gathered to protect the liberty they thought was under threat from the new Constitution. Though there was a great threat of violence it was largely contained to individual cases. There was not a large-scale uprising.⁴³

The plan behind the road closure scheme was to interrupt the collection of taxes that rural Pennsylvanians believed were unfairly directed at them. However, tax collection efforts were hampered by tax collectors who were not inclined to enforce the laws on their neighbors. If cases went to justices, they were also not likely to prosecute tax collection. As radical as the pro-democratic Pennsylvania 1776 constitution was, the revised version of 1790 did curtail a great deal of the populism.⁴⁴

In many ways the 1790 Pennsylvania Constitution looks a lot like the US Constitution. While it is true that the populist fervor of the Revolution was tampered down in this document, the Federalist belief in a balance of power between multiple branches of government was established. If the 1776 Pennsylvania constitution was a model for the Articles of Confederation and later the United States Constitution, then the reverse was true between the new Constitution

⁴² Ibid., 197-198.

⁴³ Ibid., 188.

⁴⁴ Ibid., 205.

and the 1790 Pennsylvania constitution. Pennsylvania gave up the unicameral assembly and picked up a “General Assembly, which shall consist of a Senate and a House of Representatives.”⁴⁵ The judicial system was changed in the revised constitution in 1790 to end the local election of justices and instead made them appointed by the governor. It also lessened the power of the county justices and increased the authority of state-appointed justices. Lastly it increased the power of the state supreme court by allowing it to overrule local courts. While there was some backlash to this new system and attempts to prevent state-appointed judges from taking the bench, the system remained in place.⁴⁶

Some other interesting developments in the updated Pennsylvania constitution was the “establishment of schools throughout the state, in such a manner that the poor may be taught gratis.”⁴⁷ Free public education was established. An educated people would be more ready and able to responsibly maintain the defense of the state. Since a state militia had been established, “the freemen of this commonwealth shall be armed and disciplined for its defence [sic]. However, those who conscientiously scruple to bear arms, shall not be compelled to do so; but shall pay an equivalent for personal service.”⁴⁸ The militia that Franklin had always wanted was a reality, but there was still an exception for conscientious objectors. The right to bear arms was altered as well. The 1790 constitution retained much of the original declaration of rights. Section XXI stated, “That the right of the citizens to bear arms, in defence [sic] of themselves and the state, shall not be questioned.”⁴⁹ Even though the state had restricted a some of the populism that made the 1776 constitution so radical, most of the rights remained intact. Therefore, a case can

⁴⁵ “Constitution of the Commonwealth of Pennsylvania – 1790,” *PA Constitution*, Thomas R. Kline School of Law of Duquesne University. [Constitution of the Commonwealth of Pennsylvania – 1790 - PA Constitution](#)

⁴⁶ Bouton, *Taming Democracy*.

⁴⁷ *Ibid.*

⁴⁸ *Ibid.*

⁴⁹ *Ibid.*

be made that the federalist influences on the updated Pennsylvania constitution was not to limit the freedom of the people, but only to taper any out-of-control freedom that might be a detriment to society. The free educational system, provided to everyone, helped to ensure that the people had the prowess and judgement to bear arms. A free people needed to be an educated people.

Section XXII was also carried over from the earlier constitution. Just after the right to bear arms for private and community defense was carried from the first constitution, mandated that the standing army was never to occur without the consent of the legislature and that the military was always under the legislature. Much like the American Constitution, power would be divided with checks and balances to help protect against the tyranny of the executive but also against the tyranny of the masses. As American Federalists looked at the developing situation in France, perhaps they were cautious about unfettered freedom and reigned it in, without infringing on the individual rights of the people.

The opposition to the excise tax was intense and regional. Not only did the opposition come from Pennsylvania farmers in western counties but from western Virginia and the Ohio Valley.⁵⁰ By 1794, 223 delegates from Pennsylvania, Virginia and Ohio met to draft an anti-excise declaration, but not before they erected a liberty pole that stated, “Liberty and no Excise! No Asylum for Traitors and Cowards!”⁵¹ The meeting on the banks of the Monogahela river was intended to be “superior to the promiscuous mob it was intended to supersede.”⁵²

⁵⁰ Barksdale. “Our Rebellious Neighbors: Virginia’s Border Counties during Pennsylvania’s Whiskey Rebellion.” 5–32.

⁵¹ Henry Marie Brackenridge, *History of the western insurrection in western Pennsylvania : commonly called the whiskey insurrection, 1794*. (Pittsburgh: W.S. Haven, 1859.) 152. https://link.gale.com/apps/doc/F0106012875/MOML?u=vic_liberty&sid=bookmark-MOML&xid=b3706631&pg=152.

⁵² Ibid.

The violence that Brackenridge was speaking to was the assault on tax officials. Examples of mobs that forced tax collectors to recant their office by force, some thought ran counter to their cause. As difficult as the tax situation was for frontier settlers, opinions varied about whether they should be fought for physically or through public meetings and protests. Many westerners wanted to effect a change in the tax law by credible and reasoned demands.⁵³

From 1791 through 1793, the opposition and confounding of Hamilton's excise tax was largely peaceful. No widespread violence and no drastic enforcement measures came into effect. What made the summer of 1794 different in Bower Hill was the enforcement by Hamilton. He wanted to make the laws more effective by trying those who were delinquent offenders. So, District Attorney William Rawle secured the paperwork for over sixty western Pennsylvania distillers. They were to make the trip to Philadelphia for trial in August. U.S. Marshal David Lenox traveled to the three western counties of Pennsylvania, Cumberland, Bedford and Fayette to serve the processes.⁵⁴

When Marshall David Lenox and the hated tax collector John Neville arrived at the home of William Miller to serve a summons, he became enraged, and refused to accept it. Miller would say later that he thought that the tax of \$250 would ruin him. He was also enraged by seeing tax collector Neville guiding the federal marshal to his front door. The two served the summons and rode off but were confronted by laborers who wanted to end their perceived outrage. As they were riding away, a shot was fired by the laborers. Lenox and Neville split. Lenox went to Pittsburgh and John Neville to Bower Hill, his home. The event seemed to be over.⁵⁵

⁵³ Slaughter, *The Whiskey Rebellion*, 109-11.

⁵⁴ *Ibid.*, 177.

⁵⁵ *Ibid.*, 177-78.

However, by an ironic twist of fate, the Mingo Creek Militia was assembled at the behest of President George Washington for additional arms to fight Indians. However, when word of the farm hands who came to William Miller's defense arrived, they too were enraged. These were patriotic folk and they felt driven to the cause of liberty proclaimed by the Declaration of Independence. The central government was taking people from their homes to be tried in a distant land.⁵⁶ Therefore, the Mingo Creek Militia, believing they were upholding the original ideals of the Revolution, inadvertently initiated the Whiskey Rebellion. The ideals of the Revolution would bring these men into conflict with General Washington, now President of the United States.

In another ironic turn of events, the militia that was to stand against the federal government was called by the same federal government. One of the longest complaints of the frontier settlers was the lack of protection against the Indian attacks. From the time before the French and Indian War, through the Revolution and into the increased Indian conflict of the early republic, settlers never thought that there was enough to protect them from the colonial, state or federal government. It was in 1794 that General Anthony Wayne, finally succeeded in defeating the Indian threat to frontier settlers in Ohio and western Pennsylvania at the Battle of Fallen Timbers.⁵⁷ The arms that Washington called upon, with the Mingo Creek Militia, were the same that he would have to disband personally in the Whiskey Rebellion.

The militia had gone to find Marshall Lenox, thinking he was staying with Neville at his Bower Hill mansion. Word of the advancing militia came to Neville, and he armed his slaves and

⁵⁶ Brackenridge, *History of the western insurrection in western Pennsylvania*. 30.

⁵⁷ Slaughter, *The Whiskey Rebellion*, 175-76. General Wayne was also the same man who helped negotiate a settlement during the mutiny of Pennsylvania troops during the Revolution. He appears to be the go-to man for putting out fires in Pennsylvania.

boarded up his windows. When the militiamen arrived, they shouted for Neville and Lenox to come out, but after being told to stand off, Neville fired into the crowd. Then Neville's slaves fired out of their cabins and hit many others. No one in Neville's house was hit, but many of the militia were.⁵⁸

1794 was a dangerous time for America. Governor Simcoe of Canada was plotting to take advantage of an American war, hoping to claim western lands back for England. Even though he received no support from London, his correspondence was leaked to the Washington Administration, which made them believe that the danger was greater than it actually was. Washington and Hamilton began to support an armed suppression of the rebellion.⁵⁹

Seeing the radicalism of the French Revolution, Hamilton saw opposition to the excise tax as an opposition to all authority of the federal government. He took it personally, and therefore wanted to see the Whiskey Rebellion put down quickly and harshly. Hamilton is credited with coining the phrase Whiskey Rebellion, as a mockery of the intentions of the rural Pennsylvanians.⁶⁰ He wanted to portray them as a rabble of drunkards who did not respect any rule of law. The phrase stuck because it is called the same in history books today.

Washington raised a ten-thousand-man army to crush the rebellion in western Pennsylvania. The show of force by the federal government was enough to make the assemblage of rebels vote to submit, rather than to fight.⁶¹ Along the way many Pennsylvanians protested the federal army by refusing to support them with food. They were forced to use a wagon train to feed the men. If there was a name of mockery for the rebellion, then so too was there a name for

⁵⁸ Bouton, *Taming Democracy*, 232-33.

⁵⁹ Slaughter, *The Whiskey Rebellion*, 192-93.

⁶⁰ Bouton, *Taming Democracy*, 228-29.

⁶¹ Slaughter, *The Whiskey Rebellion*, 214.

the army. They were called the Watermelon Army, because they would take the fruit from the fields of the farms they passed. The resistance just faded away. It seems that neither the rebels nor the men raised to fight them had the stomach for a fight.⁶²

The excise tax itself was repealed during the first year of Thomas Jefferson's administration. The reason for the conflict in rural areas was over. The Indian conflicts in the Ohio valley and western Pennsylvania, were also largely over. The dedication to the unrestricted freedom that was turning France into a bloodbath was contained in the United States. Even though this event is a sad breakdown in the normal order of the Constitution, both sides essentially got what they wanted. The rebels eventually got the tax repealed, more security from Indian attacks, more money in the region. The Federalists also won what they wanted. They were able to maintain order, enforcing the new Constitution, and keeping Britain from becoming involved in another war in America (at least for a while). Those who were arrested were pardoned by Washington. Many who would be arrested moved further west, and many small-scale distillers moved to Kentucky to continue their trade. It is Kentucky that is known for bourbon whiskey, but many began their trade in western Pennsylvania. The result of Whiskey Rebellion was that of all the men taken into custody, only about twenty ringleaders were given a military tribunal. Even though many men were sentenced to hang for their crimes, President Washington pardoned them. Daniel Bradford, a prominent and more radical leader of the Rebellion, escaped to New Orleans, which was controlled by the Spanish. President John Adams pardoned him in 1799.⁶³

⁶² Ibid., 214-15.

⁶³ Krom, "The Whiskey Tax of 1791 and the Consequent Insurrection," 109.

Taking up arms against a nation that patriots had just won independence for must have been a difficult decision for those involved. The use of firearms in Pennsylvania, the basis for the Second Amendment, to use a militia (or in this case association) to defend the rights of individuals and communities in the face of tyranny was not attempted until the Whiskey Rebellion.

In what must have been a spectacular sight the governors of the states took the lead of their troops, with the President of the United States, George Washington leading them all. This is commonly referred to as the one instance where a President, the Commander in Chief of the military actually led the troops in battle. Whether it was the slow advance of 13,000 troops to Western Pennsylvania, or whether cooler heads prevailed, or whether the officers and men could not bear to take up arms against Washington, the hero of the Revolution, is a point of conjecture. However, “There was no resistance, either to the military or civil authorities,” said Henry Brackenridge, who published one of the first accounts of the rebellion.⁶⁴

The ability to mount an armed resistance to what was perceived as a tyrannical government was the basis for the Second Amendment. As stated in the declaration of rights in the 1790 Pennsylvania constitution, people have the right to bear arms for the defense of themselves and the state. The whiskey rebels used this right in their view to throw off the control of a distant government that did not care about the needs of rural Pennsylvania. There was a great deal of support for their cause in many places throughout the states. But this was also a conflict between rural and urban areas. Those in the rural areas believed that they were being ignored by more wealthy aristocrats.

⁶⁴ Brackenridge, *History of the Western Insurrection in Western Pennsylvania Commonly Called the Whiskey Insurrection*, 312.

Other factors helped to shape the outcome of this rebellion, including the geopolitical friction between France, England, the English controlled Canadian colony, and even Spain. Caught in the middle of these powers were the people of rural Pennsylvania. The timing of this conflict was also shaped by the French Revolution that had spiraled out of control. The French Revolution, popular with Americans at first, who saw it as an extension of the ideals of the American Revolution, was also a conflict between order and liberty.

All of these factors and events led to the conflict known as the Whiskey Rebellion. Essentially, the rebellion was a test for the new Constitution, along with the Bill of Rights. It is another contribution of Pennsylvania to the national right to bear arms. The conflict that occurred in Pennsylvania, was an example of the balance between liberty and order, that was being established in the United States Constitution. Many fear that an armed populous would be an unsettling force for a civilized society. However, even in this case, there was not a real battle between armed citizens and their leaders. Moreover, both sides were able to achieve a conclusion to this conflict without a battle. Perhaps the threat of the use of arms is enough to be a deterrent for the national government overreaching its authority.

A civil society should not need to have a constant danger of armed conflict. But at the time of the series of checks and balances of the Constitution had yet to be tested and many citizens were skeptical of the government's willingness to protect individual rights. Furthermore, the force used to end the Whiskey Rebellion was also largely composed of militia units. It was private citizens armed with weapons on both sides of this conflict. Fear of a standing army was at the center of a skeptical population. The fact that the Washington administration had to seriously consider their actions against this rebellion is a testament to an ordered society that was not tyrannical.

Even though it is unfortunate that this issue came down to a display of a force of arms, the spirit of the revolution, based on a long history of personal firearms ownership in Pennsylvania, was at the root of the liberty that the rebels thought they were fighting for. This belief in service to the community, based on religious principles, by an armed community had a long history in Pennsylvania. The Whiskey Rebellion is a test case of the individual right to bear arms and fitting that occurred in Pennsylvania. People armed up to defend themselves because the colonial and state governments were unable or unwilling to do so. The Whiskey rebels continued this tradition, being responsive to the community.

In the end the system worked. The reason that these rebels were eventually taken seriously is because they did not comply with what they thought was unfair treatment and because they had the threat of force. A compromise of sorts made taxation fairer and the nation more stable. The economic issues were sorted out and the stability of the nation stopped America from turning into something that resembled the French reign of terror.

George Washington was a factor in the defense of Pennsylvania throughout his career, first as a young man during the French and Indian War, and of course through the Revolution. Washington wanted as many armed Pennsylvanians as he could get during these times. Then, as the first president of the United States he returned to confront armed Pennsylvanians, who had a long-established tradition of the privatization of arms and organized protection. That tradition of gun culture in Pennsylvania was codified later, guaranteed under the declaration of rights in the 1776 and even the 1790 Pennsylvania constitutions. How did he see the influence of the right to bear arms coming from a Pennsylvanian point of view?

Pennsylvania contributed to the national right to bear arms, with the Second Amendment ratification in 1791. Then, what did Pennsylvania add to this contribution with the armed

Whiskey Rebellion in 1794? George Washington is an excellent test case of the evolution of the role of the right to bear arms in Pennsylvania. As a colonel during the French and Indian War, the need for men who were proficient with the use of firearms was critical. Writing to the lieutenant governor of Virginia, Robert Dinwiddie, Washington said, “I hope to be excused, when I again repeat, how great Care should be observed in choosing active Marksmen; the manifest Inferiority of inactive Persons, unused to Arms, in this Kind of Service.”⁶⁵ Of course it is easier to fight a battle with men who could shoot. But how would this be accomplished in a rapid manner? Security mandated that it was better for defense if many men already had the skills to hit targets accurately. Militia would be a good deterrent to invasion, but only if they were effective, which means training and a culture of gun ownership.

When the American colonies were engaged in revolutionary warfare with the most powerful military in the world, the need for an armed populace intensified. Washington wrote to his brother John Augustine Washington that he was glad that, “the Convention had come to resolutions of Arming the People, and preparing vigorously for the defence of the Colony.”⁶⁶ For the colonies to be able to defend themselves during the Revolution they would need to be able to fight and shoot. Again, this would be easier if individuals had the power, and they already had some skill in marksmanship.

During the Revolution, the role of militia was critical in the defense of American territory. Washington supported the role of the militia under the control of state legislatures. For good or bad the right to bear arms should be left to the people. “[T]he genius however & the

⁶⁵ “From George Washington to Robert Dinwiddie, April 16, 1756,” *Founders Online*, National Archives, <https://founders.archives.gov/documents/Washington/02-03-02-0001-0001>.

⁶⁶ “From George Washington to John Augustine Washington, October 13, 1775,” *Founders Online*, National Archives, <https://founders.archives.gov/documents/Washington/03-02-02-0152>.

prejudices of the people must be regarded. The first and most essential point is to arm them, this done, the bare report will have an influence to prevent invasions.”⁶⁷ Washington is saying that there are good and bad aspects of arming the populace but that it is the role of the people in their own defense that makes the right to bear arms significant. It is not for the government to decide, but for the people. Of course, the more power each individual had within his grasp, the more damage that could be done. But since all power is derived from the people, then the power of the force of arms should remain with the people primarily.

To avoid the need for a standing army, for security the population needed to be armed. Armed citizens would likely be more proficient with their firearm. Furthermore, if citizens were armed and ready, then there would be more time to ramp up production for munitions if a protracted conflict occurred. In a time before mass production, the number of guns that would need to be manufactured would take some time. If a majority of individuals had their own weapons, then the number of guns needed for a war would be lessened. During the Revolution, Washington said as much about guns for his troops, “...I have scarcely sufficient for the Continental Troops,... It is to be wished that every Man could bring a good Musket and Bayonet into the field, but in times like the present we must make the best shift we can, and I wou’d therefore advise you to exhort every man to bring the best he has. A good fowling piece will do execution in the hands of a mark man.”⁶⁸ Having a musket which was the most common type of military weapon of the day, not because it was the most accurate, but because it could be fired more quickly in a volley of fire. If Americans had brought their long rifles, that would make

⁶⁷ “From George Washington to James Innes, October 20, 1779,” *Founders Online*, National Archives, <https://founders.archives.gov/documents/Washington/03-22-02-0641>.

⁶⁸ “From George Washington to Colonel John Dockery Thompson, August 28, 1777,” *Founders Online*, National Archives, <https://founders.archives.gov/documents/Washington/03-11-02-0084>.

them the equivalent of a modern sniper, capable of hitting targets accurately at some distance. Furthermore, the idea that private citizens would own bayonets, which are only useful in a combat situation, not for hunting, or even self-defense, means that Washington's perspective was that he thought individuals should have some level of military hardware, and know how to use it.

The Revolutionary War experience must have weighed on Washington. He continued to support individual ownership of weapons after the war. Since all men, with few exceptions, between the ages of 18-50 were militia they should be provided with arms. "Citizens of America...borne on the Militia Rolls, provided with uniform Arms, and so far accustomed to the use of them, that the total strength of the Country might be called forth at a Short Notice on any very interesting Emergency."⁶⁹ The use of uniform arms would be more important as the technology of warfare made supplying multiple types of guns more chaotic. But Washington's support for the widespread ownership of firearms is clear. Furthermore, people should not only own weapons of war, but know how to use them. This position demonstrates a reliance on the general character of the American people. Without a general order of civil society, private gun ownership would be much more destructive.

During the Whiskey Rebellion, this faith in the American character was challenged. Rural Pennsylvanians (and other rural areas) were taking up arms. But the end result of this was not a great battle between Washington and the militia on one side and the rebels on the other, but rather a negotiation, and the disbanding of the protestors. He did not support a policy that would disarm the countryside. The long-standing contributions of Pennsylvania to the national right to bear arms were now ingrained in the culture of the new republic. Guns could be used for the good of the community for their self-defense, or they could be used for crimes. The nature of the

⁶⁹ "Washington's Sentiments on a Peace Establishment, May 1, 1783," *Founders Online*, National Archives, <https://founders.archives.gov/documents/Washington/99-01-02-11202>.

individual and the general quality of people made for a safer society, not the fact that many owned guns. The guns could be considered a net good, if they were in the hands of moral people. How a society remained moral would tie back into the connection to the community, and their faith. In this case George Washington may have agreed with President Obama about rural Pennsylvanians clinging to their God and their guns. They truly would be necessarily grouped together for a moral people to protect their community.

Conclusion

The historical narrative of Pennsylvania's contributions to the national right to bear arms begins long before the founding of the United States, and even before the founding of Pennsylvania. Pennsylvania like the United States was founded on certain ideals. William Penn had a unique position both as a member of a persecuted protestant sect as well as connected to the royal court.

Since Pennsylvania was founded by a single man, William Penn, his own ideology became an essential part of the original charter of the Pennsylvania colony. He incorporated his own ideology and philosophy into the original frame of government for his colony. Penn's experience as a Quaker, often being harassed by those in power, shaped his ideology. William Penn's ideology was shaped by his experiences as a member of the Quaker faith. Facing discrimination and oppression in Britain formed the basis of his beliefs that he was able to establish in his Pennsylvania colony. As a Quaker he was unable to practice his religion as dictated by his own conscience. He was also unable to spread use freedom of speech to spread his ideas about faith. Therefore, William Penn developed a calling to help spread the ideals of the freedom of conscience as well as the freedom of speech. For Penn these were closely related and could not be split. How could someone believe what they wanted in their own mind without sharing that mind with others? How could someone have the freedom to speak to others without having their own mind to speak? Penn was pressured to relinquish his religion, his beliefs, and the ability to use speech to profess the Quaker faith and so he developed a deeper understanding of the needs for individuals to express themselves and their faith.

Penn was different than other Quakers, since he was also connected to the royal power structure. He had some clout in the royal court. In England he had always stood for the rights of dissenters in a free society. The seventeenth century was turbulent in Britain, but out of that turmoil came certain rights of Englishmen. William Penn was part of the intellectual and philosophical movement in Europe that included John Locke, John Milton, and Algernon Sidney. He became interested in the New World as a place to set up a holy experiment where freedom of conscience could be established. After the Restoration, he began working with King Charles II towards creating a charter in the new world. Luckily the crown had a debt to settle with Penn's father for his heroic service as the admiral who defeated the Dutch fleet. The Pennsylvania Charter was created to settle a debt of £16,000. For that William was given the entire vast wilderness that would become Pennsylvania. For Penn that would be a blank slate to create a society built on the philosophy he developed over the course of his life. It would be for him a holy experiment where Quakers could go to escape persecution, but other dissenters could also settle to be a part of a society that would protect the freedom of conscience, assembly and even speech.

Working on creating a more perfect society, in an academic sense, is easier and certainly less messy than creating a new society, with all the viewpoints and perspectives of various people. William Penn and John Locke were contemporaries, and each had a hand in helping to develop a framework for a free society in the new world. Of course, William Penn created the original frame of government for Pennsylvania, but John Locke contributed to the South Carolina charter. Penn had a unique opportunity because he was able to have almost singular control over the founding of Pennsylvania.

William Penn tried to create a society in the New World where the series of interrelated rights of Englishmen could be established. Some of the basic rights guaranteed in the original

charter of Pennsylvania were conscience, assembly and speech. This was the basis of Penn's Holy Experiment. To that he added property rights, where a man's productive efforts could be held through property rights. Penn tried to create a society, like others before him, where the best nature of mankind could be fostered, and settlers could live in the civil society that had been theorized.

However, once these ideals were put into practice in the New World, the realities of competing ideas challenged the freedom of individuals to express themselves. The freedoms granted under the Pennsylvania Charter of 1701, granted that individuals needed to act in compliance with their own conscience, but also need to defend it from others. By opening Pennsylvania to anyone who would want to settle the new land, Penn's Holy Experiment was also an experiment in creating a civil society where diverse groups and factions would live together.

The volume and number of diverse groups of settlers that moved into Pennsylvania were dramatic. One of the last of the original thirteen English colonies to be established, Pennsylvania exploded in population to be one of the top three colonies, along with Massachusetts and Virginia, by the time of the Revolution. This is a testament to the society envisioned by William Penn, where certain freedoms were guaranteed in his charter. The freedom of conscience and assembly would be used in ways that the Quakers probably had not envisioned and did not agree with. Pennsylvanians determined that personal firearms ownership was necessary to providing meat, but also for defending themselves against foreign threats like Indian attacks and internal threats like theft and other criminal acts. The state of nature that had developed in Pennsylvania demonstrated that because no guarantee of safety could be established by rules of the Assembly, then a level of personal protection must be established through individual and group ownership of firearms. While it is not known exactly what percentage or how many firearms were in

circulation in Pennsylvania, indirectly Benjamin Franklin seemed to think that the colony could produce a great number of men who were familiar with firearms.

The Quakers attempted and were largely successful in controlling the government of Pennsylvania from the founding through the Revolution. They were also successful in maintaining peace with the Indian tribes surrounding the oldest counties in Pennsylvania, surrounding Philadelphia. However, the increasing need for protection in frontier counties and the lack of security from criminals meant that these settlers to the north and west of Philadelphia were left to defend themselves.

The international conflicts of the mid-eighteenth century manifested themselves in North America as the Indian Wars. First in the 1740's with King George's War and then again in the 1750's with the French and Indian War, the need for defense of the colony became apparent. The calls for a government that would be responsive to this call from both the people of Pennsylvania, but also the government of England, reduced the control of the Quakers over the state government. Non-Quaker citizens of Pennsylvania, like Benjamin Franklin, began to create associations of citizens who would be called to protect their community. Much like a militia, the difference between associations and militia was the lack of a governmental structure or support for them.

While the association of armed individuals to work together to defend their society may seem unnerving, there are other examples of this type of civic participation. Philadelphia by the 1740's already had a library, but it too was not funded by the Assembly. Rather, with the help of Franklin, volunteers assembled to form an association of learning. The library was comprised of donated volumes. Volunteer fire departments also use this idea of a free association of individuals who align their talents with those of others for a common civic purpose.

Associations were private citizens who banded together to raise the funds to buy armaments and munitions, including forts, artillery, smaller firearms, ammunition and powder. They also trained as best they could for the possible need to defend their community. The difference between Pennsylvania and the other colonies was that the government set rules and standards for their militia and Pennsylvanians took on these responsibilities for themselves. The Quakers who were pacifists, did not like the armaments, but they also adhered to the freedom of conscience, allowing these citizens to act in their own best interest. The high ideals of pacifism of the Quakers ran up against the dangerous conditions of the New World. Even though Penn was able to keep peace with the Indians through reasonable negotiations and treaties that held value to both sides, other world powers would put pressure on Pennsylvania's peace. Colonial rivals would prey on Indian fear of English expansion, along with competing Indian tribes to create havoc on frontier settlements. With France to the north and Spain to the south, Pennsylvania was caught in the middle of world events.

The right to bear arms in Pennsylvania expanded in the New World out of necessity for defense of individuals from hostile natives, in groups when they were possible in more urban and settled environments and individually on the rural frontiers. The British military was too far away to be of service in America and the Quaker controlled colonial government was deaf to the security needs of the frontier counties. Therefore, settlers and citizens took that natural right into their own hands. While William Penn was the owner of Pennsylvania, granted the power to defend the colony, landowners within Pennsylvania had the power to defend themselves and their property.

Examples like the attack of Henry Webb by Awannemeak and the failure and inability of the Assembly to get to the bottom of that situation may have continued a sense of peace with the Indians. But the settlers knew that they would be sacrificed in the name of maintaining some

semblance of peace with Indians. This was a criminal act, but because Awannemeak was Indian, his act was ignored. It would not be long before settlers determined that their own safety would require the purchase and maintenance of firearms.

The French and Indian War highlighted the need for an organized defense of Pennsylvania in a dangerous colonial world. However, the support for this type of defense was never created by the Assembly, which was controlled by a Quaker majority. Their pacifism had left the security of Pennsylvania in the hands of surrounding colonies like Massachusetts and Virginia, as well as the English military. The need for protection on the frontier of Pennsylvania from the French who were expanding their settlements into western Pennsylvania, as well as the Indians who were allied with the French, meant that individuals needed to arm themselves. The danger of Indian attacks from tribes that changed their allegiances often to support their own self-interests meant that settlers needed to be able to defend themselves. Rural Pennsylvanian arming created a culture of gun ownership.

Not only would Philadelphia have an association of individuals who would pool their resources to purchase, maintain and master firearms, but rural towns and counties would as well. This use of firearms throughout the colony meant that Pennsylvania had a vibrant gun culture. These firearms were tools to hunt, but also tools to defend individuals and communities. The Quaker majority completely privatized Pennsylvania security.

However, this was not always a positive arrangement. The example of the Paxton Boys Massacre meant that individuals and small groups could get out of hand and commit heinous crimes. The fears of frontier settlers exploded as they attacked the assimilated Conestoga Indians. Sadly, these Indians who had converted to Christianity as well as dressed and behaved like colonials were massacred by the Paxton Boys. Their fears about Indian attacks and their

founded beliefs that the colonial legislature would not do what was necessary to defend the settlers on the frontier exploded into an attack on Indians who were not the culprit. Had it not been for the negotiating skill and respect garnered by Benjamin Franklin, the Paxton Boys would have met on the field of battle with the Philadelphia Associators. The resulting bloodbath would have stained Pennsylvania history. This would not be the last time that armed Pennsylvanians would gather and then be displaced by a respected governing official.

The failure of the Quaker majority to defend colonists was the basis for personal firearms ownership and gun culture in Pennsylvania. Gun culture would later be codified in the constitution of Pennsylvania of 1776 during the American Revolution, granting individuals the freedom to defend themselves with firearms.

During the American Revolution, Pennsylvania was not only central geographically to the American colonies, but also in the cause of liberty, hence the moniker The Keystone State. Philadelphia became the home of the Continental Congress and the location of the signing of the Declaration of Independence. As the colonies became the United States, each new state created their own constitution, many with declarations of rights.

There was a great deal of variation in the politics of Pennsylvania as the Revolution began in Massachusetts. Exemplifying this variation is Edward Shippen IV, who was conservative and Episcopalian. He supported the traditional government of Pennsylvania and did not originally support independence for the American colonies. It was only after other attempts to remain within the control of Britain were exhausted that he began to change his mind. The Quakers mostly supported the traditional propriety government. But Joseph Galloway, a Quaker loved Pennsylvania, but allied himself with non-Quakers to control the power of the proprietors. This made him part of the Popular Party and a friend to Benjamin Franklin. As the Revolution

began, Galloway remained loyal to the crown, which ended his power in Philadelphia. He turned to the British and provided intelligence about Philadelphia to General Howe. He had to leave the colonies and never returned. Benjamin Franklin was the liberal of this group, supporting American independence very early. He also worked to expand the defensive capabilities of Pennsylvania by creating the Philadelphia Associators. The varied perspective of these men demonstrates how diverse the opinions were of those in power. Opinions for the future of Pennsylvania varied widely, yet when the Revolution became wider in scope and much more popular in Pennsylvania, the politics changed. Some, like Galloway lost their power. Others, like Shippen, changed with the times and were able to be a part of the new government. Shippen remained loyal to the cause of liberty, even though his daughter was married to Benedict Arnold. Like the Civil War, the Revolution broke apart families based on individual allegiances. Some like Franklin, gained power, and they helped to create the more radical parts of the new government. These contributions would help to create a new and unique Pennsylvania constitution.

Of all the new state constitutions, the Pennsylvania Constitution of 1776, adopted less than two months after the signing of the Declaration, was the most radical and specific regarding the declaration of the right to bear arms. The reason for the specific declaration of the right to bear arms in Pennsylvania was based on the unique history of the colony. The language and words of the right to bear arms in the 1776 Pennsylvania Constitution and what would eventually become the Second Amendment is strikingly similar.

Other states created declarations of rights in their constitutions, but none of them made such a specific statement about the individual and communal right to bear arms. The Quakers, removed from the situation of power during the adoption of the new constitution, did not have a clear say in the writing of this unique and forward-looking document. Quakers largely left the

political process during this time because many were loyalist in nature, but also because they could not reconcile their conscience with fighting against Britain in a war. They were conscientious objectors, but the overwhelming support of the Revolution meant that they were unable to control martial aspects of Pennsylvania, for the first time.

The history of the Pennsylvania colony, where Quakers controlled the government in Philadelphia and limited the defense of the colony due to their pacifistic beliefs, meant that individuals had to do for themselves what the government would not. While there was peace in the Pennsylvania civil society, the lack of an organized defense was not apparent. However, when the conflicts with Indians and the conflicts with France during the mid-eighteenth century made life on the frontier counties much more dangerous, then the need for people to defend themselves became obvious.

As in other aspects of colonial life, groups of individuals came together to fill the needs of their society. Libraries and fire departments were similar to associations. Instead of books and buckets, guns and ammo were the tools of the trade. Sadly, the Philadelphia Association, created by Benjamin Franklin, almost came to blows with the Paxton Boys. Two private groups of armed Pennsylvanians almost battled. Except for the character and skill of Benjamin Franklin there might have been a dark chapter in the history of Pennsylvania.

The American Revolution was a clear demonstration of the need for Americans to be familiar with their own firearms. Washington had stated that he wished many Americans could be brought to battle already being proficient with their firearms. Since Congress was unable to adequately supply the military, Americans that owned their own weapons would be great advantage.

The Revolutionary cause was on the verge of collapse by the early 1780's, with the Continental Army being ill-supplied. Soldiers, who enlisted but were not provided with the implements of war or even pay, must have thought that they were at the lowest point of morale possible. That was until the defection and betrayal of Benedict Arnold was seen as a serious blow to the cause of liberty, and possibly an American loss to the British. It was certainly a low point to the spirit of American troops.

When the Pennsylvania line mutinied, for their back pay, for food, and even for food, Anthony Wayne tried to convince the troops that everything was being done on their behalf. The mutiny ended with a negotiated settlement of a promise to pay and attempts to get food and clothing that were promised. The Pennsylvania mutiny inspired New Jersey troops to do the same. Seeing that his entire army could easily fall apart, Washington ordered the mutiny to be put down. The ringleaders of the New Jersey mutiny were surrounded, called out, and shot.

At one of the lowest points of the entire Revolution, the mutiny of soldiers in the Continental Army was ended with the use of Philadelphia militia. This is an example of what the founders may have had in mind when they saw one of the dangers of a standing army. Standing armies could get out of control. The militia was more directly accountable to the states, and the areas from which they were raised. A militia was much less likely to bear arms against their neighbors. In this case the Philadelphia militia was called to protect the city of Philadelphia from troops that were going to march against the Congress.

After the Revolution ended and the limitations of the Articles of Confederation became apparent, the Constitutional Convention was held in Philadelphia. A new governmental structure was created to provide more centralized control of the United States, for trade and defense. However, in Pennsylvania as well as other states, dissenters to the new Constitution demanded a

new declaration of the rights of individuals. The Pennsylvania dissenters wanted the more liberal aspects of the 1776 Pennsylvania constitution adopted into the national adoption of a bill of rights. They expressed a clear vision for these rights, most notably the right to bear arms for specific and varied purposes. They noted that the right to bear arms was for the defense of individuals, communities, the state and the nation. They added that firearms could be used for hunting and for use in state militias. As the foundation for the national right to bear arms, it actually states more clearly than the Second Amendment the ideology behind the right to bear arms. These became the Bill of Rights, and the Constitution would not have been ratified without them. Therefore, Pennsylvania, perhaps more directly than other states, contributed to the national right to bear arms, first stated in the Pennsylvania Constitution and then by the dissenters to the ratification of the U.S. Constitution.

The first right codified in the Bill of Rights was the right to free speech, conscience, assembly, religion and expression, just as William Penn would have imagined them. The second, of course, was the right to bear arms. The unique history of Pennsylvania, being chartered to William Penn, the pacifist control of the colony by Quakers, then the rise of individuals who defended themselves and worked together for the security of their communities, meant that Pennsylvania was unique and essential to the national right to bear arms, codified in the Second Amendment.

The right to bear arms in America was tested almost immediately during the Whiskey Rebellion. The right that Pennsylvania dissenters to the Constitution had fought for, was going to be exercised during the Whiskey Rebellion. The rebellion was a failure of the national government to take the needs of small western farmers and distillers seriously. It is not necessarily a failure of the American constitutional system though. There was not widespread bloodshed, as during the French Revolution. Even those who were arrested and convicted during

this event were pardoned and released by the chief executive. The battle between rural farmers organized into an association and the national military and their state militias did not happen. Furthermore, the onerous tax was later repealed. Essentially, everyone got what they wanted.

Ironically, Colonel George Washington desperately needed more armed Pennsylvanians on the western frontier during the early days of the French and Indian War, and he would have gladly accepted as many armed Pennsylvania riflemen as possible during the American Revolution, but it was Washington himself who brought a large army to counter the Pennsylvanian armed westerners during the Whiskey Rebellion. The history of the Second Amendment, both positive and negative, is entwined with Pennsylvania history.

The 1790's became a time when the limits on unchecked democracy were enforced. The Pennsylvania constitution of 1790 provided more checks and balances in state politics, just as the national Constitution had done. However, the declaration of rights in the Pennsylvania constitution and the Bill of Rights in the U.S. Constitution still provided the rights to individuals that were fought for during the American Revolution.

Regional issues persisted throughout the nineteenth century and can still be regarded today. President Obama's comment about Pennsylvanians clinging to their God and their guns is true. Even though he was criticized, and it was intended as a put-down, the idea that rural Pennsylvania has faith, and that faith dictates the right of self-defense is what the gun culture that fostered the Second Amendment came from. Examples of the exercise of the right to bear arms in Pennsylvania are numerous.

Even though much has been written about the Second Amendment being applicable only to an antiquated system of militia, that no longer applies, and that if someone were to resist the federal government, that they would need an "F-15," the reality of the ideals and rights that were

established in a long line of refinements from St. Thomas Aquinas through the establishment of the Second Amendment has not changed. The founders recognized that one right cannot be taken away without the destruction of all the others. The restriction of one right puts all the other rights in jeopardy and begins the road toward tyranny.

Pennsylvania contributed significantly to the national Constitutional Second Amendment. The Pennsylvanian right to bear arms, that centered on the right of self-protection as well as the defense of the community, was the basis of the national rights granted in the Second Amendment. The freedom of the right to bear arms was gained through the long development through the history of Western Civilization, especially in England, as well as throughout American colonial history. By the time of the American Revolution, the right to bear arms had been so ingrained in the people, especially on the frontier, that to ratify the United States Constitution, a guarantee of the right to bear arms had to be included in the Bill of Rights. The American idea of the right to bear arms is based on a long development of that right, developed in the unique history of Western Civilization, from the Judeo-Christian belief in the rights of individuals and free will, self-determinism, as well as the history of the English establishment of rights of free people. In Pennsylvania, the rights of the people to think what they wanted, assemble, and discuss their ideas were linked to the right to bear arms, and therefore could not be taken away without sacrificing other basic rights. The society that developed throughout the commonwealth included a right for people to think and do what they wanted, a Pennsylvania pragmatism, that continues through the modern world. Without the establishment of basic ideals of human nature, that exists in a civil society, the right to empower individuals with free speech, religion, assembly, protest, the press, and yes firearms, would be untenable.

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