Seldom has a Commonwealth sprung so directly as did Pennsylvania from the idealism of its founder. The holy experiment, the "example" to "be set up to the nations," was to be primarily a haven for Quakers, yet it would be open to all theists, and religious differences would debar no Christian from taking part in its government. "You shall be governed," wrote Penn to the early settlers, "by laws of your own making, and live a free, and if you will, a sober and industrious people. I shall not usurp the rights of any or oppress his person... In short, whatever sober and free men can reasonably desire for the security and improvement of their own happiness, I shall heartily comply with."

It goes without saying that Penn had before him the vision of perpetual peace and friendship with neighbors both red and white.

A more inoffensive community than Pennsylvania as conceived by her founder it would thus be difficult to imagine. Yet Philadelphia had not long been established before the authorities at Whitehall were receiving trenchant criticisms of the Quaker province.

In those colonies where the Crown had resumed the powers originally granted to companies or proprietors, there prevailed something approximating a standard type of government. In such royal colonies the control of the crown was as effective as it was likely to be on the American seaboard, and here the ideal of a coordinated colonial system had its closest realization. But in the surviving charter and proprietary colonies royal control was much more tenuous. A friend of strong and uniform government in America might well hold it against Pennsylvania that she had increased by one these colonial palatinates. Her very uniqueness incapacitated her for fitting into the colonial scheme as he would have it. Penn had declared that there was no room for his "ex-
A quarter century which elapsed between the Glorious Revolution and the coronation of George I witnessed an attention to colonial affairs which stands in marked contrast to the subsequent period of "salutary neglect." This seemed to some a suitable time to extinguish chartered rights and to bring the proprietary colonies under the immediate rule of the crown. Such, at all events, was the policy advocated at every opportunity by a small group of zealots in America. Perhaps the most vociferous were Edward Randolph, Surveyor-General of the Customs, Robert Quary who was to succeed him, and Francis Nicholson.

Nicholson is perhaps as good an example of a career man as the royal administration in the American colonies affords. Between 1686 and his death in 1728 he was governor of five different colonies extending from Nova Scotia to South Carolina. He served two terms as governor of Virginia, and held other appointments both military and administrative in the colonies. It was between 1694 and 1698, while he was governor of Maryland, for the time being a royal province, that he was thrown in closest contact with Pennsylvania.

The relations of the two provinces were anything but neighborly. An uncertain boundary, especially that part of it involving the three lower counties, gave rise to charges and counter charges of aggression and violence which, it is to be feared, were all too well founded. Nicholson not unnaturally took the part of Maryland in this, identifying her interest with that of the crown. He also reflected the jealousy of his province at the growing prosperity of Philadelphia. That settlers were being attracted away from Maryland did not improve matters. Nicholson conceded that this was due in part to the engrossing of land by speculators, which discouraged would-be freeholders there. He contended however that a magnet was provided by Philadelphia's greater supply of cash and credit facilities. These, he declared, were founded in large measure upon profits from illegal trade. Another attraction lay in the establishment in Philadelphia of those manufactures which it was the object of British policy to discourage in the colonies. Seamen, he declared, were lured away both from the naval vessels and from the tobacco fleet in the Chesapeake by offers of high pay on the smuggling and pirate craft which infested
the Delaware; and Pennsylvania, far from checking these fugitives, gave them her encouragement. Pennsylvania, in turn, protested against the taxes imposed by Maryland upon the beer and tobacco which she exported through that province.

That Quakerism was woven into the warp and woof of Penn's province unquestionably heightened Nicholson's disfavor. He himself was a zealous churchman. His ungovernable temper and the barracks language into which he relapsed when aroused may preclude our regarding him as a man of deep personal piety, yet his voluminous correspondence with the Society for the Propagation of the Gospel amply testifies to his lifelong zeal for the interests of the Church as he understood them. Like many another advocate of strong government, he felt that religious heterodoxy was apt to encourage political insubordination. But if dissenters were distasteful to Nicholson, Quakers were anathema. He appears to have shared the wide-spread belief that the followers of George Fox were a menace both to the state and to society. Their scruples against oaths he considered a serious obstacle to the administration of justice. A man of official standing, he was irked by the Quaker refusal to be respecters of persons. A soldier of the king, he could not understand their attitude of non-resistance.

There was a genuine element of asceticism in Quakerism, but it did not take the form of renunciation of this world's goods. In fact it has been suggested that their rather avid pursuit of wealth was in part a compensation for the austere moral code by which they bound themselves. At all events, it seemed quite fitting to them that godliness and prosperity should go hand in hand. A Quaker would have appreciated that quaint verse from Tyndall's translation of the Bible: "And the Lord was with Joseph and he was a lucky fellow." The doctrine of non-resistance was perhaps not altogether consistent in men so tenacious of property rights, rights which in those troubled days of colonial rivalries were apt to rest in the final analysis upon force. That Nicholson felt all this may well be doubted, yet he saw in the Quaker attitude a negation of the principle that each should contribute to the common defense in proportion to the stock which he had to defend.

It was fortunate for the Quaker ideal that Penn's experiment in official pacifism was staged under eminently favorable conditions. That Penn's enlightened humanity reduced to a minimum
the chance of serious difficulty with the Indians cannot be doubted, yet one may wonder what the outcome would have been had the Quaker settlement lain in a region exposed to warlike tribes definitely hostile to English interests. In her infancy Pennsylvania was sheltered by other colonies. Nicholson might feel that thanks to "William Penn's pernicious principles" the almost entirely undefended condition of Pennsylvania constituted a serious flaw in the defenses of English North America, but no great ill consequences seemed to proceed from it, at least not yet. A more immediate inconvenience lay in her refusal to contribute to the defense of New York, which at this time was bearing the brunt of French and Indian attack. Of course Pennsylvania was not alone in withholding her quota. The notorious ineffectiveness of the requisition system, and failure to supply anything in its place, constituted a major weakness of British rule in North America. Yet Nicholson, it seems, was particularly irked by the Quaker attitude, which made a Christian virtue of what to him was overt disloyalty.

If laxness in supporting the royal program of defense was not confined to Pennsylvania, still less was connivance at illegal trade. Yet, if we may believe Nicholson, Pennsylvania was a conspicuous offender in this respect. Nicholson had a direct official interest in the matter, since as early as 1694 he was instructed by order in council to keep vessels for the prevention of illegal trade cruising not only in the Chesapeake but on the Delaware as well. A brisk and remunerative illicit trade was being carried on. "They send tobacco," wrote Nicholson, "to Scotland (having many Scotchmen living and trading among them) and to other unlawful places in Europe, as also to Curacao and Surinam, whither they cunningly convey their tobacco in casks, with flour or bread at each end. They contrive to be there when the Dutch Europe fleet comes, that they may have their goods, which are sold as cheap in Pennsylvania as in Holland." That the inadequate number of customs officials made possible this state of affairs was universally admitted, but Nicholson also contended that smuggling was encouraged by the government of Pennsylvania. The colony indeed passed a law doubling the penalties imposed on illegal traders but this was, in Nicholson's words, "the grass to hide their snake," for they at the same time imposed penalties on collectors who detained innocent vessels more than one tide, thus intimidat-
ing them in doubtful cases; and since illegal traders were to be prosecuted in the colonial courts there was, in Nicholson's opinion, small likelihood of their conviction.

This act of 1698 was indeed aimed directly at the jurisdiction of the court of vice-admiralty which had been set up in Pennsylvania, as elsewhere in the colonies, the previous year. Robert Quary was appointed judge, and Nicholson was closely identified with the work of the court from the first, being authorized to fill vacancies on its staff, a function which he was called upon to perform almost immediately. The establishment of this court provoked an outburst. Its very *raison d'etre* was to administer a body of law so unpopular in the colony that the ordinary courts could not be expected to enforce it. To this end it was staffed by royal officials and employed a summary procedure which dispensed with jury trial. The Quakers of Philadelphia seem to have been fanatic ally devoted to trial by jury. Well they might be. On more than one occasion during the persecutions of the Restoration period Quakers had been saved by a friendly jury from the prison to which a hostile judge would have sent them if he could. As for the inhabitants of the three Delaware counties, opposed as they were to the appointment of their officials and judges by the not very distant and quite democratic government at Philadelphia, it was not to be supposed that they would welcome this prerogative court from far-off England. In the spirited opposition which ensued the lead was taken by David Lloyd, a member of the council, who was assisted in his attack upon the royal authority by Anthony Morris in his capacity as justice of the peace. It was in the court of which Morris was judge that Lloyd, without rebuke, held aloft the marshall's commission and pointing to the king's picture on it exclaimed scornfully, "Here is a fine baby, a pretty baby, but we are not to be frightened by babies."

Indeed, Morris and his fellow justices of Philadelphia refused to recognize the legal existence of the court of vice-admiralty. Governor William Markham made a genuine attempt to withstand the popular will, but finally bowed before it. The result was the all but complete nullification of Quary's authority, and the vehement protests of both Quary and Nicholson to Whitehall.

Darkest of all Nicholson's accusations against the domains of William Penn was that relating to the harboring of pirates. Nicholson's charge that known pirates boldly appeared on the streets
of Philadelphia was supported by a number of eye-witnesses. In an age when buccaneers infested the whole North American seaboard, it was to be expected that they would put in their appearance in Delaware Bay; the more so in view of the almost complete absence of provision for military and naval defense. Indeed it seems to have been this defenselessness which on at least one occasion forced the government into a course of action which it was very easy for Nicholson to misconstrue. A French privateer appeared in Delaware Bay, molested shipping and, being short of supplies, was expected to land the crew for a foraging raid. Governor Markham, an Anglican who had served for years in the royal navy, was deterred by no conscientious scruples from meeting force with force. Yet he was helpless. There lay at Newcastle, however, a brigantine commanded by one Captain Day. There was good ground for believing that Day was a rascal who had stolen the ship with which he had left England and that, having with him a strong "gang of brisk fellows," the course which he was intending to follow was not that of a peaceful trader. Day proposed to the authorities that some thirty or forty men be added to his crew (it would be easy to find recruits at Newcastle, where Quaker principles were not strong and the menace was immediate), and that he be commissioned to sail against the privateer. Markham accordingly issued the commission. Upon hearing of this, Nicholson took the attitude that Markham was flirting with piracy and dispatched overland a detachment of sixty men from the British man-of-war stationed in Maryland to arrest Day. This they would doubtless have succeeded in doing but for the hostility of the people of Newcastle, who were able to take control of the situation when the king's men became so drunk that their own officers consented to their being disarmed. Governor Markham threatened to arrest the whole detachment, and while one of the officers was in Philadelphia interviewing him, eight of the crew deserted. Apparently the remainder returned empty-handed to Maryland. Day later sailed to Curacao and thence to Holland. That he was indeed a pirate can scarcely be doubted, and Nicholson was furious at the treatment which his men had received. Yet his own conduct in sending an armed and none too well disciplined force into a neighboring province without consulting its governor was high-handed in the extreme, and the resentment in Penn's territory is quite understandable.
Markham's connection with Day may have been innocent enough, particularly since Day's actions were not positively known to be criminal. Quite different was the case of Henry Every and his crew, whose trail of crime extended over much of the globe. Orders had been issued from England for their arrest and a reward placed on their heads. It soon became common knowledge that several of the crew were in Philadelphia, and that one was married to Governor Markham's daughter. It was charged, though also denied, that while the governor and the justices of Philadelphia went through the motions of arresting these men, they admitted them to bail although piracy was not a bailable offence, and when finally obliged to incarcerate them, connived at their escape. Colonial jails were of course notoriously leaky, yet the circumstances in this and several other cases were highly suspicious, and supplied excellent grist for Nicholson's mill. William Penn himself admitted, when later he had taken over the government in Markham's stead, that prominent Philadelphians had been in league with pirates, though he stressed the guilt of the Anglican minister, the Rev. Edward Portlock, and two of his parishioners who had acted as receivers of pirates' treasure. Portlock, it seems, later decamped to the south, and it was not without a touch of irony that Penn wrote to the Board of Trade, "those honourable gentlemen Governor Blakiston and Govr. Nicholson will doubtless take him to task so soon as my letters come to hand."

Nicholson kept close track of conditions in Pennsylvania during the latter part of Markham's administration. The latter complained to his cousin the proprietor that Nicholson would ride through the Pennsylvania countryside "and inquire after miscarriages in the Government, and what the poor ignorant people could say he put down in his memorandum book." Nicholson, he contended, was also busy in the city, stirring up the animosity of the Anglicans who were already resentful of what they considered Markham's undue deference to the Quakers. Nicholson had gone so far as to tell Markham that a rising against the government of Pennsylvania would not be treason and that the king would not suppress it, thus broadly hinting that royal government might be established there by revolution. "If he said so much to me," queried Markham, "what would he say to those not dependent on you?"

To the Board of Trade, at all events, Nicholson was saying
much; and Penn, realizing that his charter was in jeopardy, determined once more to assume personal control of his colony. Acting under instructions from the crown he displaced Markham, accepted the involuntary resignation of Morris, suspended Lloyd from the council, and brought about a change of affairs which for a time placated both Quary and Nicholson. Penn, it can scarcely be doubted, sincerely desired the suppression of "foul trade," as he called it in his letters to his "honourable friends" the Lords Commissioners of Trade and Plantations. Yet while he could not afford to defy the royal will, neither could he flout popular opinion in his colony. It was hardly to be expected that he would welcome the courts of vice-admiralty which encroached upon his jurisdiction, and he clearly resented Nicholson's interference in Pennsylvania's affairs. His personal relations with Nicholson cannot have been rendered more cordial by that gentleman's rather strained hesitancy to recognize Penn as governor, since he was a mere proprietor. Nicholson of course disapproved of Penn as the personification of the hated system of proprietary government. One wonders whether this antipathy may not have been heightened, subconsciously at least, by the rumors that Penn was at heart a Catholic and a Jacobite. The same accusations had been leveled at Nicholson, and while they do not seem to have been taken seriously by the authorities, Nicholson may have thought it advisable to shun the appearance of evil by avoiding any undue cordiality toward Penn.

Energetic, contentious, and officious, Nicholson was not reluctant to push his authority as far as he could. As the royal governor closest to Pennsylvania he had been assigned, as we have seen, certain duties of supervision there, and this gave him an entry of which he was not slow to take advantage. He was accused of seeking to add Pennsylvania to his government of Maryland, and may well have scented prospects of further employment in the elimination of proprietary government in America. Then again, Nicholson doubtless deemed it politic to give the authorities evidence of his fervor for English interests. Penn was certainly thinking of Nicholson when he criticized those royal officials who were "unnecessarily busy for the King, taking his name in vain to serve every turn of advantage or revenge... that by overacting their parts, unreasonably and unjustly, they may recommend their zeal as meritorious to the commissioners of the customs or the
lords of trade.” Nicholson was not always content with really valid complaints against the Quaker commonwealth, but was apt at times to make capital of mere technicalities. Yet it is undeniable that he was fired with a genuine devotion to both crown and empire, and that he was sincerely convinced that the interests of both demanded the ending of the existing regime in Pennsylvania. It must be remembered that this view nearly prevailed. The Board of Trade was won over, and Pennsylvania might have become a royal province but for the fact that the onslaught of the Stuart kings just before the Revolution upon chartered rights in England had made Parliament rather tender of chartered rights in the colonies as well.