

“The Holy Experiment”: The Founding of Pennsylvania, 1681-1690

The example of West Jersey taught William Penn two lessons: it was possible, given sufficient territory, to found a large Quaker settlement in America; and it was best to secure a charter for such a colony directly from the king. In the vast stretches of America, Penn envisaged a truly Quaker colony, “a Holy experiment . . . that an example may be set up to the nations.”

In his quest for such a charter, Penn was aided by the fact that the Crown had owed his father, Admiral Sir William Penn, the huge sum of 16,000 pounds for loans and back salary. In March 1681 the king agreed to grant young William, the admiral's heir, proprietary ownership of the lands west of the Delaware River and north of the Maryland border in exchange for canceling the old debt. The land was to be called Pennsylvania. Penn was greatly aided in securing the charter by his friendship with the king and other high officials of the court.

The proprietary charter was not quite as absolute as the colonial charters granted earlier in the century. The proprietor could rule only with the advice and consent of an assembly of freemen—a provision quite satisfactory to Penn. The Privy Council could veto Pennsylvania's actions, and the Crown, of course, could hear appeals from litigation in the colony. The Navigation Acts had to be enforced, and there was an ambiguous provision implying that England could impose taxes in Pennsylvania.

As soon as Penn heard news of the charter, he dispatched his cousin William Markham to be deputy governor of Pennsylvania. The latter informed the five hundred or so Swedish and Dutch residents on the west bank of the Delaware of the new charter. In the fall Markham was succeeded by

four commissioners, and they were succeeded by Thomas Holme as deputy governor in early 1682.

In May William Penn made the Frame of Government the constitution for the colony. The Frame was amended and streamlined, and became the Second Frame of 1683, also called the Charter of Liberties. The Frame provided, first, for full religious freedom for all theists. No compulsory religion was to be enforced. The Quaker ideal of religious liberty was put into practice. Only Christians, however, were to be eligible for public office; later, at the insistence of the Crown, Catholics were barred from official posts in the colony.

The government, as instituted by the Frame, comprised a governor, the proprietor; an elected Council, which performed executive and supreme judicial functions; and an Assembly, elected by the freeholders. Justices of lower courts were appointed by the governor. But while the Assembly, like those in other colonies, had the only power to levy taxes, its powers were more restricted than those of assemblies elsewhere. Only the Council could initiate laws, and the Assembly was confined to ratifying or vetoing the Council's proposals.

William Penn himself arrived in America in the fall of 1682 to institute the new colony. He announced that the Duke's Laws would be temporarily in force and then called an Assembly for December. The Assembly included representatives not only of three counties of Pennsylvania, but also of the three lower counties of Delaware. For Delaware—or New Castle and the lower counties on the west bank of Delaware Bay—had been secured from the Duke of York in August. While Penn's legal title to exercising governmental functions over Delaware was dubious, he pursued it boldly. William Penn now owned the entire west bank of the Delaware River.

The Assembly confirmed the amended Frame of Government, including the declaration of religious liberty, and this code of laws constituted the "Great Law of Pennsylvania." The three lower Delaware counties were placed under one administration, separate from Pennsylvania proper.

Penn was anxious to promote settlement as rapidly as possible, both for religious (a haven to Quakers) and for economic (income for himself) reasons. Penn advertised the virtues of the new colony far and wide throughout Europe. Although he tried to impose quitrents and extracted selling prices for land, he disposed of the land at easy terms. The prices of land were cheap. Fifty acres were granted to each servant at the end of his term of service. Fifty acres also were given for each servant brought into the colony. Land sales were mainly in moderate-sized parcels. Penn soon found that at the rate of one shilling per hundred acres, quitrents were extremely difficult to collect from the settlers.

Induced by religious liberty and relatively cheap land, settlers poured into Pennsylvania at a remarkably rapid rate, beginning in 1682. Most of the immigrants were Quakers; in addition to English Quakers came Welsh, Irish, and German Quakers. Penn laid out the capital, destined to become the

great city of Philadelphia, and changed the name of the old Swedish settlement of Upland to Chester. The German Quakers, led by Francis Daniel Pastorius, founded Germantown. In addition to Quakers, there came other groups attracted by the promise of full religious liberty: German Lutherans, Catholics, Mennonites, and Huguenots. The growth of Pennsylvania was rapid: 3,000 immigrants arrived during this first year; by 1684 the population of Philadelphia was 2,500, and of Pennsylvania, 8,000. There were over 350 dwellings in Philadelphia by the end of 1683. By 1689 there were over 12,000 people in Pennsylvania.

One of William Penn's most notable achievements was to set a remarkable pattern of peace and justice with the Indians. In November 1682 Penn concluded the first of several treaties of peace and friendship with the Delaware Indians at Shackamaxon, near Philadelphia. The Quaker achievement of maintaining peace with the Indians for well over half a century has been disparaged; some have held that it applied to only the mild Delaware Indians, who were perpetually cowed by the fierce but pro-English Iroquois. But this surely accounts for only part of the story. For the Quakers not only insisted on voluntary purchase of land from the Indians; they also treated the Indians as human beings, as deserving of respect and dignity as anyone else. Hence they deserved to be treated with honesty, friendliness, and evenhanded justice. As a consequence, the Quakers were treated precisely the same way in return. No drop of Quaker blood was ever shed by the Indians. So strong was the mutual trust between the races that Quaker farmers unhesitatingly left their children in the care of the Indians. Originally, too, the law provided that whenever an Indian was involved in a trial, six whites and six Indians would constitute the jury.

Voltaire, rapturous over the Quaker achievement, wittily and perceptively wrote that the Shackamaxon treaty was "the only treaty between Indians and Christians that was never sworn to and that was never broken." Voltaire went on to say that for the Indians "it was truly a new sight to see a sovereign [William Penn] to whom everyone said 'thou' and to whom one spoke with one's hat on one's head; a government without priests, a people without arms, citizens as equal as the magistrate, and neighbors without jealousy." Other features of the Assembly's early laws were Puritanical acts barring dramas, drunkenness, etc. More liberally, oaths were not required and the death penalty applied only to the crime of murder. Punishment was considered for purposes of reform. Feudal primogeniture was abolished. To make justice more efficient and informal, the government undertook to appoint three arbitrators in every precinct, to hand down decisions in disputes. The Quakers, however, unsatisfactorily evaded the problem of what to do about a military force. So as not to violate Quaker principle against bearing arms, the Friends refused to serve in the militia, but they still maintained a militia in the province, and non-Quaker officials were appointed in command. But surely if armies are evil, then

voting for taxes and for laws in support of the evil is serving that evil and therefore not to be condoned.

On the question of free speech for criticizing government, laws were, unfortunately, passed prohibiting the writing or uttering of anything malicious, of anything stirring up dislike of the governor, or of anything tending to subvert the government.

The tax burden was extremely light in Pennsylvania. The only tax laws were enacted in 1683; these placed a small duty on liquor and cider, a general duty on goods, and an export duty on hides and furs. But Governor Penn promptly set aside all taxes for a year to encourage settlers. In 1684, however, another bill to raise import and other duties for William Penn's personal use was tabled; instead, a group of leaders of Pennsylvania pointed out that the colony would progress much faster if there were no taxes to cripple trade. These men heroically promised to raise 500 pounds for Penn as a gift, if the tax bill were dropped. The tax bill was dropped, but not all the money raised.

As might have been predicted, the first political conflict in Pennsylvania came as a protest against the curious provisions of the Frame restricting the Assembly to ratifying bills initiated by the Council. In the spring of 1683, several assemblymen urged that the Assembly be granted the power to initiate legislation. Several of Penn's devotees attacked the request as that which seemed "to render him ingratitude for his goodness towards the people." The Assembly balked too at granting the governor veto power over itself. There are indications that the non-Quaker elements in the Assembly were particularly active in criticizing the great powers assumed by the governor and the Council. One of the leaders of the incipient opposition to Penn was the non-Quaker Nicholas More, Speaker of the Assembly in 1684. And Anthony Weston, apparently a non-Quaker, was publicly whipped on three successive days for his "presumption and contempt of this government and authority."

Having founded the new colony and its government, and hearing of renewed persecution of Quakers at home, William Penn returned to England in the fall of 1684. He soon found his expectations of large proprietary profits from the vast royal grant to be in vain. For the people of the struggling young colony of Pennsylvania extended the principles of liberty far beyond what Penn was willing to allow. The free people of Pennsylvania would not vote for taxes, and simply would not pay the quitrents to Penn as feudal overlord. As a result, Penn's deficits in ruling Pennsylvania were large and his fortune dwindled steadily. In late 1685 Penn ordered the officials to use force to protect the monopoly of lime production that he had granted himself, in order to prevent others from opening lime quarries.

As to quitrents, Penn, to encourage settlement, had granted a moratorium until 1685. The people insisted that payment be postponed another year, and Penn's threatened legal proceedings were without success. Penn

was especially aggrieved that his agents in Pennsylvania failed to press his levies upon the people with sufficient zeal. Presumably, the free taxless air of Pennsylvania had contaminated them. As Penn complained in the fall of 1686: "The great fault is, that those who are there lose their authority one way or another in the spirits of the people and then they can do little with their outward powers."

After Penn returned to England in 1684, the Council virtually succeeded him in governing the colony. The Council assumed full executive powers, and, since it was elected rather than appointed, this left Pennsylvania as a virtually self-governing colony. Though Thomas Lloyd, a Welsh Quaker, had by Penn been appointed as president of the Council, the president had virtually no power and could make no decisions on his own. Because the Council met very infrequently, and because no officials had any power to act in the interim, during these intervals Pennsylvania had almost no government at all—and seemed not to suffer from the experience. During the period from late 1684 to late 1688, there were no meetings of the Council from the end of October 1684 to the end of March 1685; none from November 1686 to March 1687; and virtually none from May 1687 to late 1688. The councillors, for one thing, had little to do. And being private citizens rather than bureaucrats, and being unpaid as councillors, they had their own struggling businesses to attend to. There was no inclination under these conditions to dabble in political affairs. The laws had called for a small payment to the councillors, but, typically, it was found to be almost impossible to extract these funds from the populace.

If for most of 1684-88 there was no colonywide government in existence, what of the local officials? Were they not around to provide that evidence of the state's continued existence, which so many people through the ages have deemed vital to man's very survival? The answer is no. The lower courts met only a few days a year, and the county officials were, again, private citizens who devoted very little time to upholding the law. No, the reality must be faced that the new, but rather large, colony of Pennsylvania lived for the greater part of four years in a *de facto* condition of individual anarchism, and seemed none the worse for the experience. Furthermore, the Assembly passed no laws after 1686, as it was involved in a continual wrangle over attempts to increase its powers and to amend, rather than just reject, legislation.

A bit of government came in 1685, in the person of William Dyer as collector of the king's customs. But despite the frantic urgings of William Penn for cooperation with Dyer, Pennsylvanians persisted in their *de facto* anarchism by blithely and regularly evading the royal navigation laws.

William Penn had the strong and distinct impression that his "holy experiment" had slipped away from him, had taken a new and bewildering turn. Penn had launched a colony that he thought would be quietly subject to his dictates and yield him a handsome profit. By providing a prosperous

haven of refuge for Quakers, he had expected in turn the rewards of wealth and power. Instead, he found himself without either. Unable to collect revenue from the free and independent-minded Pennsylvanians, he saw the colony slipping gracefully into outright anarchism—into a growing and flourishing land of no taxes and virtually no state. Penn frantically determined to force Pennsylvania back into the familiar mold of the old order. Accordingly, he appointed vice commissioners of state in February 1687 “to act in the execution of laws, as if I myself were there present, reserving myself the confirming of what is done, and my peculiar royalties and advantages.” Another purpose of the appointments, he added, was “that there may be a more constant residence of the honorary and governing part of the government for the keeping all things in good order.” Penn appointed the five commissioners from the colony’s leading citizens, Quakers and non-Quakers, and ordered them to enforce the laws.

The colonists were evidently content in their anarchism, and shrewdly engaged in nonviolent resistance against the commission. In fact, they scarcely paid any attention to the commission. A year passed before the commission was even mentioned in the minutes of the Council. News about the commission was delayed until the summer of 1687 and protests against the plan poured in to Penn. The commissioners, and the protesters too, pretended that they had taken up their posts as a continuing executive. Finally, however, Penn grew suspicious and asked why he had received no communication from the supposedly governing body.

Unable to delay matters any longer, the reluctant commissioners of state took office in February 1688, a year after their appointment. Three and one-half years of substantive anarchism were over. The state was back in its heaven; once more all was right with the world. Typically, Penn urged the commissioners to conceal any differences they might have among themselves, so as to deceive and overawe the public: “Show your virtues but conceal your infirmities; this will make you awful and revered with ye people.” He further urged them to enforce the king’s duties and to levy taxes to support the government.

The commissioners confined themselves to calling the Assembly into session in the spring of 1688, and this time the Assembly did pass some laws, for the first time in three years. The two crucial bills presented by the commissioners and the Council regulated the export of deerskins and once again, levied customs duties on imports so as to obtain funds to finance the government—in short, imposed taxes on a taxless colony. After almost passing the tax bill, the Assembly heroically defied the government once again and rejected the two bills.

The state had reappeared in a flurry of activity in early 1688, but was found wanting, and the colony, still taxless, quickly lapsed back into a state of anarchism. The commissioners somehow failed to meet and the Council met only once between the spring meeting and December. Pennsyl-

vania was once again content with a supposedly dreadful and impossible state of affairs. And when this idyll came to an end in December 1688 with the arrival of a new deputy governor, appointed by Penn, the deputy governor "had difficulty finding the officers of the government. . . . [He] found the Council room deserted and covered with dust and scattered papers. The wheels of government had nearly stopped turning."*

William Penn, seeing that the Pennsylvanians had happily lapsed into an anarchism that precluded taxes, quitrents, and political power for himself, decided to appoint a deputy governor. But the people of Pennsylvania, having tasted the sweets of pure liberty, were almost unanimously reluctant to relinquish that liberty. We have observed that the commissioners of state had failed to assume their posts and had virtually failed to function after it was presumed they accepted. No one wanted to rule others. For this reason, Thomas Lloyd, the president of the Council, refused appointment as deputy governor. At this point, Penn concluded that he could not induce the Quakers of Pennsylvania to institute a state, and so he turned to a tough non-Quaker, an old Puritan soldier and a non-Pennsylvanian, John Blackwell.

Once a state has completely withered away, it is an extremely difficult task to re-create it, as Blackwell quickly discovered. If Blackwell had been under any illusions that the Quakers were a meek and passive people, he was in for a rude surprise. He was to find very quickly that devotion to peace, to liberty, and to individualism in no sense implies passive resignation to tyranny. Quite the contrary.

In announcing Blackwell's appointment in September 1688, Penn made it clear that his primary task was to collect Penn's quitrents and secondarily to reestablish a government. As Penn instructed Blackwell: "Rule the meek meekly, and those that will not be ruled, rule with authority."

John Blackwell's initial reception as deputy governor was an omen of things to come. Sending word ahead for someone to meet him upon his arrival in New York, he landed there only to find no one to receive him. After waiting in vain for three days, Blackwell went alone to New Jersey. When he arrived at Philadelphia on December 17, he found no escort, no parade, no reception committee. We have mentioned that Blackwell couldn't find the Council or any other government officials—and this was after he had ordered the Council to meet upon his arrival. One surly escort appeared and he refused to speak to the new governor. And when Blackwell arrived at the empty Council room, a group of boys from the neighborhood gathered around to hoot and jeer.

The Quakers, led by Thomas Lloyd, now embarked on a shrewd and determined campaign of resistance to the imposition of a state. Thomas Lloyd, as keeper of the great seal, insisted that none of Blackwell's orders or commissions was valid unless stamped with the great seal. Lloyd, the

*Edwin B. Bronner, *William Penn's "Holy Experiment"* (New York; Temple University Publications, 1962), p. 108. To Professor Bronner belongs the credit for discovering this era of anarchism in Pennsylvania.

keeper, refused to do the stamping. It is amusing to find Edward Channing and other thorough but not overly imaginative historians deeply puzzled by this resistance: "This portion of Pennsylvania history is unusually difficult to understand. We find, for instance, so strong and intelligent a man as Thomas Lloyd declining to obey what appeared to be reasonable and legal direction on the part of the proprietor. As keeper of the great seal of the province, Lloyd refused point blank to affix that emblem of authenticity to commissions which Blackwell presented to him."* What Channing failed to understand was that Pennsylvanians were engaged in a true revolutionary situation, that they were all fiercely determined to thwart the reimposition of a burdensome state upon their flourishing stateless society. That is why even the most "reasonable and legal" orders were disobeyed, for Pennsylvanians had for some years been living in a world where *no one* was giving orders to anyone else.

Lloyd persistently refused to hand over the great seal or to stamp any of Blackwell's documents or appointments with it. Furthermore, David Lloyd, clerk of the court and a distant relative of Thomas, refused absolutely to turn over the documents of cases to Blackwell even if the judges so ordered. For this act of defiance, Blackwell declared David Lloyd unfit to serve as court clerk and dismissed him, but Thomas Lloyd promptly reappointed David by virtue of his alleged power as keeper of the great seal.

As a revolutionary situation grows and intensifies, unanimity can never prevail; the timid and the shortsighted begin to betray the cause. Thus the Council, frightened at the Lloyds' direct acts of rebellion, now sided with Blackwell. The pro-Blackwell clique was headed by Griffith Jones, who had consented to let Blackwell live at his home in Philadelphia. Jones warned that "it is the King's authority that is opposed and looks to me as if it were raising a force to rebel." Of the members of the Council, only Arthur Cook remained loyal to the Lloyds and to the resistance movement. Of a dozen justices of the peace named by Blackwell, four bluntly refused to serve.

When Blackwell found out the true state of affairs in Pennsylvania, his state-bound soul was understandably appalled. Here was a thriving trade based on continuing violations of the navigation laws. Here, above all, were no taxes, hence no funds to set up a government. As Bronner puts it: "He [Blackwell] deplored the lack of public funds in the colony which made it impossible to hire a messenger to call the Council, a doorkeeper, and someone to search ships to enforce the laws of England. He believed that some means should be found to collect taxes for the operation of the government."** His general view, as he wrote to

*Edward Channing, *A History of the United States*, 6 Vols. (New York: Macmillan, 1905-25) 2:125.

**Bronner, "*Holy Experiment*," p. 119.

Penn, was the familiar statist cry that the colonists were suffering from excessive liberty: they had eaten more of the "honey of your concessions . . . than their stomachs can bear."

Blackwell managed to force the Council to meet every week during the first months of 1689, but his suggestion that every county be forced to maintain a permanent councillor in Philadelphia was protested by the Council. Arthur Cook led the successful resistance, maintaining that the "people were not able to bear the charge of constant attendance."

As Blackwell continued to denounce the Council and Pennsylvania as a whole before his accession, Pennsylvanian opposition to his call for statism was further intensified. On the Council, Arthur Cook was joined in the intransigent camp by Samuel Richardson, who launched the cry that Penn had no power to name a deputy governor. For this open defiance, Richardson was ejected from the Council.

The conflict of views continued to polarize Blackwell and the Pennsylvanians. Finally, the climax came on April 2, 1689, when Blackwell introduced proceedings for the impeachment of Thomas Lloyd, charging him with eleven high crimes and misdemeanors. (Blackwell had also refused to seat Lloyd when the latter was elected councillor from Bucks County.) In his impeachment speech, Blackwell trumpeted to his stunned listeners that Penn's and therefore his own powers over the colony were absolute. Penn was a feudal lord who could create manorial courts; furthermore, Penn could not transfer his royally delegated powers to the people, but only to a deputy such as himself. The Council, according to Blackwell's theory, existed in no sense to represent the people, but to be an instrument for William Penn's will. Blackwell concluded this harangue by threatening to unsheathe and wield his sword against his insolent and unruly opponents.

Blackwell's proclamation of absolute rule now truly polarized the conflict. The choice was now narrowed: the old anarchism or the absolute rule by Blackwell. Given this confrontation, those wavering had little choice but to give Thomas Lloyd their full support.

Blackwell now summarily dismissed from the Council Thomas Lloyd, Samuel Richardson, and John Eckly. On April 9, while the Council—the supreme judicial arm of the colony—was debating the charge against Lloyd, Blackwell threatened to remove Joseph Growdon. At this point, the Council rebelled and demanded the right to approve its own members. Refusing to meet further without its duly elected members, the Council was then dissolved by Blackwell.

With the Council homeward bound, the disheartened Blackwell sent his resignation to Penn, while seven councillors bitterly protested to Penn against his deputy's attempt to deprive them of their liberties. As for Blackwell, he believed the Quakers to be those agents of the devil foretold in the New Testament, who "despise dominion and speak evil of dignities."

From this point on, the decision was in the hands of Governor Penn, and Penn decided in favor of the Quakers and against Blackwell. For the rest of the year, Blackwell continued formally in office, but lost all concern for making changes or exerting his rule. From April 1689 until early 1690 he was waiting out his term. Blackwell wrote to Penn that "I now only wait for the hour of my deliverance." He summed up his grievance against the Quakers: "These people have not the principles of government amongst them, nor will be informed. . . ."

Meanwhile, the Assembly, headed by Arthur Cook, met in May and fell apart on the issue of protesting the arrest of one of its members. Between May and the end of the year, the Council met only twice. Pennsylvania was rapidly slipping back toward its previous state of anarchism. William Penn enlivened this trend by deciding to reestablish the old system with the Council as a whole his deputy governor. Writing to the leading Quakers of Pennsylvania, Penn apologized for his mistake in appointing Blackwell but wistfully reminded them that he had done so because "no Friend would undertake the Governor's place." Now he told them: "I have thought fit . . . to throw all into your hands, that you may all see the confidence I have in you." With Blackwell out of office, the Council, back in control, resumed its somnolent ways. Again headed by Thomas Lloyd, it met rarely, did virtually nothing, and told William Penn even less. Anarchism had returned in triumph to Pennsylvania. And when Secretary William Markham, who had been one of the hated Blackwell clique, submitted a petition for levying taxes to provide some financial help for William Penn, the Council completely ignored the request.

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Government Returns to Pennsylvania

Let us now return to the situation of Pennsylvania in 1690. We have seen that by almost unanimous resistance of the Quaker colony, Governor Blackwell's harsh attempt to reimpose a state on an essentially anarchist Pennsylvania had failed ignominiously. Blackwell was forced to return to England. We have also seen that the Assembly, in the spring of 1690, refused to vote funds to aid Governor Penn; it also ignored a request from Jacob Leisler to help fight the French in King William's War. When a former Blackwellite, Secretary William Markham, asked for a governmental organization of the colony to provide for military defense against a supposed French and Indian threat (which never materialized), the Council preserved the anarchist status of the colony by replying that any people interested might provide for their own defense *at their own expense*. And even so, any militia had to be obedient to civil authority. This effectively killed the idea of a militia in the colony; the militiamongers were reluctant to pay for the services that they professed to desire so ardently.

Furthermore, the Assembly and Council continued their pre-1688 practice of rarely meeting, of doing little even then, and therefore of rarely governing.

But William Penn, the absent proprietor, was not disposed to let Pennsylvania continue in this anarchistic idyll. In March 1691 the colony received a message from Penn announcing his aim of appointing a deputy governor and of giving Pennsylvania the option of naming its ruler. Penn expressed a preference for a five-man commission of state to serve as deputy governor, but the Pennsylvania Council overruled him and chose

Thomas Lloyd, the great leader of the anti-Blackwell resistance. Lloyd assumed his new post in April. With the accession of a continuous government official, government, unfortunately, was back in Pennsylvania, but its power remained at an absolute minimum. The Assembly and Council still met infrequently and there was still no taxation in the colony.

In the meanwhile, the leading political dispute centered on the three lower counties of (non-Quaker) Delaware. Delaware, eager for self-government of its own, objected to all of its judges being named by the central government in Philadelphia. This dispute, becoming prominent in late 1690, reached its high point when Pennsylvania was forced to reassume government. Now a single governor would appoint Delaware's officials. Bitter at this turn of affairs and at the idea of a tax to support a Pennsylvania governor, the Delaware counties immediately decided to secede and to found their own self-governing colony. The reimposition of government had directly provoked secession by Delaware.

Governor Lloyd did his best to induce the seceding counties to return, promising, in fact, that they would never be forced by the central government to pay any of his salary and that they would be allowed full local self-government without central interference. Delaware preferred, however, to assure itself of noninterference by remaining independent.

Finally a compromise was reached in the winter of 1691-92. William Penn agreed to appoint two deputy governors: Lloyd in Pennsylvania, Markham in Delaware. These executives would control their respective appointments of officials as well as local matters, while both areas agreed to elect representatives to a joint Council and a General Assembly. Pennsylvania-Delaware now had two sets of executive officials and a common legislature.

Although a permanent government now existed and had nominal power, Pennsylvania society was still quasi-anarchic, since no taxes were yet being levied by the government. The government was still being wholly supported by voluntary subsidization from the proprietor. But in April 1692 the Council had passed a new bill for the reestablishment of taxation. Making this a particularly bitter blow was Governor Lloyd's concurrence in the bill. The specific tax proposal was one penny per pound of property, or less than .25 percent, with a minimum payment of two shillings.

Would the May Assembly, always the great stronghold of libertarianism, ratify this drastic and far-reaching proposal to reintroduce taxation? The freemen of Philadelphia and Chester sent the Assembly petitions strongly protesting the proposed tax. The petitioners urged the assemblymen to keep "their country free from bondage and slavery, and avoiding such ill methods, as may render themselves and posterity liable thereto." Heeding these protests, the Assembly proved itself still a stronghold of liberty and ended its session without passing any tax law.

Unable to collect quitrents or impose taxes, William Penn, rapidly losing money in his support of the Pennsylvania government, cried poverty and begged the Quakers of Pennsylvania, in early 1693, to lend him ten thousand pounds. But the practical Quakers saw no sense in making such an enormous loan at heavy risk, heavy not only because of Penn's financial straits, but also because of his shaky position at court owing to his friendship with the deposed James II. The loan request failed.

With the government treasury literally empty, Lloyd had to refuse the requests of New York for funds to prosecute the war against New France. In 1691 and again in 1693, Lloyd replied that there was no public treasury and that he himself was in great financial difficulty from lack of tax support.

At about this time George Keith began to exert a great impact on Pennsylvania and on the neighboring Quaker colony of West New Jersey. A scholarly Scottish Quaker, Keith had as surveyor general immigrated to East New Jersey in the mid-1680s. He soon established himself as the outstanding Quaker minister of the Middle Colonies, but strong differences with the regular Quakers soon became evident. Religiously far more conservative, Keith leaned toward Presbyterianism—toward formal articles of creed, institutions of elders and deacons, and emphasis on Scripture rather than on inner light. Politically, Keith also was different from the regular Quakers; he was considerably more individualistic. Having moved to Philadelphia in 1689 and become the Quaker schoolmaster there, Keith was stimulated by the anarchistic condition of the colony. He concluded logically that *all* participation in government was counter to Quaker principles. Keith's fervor was particularly stimulated by Pennsylvania's return to government in the spring of 1691. And even before 1691, Quakers served, at least intermittently, as government councillors in the colony. How, asked Keith, could a Quaker minister like Thomas Lloyd or Samuel Jennings (during these years living in Pennsylvania), professing belief in nonviolence, serve as a magistrate at all? Keith, in short, wished to press on from Quaker nonviolence to pure individualistic anarchism, of the non-violent variety.

With the religious, and especially the political, disagreements between the two groups of Quakers ever intensifying, the split finally became open in the spring of 1692. The Keithians, now calling themselves Christian Quakers, left the standard body of Quakers. As they struggled for influence over the body of the faithful, feeling ran high between the two Quaker factions. In September the Keithian Quakers were expelled and formed their own organization.

After being persecuted so widely for religious differences, how did the Quakers react to a split in their *own* ranks? Unfortunately, not very differently from other groups. The Keithians had drawn up a statement of their political and religious position, and William Bradford, the only

printer in Philadelphia and a Keithian, printed the document. In reply the Quaker officials arrested Bradford and the distributor of the pamphlet, John McComb, on the charge of printing unlicensed books without including the name of the printer. The Quaker magistrates confiscated the press and type of Bradford and withdrew McComb's license as a retailer. The Quaker government might not yet be able to levy taxes, but it was now indeed a government with a vengeance. And from being the persecuted, the Quakers had now become the persecutors. Keith was naturally bitter; he protested the cruel treatment meted out to the two men, and denounced Governor Lloyd, Samuel Jennings, and the other magistrates on the Council. Although Keith tried to mitigate his offense in the eyes of the government by calling the quarrel strictly a religious one, the government issued a proclamation against Keith at the end of August. The magistrates demanded that Keith stop making speeches and publishing pamphlets that "have a tendency to sedition, and disturbance of the peace, as also to the subversion of the present government."

When the Keithians persisted in their protest, the grand jury in October 1692 indicted three Keithian leaders, including Keith, for writing a book denouncing Jennings and other magistrates. The jury, incidentally, was packed with friends of Jennings, and Keith fittingly accused his enemies of constituting the judge and jury as well as the prosecution. Keith also pointed out that Quakers never should go to court, and thus resort to the use of violence, but should always settle their disputes peacefully and voluntarily. The three men, however, were convicted and fined (though the fines were never paid); and they were denied the right to appeal to the Council or to the provincial court. Keith's charges—that ministers were being judges and were using governmental authority to suppress religious liberty—must have seemed all too familiar to the colonists in America.

While the dispute over the Keithians was raging in the colonies, William Penn was, as a close friend of the deposed James II, in deep political trouble in England. King William was also peeved at the anarchistic conditions in the colony and angered—as rulers always are—at the Quaker principles of pacifism. Moreover, the king was anxious to weld the Northern colonies into a fighting force for attacking the French; a pacifistic, virtually unarmed colony hardly suited his purpose. Consequently, when Benjamin Fletcher was named governor of New York in late 1692, he was *also* named governor of Pennsylvania and Delaware. Pennsylvania was now a royal colony.

William Penn courageously tried to raise a resistance in Pennsylvania against this invasion by royal officials. The colonists, however, cared little about the proprietary, and became critical of Fletcher only when he tried to reimpose taxation on the colony.

Fletcher formally assumed the reins of government in Pennsylvania in April 1693. As in the other royal colonies, the Council was now appointed

by the governor, instead of being elected by the people, and laws could now be vetoed by the Crown. Fletcher's appointments took the Council out of Quaker control; of the nine new councillors, only four were Quakers, and two of these were Keithians. One immediately beneficial result of the new regime was the freeing of Keith and his friends, and the restoration to Bradford of his confiscated press. Keith and Bradford both left the inhospitable colony, however, Bradford for New York and Keith for England.

With Keith's return to England, the Keithian movement, deprived of its founder, began to disintegrate. Some Keithians drifted into Pietism, others became Baptists or Anglicans. By the late 1690s, the only Keithian remnants were in Burlington, capital of West New Jersey; in addition, there were some "Baptist Quakers" in Pennsylvania. In 1700 Keith himself delivered the lethal blow to the movement by converting to Anglicanism; shortly thereafter, he became an ardent Anglican minister, and a missionary to America. It is ironic that in these later years, their individualistic anarchism forgotten, George Keith and William Bradford, now ardent Anglicans, helped to impose a year's imprisonment on Rev. Samuel Bownes of Long Island—on grounds of sedition against the established Anglican church of New York.

Fletcher appointed William Markham as his lieutenant governor. Now the *de facto* operating head of the colony, Markham was the leader of the old Blackwell clique. At this time the Quakers were taken up with the Keithian schism and could not form a fully unified or consistently libertarian opposition to royal or Markhamite rule.

Fletcher did not succeed in imposing a militia on Pennsylvania, although there were some formations in the Delaware counties. He believed that his main mission there was imposing taxation on Pennsylvania in order to raise funds for the New York war against New France. Fletcher convened the Assembly in May and speciously argued that any taxes it might provide him for war would go for nonbelligerent uses "and shall not be dipped in blood." The argument was deceptive because military funds must always be divided between strictly belligerent and supportive "nonbelligerent" uses, and any aid to the latter frees additional funds for the former. Fletcher was able to drive through a tax bill, but not by this reasoning; he succeeded because he and the Council had the power to reconfirm or not reconfirm all the existing laws of Pennsylvania. To save the colony's legal structure, as well as ward off a threatened annexation by New York, the Assembly finally and reluctantly passed a tax bill. Taxes had arrived at last in Pennsylvania and the unique glory of that colony was now no more. Pennsylvanians, like everyone else, now suffered the burdens of taxation.

As might be expected, taxation was still very low; a tax of one penny per pound had been levied on all real and personal property, and a six-shilling tax on those without assessed property. Fletcher, interested less in the

principles involved in taxation versus no taxation than in raising money for the war with Canada, was highly disappointed with this "trifling" amount of money. He believed it a petty "introduction of future supply." Of the tax raised, half went to Fletcher and the other half to the Crown. Furthermore, the Assembly refused to agree to vote funds for salaries for the upper house. Writing home, Fletcher denounced the pacifism of the unarmed Quakers, as well as their resistance to any militia.

The Assembly gained in power during the Fletcher regime, because the new rules gave it the authority to initiate legislation. On the other hand, the Council, so powerful a body before, now became a virtual puppet of the governor, functioning, as it did, on his appointment and renewal.

Between the spring of 1693, when taxes were first imposed, and the Assembly session the following spring, the government collected a little over half of its tax quota. Of the three Delaware counties, Kent paid more than three-quarters of its assessment and Sussex about one-half; northernmost New Castle County paid nothing. Of the three counties of Pennsylvania proper, Philadelphia paid over three-quarters of its assessment, Chester paid ninety percent, and Bucks County paid nothing. In May 1694 Fletcher urged the Assembly to increase its tax revenue for war purposes. But not only did the Assembly continue the tax at the same rate; it also decided to allocate almost half of the revenue for the personal use of Lloyd and Markham for past services as deputy governors. This infuriated Fletcher, because it promised to deprive him and the Crown of the whole revenue. When Fletcher denied that the Assembly could raise taxes except for giving to the Crown, the Assembly retorted that it could appropriate money as it saw fit. Fletcher berated the Assembly for neglecting the Crown's request to "defend" the province, and angrily dissolved the Assembly. Taxation had again gone from Pennsylvania.

Even though Fletcher had managed to enforce a monopoly of ferry service on the Schuylkill (a monopoly which had been granted by Pennsylvania) and to suppress two competing ferries, the dissolution of the Assembly now made him lose interest in Pennsylvania. If he could not raise money there, he saw no point in worrying about the affairs of the province. The colony returned to its former quasi-anarchist state, with no taxes and a Council that did little and met infrequently.

Meanwhile, William Penn was campaigning energetically for return of the province to his ownership. He abjectly promised the Crown that Pennsylvania would be good; that it would levy taxes for war, raise a militia, and obey royal orders like the other dutiful colonies. He also promised that he would continue Fletcher's laws and keep Markham, well-liked by the Crown, as his deputy governor. As a result of this cajolery, the Crown restored Pennsylvania to William Penn in the summer of 1694.

William Penn was as good as his word. By the spring of 1695 William Markham was installed as deputy governor under the restored proprietary.

The people of Pennsylvania had long been independent in spirit from the proprietary; Penn's surrender of all Quaker principles in order to resume his proprietorship, as well as to extract quitrents, was hardly calculated to endear him further to the colony.

Reverting back to its previous governmental form, the Council was now elected by the people. At its first meeting in the spring of 1695, Markham revealed that his major aim was the old one of Fletcher's—imposing taxation on the colony for prosecuting the war against New France. The Council proved, however, that the spirit of liberty and independence in Pennsylvania had not slackened; it refused to consider any tax or militia bill and Markham could only end the session.

The first Assembly of the restored regime met in September. The Assembly first indicated that it would levy money for nonbelligerent military needs, but not for a militia; but it coupled debate on a tax bill with revision of the Pennsylvania constitution. It was particularly interested in safeguarding the recently acquired right of the Assembly to initiate laws. Again Markham was forced to dissolve the Assembly. Pennsylvania, remarkably, retained that unique splendor of being a taxless and armsless land. Markham could do little, and the situation of minimal government continued in this fashion for another year. In the summer of 1696, the Crown again directed Markham to build up military fortifications in the colony. Again the Council refused.

Finally, in the fall of 1696, Markham decided to usurp the powers of government. He decreed a new constitution of his own, since the colonists were not willing to return simply to the constitution of 1683. The most flagrant of Markham's usurpations of power was his decision to return to the royal practice of appointing the Council members. The elected Council was replaced by his own appointees, chosen frankly from among the large landowners. It was by this naked usurpation and by the promulgation of his own "Markham's Frame" as the new constitution that the governor was able to push a tax bill through the Assembly. He was able also to appropriate revenue for the New York war effort as well as an equal sum for his personal benefit. Under Markham's Frame, the Assembly kept its right to initiate laws, and the property requirements were lowered in the rural areas and raised in the towns.

And so the Quakers, who led the Assembly, and who had been able to repulse and rout the attempts of such despotic governors as Blackwell and Fletcher to impose burdensome taxation on Pennsylvania, now succumbed to the usurper Markham. It is clear that a deal had been made; Markham obtained the tax bill, and the Assembly was assured of the power to initiate legislation. Furthermore, the Quakers, who dominated the Assembly, also won the concession of raising the property requirement in the towns, thus excluding the largely non-Quaker urban poor from the vote. As the persecution of the Keithians first indicated, the Quakers were

beginning to abandon the consistent principles of individual liberty for the alluring perquisites of political power.

A minority group of leaders formed a coalition to oppose the new dispensation. Making up the coalition were dissidents ranging from Keithians like Robert Turner to old Blackwell henchmen like Griffith Jones. Significantly, its main leader was Arthur Cook, an assistant to Markham. Cook had, along with the now deceased Lloyd, led the libertarian opposition to Governor Blackwell. The opposition gathered a petition in March 1697, signed by over a hundred, and sent to the proprietor letters attacking the major features of Markham's Frame. The opposition particularly denounced the raising of urban suffrage requirements and the institution of taxation.

The libertarian opposition now contested Markham's Frame; a separate set of elections were held in 1697 in Philadelphia County, under the old charter of 1683. When the elected councillors and assemblymen presented themselves and were duly rejected, Robert Turner protested the threat to "our ancient rights, liberties, and freedom," as well as Quaker domination of the colony's political affairs. Turner also denounced the tax bill of 1696, and urged that the money seized from its rightful owners "by that unwarrantable, illegal and arbitrary act, be forthwith restored." He noted that people were coerced into paying the tax by threats and trickery.

Popular resistance to the reimposition of taxation in 1696 is indicated by the fact that little more than half of the taxes levied were collected. So many citizens refused to pay the tax that an additional law was passed to enforce collection.

Meanwhile, the atmosphere of accelerating statism was reflected in William Penn's messages to Pennsylvania, in which he ordered the suppression of all trade that violated the navigation laws, and of such immoral businesses as taverns, which were proliferating in Philadelphia. And the structure and mores of Pennsylvania affairs were beginning to take on an uncomfortable resemblance to all the other English colonies in America. The "holy experiment" was beginning to fade. Pennsylvania, until now the envy—thus the occasion of hatred—of the other colonies and their royal officials because of its magnetic attractions of individual liberty, peace, and absence of taxation, was now falling into step with its neighbors.

In 1696—the year of the punitive Navigation Act and the creation of the Board of Trade—new trouble came to Pennsylvania, this time in the form of royal officialdom. Edward Randolph was particularly incensed at the individualism rampant in Pennsylvania, so he and Col. Robert Quarry, appointed judge of the vice admiralty Court in Pennsylvania, launched a determined assault on the colony's freedoms. The Tory views of Randolph and Quarry recognized no subtle distinctions between the quasi-statism of Pennsylvania and the Markham Frame on the one hand, and the libertarian opposition on the other. To these royal officials, all Pennsylvania was

a pesthole and Markham the leader of the lawlessness. When in 1698 a justice of the peace issued a writ against Quarry's marshal, forcing him to return gold confiscated from a merchant engaged in illegal trade, Quarry wrote to the Board of Trade of Pennsylvania's "beloved profitable darling, illegal trade." Quarry went on to denounce the Pennsylvanians as a "perverse, obstinate and turbulent people, that will not submit to any power or laws but their own. . . they have so long encouraged and carried on a most pernicious illegal trade. . . which hath been so advantageous to them, that no ordinary means can make them part with it."

The new threat from the royal officials and courts easily superseded that posed by the Markham Frame to the liberties of Pennsylvania, and tended to bring new factions to the fore. So it was in the case of Quarry's marshal; David Lloyd led the prosecution and became a popular hero by denouncing admiralty courts as being "greater enemies to the rights and liberties of the people" than ship taxes in the days of Charles I. Lloyd was censured by the Council for his remarks.

In the same year, 1698, the Pennsylvania Assembly courageously passed a law granting accused violators of the Navigation Acts the common-law privileges of trial by jury, thus going counter to imperial decisions. William Penn, anxious to continue toadying to the Crown in order to keep his proprietary, hastened to veto the law, but in 1699 Quarry reported that he was forced for reasons of safety to hold admiralty court sessions forty miles from Philadelphia. Furthermore, Quarry complained, no one in Pennsylvania deigned to pay any attention to the decisions and orders of the admiralty court.

Finally, though, the Randolph-Quarry campaign of vilification of Pennsylvania took effect. William Penn was ordered by the Board of Trade to return to Pennsylvania to take charge of the colony, enforce the navigation laws, cooperate with the admiralty courts, remove Markham from the post of lieutenant governor and David Lloyd from the office of attorney general, and establish a militia in the colony. Penn agreed to return, and arrived in December 1699.

From the time of his return, Penn tried his best to placate the Tories. Quarry was made attorney general of Pennsylvania, and the marshal of the admiralty court was appointed undersheriff of the colony. But Quarry, Randolph, and their allies on the Board of Trade were implacable, and attempted to eliminate all the proprietary and self-governing colonies in America. Penn would finally be forced to return to England in late 1701 to fight this enormous extension of imperial control, and he was the main force behind the bill's defeat.

Penn carried to Pennsylvania Crown orders to impose on Pennsylvania a tyranny, that would be subservient to the Crown. Obediently, Penn vetoed the act for jury trial for Navigation Act violations, and summarily removed from office Markham, David Lloyd, and other leaders of the pop-

ular resistance against the Navigation Acts. Not only was Lloyd ousted as attorney general and court clerk; he was also prevented from assuming his elective seat on the Council. An act against illegal trade was also passed. Concessions, already mentioned, were made to Quarry and the admiralty courts. Penn moved close to the conditions of the other colonies by levying duties on imports. He did not dare attempt to create a militia, but he did maintain a military watch at the mouth of the Delaware Bay.

Penn's actions soon engendered strong opposition in the colony. The Quakers resented Penn's treatment of Lloyd and the other popular leaders, and the Assembly only reluctantly granted tax monies for payment of a salary to Penn. The people of Delaware also resented the act to repress the illegal trade.

With the former constitution of the colony in abeyance, Penn quickened his reactionary course by deciding to appoint his Council rather than have it elected. In protest, several members of the Council refused the appointment and were instead elected in the fall of 1700 to the Assembly. Heading this move was Joseph Growdon, who was elected as Speaker of the Assembly.

At the summer 1701 meeting of the Assembly, Penn commended the king's request for 350 pounds for military fortifications of New York, but the Assembly resumed its old role as champion of the colony's liberties by rejecting the request. The Delaware counties protested sending any tax money for armed forces in New York; rather, any such funds should be kept for their own defense.

Penn's return also meant a renewed assault upon the liberties of the colonists from yet another quarter: the imposition of feudal quitrents by the proprietary. Though the Assembly voted Penn a huge grant of two thousand pounds in 1700, to be collected from property taxes, the colonists were always reluctant to pay quitrents. Penn appointed his aide James Logan as receiver general and secretary of the colony, and Logan was to enforce payment of the quitrents. Moreover, the duties on imports levied in 1700 also went to Penn's private purse, as did another tax on the retailing of alcoholic beverages.

The last General Assembly to meet under Penn's personal rule convened in the fall of 1701. It was during this Assembly that the representatives of the Delaware counties walked out. Delaware secession had long been brewing. The differences between Delaware and Pennsylvania were striking. Pennsylvania was predominantly Quaker, growing rapidly, and flourishing economically. Delaware was largely Dutch Calvinist, Swedish Lutheran, and Anglican, and was comparatively stagnant. Delaware, having none of the pacifist ideals of Pennsylvania, desired a militia. As soon as Penn arrived, New Castle County in Delaware refused to send representatives to the Pennsylvania Assembly. Now with the Delaware representatives walking out, and Penn proposing to defend his proprietary against royal assault, William Penn decided to grant Delaware

its secession from Pennsylvania. Delaware took the step in 1704 and from then on the two colonies were completely separate, except for a common governor appointed by the proprietary.

The Assembly continued to be the focal point of resistance to Penn and his exactions. It passed a bill to give freemen the right to bring court action against Penn and other government officials, but Penn's appointed Council buried the measure. The Assembly also favored a bill to repeal the liquor tax, but Penn insisted that the revenue must then be raised by some other form of taxation.

Penn still had the task of resolving the constitutional quarrels of the colony. A new constitution, the Charter of Privileges, was finally approved by Assembly and Council and signed by Penn at the end of October 1701. This charter replaced both the old charter of 1683 and the Markham Frame, and was to govern Pennsylvania for the remainder of the colony's existence. The Assembly kept its cherished power to initiate legislation, but, significantly, the Council was now to be appointed by the proprietary governor, and was thus taken permanently out of popular control. The Council was now, as in most other royal colonies, a puppet agency of the governor, instead of a formidable elective body capable of checking the chief executive. Furthermore, the governor retained the power to veto all legislation. The Assembly was still elected according to limited suffrage, with modest property restrictions. The new charter also included guarantees of liberty of conscience as well as procedural guarantees for property against arbitrary attack by the governor.

Pennsylvania now truly resembled its fellows, especially the royal colonies. It now joined them in possessing a (proprietary) governor outside the colonists' control and a Council appointed by the governor, and suffered the agonies of a network of taxes, duties, and quitrents. It too faced the threats of royal bureaucracy and enforcement of the crippling navigation laws. Apart from a continued reluctance to arm, a peaceful policy toward the Indians, and the limiting of capital punishment strictly to murderers, there were few traces of the unique "holy experiment" that had been established in Pennsylvania.*

The enormously greater freedom that had prevailed so much longer in Pennsylvania than in the other colonies had given, however, the colony a tremendous push toward growth and prosperity. Farmers and merchants had prospered. Philadelphia, with a population of 5,000 in 1700, had begun

*Even the rational limitation of capital punishment to proportionate retribution against the crime of murder was destined to disappear in 1718, when Pennsylvania adopted the English criminal code, which provided for a much broader application of capital punishment. However, Pennsylvania continued to be unique in its widespread opposition to Negro slavery. As early as 1688, German Quakers, headed by Francis Pastorius, had attacked slavery, and a yearly meeting of Quakers in 1696 at least urged discouragement of further importation of Negro slaves. The Keithians had gone much further, declaring in 1693 that slavery was theft and opposed to the Golden Rule, and warning that it was only moral to buy Negroes for the purpose of freeing them.

the remarkable rise that was to make it one of America's foremost cities. That city had already become the commercial port for the farmers not only of Pennsylvania, but of West New Jersey as well. In 1690 Governor Fletcher of New York admitted that "the town of Philadelphia in fourteen years' time has become nearly equal to the city of New York in trade and riches"—an unwitting tribute to the propulsive powers of individual freedom, unencumbered by taxes and restrictions, as over against the crippling effects of monopoly and high taxation on the older colony.

It was not long before the unique Pennsylvania attribute of pacifism was also to wither away. After Penn's return to England, James Logan remained as builder of the proprietary party, which favored taxation and quitrents, and was willing to abandon the Quaker resistance to war and to an armed militia. The leader of the popular libertarian party, dominant in the Assembly, was the Welsh Quaker David Lloyd. The Assembly consistently resisted proprietary demands for a militia; it did allow a voluntary one, which could not sustain itself. Finally, William Penn brought an end to the opposition by (1) removing from the governor's chair the hated John Evans, who had tried to raise a war panic by false scares of French and Indian invasion, and who had illegally imposed a tax by Delaware on Philadelphia shipping ("powder money"); and (2) threatening the colonists that he would sell his proprietary rights to the Crown. Under this blackmail threat, the election of 1710 brought complete victory to the Logan-Penn forces. Under Logan's aegis, Penn quickly voted the Crown the large sum of 2,000 pounds, which was expected to be used for military purposes against New France.