GOVERNOR MCKEAN AND THE PENNSYLVANIA JACOBINS (1799-1808)

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"The success of McKean's election is a subject of real congratulation & hope," wrote Jefferson on October 29, 1799. There was something paradoxical in Thomas McKean leading the hosts of Pennsylvania's discontented radicalism; the sixty-five year old judge who had weathered the political storms of forty years, swinging from one side of the political fence to the other so often that one of his enemies could see in him nothing but a "'vain conceited rusty old weathercock.'" A radical Whig in 1776, conspicuous in leading Pennsylvania and Delaware to separation, mildly enough opposed to the radical Pennsylvania constitution to have no scruples over accepting the chief-justiceship of the supreme court under it; yet, by 1787 so conservative that he could speak of the federal constitution as the best government the world had ever seen; and in 1790 advocating such high barriers for voting and office-holding in the state constitution as would have vested control securely in the good, the wise, and the rich. Thomas McKean, temperamentally a conservative, carried into the ranks of Jefferson not because he was at one with Jeffersonian principles but because

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1 The material for the following article was collected in the course of making a broader study of McKean's public life, The Public Life of Thomas McKean, 1734-1817, a doctoral dissertation at the University of Chicago, March, 1929.


Federalist foreign policy forced him there—whose friendship for France and hatred for England had led him to sit at the banquet table with Genet, to consort with Pennsylvania radicals in denouncing the Jay treaty, and to contribute his assistance to John Dickinson’s *Letters of Fabius* in hopes of preventing a French war.

Such was the figure the party of Jefferson selected for its standard bearer in Pennsylvania in 1799, not because all Republicans favored him but because A. J. Dallas was shrewd enough to secure his nomination. Dallas, crafty politician, who for some years with McKean really governed the state, realized that the perpetuation of his own political control lay in nominating a man close to him and who could appeal to the electorate. McKean filled these qualifications. His twenty-two years as Chief Justice had given him wide prestige in the state. His Republican affiliations convinced many that he was a true Jeffersonian. Moreover, his candidacy appealed to moderate men, some Federalists actually having calculated on a conservative administration in the event of his election. William Duane and Dr. Michael Leib, both ambitious and radical, yielded somewhat grudgingly to McKean’s selection, but when his nomination became a certainty, with a great show of unanimity, they threw their support to him. Opposed to the Chief Justice on the Fed-

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4 As early as April 2, 1796, Oliver Wolcott spoke of Dallas as the “real Governor” of Pennsylvania, while on April 1, 1799, commenting on Governor Mifflin’s shortcomings, he declared, “Dallas and Judge McKean possess the efficient powers of government.” Gibbs, *Administrations of Washington and Adams*, I. 400; Hamilton, *Works* (Hamilton edition), VI. 406.


6 The address of the radical Republicans in 1805, quite probably expressive of the attitude of Duane and Leib in 1799, declared that at that time some Republicans were apprehensive of McKean as the gubernatorial candidate for an unostentatious people because of his “austerity and aristocratic habits.” *Aurora*, May 20, 1805.
eralist ticket was James Ross, member of the Federal Convention (1787), commissioner in the Whiskey Insurrection (1794), and United States Senator since that year.

The campaign resolved itself into a contest of gross vilifications and harsh invectives in which Duane and William Cobbett vied for honors. Duane's *Aurora*, oblivious of its earlier opposition to him, acclaimed McKean as the true friend of the people and representative government, while the Republican press in general exploited to the utmost the Alien and Sedition Acts, the direct property tax, and other odious Federalist measures. Cobbett, on the other hand, denounced the Republican candidate as a "vile old wretch," who as Chief Justice was "not only canvassing as he goes his circuit, . . . not only soliciting votes of the present citizens, but he is absolutely making new ones."

The activity of Duane through the columns of his *Aurora*, of Thomas Cooper who took up his pen to urge his fellow citizens of Northumberland to vote for McKean, and of the Muhlenbergs in the German counties, showed with telling effect. Despite the efforts of the Federalists to stem the tide against them, the Republican candidate won by a majority of almost 5,000. Heavy majorities in Berks, Northampton, and Northumberland counties brought definite assurances of victory, a clear indication of the influence of the direct property tax and of the Alien and Sedition Acts on the election. Forty-one of seventy-six members in the assembly were Republicans, while the Federalist majority in the senate had dwindled to two. Republicans not only in Pennsylvania but all over the Union

9 McKean polled more than a third of his total votes, 10,298 to Ross's 1,973, in these three counties. *House Journal*, 1799–1800, p. 35.
10 *Aurora*, November 1, 1799.
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were in ecstasies of joy. McKean borne away on the crest of triumph forgot the moderation which had characterized his part in the campaign and yielded to the impulses of partisanship by lashing unmercifully his opponents:11

Traitors, Refugees, Tories, French aristocrats, British agents, and British subjects, and their corrupt dependants, together with not a few apostate Whigs, all combined against your candidate; the most abominable lies were propagated and nothing omitted that could arrest a vote; and true, all the officers and expectants of office under the President of the United States, not only in Pennsylvania but in the neighbouring states, joined in the coalition, with very few exceptions.

The new Governor’s inaugural address (December 17, 1799), remarkable for its brevity, urged harmony and coöperation, the forgetting of party passions, and the exercise of “wisdom and fortitude . . . in the business of government.”12 Whatever consolation it afforded to the Federalists, already stung to fury by the Governor’s earlier tirade, was short-lived. The next day at the executive’s request a letter was issued from the office of Secretary Dallas curtly dismissing the majority of Federalist office-holders.13 Men high and low were removed regardless of their position. William Cobbett saw the poor fellows being swept off by the dozens “with as little ceremony as a foul-feeding glutton brushes the flies from the meat he himself is going to devour.”14 Incomplete records make it impossible to say exactly how many were removed.15 For the many

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11 The occasion was a reply to congratulations from the Philadelphia Republicans, November 8, 1799. *Ibid.*, November 12, 1799.
12 Governors’ Papers, *Pennsylvania Archives*, series 4, IV. 441, 442.
15 The *Senate Journal*, 1805–1806, pp. 423–429, lists 166 appointments by the governor in 1800, most of which were probably new ones. There are no entries in this list, however, for 1799. The *Pennsylvania Eagle* (January 25, 1800), reported that out of twenty-one particular appointments, seven were reappointments, one a promotion, and thirteen new incumbents.
he displaced, however, there were some extenuating circumstances. To begin with, the Federalists, considering their violence in the campaign, could hardly have expected anything better than what they received at the hands of McKean. At this time the Governor also appointed all of the more important county officers. They constituted the cream of his appointments and were the principal cog in the political machinery of the parties. Federalists had held these places since 1790 and the Republicans naturally regarded them as the spoils of victory. No sooner was the election over than Duane, who had good reason to feel that the *Aurora* had been responsible for Republican success, and other partisans loudly demanded offices. If they could have had their way probably every last Federalist would have been removed. The late days of 1799 and early 1800 found the executive office besieged with a veritable flood of applications for places. While his many removals earned for him the title of "father of political proscription," it should be said to McKean's credit that he did not yield entirely to this tidal wave. Not only that, he actually placed some Federalists in office; a notable instance being Edward Shippen, his successor as Chief Justice.

Governor McKean invariably warmly defended his proscriptive policy. When the senate (January 27, 1800) attacked him for removing men simply for "the exercise of their rights as Freemen," he justified his position with the statement that rotation in office was desirable in a democratic government, and challenged them to show that any of his appointments were not

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16 Many of these applications are in manuscript *Documents of Governor McKean's Administrations*, 29 volumes in the State Library, Harrisburg. On January 9, 1800, the Governor wrote to Mrs. McKean that he was "fatigued with business, importuned to death almost for offices . . ." *McKean Papers*, IV. 46, in the Library of The Historical Society of Pennsylvania.

honestly made. To Jefferson he later declared it to be his principle "to give a preference to real republicans or whigs, having equal talents and integrity, and to a friend before an Enemy: it is at least imprudent to foster spies continually about oneself." How complacently he viewed the results of his policy may be seen from a letter to John Dickinson:

I have waded thro' the sea of troubles & surmounted my principal difficulties. I have been obliged (tho' no Hercules) to cleanse the Augean stable, with little or no aid; for I am my own Minister and Amanuensis: In about a fortnight more I expect calm seas and gentle breezes, if the intrigues & corruption of British rulers do not create a new agitation of the waves & winds. A Governor of Pennsylvania has more duty to perform than the President of the United States or any Governor in the Union; he has as much power and patronage as is necessary in a Republican government but not an adequate compensation for a man worthy of the office.

The gravest charge against McKean in the matter of his appointments, and not entirely unfounded, was that of nepotism. Unlike Jefferson, who considered it inexcusable to appoint members of his family to office, McKean suffered no scruples on this point. By 1806 he had appointed so many members of his own family or relatives to office that the Aurora, which had broken with him by that time, published a list of twelve such appointments under the caption of "The Royal Family," sarcastically dubbing Joseph, the Governor's eldest son, "heir apparent." Honest as these appointments may have been they were decidedly indiscreet, certain to arouse hostile criticism from his enemies, and almost as certain to invite suspicion from his own partisans.

18 Pennsylvania Archives, series 4, IV. 444-449.
19 January 10, 1801. McKean Papers, III. 46.
20 June 23, 1800. Ibid., III. 35.
21 Aurora, January 15, 1806; Scharf and Westcott, History of Philadelphia, I. 526.
During his first term McKean generally managed to hold the support of all factions of his party in spite of its incongruous elements. His position as party leader was enhanced by his zealous advocacy of Republicanism. All his energy was thrown to the support of Jefferson in 1800. Keenly disappointed when the Federalist majority in the State Senate forced the Republican house to compromise by accepting eight out of fifteen electors, he declared that through their "perfidy" they "have prevented the public will from being declared."\(^{22}\) When the contest was transferred to the federal House of Representatives he denounced Federalist plots against Jefferson, voiced his emphatic disapproval of an interregnum, and made the rather naive suggestion that in case of disagreement by the House Jefferson and Burr be allowed to settle the question of the presidency and vice-presidency between themselves.\(^{23}\) Fearful that the Federalists might possibly succeed in naming someone other than the Republican candidates, he later declared that Pennsylvania never would have submitted to such a result; that he had taken measures to enjoin the obedience of all citizens and officers of the state to Jefferson as president and Burr as vice-president, even to the point of having the militia ready to enforce such obedience.\(^{24}\)

Before Jefferson's actual election McKean was recommending the removal of federal officers in Pennsylvania who had opposed the Republicans in the cam-

\(^{22}\) "The thirteen [Federalists] are execrated by the Whigs, they will never have the power to perpetrate the like mischief again, and I can not help using the words of St. Paul to Alexander the Coppersmith; 'they have done much wrong, the Lord reward them according to their deeds.'" To Jefferson, December 15, 1800. McKean Papers, III. 44. The electoral vote of the state would have been lost had the two houses not compromised.


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His advice relative to federal appointments in Delaware is characteristic:

To overcome them [the Federalists] they must be shaven, for in their offices, (like Sampson’s locks of hair,) their great strength lieth: their disposition for mischief may remain, but the power of doing it will be gone. It is out of the common order of nature to prefer enemies to friends; the despisers of the people should not be their rulers, nor men be vested with authority in a government which they wish to destroy. A dagger ought not to be put into the hands of an assassin.—sayings of this import are in the mouths of everybody; and self-preservation seems to demand some attention to them.

Similar appeals at repeated intervals found their way to the White House in the next four years. While most embarrassing to the President, they could not easily be ignored because of McKean’s wide influence in Pennsylvania, and were frequently acceded to.

Good proof of the Governor’s influence in Pennsylvania is to be found in the election of 1802. In spite of the fact that the Aurora exerted itself less than in 1799, for by this time Duane was far from satisfied with the administration, McKean received 47,879 votes out of a total of 65,010. Thirty-three of the thirty-six counties gave him majorities, even Lancaster and Chester, citadels of Federalism in 1799, falling in the landslide. With good reason could the Governor write to Jefferson that the Federalists were “completely overthrown and in a state of despair.”

But even at this time forces were at work undermining party harmony. It was inconceivable that McKean and Duane should remain in accord for any great length of time; the former at heart a conservative and in thorough sympathy with the established order; the latter wildly radical, resentful of courts,

25 January 27, 1801. Ibid.
26 July 20, 1801. McKean Papers, III. 54.
27 House Journal, 1802-1803, pp. 72, 73.
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lawyers, and judges because he was always in trouble with them. The editor of the Aurora met his first disappointment in the matter of spoils. His conspicuous services in 1799 gave him reason, perhaps, to expect greater recognition from the administration than he had received. The Governor's policy to be his own master and to follow his own independent judgment, as well as his inclinations toward moderation, after the excitement of 1799 and 1800 had subsided, were a source of increasing irritation to Duane.29

Numerous jealous personalities complicated the Pennsylvania political situation, and with the Federalists routed these ambitious politicians struggled for control of the party.30 McKean and Dallas in control of the state administration represented the more moderate faction. Over against them were Duane and Dr. Leib, radicals, who controlled Philadelphia and were just as ambitious to dominate the state. The statement of a student of Pennsylvania politics in this period that Duane, at this time, was in absolute control of the party and therefore the state, will not bear close scrutiny.31 Although he was dictator of Philadelphia and his influence over the state through the medium of his Aurora enormous, and even though he did more than any other man to swing the election of 1799, he never controlled the McKean administration, much as he wanted to.32 George Logan and Tench Coxe, moderates,

29 Gazette of United States, December 16, 1802. Duane's repeated denials that he was vexed by the Governor's appointments are all the more reason to believe that he was troubled by them. Aurora, September 25, 1801. Duane to Jefferson, June 10, 1801. "Letters of William Duane," in Proceedings of the Massachusetts Historical Society, series 2, XX. 265.

30 Each one of these, said Duane, "in one way or another considers his neighbor a rival." To Jefferson, October 18, 1802. Ibid., pp. 277, 278.


32 The nomination of McKean in 1799, in spite of Duane's original opposition, and Duane's failure to dictate administration policy at Lancaster are proof of this statement.
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and friends of the administration, each sought to advance his own interest. Frederick and Peter Muhlenberg, representing the German element, also had high ambitions, although the death of Frederick in 1801, removed the primary source of that friction. To these might be added lesser lights representing the back-country radicals, such as Simon Snyder and Nathaniel Boileau. It required only a matter of time to bring to the surface the deeper differences between these incongruous elements.

Triumphant Republicanism also brought to the front all the discontent and rabid democracy of the back-country. The accession of the Jeffersonians was the signal for an attack on the entire judicial establishment. Especially odious to the Republicans were the slow, complicated, and expensive court proceedings; the undemocratic method of returning jurymen; “the sophistications and pretensions” of lawyers and judges; and the Federalist complexion of the judiciary. The Republican address of 1802 complained that the entire judicial establishment was in the hands of the Federalists—the officer who prosecuted, the judge who presided, the marshall who summoned the jury, and the jury who tried the case. Early in 1800 an attempt was made to modify court proceedings by expunging technical terms and Latin phrases, “and reducing the whole to a simple system, better adapted to the literary knowledge of the citizens in general,” and more in harmony with a republican government. Unsuccessful attempts were made to abolish salaries for judges of the courts of common pleas and to substitute fees. Much wrangling ensued over the undemocratic

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34 Aurora, September 27, 1802.


36 February 19, 1800. Ibid., 269.
method of returning jurymen; while in 1802 both houses of the legislature by heavy majorities adopted a resolution urging Congress to repeal the Federal Judiciary Act of 1801. Before the election of 1802 there was also passed after much agitation the Hundred Dollar Bill extending the jurisdiction of justices of the peace to cases not exceeding one hundred dollars.

In his first inaugural, McKean had recommended more courts and judges for the growing state, but with innovations he had no sympathy. A firm believer in the sanctity of the judiciary, to the disappointment of the Aurora he had signed a memorial to Congress against the repeal of the Federal Judiciary Act.

When the Hundred Dollar Bill came up to him he prudently laid it aside until after the election of 1802, and then vetoed it on the grounds that it would make justices of the peace an "instrument of oppression"; increase the expenses of litigation, and furnish a "dangerous innovation" in violating the constitutional provision regarding trial by jury; and since men would have to argue their own cases much injustice would result from the unequal talents sure to be found among suitors. The bill, however, promptly became a law over the executive veto.

During this period the radicals also took steps to limit the Governor's appointive power. A bill in 1802 declared the holding of an office under the federal government incompatible with the holding of a state appointment. The measure seems to have been born out of a desire to force A. J. Dallas out of the recordership of Philadelphia to which McKean had appointed him while he was United States District Attorney. Dallas yielded, recognizing that the legislature was fighting
for a principle. But the Governor, in spite of whose strenuous opposition the bill had been passed, promptly vetoed it, branding it as "unnecessary and inexpedient" and "in the precedent alarming to all persons holding office during good behavior." Nevertheless the bill became a law over his veto. A speech by Nathaniel Boileau in the House (April, 1802) is typical of the increasing suspicion of the Governor's appointive power. Attacking a law of 1792, which empowered the executive to appoint the state controller, as a violation of the constitutional provision entrusting the purse strings to the legislature, he asked,

But what would be their [the people's] astonishment were they told that the keys of the treasury are held by men appointed by the governor, and wholly dependent upon the breath of his nostrils for their existence? . . . I mean to cast no reflection on the executive magistrate of the state, or the accounting officers. They are all men of worth; but they are men of like passions with other men. Temptations may be presented to them too strong for their virtue to resist . . . shall the governor, or the legislature hold the purse strings of the treasury?

Until 1803 McKean seems to have looked upon the Jacobins more as wayward children who needed the corrective influence of a stern father to keep them from running riot. Early in that year he wrote to George Logan, "We are here full of chimerical experiments; and my knowledge, acquired with great labor, study & reflection, and the advantage of a long & public life, cannot at all times stop or check the giddy innovations attempted in our legislature." In similar tone he had previously written to Jefferson:

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42 Dallas' enemies in Philadelphia had urged the legislature to enact such a law. Dallas resigned even though the state supreme court upheld him in his right to hold both offices. *Aurora*, February 19, 1802; *Dallas Reports*, IV, 229–231.

43 *Pennsylvania Archives*, series 4, IV, 484–486.

44 *Gazette of the United States*, April 15, 1802.


With the best intentions in the world our legislators are attempting innovations; but as their bills have been generally without limitations, and some of them appeared to be too dangerous even for an experiment, I have been too frequently compelled to interpose my qualified negative. I wish for a few Gentlemen of science in law,—history and government &c. in each House; but in my day I dispair (sio) of being so gratified, and must therefore submit to my destiny.

During 1802 the tide of Jacobinism rolled merrily on, the Governor as usual relying on his constitutional prerogative to check it. The chief bill negatived in that year was a compulsory arbitration measure providing for the trial of certain causes outside of court, which the radicals argued would eliminate the delays regularly accompanying court actions. McKean vetoed it on the ground that venerable institutions cherished by the learned and wise and producing unexampled prosperity as well as security to persons and property, ought not to be exchanged "for crude theories, fanciful alterations, new projects, and pleasing visions." Nevertheless the act found its way to the statute books. In the same year were also vetoed a liberal election bill granting broader privileges to aliens and two acts giving additional powers to justices of the peace.

Such collisions between the executive and legislative had given reason to the United States Gazette, as early as 1802, to see its earlier predictions coming true, "that this sea of Democratic liberty would become too tempestuous for those who undertake to navigate it"; while "Mercutio" in the same organ sarcastically feared that McKean was "but half a Virginian, and wholly unacquainted with the grand designs of that description of patriots."

Duane’s inability to control the administration as well as McKean’s failure to fall in line with radical plans led to a movement to shunt the Governor out of

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*Pennsylvania Archives, series 4, IV. 519-521.
*Ibid., pp. 515-517; 521-525.
*February 12, 16, 1802.
harm's way into the vice-presidency. While definite proof is difficult to find, there are good reasons for believing that Duane was the father of this idea. During 1802 he was suggesting the Governor as a vice-presidential candidate to Jefferson. Similar propaganda found its way into the *Aurora*'s columns. Finally party leaders persuaded A. J. Dallas to sound out McKean on the subject. His reply emphatically declining to consider the proffered honor is evidence that he had no intentions of yielding his influence in Pennsylvania politics, if he could help it:

... what would be the probable result of my acceptance of the proposed post? Little, very little benefit to the people of America, but at least a doubtful situation to my fellow-citizens of Pennsylvania. What would be the fate of my friends, of those I have placed in office, and of the liberty of the State at this most critical period, were I to resign the office? Who is there to control the wanton passions of men in general respectable, suddenly raised to power and frisking in the pasture of true liberty, yet not sufficiently secured by proper barriers? ... who will be my successor, possessing the same advantages from nativity in the State, education, experience, and from long public services in the most influential stations and employments; who can or will take the same liberty in vetoes of legislative acts, or otherwise, as I have done?

Party friction was intensified by attacks on Duane's dictatorship in Philadelphia. In 1802 a group of moderates chafing under his domination tried unsuccessfully to defeat Dr. Leib, his candidate for Congress, for reelection. In 1803 the disaffected, or Rising

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51 *Aurora*, November 2, 1802, *et seq*.

52 Dallas confided, however, that he did not believe "there exists another man in Pennsylvania, to whom, at this period, the real interests of the State can be safely confided." October 14, 1803. *McKean Papers*, III. 75.


54 *Aurora*, September 15, 21, 22, 23, 24, 1802; *Poulson's American Daily Advertiser*, September 17, 1802; *United States Gazette*, September 17, October 2, 16, 1802.
Sun faction as it was known, again contested the regulars in the county election, but again without success. Duane was sufficiently perturbed by these attacks to caution the Republicans in the legislature against a third party, a Federalist and moderate Republican junto—a Rising Sun faction in which many of the state officers who held places from which Federalists had been ousted to make way for them were the prominent actors on the Lancaster theatre. This broader Rising Sun faction of which he spoke consisted not only of those opposed to his dictatorship in Philadelphia, but those throughout the state who united with the Governor to check the growing Jacobinism.

Meanwhile restlessness under Duane grew; and in 1804 the anti-Duaneites received an able recruit in the person of William McCorkle, editor of Freeman's Journal. In that year they again contested Leib's election to Congress by trying to put up William Penrose instead, but at one of their meetings (September 6) the place was so swamped with Duaneites that Leib and the whole regular ticket was endorsed over the violent protests of Tench Coxe, leader of the moderates. Although many moderates refused to vote for him, Leib managed to win by a small margin. The fact that leaders of the opposition were in the circle of the Governor's friends convinced Duane that McKean was a silent partner in their attacks, and already he and other radicals were looking elsewhere for a gubernatorial candidate for 1805.

The developments of 1804 and early 1805 sealed

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55 Called the "Rising Sun" faction because their first meeting of protest was held at Rising Sun Inn. Aurora, October 11, 13, 1803.
56 Ibid., October 21, November 10, 18, 1803.
57 "Tom Grumbler" wrote of this meeting that Duane and Leib "had turned all the quids out of doors, had sorely abused them, and had crammed the ticked down their throats." Ibid., September 10, 1804.
58 But by a smaller majority than any other man on the ticket. Ibid., October 11, 1804.
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the breach between moderate and radical Republicans. During that period the attack on the judiciary reached its height. The radicals had repeatedly demanded the removal of judges and justices of the peace for neglect of duty, malfeasance, or other causes; and in 1803 Judge Alexander Addison, staunch Federalist, was removed from office for bullying an associate judge, a Republican. Addison, however, was convicted for good cause and even McKean applauded the verdict. In 1804 an effort was made to impeach three judges of the Supreme Court. This case originated in 1802 when Thomas Passmore brought action against Andrew Pettit and Andrew Bayard, insurance brokers, to recover damages for property lost at sea. Judgment was rendered in the plaintiff’s favor but the defendants filed exceptions, alleging irregularities; and while the case was still pending Passmore posted a libel on his opponents in a coffee house. He was haled into court, sentenced for contempt, and, because he persisted in his libellous expressions, sent to prison. On February 26, 1803, taking the conviction of Judge Addison as a cue, Passmore appealed to the House to impeach the three judges involved in the case, alleging an unwarranted exercise of power in confining him. His appeal undoubtedly would have fallen on deaf ears but for the fact that the three judges were all Federalists. Partisan feeling ran high against them; and in 1804 impeachment charges were drawn up and adopted by the House. At this stage Justice Brackenridge, Republi-

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60 Yeates Reports, III. 438-442.


can, who was absent from the bench when Passmore appeared before the court, requested the House that in behalf of the administration he be included in the impeachment proceedings. The Jacobins stormed at this insolence. Declaring that his impudence and frequent absences from the bench rendered him unfit for a judge, they adopted an address to the Governor demanding his removal. But McKean refused to be moved by their demand.

In spite of their pleas for an immediate trial, the Senate refused to try the judges until the next session of the legislature. The Governor declared (March 29, 1804) that the legislature’s conduct had both “given alarm” and “created a disgust in the mind of every sensible & honest man.” The leading Republican lawyers, A. J. Dallas and J. B. McKean, defended the judges, and the Jacobins in desperation sought out Caesar A. Rodney from Delaware to prosecute the case. When the trial finally came off (January, 1805) the judges were acquitted, the vote of thirteen to eleven against them being less than the two-thirds necessary to convict. McKean was astonished that so many senators voted to convict. To Jefferson he later declared, “the precedent of an impeachment for such a cause alarmed me; never was there less occasion, in my opinion for such a prosecution.”

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63 He admitted that if he had been there he would have agreed with his colleagues; therefore it would only be fair to include him. March 24, 1804. Ibid., pp. 670-678; 687, 688.
64 The House adopted the address, 53 to 22; the Senate, 17 to 2. Ibid., pp. 735, 736; Senate Journal, 1803-1804, p. 551. For an interesting account of McKean’s refusal to heed their demand, see D. P. Brown, The Forum, I. 345.
65 To Thomas McKean, Jr. McKean Papers, III. 87.
67 “... nothing criminal was proved against them, nor as I have heard, suggested; but they were accused of having given a wrong judgment, & the majority of the Senate were of that opinion, with whom I differ toto colo.” February 16, 1805. McKean Papers, III. 98.
in Republican ranks which was thus precipitated, the chief cause of which he attributed to Duane, he wrote:\textsuperscript{68}

In this State it originated in the Election of Doctor Leib as a member of the House of Representatives in Congress at the last election; when Mr. Duane, whose former conduct had endeared him to the Whigs took the most active part in his behalf, but in his zeal for the Doctor he endeavored to injure all his other friends who opposed his election. Few men can bear prosperity, Mr. Duane seems to me to be one of the number. He affects to consider his importance, as an Editor of a Newspaper, to be superior to the Governor of a State, or even of the President of the United States. He is... on a recognizance to be of good behavior, he has been sued, and the cause will probably be tried at the ensuing March term; from this circumstance, he has imprudently exerted every influence, he possessed (which has been more powerful than could rationally have been supposed) to have the Judges convicted. He has been disappointed, and because from principle I always, when consulted, declared my sentiments in their favor, and because I did not favor Doctor Leib's election, in which I was neutral, he has become (insiduously not openly) my Enemy.

The Governor's resistance to their legislative innovations, "the wanton exercise" of his appointive power, the attacks on Duane's dictatorship in Philadelphia,\textsuperscript{69} and the acquittal of the judges were too much for the radicals, and under the leadership of Duane a movement was started to revise the state constitution. A society, "The Friends of the People," was organized to promote the calling of a convention. Readers of the \textit{Aurora} were admonished to summon a convention and "sweep away what yet remains of the dregs of British laws and lawyers."\textsuperscript{70} Memorials of similar tenor flooded the legislature demanding, among other things, the annual election of senators, limitation of the Governor's patronage, revision of the judiciary to make it

\textsuperscript{68} McKean Papers, III. 96.
\textsuperscript{69} Early in 1805 numerous members of the Tammany Society, of which Dr. Leib was Grand Sachem, were expelled for daring to oppose some of the political plans of Duane and Leib. Freeman's Journal, April 10, 1805, et seq.
\textsuperscript{70} March 14, 1805. Pleas for a convention appear in the \textit{Aurora} as early as February 28, 1805.
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"less complex, prolix, and expensive, and to enable citizens to procure justice without sale, denial, or delay."\textsuperscript{71}

McKean's opposition to a convention was expressed in no uncertain terms in a conference with three of the radicals who called on him (March 21, 1805) to urge the removal of a certain justice of the peace to make way for a good Republican who had voted for the Governor. The executive met their request with the reply that he had already appointed too many men because "of their being good republicans, without their possessing . . . other proper qualifications," and that it would not do, in justice to the public or his own character, to proceed further in that way.\textsuperscript{72} At this point the conversation adverted to the proposed convention. The Governor aroused by recent attacks on lawyers and educated men turned to a York paper containing the following sentiments of a retired Congressman: "I am now returned to my plough, but I shall do my utmost at election to prevent all men of talents, lawyers, rich men, from being elected."\textsuperscript{73} He supposed, "we shall have him, and other such clodpoles . . . of the same pernicious sentiments, returned as delegates to the projected convention!" He charged that such men were not qualified to form systems of government for a great state and denounced the memorials for a convention as palpable libel and the men

\textsuperscript{71} The legislature postponed action on the matter until the next session. \textit{House Journal}, 1804–1805, pp. 585, et seq.; \textit{Aurora}, March 15, 1805.

\textsuperscript{72} Simon Snyder, John Steele, and John M'Kinney, the callers, urged the removal of one Bronson to make way for John Latscha. Subsequently when these three men gave exaggerated accounts of the meeting to the press and attacks on the Governor appeared, A. J. Dallas wrote to McKean questioning the authenticity of the charges. A lengthy reply followed on May 25, 1805, with a detailed account of the conference. Simon Snyder later admitted that McKean's account was substantially correct. \textit{Aurora}, June 3, 4, 1805.

\textsuperscript{73} \textit{Ibid.}, June 3, 4, 1805. I regret that I have been unable to find an original copy of this paper.
sponsoring them as "weak, mischievous, and wicked." The existing constitution, he continued, had been framed by as patriotic, learned, and enlightened men, as ever assembled for a similar purpose; and the instrument approached as near perfection as any ever did. In an outburst of wrath he exclaimed, 'shall a set of clodpoles and ignoramuses overthrow it? No; it shall not be! I will firmly resist it: I will use my utmost exertions to prevent the danger and the mischief; and I fear not the want of aid and assistance from all wise and good men.'" Turning again to the article in the York paper, he asked:74

... why are not lawyers and rich men to be as well trusted, in the administration of legal affairs, as any others? Can any man vote for a new law, who is utterly ignorant of the old? What kind of interpretation can he give, who is stranger to the text on which he comments! ... surely those, who thoroughly understand, and are governed by the laws ought to be esteemed among the wisest and best of men.

The Jacobins lost no time in broadcasting over the state with many exaggerations the proceedings of this conference, declaring that the Governor had been pleased to speak of the mass of people as clodhoppers, ignoramuses, geese, and fools.75 The resulting opprobrium heaped on the executive was accentuated by his vetoing two important bills within the next eight days. The first provided that the legislature rather than the Governor should appoint the comptroller and register-general. It was vetoed on the grounds that a large and public body was not so well qualified to select the best characters for subordinate offices as "a single person, responsible, unfettered and independent."76 In the second, a judiciary bill, the executive claimed that the right of trial by jury was infringed upon and too much power given to justices of the peace.77

74 *Aurora,* June 3, 4, 1805.
76 *Pennsylvania Archives,* series 4, IV. 560–564.
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Blocked by the executive in their efforts for a convention the radicals next endeavored to gain their ends by a decision at the polls. They dominated the party caucus at Lancaster in April, 1805, and after much wrangling nominated Simon Snyder, Northumberland farmer and arch-Jacobin, for Governor by a vote of forty-two to seven, the *Aurora* contemptuously declaring that it was decided the candidate "should not be a lawyer, and that a clodhopper should be preferred." Although Duane was not wholly satisfied with Snyder, with all his radicalism, he was led to support him because he well knew that his forces must unite with the backcountry if McKean were to be defeated. Over his defeat in the caucus McKean affected little concern. He declared that the efforts of the radicals in the legislature had revived "the spirit & exertions of my prime of life—[one] who has not been affected by the roaring of the British lion, cannot possibly be affrighted by the braying of Asses." The Governor's friends, however, were not idle. On March 23, 1805, they had organized a Constitutional Society with a view of preserving the existing frame of government. After he had been shelved by the party caucus, a canvass of the legislature was made, with the result that thirty-four members, including moderate Republicans and Federalists, endorsed his candidacy on a coalition ticket. Moderates, or "Quids" as the *Aurora* termed them, united with Federalists under the name of Constitutionalists to save the constitution. A committee ap-

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78 *Aurora*, April 5, 1805. It is interesting to note that Snyder's nomination was dictated by the backcountry.
79 John Binns later declared that Duane feared he could not control Snyder. *Recollections*, p. 192.
80 To Thomas, Jr., April 6, 1805. *McKean Papers*, III. 98.
81 A. J. Dallas and George Logan were the leading spirits in the organization. G. M. Dallas, *Life and Writings of A. J. Dallas*, pp. 116–118.
82 *Aurora*, April 25, 1805.
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pointed for the purpose organized branch constitutional societies in the counties; distributed twenty-five thousand copies of a lengthy appeal to the voters of the state to save the constitution, many of them in German; and through its great activity secured more signatures against a convention than the *Aurora* could get for one.\(^83\)

The campaign was fought as fiercely as that of 1799, the *Aurora* in contrast to its earlier position now leading the fight against the Governor. Pennsylvania suddenly found herself in the midst of a campaign against judges, lawyers, learning, and all signs of aristocracy, such as she had never seen before. Chief among the grievances cited against the Governor were his opposition to a convention; his wholesale vetoes; refusal to dismiss obnoxious judges on address of the legislature; commissioning judges and justices of the peace to increase his influence; giving offices to those having no claim on them, and proscribing men differing with him in opinion.\(^84\) The most virulent piece of campaign literature was the *Quid Mirror* in which McKean and his most active supporters were violently ridiculed. As a campaign invective the pamphlet is one of the gems of the period.\(^85\) Federalists fearful of the election of a man who had declaimed in the legislature by the hour

\(^{83}\) The address, under date of June 12, 1805, was written by A. J. Dallas. G. M. Dallas, *Life and Writings of A. J. Dallas*, p. 211, *et seq.*

\(^{84}\) *Aurora*, August 27, 1805.

\(^{85}\) The pamphlet surreptitiously distributed shortly before election and reprinted (1806) charged that McKean governed the state like his own private domain; that he had vetoed more bills than all the presidents and governors put together; that he was providing “every whelp and cub of his own” out of the public purse, and that by means of offices “he had assailed and undermined the integrity of the Legislature.”

“The powers of a Nero are alone wanting to make him as finished a monster, and to transmit his name to posterity as one of the curses of the human race. . . . Since his re-election, his naturally tempestuous soul has been a constant tornado, which is striving to overwhelm in ruin every man who dared to act as becomes a freedman. . . .” *Quid Mirror*, Lancaster (1806).
against lawyers and learning, joined the Governor’s cause. Federalist papers from all parts of the Union, moved by some strange fear that Snyder’s election meant certain destruction to all the forces of law and order, urged their party to vote for McKean—the Washington *Federalist* characteristically declaring that he had compensated for his previous outrages “by acknowledging his errors, and taking a firm stand against the progress of Jacobinism.”

The record vote in October is evidence of the statewide interest in the campaign. McKean was victor by a majority of almost 5,000. His success against a determined and well organized opposition is a splendid tribute to his influence and prestige over the state, though undoubtedly many Federalists cast a vote for the constitution rather than for him. At the same time the Constitutionalists gained a small majority in both houses.

The Governor began his third term auspiciously. His course against the Jacobins had been vindicated; demands for a convention were silenced, and the Constitutionalists had majorities in both houses—the radicals seemed to be completely routed. To John Dickinson he expressed his gratification that the “Divine Disposer” had been pleased to frustrate the nefarious conspiracy against himself and the constitution which “was hatched in hell and propogated (sic) by the imp of darkness;” and he flattered himself “that the most audacious, envious and ambitious demagogues in the land will be discouraged from renewing it.”

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86 *Poulson's American Daily Advertiser*, September 14, 16, 1805.
87 McKean had 43,644 votes out of a total of 82,522. *House Journal*, 1805–1806, pp. 69, 70.
88 *Reif's Philadelphia Gazette* (September 27, October 6, 1805), frankly declared that it supported McKean not out of sympathy for him but because it believed Snyder represented the forces of destruction.
the policy of moderation in state affairs which Dickinson counselled he declared himself in hearty accord.\textsuperscript{89}

I have had two cardinal rules to guide my administration, one not to govern too much; the other, never to use compulsion where reason and persuasion will effect the purpose. I pant after moderation and conciliation of parties, after harmony and sociability; but there are some men, whom God has permitted, for wise purposes, to come into the world, who disturb the sociability and tranquility of their species, sometimes from a prospect of advantage to themselves, but generally from envy and propensity to mischief; their happiness seems to consist in making others miserable; demons in human shapes: such wretches must be controlled by fear and force.

Had McKean adhered strictly to such a policy of moderation for the next three years his road might have been much smoother than it was. With thorough harmony between the executive and legislative the latter (1805–1806) settled down to constructive work. During the session numerous laws were passed improving the adequacy and efficiency of the judiciary, encouraging education, providing for the construction of turnpikes, canals, and bridges, as well as various other beneficial measures.\textsuperscript{90} The Lancaster Journal could point with truth to this as "the best Legislature that we have had for five or six years in Pennsylvania."\textsuperscript{91}

But temperamentally McKean was not the man to conciliate Duane and the radicals. Instead he did just those things which might have been expected to antagonize them still more. Encouraged by his victory he punished his enemies as drastically as he did the Federalists in 1799, giving the places of Republicans who opposed him in the campaign to Dallas' "circle of hungry expectants," as Duane termed them.\textsuperscript{92} Against his

\textsuperscript{89} Dickinson cautioned McKean (October 28, 1805) that unless the victors took advantage of their opportunity to revise the judiciary so as to eliminate delays and to shorten and simplify the criminal code, power would soon slip from their hands. McKean Papers, III. 100.

\textsuperscript{90} House and Senate Journals, 1805–1806.

\textsuperscript{91} March 31, 1806; Freeman's Journal, April 1, 1806.

\textsuperscript{92} Aurora, November 16, 1805.
more violent calumniators he brought separate lawsuits for libel. While he was undoubtedly justified in taking action against his enemies, the expediency of such a move may be questioned. To many people his tactics appeared arbitrary and tyrannical, and through the widely read columns of the *Aurora* and other radical newspapers it was not difficult to convince an excitable populace that these men were the victims of a harsh persecution. Moreover, in his inaugural (December 17, 1805), he censured the inflammatory press, as he had done on several previous occasions; and besought the legislature to curb the "political incendiaries" just landed on our shores, who were attempting "to acquire, for sinister purposes, the mastery of the passions and prejudices of the people."

Numerous other acts of the Governor added tinder to the party flames. In 1806, in spite of outbursts of Republican disapproval, he appointed William Tilghman, Federalist, Chief Justice of the Supreme Court. The appointment of Dr. George Buchanan and Andrew Pettit, his sons-in-law, as lazaretto physician at the port of Philadelphia and flour-inspector respectively, evoked even harsher condemnation and bitter cries of nepotism. In the same year (April 23), he gave his enemies food for much gossip by attending a dinner of the St. George Society, where the king's health was

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88 Duane, William Dickson, Matthew Lawler, Michael Leib and John Steele. Duane himself was defendant in more than sixty such suits, of which three were instituted by McKean and a similar number by his son-in-law, the Chevalier Yrujo. *Freeman's Journal*, November 6, 1805; Scharf and Westcott, *History of Philadelphia*, I. 520, 526.

84 In the case of William Dickson, who was given three months' imprisonment and a heavy fine for making the statement that the Governor had bribed a senator to prevent the election of Duane, it was charged that the grand and petit juries had been picked. Dickson was editor of the *Lancaster Intelligencer*. *Aurora*, March 17, May 3, 1806.

86 *House Journal*, 1805-1806, pp. 74, 75.


87 *Senate Journal*, 1806-1807, Appendix, p. 16; *Aurora*, July 14, 1807.
About this time there also developed between Thomas McKean, Jr. and Michael Leib a bitter feud over the publication of certain malicious statements against the Governor. By the fall of 1806, "The Royal Family" thus became a veritable storm center in Pennsylvania politics.

Meanwhile Duane and Leib continued to plot against the Governor; and in 1806 the Jacobins gained a small majority in both houses of the legislature. Leib re-signed his seat in Congress ostensibly for getting into the legislature to fight McKean. And yet he and his chief seem to have been anxious to bury the hatchet; for just prior to the opening of the legislature (December, 1806), they sent an emissary to Lancaster offering to make peace if the Governor would recognize the election of their candidate for sheriff in a contested election, the emissary having been instructed to say, "we offer him the Sword and the "Olive-Branch, let him take his choice;" but should he refuse to take the latter Leib promised "to persecute him to his grave." McKean, however, was not open to compromise on such a basis. Hearing of rumors of attempted bribery he became so infuriated that the emissary was frightened out of calling on him.

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88 Aurora, May 3, July 22, 1806; Freeman's Journal, April 25, 1806.  
99 Leib secured the indictment of Thomas for sending a challenge for a duel, since either sending or receiving a challenge was contrary to Pennsylvania law. Thomas retorted by having Leib indicted for accepting the challenge. The case was later dropped by mutual consent, but not without having engendered much ill feeling. McKean Papers, IV, 4-7; Aurora, July 25, 1807.  
100 Ibid., November 19, 1806; Freeman's Journal, September 7, 1807.  
101 Freeman's Journal, December 13, 1806.  
102 The sheriff's election in Philadelphia, city and county, was disputed and it was McKean's duty as Governor to recognize one of the three candidates as elected or invalidate the election. Eventually he did the latter. Frederick Wolbert was the Duane-Leib candidate, John Barker the emissary accompanying Wolbert to Lancaster. From Barker's deposition in 1806. Impeachment of Governor McKean, p. ii.  
103 Freeman's Journal, December 5, 1806.
Leib was not at Lancaster long before he issued a declaration of war against the administration. In his annual message (1806) McKean had again recommended drastic remedies for the evils of the press and had also urged a revision of the system of returning jurors to insure the selection of better qualified men.\textsuperscript{104} When administration friends in the House submitted the draft of a polite acknowledgment to the address, Leib proposed as a substitute a stinging reply declaring against meddling with the freedom of the press and against a less democratic mode of returning jurors.\textsuperscript{105} Five days later McKean wrote confidently to George Logan that if the Jacobins persisted in their seditious expressions he would be compelled to resort to stronger measures with them:\textsuperscript{106}

\begin{quote}
You must have seen Doctor Leib's Answer to my speech, proposed as a substitute to one reported by a Committee: it appears to me, that the Faction would set a Church on fire, were it only, that they might roast Eggs at it. I have exhausted conciliation, and if they persist in their seditious measures I shall be reduced to the necessity of opposition & hostility. There are not more than about twenty Leaders of the Jacobins & Disorganizers in Pennsylvania, as I have reason to believe; ... It appears to me, that one wicked man can effect more political, if not private mischief, than an hundred well disposed persons can do good. . . .
\end{quote}

On January 13, 1807, as chairman of a committee to which had been referred that part of the Governor's address dealing with libels, Leib directed his second shaft at the executive in the form of a caustic report. It averred a want of respect for the honor and integrity of the assembly by the Governor and recommended legislation forbidding criminal prosecution on the charge of libel, and providing that no person be held to answer for libel upon the public character or public conduct of any citizen excepting the author and printer

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\textsuperscript{105} "With the freedom of the press we ought not, we dare not meddle, . . . That constitution . . . the ark of our political safety, forbids the attempt," it declared. December 15, 1806. \textit{Ibid.}, pp. 64–67.
\textsuperscript{106} December 20, 1806. \textit{Logan Papers}, V. 78.
\end{flushright}
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thereof. Another committee headed by James Engle, one of Leib's lieutenants, urged, in contradiction to the executive message, more democratic methods of returning jurymen.

By the middle of January, 1807, it was plain that Leib and Duane were contemplating the impeachment of McKean. As early as the 12th of that month the *Aurora* had raised the question whether the legislature meant to pass over the conduct of the executive without an impeachment. What part of his conduct they had in mind is not clear. On the 30th, a motion by Leib calling for a committee to inquire into the official conduct of the executive, with a view to impeachment, lost by a tie vote. Failing here, Leib resorted to other schemes. Within the next month and a half large numbers of petitions from Philadelphia, city and county, all of which undoubtedly were inspired by himself and Duane, poured into the legislature urging an investigation of the Governor's conduct in voiding a sheriff's election in Philadelphia and in using a rubber stamp to sign official documents. These petitions duly came before a committee headed by Leib, and to which the House also referred the subject of the Governor's conduct. During March witnesses were heard by the committee and all efforts bent toward devising a case against the executive. On March 30 Leib submitted

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107 No further action was taken on the report. *House Journal* 1806–1807, pp. 175–190. The radical complexion of the Senate may be seen from the fact that two weeks later it went on record as opposing any restrictions on the press. *Senate Journal*, 1806–1807, pp. 138, 139.

108 The report asserted that "honest men, though uninformed as to particulars, may soon make themselves acquainted with the business and be competent to the duty, and thus a correct verdict may be expected rather than from selection." *House Journal*, 1806–1807, pp. 437, 438.


a report containing the six following charges for which impeachment was recommended: (1) violation of the constitution in voiding an election for sheriff in the city and county of Philadelphia; (2) usurpation of judicial authority in issuing a warrant for the arrest of Joseph Cabrera; and, contrary to prison regulations and the safety of the citizens, interfering in favor of a convict for forgery; (3) violation of the constitution in appointing Dr. George Buchanan lazaretto physician at the port of Philadelphia; (4) violation of the constitution in allowing his name to be stamped on blank patents, warrants on the treasury, and other official papers; (5) unlawfully removing Dr. James Reynolds as a member of the board of health; and (6) unlawfully offering and authorizing overtures to be made to discontinue two actions of the commonwealth against William Duane on condition that Duane would drop civil actions against J. B. McKean, the Governor's son, for damages for assault. The impeachment resolution came up for debate in April. But so evenly were the two factions divided that a decision was impossible, and the matter was left for the next legislature; both sides banking their hopes on winning a safe majority in the House by that time.

McKean was neither intimidated nor discouraged by the above attacks on his official conduct. With his customary independence of judgment he vetoed (1806-1807) six radical measures, including a resolution denying the use of precedents and cases from United States courts and those of other states in Pennsylvania courts, and a bill preventing the recorder of Philadelphia from practising as an attorney in the state courts. Needless to say their failure to override any of these vetoes incensed the Jacobins still further.

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313 What purported to be detailed evidence followed each charge. Ibid., pp. 331-428.

The next legislature (1807-1808) found neither of the two factions with a working majority. Leib was returned to the House but Duane failed of election to the Senate, where he undoubtedly had looked forward to casting his vote for the conviction of the Governor. Due to close party lines there was much manoeuvering for advantage and much time spent in frivolous discussions. Only the strictest union of moderates and Federalists warded off an adverse decision on the impeachment resolution early in the session. By the middle of January the radicals were loath to have the matter come up because of absences from their ranks. Taking advantage of this situation administration forces succeeded (January 27, 1808) in carrying a motion to resume consideration of the resolution. With the subject fairly before the House another motion was made for the general postponement of the whole question. It carried by a vote of forty-four to forty-one. Leib, Duane, and the Jacobins were vanquished and the impeachment resolution disposed of. A final effort on the following day to prevent the Governor's reply to the charges from being entered on the Journal was equally fruitless.

Governor McKean's reply to the impeachment
charges is a dignified and able exposition of the powers and prerogatives of the executive and, with perhaps some slight exceptions, a complete vindication of his official conduct. Observing that he was compelled to reply in this manner because he had no other means of defense against accusations deliberately framed to ruin his reputation, he declared that his defense rested neither "upon an arrogant claim to infallibility," nor "an humiliating appeal to compassion;" but for conduct to be impeachable "an injurious act should be wilfully committed, either corrupt in its motive, or unequivocally unlawful in its perpetration." That he had been guilty of such conduct he emphatically denied.\textsuperscript{119}

With the clear reasoning of the lawyer who knows his ground he then proceeded to answer the charges in order. In the first he showed that the suspicious appearance of the election returns; the finding of illegal votes cast and legal ones rejected; and the impossibility of determining the rightfully elected candidate because of these irregularities, left but one course open to him, namely, that of declaring the election void.\textsuperscript{120} In reply to the second he asserted that he was fairly within his powers as an executive magistrate in ordering the arrest of Cabrera at the request of the Spanish ambassador, since Cabrera was a subject of Spain. As to interfering after Cabrera’s conviction for forgery, he pointed out that he had issued no general pardon until the entire sum of money in question had been restored.\textsuperscript{121} This his powers of pardon al-

\textsuperscript{119} \textit{House Journal}, pp. 408–429.
\textsuperscript{120} \textit{Ibid.} The Governor’s reasons for voiding the election were declared to be unsatisfactory.
\textsuperscript{121} Cabrera, attached to the Spanish legation, had forged his name to drafts totalling $1600. He was arrested and waiving opposition was tried in Pennsylvania courts and convicted. McKean aroused the ire of prison officials by remitting part of the sentence and later issuing a full pardon when restitution was made. The fact that the Chevalier de Yrujo, Spanish ambassador, was McKean’s son-in-law, convinced Duane and Leib that the Governor was showing favoritism. \textit{Ibid.}
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lowed him to do. To the third charge he replied that the post of lazaretto physician was a general appointment and that consequently the clause requiring one year’s residence in a particular county did not apply here. While this argument had some validity, it was difficult to convince the people that the constitution had not been stretched to make way for a son-in-law.  

Certainly the appointment was not the better part of wisdom. The absurd fourth charge was demolished by showing that increasing public business required the use of some such device as a rubber stamp for signing official documents. The reply to the fifth charge is an able exposition of the principle that the power of removal is incidental to that of appointment. Besides he also showed that Reynolds’ conduct was such as to make his removal a necessity.  

The sixth charge illustrates to what limits Duane and Leib were forced to go to find something which by the wildest stretch of their imaginations might be construed as a misdemeanor. Curiously enough the history of the charge takes one back to 1799, when Duane’s Aurora was urging its readers to vote for McKean. In his reply the Governor showed that the committee investigating his conduct had refused to take the depositions of the four

122 Buchanan had moved to Philadelphia from Baltimore just prior to the appointment. To the charge that he was appointed because he was the Governor’s son-in-law McKean replied, “. . . by the law of God and nature man is taught to love and protect his offspring, his family, and his friends;” but by the law of society he “is forbidden (and only forbidden) to indulge the predilection, arising from the former, at the expense (sio) of the public welfare.” Ibid.  

123 Due to his violent and intemperate conduct Reynolds’ colleagues found it impossible to transact business with him. Ibid.  

124 In 1799, when the militia returned from Northampton and Berks counties, J. B. McKean and other officers sought to learn from Duane the author of a statement that one of the city troops of light horse “had lived at free quarters.” Upon his refusal to disclose the author they administered him a sound thrashing. Duane brought suit for assault; the officers countered with suits for libel. Leib became involved in the case as Duane’s surety. Ibid., pp. 425-428.
men whom it was charged the executive had authorized to make the overtures in question. And yet these men expressly declared in writing that McKean never made such overtures. The four were Jared Ingersoll, A. J. Dallas, Peter Muhlenberg and Philemon Dickinson. What really happened was that when Leib appealed to McKean to use his discretionary power to discontinue an action against him for breach of recognizance, the Governor suggested that if he did this it would only be fair that all the suits be dropped in which Duane and Leib on the one hand, and J. B. McKean and his fellow militia officers on the other were involved. As McKean later truthfully declared, his own suggestions given to Leib upon a solicitation for kindness, were used as a means of destruction against him.

The impeachment charges furnish an excellent illustration of the partisan rancor which characterized Pennsylvania politics at this time. All of them were ridiculously absurd or rested on the shallowest kind of foundation, and had been magnified by spite into high crimes and misdemeanors. McKean's greatest crime was that he had thwarted Duane, Leib, and the radicals. During the proceedings the Huntington Gazette in disgust was led to ask,

Are we to see our Representatives employed at our expense prosecuting the Executive, and attacking one after another all the branches of our government, for what we know nothing about? and is no department but the legislature to be safe from the exercise of wanton power?

It is not to the credit of Duane and Leib that the charges were instigated at a time when the Governor was seriously ill. For several weeks during the winter of 1807 he was deprived of the use of his hands, and for a time his life was despaired of. But the gravest

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125 Ibid.
126 April 19, 1807.
128 McKean Papers, III. 109, 110.
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charge against the Jacobins is that they had placed at the head of the investigating committee the man who had openly declared his intentions to persecute the Governor to his grave.

McKean’s last ten months as Governor were as quiet as those immediately preceding had been stormy. Completely discomfited the Jacobins found solace in the fact that his third and what would have to be his last term under the constitutional limit was drawing to a close. In 1808 they again nominated Simon Snyder for Governor; a choice Duane and Leib were obliged to consent to even though it was not entirely to their liking. Most of the moderate Republicans drifted back into the regular party fold, since the coalition with the Federalists had completely fallen asunder as soon as the impeachment resolution had been finally disposed of. Credit for restoring a semblance of Republican harmony belongs to John Binns whose adroit tactics swept radical Republicanism into power with Simon Snyder as its leader. A Northumberland farmer, one of the wildest of the Jacobins, distinguished for his tirades against lawyers, learning, and the Philadelphia aristocracy—such was Simon Snyder who, dressed in a suit of homespun, came (December 20, 1808) to take the place of Governor McKean. The Aurora boasted that “the unhappy reign of Thomas M’Kean” had closed and “a better order of things has taken place.” But it was the backcountry that was brought into power at Lancaster and not Duane and Leib. Pennsylvania democracy, with the defeat of

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130 The Society of Constitutional Republicans had dissolved on December 12, 1805, satisfied that it had achieved its object. Freeman’s Journal, December 13, 1805.
131 Binns was especially energetic through the medium of the Democratic Press in getting the Quids back into the party.
132 Ibid., December 21, 1808.
133 December 22, 1808.
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1787 and 1790 still ringing in its ears, had again come into its own.

One cannot help but admire McKean for the fight he made for nine years against the innovations of the Jacobins at the price of party popularity. It was his peculiar rôle to be the rallying point for all the discontented elements of Jeffersonianism in 1799, and then to save the state from rushing headlong into the excesses she had experienced between 1776 and 1790. In opposing the wave of radicalism he did what he conscientiously believed the interests of public welfare dictated. Probably no other Governor of Pennsylvania has been more of a storm center than he was. Boldly energetic, courageously independent, never flinching before an opposition however great; always driving straight to his point, too tactless for a practical politician, and withal, proud, vain, and domineering in his ways; manifesting pronounced predilections for his friends and inveterate scorn for his enemies, his personality readily aroused antagonisms. Could he have shown greater tact in dealing with the various political factions his path might have been less rough. But it must be remembered that his position as Governor in factional torn Pennsylvania was most difficult. He would have been a rare executive genius indeed who could have harmonized all the divergent interests and the many jealous personalities that were to be found there. In spite of whatever shortcomings he may have had, McKean had many warm friends who entertained the highest respect for him, and even his enemies in their saner moments admitted his ability, candor, and honesty as a public servant. When "King Tom" left Lancaster in 1808, a potent actor indeed passed from the stage of public life.