The Organization and Procedure of the Pennsylvania Assembly
1682-1776

II

The Legislative Process

Long before the establishment of the Pennsylvania Assembly the House of Commons had manifested its growing sense of self-importance by ceasing to petition the Crown to grant its desires. Instead it began to present to the King ready-drawn legislative drafts, or bills, merely asking his concurrence.¹ Quite naturally the Pennsylvania Assembly, which from the beginning set out to model its procedure on that of Commons,² adopted the bill form in carrying on legislative business with the Governor.

Bills in Pennsylvania originated in several ways, one of the most important of which was popular petitioning. Private bills almost invariably grew out of petitions. Public bills sometimes took their rise from a flood of petitions addressed to the House by groups of inhabitants.

After being formally presented to the House, these petitions were usually read twice; not until the second reading did the House either accept or reject them. If the former, then the House commanded the Speaker, the Clerk, an individual member or a committee of the House to draw up a bill embodying the subject matter of the petition. In the case of personal requests, the House when accepting the

¹ The significance of this change has been thus stated: “It was not until the bill was adopted as the basis of the whole of parliamentary procedure that a sure foundation was laid for the equal, or in money matters preponderant, position of the House of Commons in legislation and politics.” Josef Redlich, The Procedure of the House of Commons. A Study of Its History and Present Form (London, 1908), I, 19.

² Compare Votes, I, 4-5, with Scobell, 42.
petition usually gave the petitioner himself leave to bring in a bill covering his purposes.

Occasionally the subject matter of a petition was of such vital and universal concern to the whole Province that the House resolved itself into a committee of the whole to consider the petition and prepare a bill. Often, when such petitions were under consideration, the House received counterpetitions from dissenting inhabitants. This was particularly true when petitions regarding currency were being weighed because, while the inhabitants were generally agreed that the colony lacked a sufficient currency, they widely disagreed about the method of expanding it. The creditor class felt that the issuing of paper money would give debtors an unjust advantage over their creditors and, hence, tried to stop such money from being authorized.

During the 1720’s there was a notably large amount of petitioning

3 There was one subject that called forth a tremendous amount of petitioning. That was the question of regulating the tanners. Petitions against them began in 1719 with that of a number of Chester County inhabitants “... setting forth the Extravagance of the Price of tanned Leather, which they deem to be caused by the Exportation thereof, and an Agreement or Combination of the Tanners.” After a couple of years of continued agitation against them by cordwainers, leather curriers, and saddlers, with counterpetitions by the tanners in their own defense, a law was finally passed which regulated the tanning industry. About fifteen years later, the Assembly was asked to pass a law removing the tanyards out of the city bounds. The tanners objected, and the House permitted them to continue their operations within the city limits, but they were subjected to certain restrictions. Again, in 1755, the cordwainers of the city of Philadelphia complained to the Assembly about the inflated prices which the tanners charged for leather which they did not even properly prepare for market. Some of the grievances listed by the complainants were that the tanners “raise it to such a Pitch in Lime (to open the Pores of the Hides to let in the Juice of the Bark, that it may tan quick) that it is generally unfit for Use, and makes unserviceable Shoes; ... that the Tanners likewise neglect to scour the Skins from the Dirt and yellow Stuff of the Tan, and to clear the Sole-leather of the Flesh and Offals left by the Butchers on the Hides, by which Means the Hides weigh considerably more than they ought; that some of the Tanners also sell their Leather very damp, and the Butchers, by cutting and slashing the Hides and Skins, render them disadvantageous both to the Cordwainers and Wearers of the Shoes; ... that several Gentlemen, justly dissatisfied with the Shoes made in Philadelphia, on account of the badness of the Leather, send to Europe for their Shoes; ... that the Tanners frequently buy up the Leather that is sent hither from Carolina and elsewhere, and sell it again by Retail to the Cordwainers, by which means they keep up the Price thereof. ...” To these charges the tanners rather weakly retorted by denying that they exported large quantities of leather. They also charged that the high price was caused by the cordwainers themselves in being willing to pay more for Carolina leather. The generally admitted deficiency in provincial-made shoes was due, they asserted, to the cordwainers buying their leather from foreigners, as well as to careless sewing with inferior thread. Votes, V, 3871–3872, 3882–3884.
on the part of the freeholders and inhabitants, with lengthy and
definite stipulation as to what business they wished considered by
the Assembly. This was probably due in part to the popular adminis-
tration of Governor Keith, who set himself up as the people's
champion against oppression and constantly urged the House to be
especially favorable to "the poor laborious and industrious Part of
Mankind." It was suspected that the Governor himself was the
anonymous author of some of the petitions which were bandied about
town for signing.5

The growing circulation of colonial newspapers likewise helped to
widen the backing of petitions on any vital subject. By 1729, the
year-old Pennsylvania Gazette already had a circulation of two
hundred fifty copies per week.6 In 1733, its equally popular rival, the
American Weekly Mercury, did its share in encouraging popular
demand for legislation by urging its readers to petition the Assembly
to create a paper currency. If you do, the paper asserted, "You'll at
least discover your Friends from your Enemies, and see who are, and
who are not fit, to be your Representatives, and the next Election
prefer them accordingly."7

This right of freemen to petition the Assembly was never ques-
tioned, but the House, in one or two cases, did reject certain petitions
presented to it because they were "conceived in such indecent
Expression, as is not fit to be received by this House." In this respect,
as Franklin pointed out in 1769, there was a difference between the

4 The following is typical, and, it might be added parenthetically, every single item was
acted upon by the House: "The Petition of sundry Inhabitants of the County of Chester,
praying that a Duty be laid on Rum, Wine, Melasses, and all Foreign Liquors imported; that
all importers of Servants and Goods may be enjoined to take Country Produce for Pay, and
that Hemp be made current Pay at Forty-five Shillings per Hundred; that the Charge which
attends removing Causes from their Sessions to the Supream Court at Philadelphia, being very
great, all Causes may have their ultimate Trial in the County where they arise; that the Toll
taken by Millers, being extravagant, may be lessened, and something done to regulate the
boulting and packing of Flour; that the Building and Repairing of Bridges in that County
may be made a Provincial Charge; that the Interest of Money may be reduced to Six per Cent.
and that all Persons give an Account of that Part of their Estates to the Assessors for County
Levies, in order to be taxed; that the Commissioners for County Levies be made elective
Yearly; and that something be done for the Ease of such as scruple to take the Affirmation
allowed by Law." Votes, II, 1394-1395.

5 James Logan to Mrs. Penn, February 9, 1725. PPOC, I, 181.

6 Pennsylvania Gazette, March 20, 1729.

7 American Weekly Mercury, December 14-22, 1733.
English and the Pennsylvania practice. In England, he wrote, there is a greater formality in introducing petitions to the House so that undesirable ones may not even be presented. To give his Pennsylvania correspondents a better idea of what he meant he outlined the English procedure:

Here the Member who has the Petition to present, first stands up in his Place, and opens the Contents and Purport of the Petition, or, with leave, reads it, which Reading is only understood as an Opening of it, & then asks Leave to bring it up to the Table and present it. If the House do not like to receive such a Petition, the Leave to present it is not given, and then there is no mention of it in the Minutes; because the Petition has only been offered but not presented. If Leave to present it is given, he then goes to the Bar of the House, and from thence up to the Table, where he delivers it, and then 'tis read by the Clerk.8

In Pennsylvania there was no such distinction between the offering and the presentation of the petition. However, as time went on, the Pennsylvania Assembly became a little more exacting about petitions. In 1728, it ruled that no paper or petition would be accepted unless presented by the petitioners themselves or a member of the House.9 This was, in fact, merely a temporary regulation which grew out of a current problem. Again, in 1755, the House demanded that petitions be “signed in the proper Handwriting of the Petitioners respectively.”10 In 1767, the House resolved that it would receive no petitions for private bills unless the petitioners presented adequate proof that they had given “due Notice of the intended Application to Assembly to all the Parties interested.”11 Finally, in 1771 and 1772, the House ruled that petitions for private bills would not be accepted after a certain date in February.12

Not only did the Assembly periodically wind a bit of red tape around the freedom of petition, it also began to exact payment for private bills. As early as the twenties it had levied a fee of three pounds “for the Use of the respective Counties as the House shall direct” on each person named in a naturalization bill.13 Later, in 1766, it decided that individuals reaping the benefit of private acts,

9 Ibid., III, 1878.
10 Ibid., V, 4101.
11 Ibid., VII, 6013.
12 Ibid., VIII, 6625, 6740.
13 Ibid., II, 1727.
rather than the public at large, ought to pay the expense incurred in their enactment, and the following year it so ordered. About the same time, probably as an economy measure, the House stipulated that petitions should no longer "be entered at large on the Minutes, unless by special Direction for that Purpose."

Other bills came into being as a result of the Governor's recommendation. At the opening of each session he usually suggested a number of matters which he thought the House should consider. The House did not always agree. Hence, unpopular governors at times found it much more politic to have necessary legislation brought to the attention of the House by members willing to sponsor it. On the other hand, a popular governor, such as Sir William Keith, occasionally had the audacity to present the House with a bill completely drawn by himself. The House, however, looked upon another gov-

16 *Ibid.*, 5829. It is fortunate for persons interested in studying colonial Pennsylvania that this stipulation was not made at an earlier date, for the varied requests made to the Pennsylvania Assembly give a vivid picture of the colony's social life. People asked for financial backing for new inventions which they claimed would be of great benefit to the whole province. Some asked for economic monopolies, as, for instance, Andrew Bradford's petition "setting forth, that he has been at considerable Expence in finding out the right Method of making Lamp-black, and having compleated the same desires Leave to bring in a Bill to prevent all others from making Lamp-black for twenty Years." *Ibid.*, II, 1270. A number of the day-laboring class asked that the owners of negroes be restricted in their right of hiring them out for work in the city. *Ibid.*, I, 670; II, 1477. Just a few years later, certain ironmongers petitioned for the right to import negro laborers duty free because of "the Difficulty of getting Labourers, and their excessive Wages." *Ibid.*, III, 1846.

Imprisonment for debt likewise caused many requests for relief. In one case, John Ryan, who for seventeen weeks had already endured imprisonment for debt, petitioned the House for his release. He told how his home and all his goods had been destroyed by fire. Whereupon he had been given a charitable donation of £125 to provide for his wife and seven children, but since this sum was insufficient to pay his debts he had tried to enlarge it by investing part of it in commerce. The ship in which he had invested his money was, however, captured at sea. Hence, he had been unable to pay his debts and was imprisoned. The House was moved by this woeful tale, but refused to interfere in the matter. Nothing daunted, Ryan tried to get support for his family during his confinement. When Ryan finally secured his freedom, he once more petitioned the House, "setting forth, that he was bred in the mercantile way, and understands no handicraft Trade; that though he now has his Liberty, he cannot support himself without Business, and that requires a Stock, which his Misfortunes have deprived him of, and which he therefore prays the House would supply him with out of the Public Treasury." The House, however, turned a deaf ear. *Ibid.*, IV, 2872, 2877, 2912, 3024, 3030.

17 Governor Gordon to Trustees, June 28, 1728. PPOC, II, 19.
Governor’s offer to send it an outline of “such a beneficial and reasonable Bill as he is willing to pass” as a thing “unprecedented.”19 Neither did the Assembly like to receive ready-made bills from the Proprietors. In fact, it even looked askance at their making recommendations concerning suitable legislation.

Most of the laws of colonial Pennsylvania were, therefore, proposed by the Assembly itself—by motion of a member, by resolution of a committee of the whole House, or by recommendation of a select committee appointed for that purpose. Any member at all had the right to offer a bill to the House, tax bills alone excepted. Because, however, a bill was a technical form20 which, when enacted into law, was subject to judicial interpretation, its author had to possess a certain amount of legal skill and knowledge or else secure the aid of one skilled in the law. Hence, it is not surprising that a number of individuals exerted a tremendous influence on legislation.

David Lloyd was the lawmaker par excellence of the first half-century.21 He knew something of the law at a time when there were few lawyers in the Province. As self-appointed champion of popular privileges against what he regarded as proprietary tyranny, Lloyd played an active part in the making of almost all the laws of the day. Even when he was not a member of Assembly he had a finger in the legislative pie, especially when the subject matter was one of his pet peeves.22 Despite his personal antagonism to Lloyd, James Logan, who was for many years Penn’s Provincial Secretary, had to admit his opponent’s skill in drawing up bills. When sending the annual laws to Penn in 1706, Logan wrote: “How they may please I know not, but I am of opinion that they will be found the best done of any that have of late been made in this Govt.—There are many excellently laboured Laws, which it must be owned are chiefly owing to Dd Lloyd—Were it not for that mans baseness & vindictive spirit

19 Votes, VI, 5023.
20 A bill comprised several parts: title, preamble, enacting words and substantive clauses. Occasionally, even in the early days, the preamble was omitted. Governor Hamilton acknowledged in a letter to Thomas Penn, written in 1751, that “... we have a good many precedents of it in our Law Book.” PPOC, V, 173.
22 Votes, I, 314.
against thee, he might have been exceedingly useful. . . .” The “Oracle of the Law,” as Lloyd came to be called, always succeeded in so uniting private interest with popular causes that he remained an outstanding legislative figure until his death. William Penn himself saw the necessity of making use of the provincial Solon, and on one occasion asked him to draw up a bill guaranteeing the property rights of the inhabitants. For many years, too, Lloyd, as Chief Justice of the Province, was engaged in interpreting the laws which he himself had been so largely instrumental in framing. After Lloyd’s death, Andrew Hamilton became the foremost lawmaker and judge. Later on, Benjamin Franklin and Joseph Galloway exerted a preponderant influence in provincial legislation, but possibly none of them had such an extensive influence as Lloyd.

In drawing up bills, these men, as well as any others assigned to the task, were guided both by English laws and by those of the neighboring colonies. In 1684, for example, a committee of Council was appointed “to inspect the Virginia Laws, and to prepare such things out of them as may be useful for this Province.” Later on, the Assembly requested its Speaker “to procure, for the Use of the House, as many of the Laws of the neighboring Provinces as can be had, and such other suitable Law Books as he may think necessary.” Again, when Pennsylvania was endeavoring to formulate a militia bill, the Assembly read the militia laws of the several colonies and Great Britain before assigning a committee to draw one for the Province.

In the rules adopted by the various Assemblies, with the exception of that at Chester in 1682, no distinction was made in the manner of

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23 Logan Papers, II, 204, American Philosophical Society. Two years earlier he had written that the sessional bills had all been drawn up by Lloyd (then Speaker), “and exactly come up to what may be expected from his Temper.” James Logan to William Penn, July 28, 1704. Letter Books of James Logan, I, 160.
25 David Lloyd to William Penn, July 19, 1705. Franklin Papers, X, 1, University of Pennsylvania Library.
26 Minutes, I, 114.
27 Votes, IV, 3498. The Assembly built up a very fine collection of the best legal tomes and housed them in a wing of the State House. Isaac Norris was chiefly responsible for making this “compleat law Library,” although he was assisted by Benjamin Franklin and others. Isaac Norris to Robert Charles, March 10, 1753. Norris Letters 1719-1756, 32.
28 Votes, VI, 4419.
introducing public and private bills. The Chester Assembly, following the example of England, had ruled: "... no private or personable Bills to be brought in without Leave; publick Bills, the Matter to be opened before brought into the House." Actually, in practice, the procedure seems to have been much the same whether a public or private bill was being introduced. As has been seen, most bills arose from petitions or motions which were duly deliberated and debated by the House. Sometimes the maker of the motion, or the person who presented the petition, had a bill ready to present to the House as soon as it should so order. In such instances the author of the bill, standing in his place, read its title and asked that it might be received and read. Permission being granted, the sponsor of the bill gave it to the Clerk who read it in a loud voice and then delivered it to the Speaker who made a notation of its nature and purpose and put it aside for a second reading.

In Pennsylvania, as in England, all bills were required to have three readings before being sent for the Governor's approbation. This was designed to give the members time to deliberate on the contents of the bills which came before them. For the same reason it was ordered that bills should not be read more than once in one day. The First Frame of Pennsylvania decreed that, "... unless on sudden and indispensible Occasions, no Business in Provincial Council, or its respective Committees, shall be finally determined the same day that it is moved," and the various Assemblies adopted the rule "that no Bill be read twice in one Day, except on extraordinary Occasions."

Its introduction to the House constituted the first reading of a bill. The rules of the House forbade any "close Debate" on the first reading, and enjoined the members to concentrate on the contents of the bill in order to be able to take an intelligent part in its discussion at the time of its second reading. Such an admonition was particularly necessary in those days when bills were not printed and dis-

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29 Compare with Scobell, 41.
30 Votes, I, 405; II, 1227, 1342–1344; VII, 6066; VIII, 7155–7157. In England the author of the bill, not the Speaker, made the notation.
31 The practice of the Assembly in this respect, prior to the eighteenth century, is not always too clear. In general, it may be said that bills had three readings, but in 1683, 1684, and 1685, it would seem that bills were read only once in Assembly before being enacted into laws. See Ibid., I, 44–71.
Ordinarily, after first reading, a bill was ordered a second at a future date, sometimes specified and sometimes not. But, if a bill seemed to be generally in disfavor because even on first reading its subject matter seemed obviously "inconvenient and hurtful to the common-weal," the Speaker had the right to put a question for its rejection. Should it be rejected by a majority vote, the Clerk wrote the word "Dashed" on its back, and the bill might not be reintroduced in the same form during that session of Assembly.

The second reading was really the most crucial point in the bill's history. At this stage the bill was vigorously debated, usually paragraph by paragraph, and amendments were made if necessary. Many of the bills needed to be amended. Some of them, drawn by untrained minds, were loosely constructed and ambiguous. Not even David Lloyd's bills were always free from censure in this regard. Detailed discussion of a bill showed up its weaknesses, some of which required just a simple alteration of the original—changing words, dropping a clause, adding a proviso; others called for a complete revamping.

It was at this point, too, that pressure groups exerted their influence either for or against the measure under discussion. The merchants, for instance, were a powerful clique who kept abreast of legislation in the House and were quick to petition the Assembly for a hearing when they thought it necessary. To cite just one case—in 1715, William Trent, who was not a member of Assembly at that time, asked to be heard by the House before the second reading of an impost bill which was then under consideration. Permission was granted. He came and argued for several amendments the net effect of which would be a favoring of local over foreign merchants. When the bill was read a second time his arguments were also read, and the House proceeded to amend the bill accordingly. Sometimes the merchants backed up their appeal with statistics, showing, for example, "an Estimate of a Cost of a Pipe of Wine, and Charges..."

32 Occasionally bills were amended after the first reading, but this was exceptional.
33 Some of his bills have been criticized as "verbose, involved & overloaded with minor details of practice." See William H. Loyd, The Early Courts of Pennsylvania (Boston, 1910), 75.
34 Votes, II, 1130-1131.
thereon, till it comes into the Merchant’s Store.” Though not the only pressure group, the merchants were, perhaps, the best organized, the wealthiest, and the most articulate.

If slight, changes in the original bill were made by the Clerk at the table of the House, but more often they were extensive enough to warrant committee action. Sometimes, but not too frequently, the House resolved itself into a committee of the whole to alter the bill. Such committees gave the members greater liberty of debate inasmuch as they were permitted to speak as often as they desired on any matter. Hence, the subject could be thrashed out with more thoroughness than in a formal meeting of the House where no member was allowed to speak more than twice on the same matter. The procedure followed in committees of the whole was laid down at Chester in 1682, and consistently adhered to throughout the colonial period. The Chester Assembly had ordered:

That whenever the House is resolv’d into a grand Committee, the Speaker leaving the Chair, they shall immediately proceed to the Election of a Chairman, which shall be for that Time promoted to the Chair by the Committee, to whom every one shall direct his Speech, as unto the Speaker; and as soon as the Matter in Debate is agreed on, the Chairman shall return to his Place, and the Speaker reassume the Chair; then the Chairman of the grand Committee shall make report to the House, and leave it in writing with the Clerk; the grand Committee never to adjourn without Consent of the House. Very often the committee did not complete its discussion in one sitting. In such cases, the Chairman reported that the committee

36 If one compares Scobell’s treatise on parliamentary procedure, published in the late seventeenth century, with the Liverpool Tractate, a treatise on the same subject published in the late eighteenth century, it becomes evident that the English practice during the seventeenth century was to amend bills in select committee, whereas in the eighteenth, bills were “commonly” amended in committees of the whole. Pennsylvania never adopted this change in procedure, although committees of the whole were sometimes employed, most often in connection with money matters. On such occasions, the House, having decided to raise or grant some money, proceeded to resolve itself into a committee of the whole in order to discuss ways and means of getting the money. Money bills were also sometimes amended in committee of the whole.
37 Votes, I, 404.
38 Ibid., 4. Unfortunately we know very little about what transpired in committees of the whole since Pennsylvania adopted the English custom of refraining from giving the House detailed reports, “because at a Committee of the whole House all Members either do or are supposed to attend and by that Means are all Masters of the Examination. . . .” Catherine Strateman, ed., The Liverpool Tractate. An Eighteenth Century Manual on the Procedure of the House of Commons (New York, 1937), 36.
desired to sit longer in order to finish its business, and the House gave leave, fixing the time. When, finally, the committee's objective had been accomplished, the Chairman reported its conclusions to the House in the form of resolutions which were then either accepted or rejected by majority vote of the House.

More often, the House having debated the bill thoroughly, paragraph by paragraph, would appoint a select committee to amend it according to the resolutions of the House.\footnote{A select committee may be defined as a group, numerically smaller than the House, appointed by that body from its own membership for a particular purpose. The average membership was five or six, but some had as few as two members while others had fourteen or more. As the Assembly grew so did the size of committees. Being much more wieldy for the dispatch of business than the House as a whole, committees were employed for many purposes besides the amendment of bills. They were appointed to investigate the premises and facts underlying petitions and private bills, to make inquiries ordered by the House, to draw up bills, to carry messages to the Governor, to compose addresses to Governor, King, or Proprietor and to take account of the financial state of the Province. Frequently they were set up to answer the extraordinary necessities of the House, as, for example, drawing up articles of impeachment, taking a census of the population, distributing ammunition to the back parts of the Province, preparing instructions for the provincial delegates to the Continental Congress, visiting Philadelphia's jail to report the condition of prisoners and taking care of Indian guests. Interim committees were very often set up by the House to carry on necessary business during the Assembly's adjournment, being required to report to the House when it reassembled. Frequently they were composed of certain specified members "with the Assistance of the Speaker, and Concurrence of any other Members that can or do attend." Members who attended these committees were in most cases "allowed their Wages as if the House were sitting." Anyone hired to assist them was given a "reasonable satisfaction."}

As creations of the House, these committees were absolutely subject to its authority. They remained in existence only as long as the House gave leave. They exercised only those powers specifically given by the House, and their resolutions had no validity until reported and adopted by the House. Votes, I, 5. In some instances the powers given to a committee were cited in detail, but in other cases, committees were simply ordered to perform such a task according to the "mind of the House," or were given the blanket charge to amend a certain bill. Sometimes, too, the House issued a general order "That all committees be revived, and have Power to send for Persons and Papers," or "That all Committees do make report to the House To-morrow, at two a Clock in the Afternoon." Committee members were many times excused from attending the House while occupied with the tasks assigned them. Should, however, matters of serious import, such as a supply bill, come under the consideration of the House, either the Serjeant-at-Arms or a member would be sent to inform those absent on committees that their presence was requested by the House. Whenever every member of the House was occupied on some committee, the House adjourned itself until the tasks of the various committees had been completed.

Before the Assembly ordered the Superintendants of the State House to build a southeast wing for the accommodation of committees, the latter met wherever they could—in courthouse, market place, private homes or the Assembly hall itself when that was available. Most likely they met more than once in the famous Coffee House, especially when they were charged with receiving public petitions or grievances.
been originally drawn up by a committee, it was usually returned to the same committee for amendment; otherwise, the Speaker, with the consent of the House, nominated the members of the committee.\textsuperscript{40} The procedure in committees was most likely similar to that followed in Commons.\textsuperscript{41} The committee first read the bill as a whole and

\textsuperscript{40} From 1704 on, the rules of the House definitely gave the Speaker this power of nominating members of all committees, but they added that any member of the House was free to make a nomination of his own or to reject the Speaker's choice. \textit{Votes}, I, 405. The only limitation in this regard was the stipulation that in appointing a committee to amend a bill, no member who was "against the Body of a Bill" should be chosen. In the earlier days of the Province there seems to have been more of a consistent effort to represent each county on important committees, but even then it is hard to discover any universal principle regulating appointments. Very often during the Speakership of David Lloyd, in controversial matters, the House journal does not even name the members appointed to committees. In the later days, Philadelphia County and City often had a preponderant influence in the composition of committees. When the House, for instance, was appointing its four standing committees for the year 1765, it placed only twenty-four of the thirty-one members actually present in the House on committees. Yet some were placed on more than one. Richardson, Galloway, and Hillegas of Philadelphia County, Knight of Bucks County, and Pearson of Chester County were each placed on two committees, while Willing of Philadelphia City was put on three. \textit{Ibid.}, VII, 5792-5793. This may, but does not necessarily, indicate some kind of political deal. It may be accounted for, in part at least, by the fact that some of the committees would have to act during the Assembly's recess so that it was more practical to appoint those who resided within easy traveling distance of the meeting place. On the other hand, membership on several committees undoubtedly had its political advantages. William Allen, writing to Thomas Penn in 1764, at the time of the great provincial controversy over whether or not the Assembly should petition the King to take Pennsylvania out of the hands of the Penn family and make it a royal province, described an instance of this sort. He related how he had forced the Committee of Correspondence to lay before the House its letter to Pennsylvania's London agent in which the committee listed its grievances against the Proprietor. Then, according to his own report, Allen proceeded to denounce the letter as "composed of infamous and scandalous falsehoods." He continued to enlarge on this and related subjects in spite of the Speaker's effort to stem the tide by saying that time had run out and the matter was not properly before the House. Finally, wrote Allen to Penn, "After all this passed, the Committee for incidental charges, some of which were of the committee of Correspondence, brought in their report, in which it seemed they were willing to allow me my salary [as Chief Justice of the Province] whilst I was in England but I refused to receive it, saying they ought rather to make an addition to Mr. Coleman's who had acted in my absence, that as I had not done the service, I would not take the money. . . ." William Allen to Thomas Penn, September 25, 1764. PPOC, IX, 270. Apparently, Allen felt that he was being bribed to acquiesce in the resolves of the Committee of Correspondence, or at least to cease making himself so disagreeable.

\textsuperscript{41} This statement, in the absence of any extant minutes of committee meetings, is based, first of all, on the rules adopted by the Chester Assembly of 1682, which, whether or not they were followed by subsequent Assemblies, show a familiar knowledge of English parliamentary practice; secondly, on the general practice which the Pennsylvania Assembly made of adhering to the customs of Commons; thirdly, on a study of the procedure followed by committees of the whole in so far as this is indicated in the \textit{Votes} of the Assembly.
then proceeded to consider it part by part, voting on each amend-
ment singly. When the entire bill had been thus debated, the pre-
amble, if any, was made to fit the bill, and the question was put as to
whether or not the amended bill should be reported to the House.
The chairman of the committee, from his seat in the House, at the
appointed time, made the report and laid the amended bill on the
table.

After the amended bill had been thus formally presented to the
House, the Clerk read the amendments twice (in order to give them
the same number of readings as the bill), and they were voted on by
the House. If the latter took exception to any of the amendments,
or if any new amendments were desired by the House, the bill was
recommitted for further alteration. Sometimes when the committee
made its report the House rejected its amendments and passed the
original bill. At other times, after each amendment had been singly
accepted by the House, the whole bill with its amendments was
defeated. Most often, however, the amended bill was passed by the
House and ordered to be transcribed for a third reading.

On the third reading it was still possible to amend the bill. During
the twenty-five years preceding the Revolution, in fact, bills were
often amended at this stage. In several cases the alterations were so
extensive as to require the bill to be recommitted.\(^42\) More frequently,
the amendment took the form of a “rider,” or a clause engrossed on a
separate piece of paper, which after three readings was, by special
order of the House, annexed to the bill.\(^43\) Once in a while a change
was made in the body of the bill by an interlineation, together with
the Speaker’s authentication of the change made by putting his
signature in the margin.

At this point, if passed by the House, the bill was sent to the
Governor for his concurrence. He was then free to amend it as he
saw fit. Many times, however, the House refused to accede to his
amendments. When this happened the House usually appointed a
committee to draw up an answer to them. This was sometimes fol-

\(^42\) In England only amendments which could be made at the table were permitted on the
third reading. See Scobell, 56. For instances of recommittal on third reading in Pennsylvania,
see \textit{Votes}, II, 1055, 1524.

\(^43\) See \textit{Votes}, II, 1152; III, 2197, 2203; V, 3936; VI, 4555, 4994, 5073, 5294, 5328; VII,
5558, 5742–5743; VIII, 7074, 7418.
allowed by a conference between the Governor and the House, or some of its members, to try to iron out the difficulties.

Before the laws could be finally passed and sealed they had to be engrossed on rolls of paper or parchment.\footnote{Statutes, II, Cap. XXVIII, 27.} For a number of years the engrossing process took place after the second reading, but around 1755, the Assembly adopted the practice of having them engrossed just prior to final enactment, that is, after all amending had been completed and they had received the Governor’s concurrence. Occasionally when bills were passed in a whirlwind at the end of a session, the House with the permission of the Governor ordered that they be sealed and enacted in the original without engrossment.\footnote{Votes, VI, 4989, 5335–5336; VII, 6168.} In one instance, the Governor took the initiative and sent down to the House an unengrossed bill, saying that because he had to leave for Harris’ Ferry and the bill was urgent, he had anticipated the House’s action by sealing the bill, enacting it, and ordering it to be enrolled even though it had not been engrossed. The House after some consideration agreed that the Speaker should sign the bill and appointed a committee to see it deposited in the Rolls Office.\footnote{Ibid., V, 4237.}

After engrossment a committee of the House customarily met with a committee of Council to compare the engrossed bills with their originals. That this was no mere formality is evidenced by the fact that the committee of inspection, time and again, pointed out to the House errors of transcription or superfluous verbiage,\footnote{In 1746, for instance, the committee discovered that in one of the bills which had just been engrossed there were words which had been “rendered superfluous by one of the Amendments agreed to.” Ibid., IV, 3087.} which with the Governor’s permission were corrected at the table of the House.

When the engrossed drafts were finally ready for formal enactment, the Assembly informed the Governor, who replied by inviting the House to meet him in the Council Chamber at a definite time.\footnote{This invitation was usually oral, but in 1759, “The Speaker brought into the House a Ticket he had just received from the Governor, which was read and is as follows, viz. ‘The Governor’s Compliments to the Speaker, and he will pass the Bill for Supplies, and that for encreasing the Fund for the Indian trade, this Afternoon at Five o’Clock, or later, if more convenient to the House?’” Ibid., VI, 4984.} There, in the presence of the Speaker and the House, the Governor signed the engrossed bills, which had previously been signed by the
Speaker on behalf of the House, and declared them to be formally enacted into laws.\footnote{Redlich, I, 23.}

Just as the addition of the phrase “by authority of Parliament” to the enacting formula in sixteenth-century England indicated the growing constitutional importance of Commons,\footnote{Redlich, I, 23.} so the enacting formula employed by Pennsylvania reflected the Assembly’s jealous safeguarding of its power against all encroachments on the part of Council, Proprietor, or Crown. In 1685, for instance, when the President and Council, either designedly or by accident, attempted to omit naming the Assembly in enacting the laws, the House immediately resolved itself into a committee of the whole, studied the Charter, and then sent a committee to the Council to demand the Assembly’s right. Next day, the Clerk of Council reported that the formula would be amended according to the desire of the House.\footnote{Votes, I, 59-60.}

Later, the Attorney General of England objected to Pennsylvania’s laws being passed in the Proprietor’s name rather than in that of the Queen, so Penn, in 1704, gave orders that henceforward laws were to be passed in the Queen’s name but under his seal.\footnote{William Penn to James Logan, July 11, 1704. Logan Papers, I, Correspondence of James Logan, 50.} The enacting formula then read: “Be it enacted by . . . , the Queen’s royal approbation Lieutenant-Governor under William Penn, Esquire, ab-
solute Proprietary and Governor-in-Chief of the Province of Pennsyl-
vania and Territories, by and with the advice and consent of the said
Province in General Assembly met, and by the authority of the same. . . ." But, in 1719, Governor Keith who curried popular
favor, and who was accused by Hannah Penn of overweening
political ambition at the Proprietor's expense, omitted from the
formula any mention of either Crown or Proprietor. From that date
until 1726, it ran: "Be it enacted by the Honorable William Keith,
Esquire, Governor of the Province of Pennsylvania and Territories,
by and with the advice and consent of the freemen of the said
Province in General Assembly met. . . ." After Keith's dismissal
from office, from 1733 to 1747, the phrase "with the King's royal
approbation" was inserted in the formula and the local governor was
mentioned in it as the "Lieutenant-Governor under the . . . true"
and absolute Proprietaries of the Province of Pennsylvania. . . ." From 1748 to 1753, mention of the King's approbation was once
more omitted. In the latter year it was reinserted, but after 1756 was
permanently left out.

After enactment of the bill, another joint committee of councillors
and assemblymen was appointed to see the Great Seal applied and
to witness the depositing of the bill in the Rolls Office. Before 1701,
however, the prescription requiring laws to be sealed and enrolled
was honored more in the breach than in the observance. In 1693,
Thomas Lloyd, Master of the Rolls, informed the Governor that he
had never enrolled any of the laws because he had never received a
warrant to do so.53 A few years before, he had told Governor Black-
well that the only laws which had been sealed were the Great
Charter and the Act of Union, and the only laws which had been
enrolled were the first sixty laws passed at Chester. As to the latter,
he said he would not vouch for their authenticity because they had
been enrolled before his time.54 The result of this haphazard preserva-
tion of the laws created, as might be expected, a good deal of con-
fusion as to just what laws were in existence. In fact, the Assembly
found the validity of many laws challenged by both Governor Black-
well and Governor Fletcher because they had never been properly
sealed and enrolled. Blackwell went so far as to question "Whether

53 Minutes, I, 409.
54 Ibid., 276.
you have any Laws at all. . . .” Fletcher at first refused to recognize any of their laws but finally agreed to repass some of them in the proper form, saying, “I will order the Secrie to enroll those Laws that I have passed upon parchment, and affix a Seal to ym, and they shall remain in his office, to be a standard of yor laws, to which you may recurr upon all occasions.” In 1706, however, the Province was still experiencing the effects of the legislative chaos which had existed before 1701. In that year, Thomas Story, who now occupied the position of Master of the Rolls, presented a memorial to the House “setting forth the Necessity of collecting the whole Body of Laws (which at any Time have been in Force in this Province) into one Volume, and that the same may be recognized as such by this Assembly. . . .” The reason for this suggestion, he said, was that the titles of many of the inhabitants to their real and personal property were based on laws now defunct and with “but little Footsteps” in his office, which was supposed to be the common repository for all the provincial laws.

Copies of the laws were sent after enrollment to the several counties to be published therein on the first court day after the rising of Assembly. In Philadelphia County publication customarily took place soon after the final passage of the laws at the end of the session, but in the case of some exceptionally important and urgent laws publication took place immediately upon their enactment rather than at the end of the session. For instance, in 1709, the House passed a law regulating the rates of money in conformity with a recently issued royal proclamation. Without delay, two members of the House were sent to the Mayor of Philadelphia requesting him to order that the bell be rung summoning the populace to the market place, and desiring his, the aldermen’s, and the constables’ attendance. Occasionally, too, notice of the new laws was published in the local newspapers, particularly when they affected the population at large.

56 Minutes, I, 408–417, 433.
57 Votes, I, 645.
58 Ibid., II, 844.
59 See Pennsylvania Gazette, May 17, 1739. The Assembly ordered a bill prohibiting the sale of warlike stores to the Indians to be printed in the newspapers, “both English and Dutch.” Votes, VI, 5484.
In spite of the fact that one of the very first laws adopted by the Province stipulated that the so-called "Great Laws," or the first sixty laws prepared by Penn, should be printed and taught in the schools, none of the laws were printed until after the Charter of Privileges (1701). During this period the confusion as to what laws were in existence was enhanced by the fact that the whole body of laws had to be continued, confirmed, or repealed by each succeeding annual assembly, because they were only designed to be in force "to the end of the first session of the next General Assembly and afterwards untill the publication of other Laws to be past in the next Generall Assemblie . . . ," or else "until the Twentieth Day after the rysing of the first Sessions of the next General Assembly and no Longer." Blackwell wrote testily to Penn in 1689 "• • • that the Lives, Libertys & Estates of all persons should be liable to such mutation as Laws, annually made, & subject to falling, Expose all to, will render yor Govrnmt very un-easy. . . ." An effort was made to place certain of the laws in the category of "fundamental" laws, that is, ones which perdured from year to year without re-enactment. All the rest were catalogued as "additionall," that is, subject to yearly renewal, but this only complicated the situation still more. Accordingly, in 1701, the Assembly went over all the provincial laws, passed an act for the confirmation of such as they wished to continue in force, declared any others to be null and void and ordered the Speaker to see to the printing of the whole body of law. But, whether it was for the want of the requisite money, or because the Speaker felt it wiser not to have them printed before they had received the royal approval, nothing was done. The following month, the Council ordered the Master of the Rolls to have the laws printed at his own charge since, whether or not the King rejected them, they were binding on the people in the meantime. The Master of the Rolls was further ordered to keep the people informed of any

62 Votes, I, 290.
63 The Royal Charter to Penn, Section VII, ordered that laws made in Pennsylvania be submitted to the Crown within five years of their enactment to be reviewed by the King-in-Council and then either allowed or disallowed.
This was probably done, because in 1702 James Logan sent Penn a printed copy of the laws. It was not until 1712, however, that the House began to print the sessional laws. Thenceforward, the laws made by each Assembly were quite regularly printed. Copies were distributed to the members of the House and the various magistrates of the Province.

In 1767, Governor John Penn objected strongly to the Assembly's appointing a printer for the sessional laws without his sharing in the nomination of the person chosen, basing his objection on the fact that in England the laws were printed by the King's printer. The House forthwith chose a committee to investigate the journals of preceding Assemblies to see what had been the practice in Pennsylvania. The committee reported that from 1712 to 1767, it could find no instance of a Governor's claiming the right to appoint the printer, and the House resolved "by a great Majority" that this right was vested in the Assembly rather than in the Governor.

From time to time compilations of the laws were made. These had to be revised occasionally to bring them up to date. The last revised compilation of the colonial period was that edited by Joseph Galloway, who with others, was charged in 1770, and again in 1771, with the task of revising all the laws of Pennsylvania from the very beginning and of reprinting them with a complete index.

At various times and in sundry ways the Pennsylvania Assembly violated the age-old procedure which has just been described. On several occasions, for example, it gave the Governor a preview of legislation which had not yet passed the House. In 1693, it did so as part of a concerted effort to force Governor Fletcher to recognize the laws of the Province. Penn had been deprived of his government by the Queen, and Fletcher, already Governor of New York, was given a commission as royal Governor of Pennsylvania. The Assem-

64 Minutes, II, 61.
65 John H. Martin, Martin's Bench and Bar of Philadelphia (Philadelphia, 1883), 186.
66 Ibid.
67 Votes, II, 1153, 1258.
68 Ibid., VII, 6056.
69 Ibid., 6166.
70 Martin, 186-187. See also Votes, II, 1022, 1258, 1716; III, 1803, 2397, 2539; VII, 6368; Thomas Penn to William Allen, June 9, 1768. Penn Letter Book, IX, 263.
71 Votes, VII, 6456; VIII, 6727.
72 Ibid., I, 191 (1696), 251, 255, 258, 266 (1700); II, 1134 (1715), 1250 (1718), 1553 (1723).
bly presented him with an address acknowledging him as Governor and asking that its “... procedure in Legislation may be according to the usall method and Laws of this government, founded upon the Late king’s Letters patents, Which we humblie conceive to be yet in force. ...” The Governor’s answer was anything but encouraging, and it had the effect of arousing a determination on the part of the Assembly to pass no bills until the Governor recognized the validity of their earlier laws and privileges. “This is our difficultie,” they said, “We durst not begin to pass one bill to be enacted of our former laws, least by soe doinge wee declare the rest void, & of no force nor validitie. ...” Eventually, however, they proceeded to re-enact some of their most important laws and to prepare other legislation desired by the Governor, but they delayed sending what he was most anxious to get, namely, a bill granting money for the defense of the frontier. When they were ready, they brought him such a bill after it had passed two readings in the House, telling him that the representatives insisted on knowing what he thought of their other bills before they would give this a third reading. The Assembly felt, they said, “that Aggrievances should be redress’d before any Bill for Supply ought to pass.” David Lloyd bluntly declared, “To be plain with the Governor, here is the Monie bill, and the House will not pass it untill they know what is become of the other bills that are sent up.” The Governor refused to look at the bill until it had been read three times and signed by the Speaker, and he threatened to annex the Province to New York unless they complied. Shortly after, with some dissenting voices, among them David Lloyd’s, the House passed the supply bill on the third reading and sent it to the Governor accompanied by the roll of laws which they

73 Minutes, I, 422.
74 Ibid., 402-403. He denied that their laws were still in force and asserted that many of them were “repugnant to the Laws of England.” He concluded: “These Laws and that model [Penn’s Charter to them] of government is dissolved & att an end: you must not halt between two opinions. The king’s power and Mr. Penn’s must not come in the scales together.”
75 Ibid., 416.
76 Votes, I, 149.
77 Minutes, I, 427.
78 Votes, I, 153-154. The dissenters insisted, in the first place, that all bills sent to Governor and Council, when amended by them ought to be returned to the House; secondly, that grievances ought to be redressed before “any Bill for Supplies be presented for the last Sanction of a Law.”
wished confirmed and a petition of right. The Governor complained, "Gentl., you have not dealt kindlie by mee. . . . This might have been done five dayes agoe." To this John White replied, "May it please the Governor not to take it amiss from anie particular member of the House, for as wee differ in face, so also in mind; It was not delayed through any disrespect to the Governor, but that it doth take up some time to bring men's thoughts and tempers to agree." And with this sage remark the episode came to a close.

In 1704, the Assembly, most likely under the influence of David Lloyd, briefly adopted the unique practice of committing bills on their first reading to a select committee appointed by the Speaker for the purpose of amending the bills, of having them engrossed after the second reading, and of then submitting them for the Governor's perusal and amendment before the House proceeded to the third reading. Just what motivated this change of procedure is not manifest. Even before the House had ordered this new plan of action, and contrary to the standing rules adopted at the opening of the session, four bills, three of them of prime importance, had already been read for the first time and committed for amendment. This new procedure may have been an attempt to throttle debate within the House, or immediately to place the newly arrived Governor Evans in the embarrassing position of being an ostensible enemy to the people's just privileges should he be so rash as to reject the bills sent him by the House. Or again, it may have been a bid to win the favor of the Governor by taking him into the Assembly's confidence, as it were, by offering him an advance opportunity to co-operate with the House in framing legislation desired by the people. But, whatever the motivation, this system proved to be temporary and was scrapped by the next Assembly.

In time of stress and urgency, or when the House was out of work,

79 Minutes, I, 429.
80 The Assembly successfully tried this same method of achieving its purposes in 1696, when, after a second reading in the House, it presented the Governor with a bill for a new constitution in conjunction with a money bill. The obvious implication was—pass both or you get neither. See Votes, I, 190.
81 Votes, I, 416.
82 "A Bill for the Confirmation of the Charter of Privileges"; "A Bill for the Confirmation of the City Charter of Philadelphia"; "A Bill for the Regulation of Courts."
83 Logan wrote to Penn, July 28, 1704, that some people thought Lloyd "would endeavour to make use of thy Lieutent against thyself. . . ." Letter Books of James Logan, I, 160.
bills were sometimes read twice at one sitting by special order of the House. In such cases the bill might be passed very speedily. For instance, in 1764, a bill “for regulating the Officers and Soldiers in the Pay of this Province, and for continuing an Act, entituled, ‘An Act for regulating the Hire of Carriages to be employed in his Majesty’s Service,’ ” was presented to the House. It was read twice in the morning, debated by paragraphs, and ordered to be transcribed for a third reading. In the afternoon it was read the third time, passed by the House, and sent to the Governor for his concurrence. A half-hour later it was formally enacted into law.84

William Penn and his successors, time and again, further complicated the legislative process of colonial Pennsylvania by trying to reserve a veto power for themselves, so that, when laws left Pennsylvania for England, having been passed by the Assembly and the Lieutenant Governor, they were subject to repeal not only by the King but also by the Proprietor. Actually, by royal patent from King Charles II to Penn and his heirs, all legislative power was vested in the Proprietor. He was, however, required to make laws “. . . by” and with the Advice, Assent, and Approbation of the Freemen of the said Country, or the greater Part of them, or of their Delegates or Deputies. . . .”

Compared with that of other proprietary charters, Penn’s grant of legislative power to his colonists was relatively magnanimous. In his First Frame of Government he retained for himself no final veto power. All he claimed was a triple vote in the Provincial Council of which he was the presiding officer. Such an arrangement indicates Penn’s conviction that his own interests were in many respects one with those of the other inhabitants of the Province, most of whom were at this time members of the Society of Friends.

Almost from the beginning, however, some of the inhabitants regarded their interests as being at variance with those of the Proprietor, and their legislative power as being inversely proportionate to his. The second Frame of Government, therefore, not only did away with Penn’s triple vote, but even required him to act only “with the Advice and Consent of the Provincial Council” when performing “any publick Act of State whatsoever that shall or may relate unto the Justice, Trade, Treasury, or Safety of the Province.

84 Votes, VII, 5618.
When, however, Penn found it necessary to return to England in 1684, he placed the Council, with Thomas Lloyd as President, in charge of the government and required “... that all Laws that shall or may be made, should receive & have my further Determination, Confirmation & Consent, or else be void in themselves.”

This was a questionable reservation of power especially in view of the fact that the Frame of 1683 gave no explicit veto power to the Proprietor. It does not seem to have been challenged at the time, but in actual practice it was probably ignored. Nothing daunted, Penn continued to incorporate this veto power into every successive commission he granted, whatever the form in which the executive power was clothed. In his instructions given to the five Commissioners, in February, 1686/7, he stated: “I have sent a fresh Commission of Deputation to you, making any three of you a Quorum, to act in the Execution of Laws, enacting, disannulling, or varying, of Laws, as if I myself were there present, reserving to myself the Confirmation of what is done, & my peculiar Royalties & Advantages.” Again, when he appointed Blackwell to be his Deputy Governor, Penn enjoined him to follow the instructions which had been given those who had preceded him in the executive office. Following this counsel, Blackwell proclaimed that provincial laws could not become effective until Penn had given his assent to them. The Assembly strongly objected that this was not in keeping with the Charter and Act of Settle-

85 This may conceivably have been the result of Penn's own desire rather than the pressure of the freemen. See his letter of April 12, 1681, addressed to Robert Turner, Anthony Sharp, and Roger Roberts, printed in Samuel M. Janney, The Life of William Penn (Philadelphia, 1852), 163.

86 Minutes, I, 119.

87 In 1705, for instance, Penn complained that he had lost considerable revenue because many years earlier his reservation of the final assent to laws made during his absence had been disregarded. He wrote: “I too mournfully remember how noble a Law I had of Exports and Imports when I was first in America that had been worth by this time some thousands a year which I suspended receiving for a year or two, and that not without consideration engaged by several merchants. But Thomas Lloyd, very unhappily for me, my family and himself, complimented some few selfish Spirits with the repeal thereof without my final consent which his Commission required, and that has been the Source of all my loads and inabilities to support myself under the troubles that have occurred to me on the account of settling and maintaining the Coloney. ...” Logan Papers, II, 112, American Philosophical Society.

It is noteworthy, too, that the 1688 Assembly amended all bills sent to it by the Council so that they would continue for one year only, possibly to frustrate Penn's veto.

ment. Later, when Penn once more fixed the executive power in the Council, he warned them: "Lett the laws you pass, hold so long only as I shall not declare my dissent, that so my share may not be excluded or I finally concluded without any notice, in fine, let them be confirmable by me as you will see by ye commission I left when I left the province." What is more, William Markham, last of the Deputy Governors before Penn’s return to the Province in 1699, in defending himself to the Board of Trade, used as an extenuating reason for having passed a certain law, the excuse that "... all Laws here are but probationary till they have recd. ye Proprieter. Assent and much more till they have received ye Royal Assent."

Even after the granting of the Charter of Privileges of 1701, which vested full legislative authority in the Governor and Assembly, Penn felt himself entitled to veto provincial laws. Article IV of the Charter required the laws to be recorded in the Rolls Office “after Confirmation by the Governor.” There was no explicit statement as to whether this meant the Governor-in-Chief (i.e., the Proprietor) or his acting Deputy. Penn very shortly, by his actions, gave it the first interpretation. Just as promptly, the colonists insisted on the latter. No sooner had James Logan seen the commission which Penn had given to John Evans, who came to the Province as Deputy Governor in February 1703/4, than he wrote to Penn, “... there is one Clause that will much disgust viz. saveing to thyself a final assent to all bills & which I must confess I think is too much in any but those relateing to thy Property, & will be a Check against granting publick Supplies seeing they cannot be sure any thing besides will pass and 3 negatives to ye Assembly will be thought too much.”

That Logan knew the people’s temper became evident in May, 1704, when his prediction proved true. In a joint conference between the Council and Assembly, the latter proclaimed its “... Dissatisfaction about ye Clause in the Governours Commission, where Propry saves to him & his Heirs their final assent to all such bills as ye Govr should pass into Laws. ...” Not long after, the House

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89 Votes, I, 104.
90 William Penn to the Provincial Council, August 12, 1689. Dreer Collection, Letters and Papers of Penn, 28.
91 Board of Trade Papers, Proprieties, 1697-1776 (London, 1901), V, 427.
93 Minutes, II, 144.
ordered that an address to the Proprietary should be drawn up, thanking him for having obtained the Queen's approbation of Lieuten- 
ant Governor Evans, "... but withal, to acquaint him of the Inconveniences and Disputes which the Salvo, or Reservation of his Assent to Laws pass'd here by his Lieutenant, hath occasioned." 94 Meanwhile, Roger Mompesson, Judge of the Admiralty for Pennsyl-

vania, the Lower Counties, New Jersey and New York, as a member of the Provincial Council of Pennsylvania, gave his opinion that the Royal Charter to Penn made laws passed by Deputy Governors just as valid as those passed by the Proprietor himself. Hence, he said, the clause in Evans' commission which reserved a veto power for the Proprietor was null and void. 95 Besides, as Logan explained to Penn, "... the very words of that saving makes the clause void ... there being nothing Reserved but an assent to Laws past, which when past will need none." 96 To this Penn indignantly replied:

I hope while you tell ye people my saveing the final assent to my selfe is a flourish only, & yt by my Charter from K.C.2 ye reserve is voyd in it selfe, you dont mean that I have put it in the powr of an ill Dept. Gor. & an assembly yt may bribe him, to give away my Lands, rents, nomination of officers, fines etc. ... I therefore tell thee plainly, unless they come upon a better foot, and that all such Laws shall be declared voyd, as unjust & agst reason & right, I shall insist upon the validity of the restriction or have a sufficient security. I have given away as well as spent & exhausted myself too much already. this is enough. 97

From all accounts it would seem that Penn's fear of having his rights and privileges whittled away to nothing was substantially grounded. The heart of the very real opposition to proprietary interests in his day was David Lloyd, who nursed a grudge against Penn because the latter, upon orders from the Crown, had deprived him of the office of Attorney General. As Speaker of the House from 1703 to 1710 (one year excepted), Lloyd was in a position to make his enmity felt. Whether the mainspring of his conduct was a real interest in enlarging the people's rights, or simply a selfish desire of revenge, the net result of Lloyd's activity was to deprive the Proprietor of one bit of power after another.

94 Votes, I, 415.
96 Ibid.
97 William Penn to James Logan, September 16, 1704. Logan Papers, I, Correspondence of James Logan, 51.
Typical of the measures fathered by Lloyd were three bills—two explaining the Charter of Privileges and the Charter of the City of Philadelphia respectively, the third confirming property rights. When Governor Evans received them from the Assembly, he thought them so questionable that he decided to send them to the Proprietor before giving the Assembly his own assent or dissent.\textsuperscript{98} Penn promptly sent back word that they were by no means to be passed. Had Evans, he said, been so foolish as to pass them, they would most surely have been disallowed by the Crown, "... being look'd on by Men of Skill, to whom they have been shown, as very great Absurdities."\textsuperscript{99}

This practice of transmitting doubtful bills to the Proprietor before the Governor sent his decision concerning them to the Assembly, really gave the Proprietor a sort of preliminary veto. In 1705, for instance, James Logan, acting on his belief that bills relating to property matters should be prepared and drawn by the Proprietor, sent to Penn an act for confirming patents. "Such an Act," he said, "ought certainly to be thy own & tis fitt thou shouldst consent to every Article before tis past yet there is not much more in it I believe than what with a few Amendmts thou wilt think fitt to grant the People before thou takes leave of them thy self and if done in a suitable time it will be so much the better."\textsuperscript{100}

In 1751, Thomas Penn ordered Richard Peters, the Provincial Secretary, to send him immediately any bill establishing a Court of Chancery. The Assembly, said Penn, should remember that "... no Bill can pass without our consent, & therefore they should pay us the compliment not to offer one that is liable to great objections."\textsuperscript{101} Some years later, the Proprietor wrote to Governor Hamilton telling him to pass no laws which attempted to regulate the provincial Land Office until they were sent to England and returned with his approval. Such bills, said Penn, deal with "a matter that concerns us in our private property & what we have a right to consider, as the King does here privately. ..."\textsuperscript{102}

\textsuperscript{98} \textit{Votes}, I, 471.
\textsuperscript{99} \textit{Ibid.}
\textsuperscript{100} Letter Books of James Logan, I, 215. (Logan here refers to Penn's intention of selling the government of the Province to the Crown.)
\textsuperscript{102} Thomas Penn to James Hamilton, March 6, 1762. Penn-Hamilton Correspondence, 57.
Isaac Norris, in 1755, related to Robert Charles what he termed a "Humorous Instance of ye Course our Bills take before they can be enacted into Laws." It seems that on the first of January the House had passed and sent to the Governor a bill restricting the number of foreigners who might be brought into the Province (called the Palatine Bill). The Governor amended it in a fashion completely repugnant to the Assembly. There the matter dropped for the time being, but, said Norris, "Look into ye Londn magazine for March last, Page 119, and it is easy to know what became of our Bill, which in Point of time must have been sent over immediately after it had passed the house."

Later in the same year, Norris wrote that he felt sure a bill for regulating the Indian trade was about to "... go ye voyage our Palatine Bill formerly took, being as we Supose not Clearly provided for in ye Volume of Instructions or repugnant to some of them, as indeed what is not?" Herein Norris touched on another means utilized by the Proprietors to control Pennsylvania legislation, namely, instructions issued to the various Deputy Governors. Unable, despite Thomas Penn's assertion to the contrary, to prevent the operation of what they regarded as undesirable laws by the exercise of a proprietary veto, they attempted instead to restrain the Deputy Governor from assenting to bills which they considered detrimental by instructing him not to pass bills dealing with certain subjects or lacking certain stipulated provisions. These instructions usually accompanied the commission which the Governor received from the Proprietor on assuming his administration. Some of them were designed for publication; others were given in confidence and were not to be made known to the Assembly. Penn introduced them in his time they were not quite so bitterly contested by the colonists as they were later to be, although as early as 1709, the House greeted Governor Gookin by expressing the hope that his instructions from the Proprietor were such as to permit him to "fully represent him here as Lieutenant-Governor, without Limitation or Restriction."

104 Isaac Norris to Robert Charles, November 22, 1755. Ibid., 88.
105 Actually, the most that the Proprietors could do to nullify provincial legislation was, on the one hand, to command or urge the Assembly to repeal the offending laws, and, on the other, to fight for their disallowance by the King-in-Council.
106 Votes, II, 834.
Trouble on the score of instructions began in earnest with the introduction of paper money during the administration of Governor Keith. The major concern of the Proprietors in this connection was to prevent any decline in their income from the provincial quitrents which they collected yearly and which would most certainly be affected by the fluctuating value of the paper currency. Therefore, in order to win the Proprietary's consent to a vitally needed paper money bill in 1729, the Assembly had to promise that the shilling quitrent required for each acre would always be understood to mean either an English sterling shilling or its equivalent in provincial money.\footnote{The Assembly seems to have promptly and conveniently forgotten all about this promise, nor does anyone else seem to have kept it in mind. It was, in fact, only accidentally brought to light once more in 1739, when another paper money bill was before the House. Richard Peters, writing to the Proprietors in that year, gave an interesting account of its recovery, one which brings into view some of the political maneuvering which accompanied the legislative process in colonial Pennsylvania:}

"It was by mere accident that the Governor was furnished with the Assembly's Engagement in the Year 1729; Your Brother being desirous to know whether at the time of passing the last paper money act there was not something in the Proceedings of the House more than was in the printed Votes of that Year sent me to the speaker to procure him the Minutes of 1729 out of the Publick Chest Which I did and on perusal they were found to agree exactly with what was in print. I happened to ask what those Addresses contained which were mentioned in the votes to be sent to the King and the Proprietary Family and why they were not inserted at large as things of that nature always are in the published printed votes, your Brother said he remembered nothing of them but it might not be amiss to see them whereupon I got the Speaker to search for them and at last at the very bottom of the Chest the Rough Drafts were found; It is very Surprizing how so Solemn an Engagement could be Suffered to lye dormant so long without being noticed by the Proprietaries or remembred by their Friends especially when the point was so much debated while you were here. . . . The Speaker . . . was of the opinion, that the Governor should in his first Message send the Amendments accompanied only with the general Arguments in their favour without mentioning either the Proprietaries Instructions, or the Address of 1729, the reason of this Advice was, that as the Members wou'd declare with great warmth against the Amendment some one in the Secret might with an Air of Indifference ask what was the Sense of the House about the Proprietary Quit Rents in the Year 1729, the Answer to this wou'd no doubt be that as there was no Exception in the Bill the Proprietaries were on the very same footing with other People, true it might have been replied, if the House came into no Engagement with respect to making the Proprietors Satisfaction, but did not the House at that time declare their Sense in favour of a Reservation of the Quit Rents? They would have denied one and all that this was the Sense of the House or that there was any engagement of this nature; then the Managers in the Secret wou'd have found it no difficult matter to have procured a Vote to support the Honour of the former House in case they had enterd into an Engagement to the Proprietaries that they should not be obliged to take their Quit Rents at a less value than the Exchange; then the Governor was to send the Address of 1729, in a Second Message, which must have confounded the hot Members}
many of the inhabitants were defrauding them by absolutely refusing to pay the real value of their quitrents, basing their refusal on the ground that an Assembly resolution, such as the foregoing promise, could not bind the inhabitants. To remedy this difficulty, the Proprietors instructed the Deputy Governor not to pass any laws for additional emissions of paper money without incorporating in them the Proprietary definition of the required shilling quitrent.\textsuperscript{108} The effect of this instruction on the Assembly’s temper was just what might have been expected. Continuous popular agitation caused the Proprietors to recede, time and again, from their forthright position in this matter, but as late as 1764, when making paper legal tender, the Assembly still had to except “the Proprietaries Sterling Rents.”\textsuperscript{109}

Fuel was added to the fire when the Proprietor, convinced that the Assembly’s power to dispose of public money without the Governor’s consent was the greatest reason for its growth in power at the expense of the executive part of Pennsylvania’s government, ordered the Governor to pass no money bill “without appropriating the produce in the Bill, or leaving it to the Governor & Assembly jointly to do it.”\textsuperscript{110} Governor Hamilton, clearly foreseeing the consequences, warned him:

> It should never be proposed unless you are determin’d at all Events inviolably to adhere to it. It is certain that at first, the Assembly will bounce violently, and be very angry; and the Province will be thrown into a Flame on that account; & probably you will have but little money paid into your Receivers Hands during the Contest. Added to all this . . . the Assembly by the great funds they have in their Hands of at least £6000 a year, will be able to accumulate a Vast Sum of Money before the present Acts expire, with which to carry on any Contest, or to gratify their Adherents; for without Doubt, the Sluices of their liberality will be stopp’d to all others.—On the other Hand, when the Re Emitting and Excise Acts expire, which will be in about four years and a half, and the money begins to sink: It seems to me, that they will be under a necessity of complying, rather than want

\textsuperscript{108} Ibid.

\textsuperscript{109} Votes, VII, 5535.

\textsuperscript{110} Thomas Penn to James Hamilton, July 29, 1751. Penn-Hamilton Correspondence, 12. By this the Proprietor meant that the Governor should pass no appropriation bill unless it specifically stated the purposes for which the money would be used, or, if the bill provided only for the raising of a lump sum, unless it specified that the money would be dispersed jointly by the Governor and Assembly.
a Medium of Commerce, but that is a long time to carry on a Contest. And untill they do comply, Every Officer of the Government, who relies on the publick for any thing, is held in Bondage, the whole dependence of the province is drawn upon them; Men of Fortune, from whom one would expect better things, gradually slide into their dirty ways of thinking; and by those means the Government, upon any contention, is left without weight or adherents.\[111\]

Hamilton’s prediction proved very true. The Assembly’s resentment knew no bounds, and it adopted the policy of withholding the salary of any governor who attempted to enforce the proprietary instructions. Just as the Proprietors were obliged on occasion to suspend their instructions regarding quitrents, so they sometimes found it necessary to rescind temporarily their orders respecting the appropriation of money, but it remained a bone of contention. Moreover, the Proprietors won for themselves still greater opprobrium by instructing their deputies to pass no laws which taxed their estates. They maintained that in so ordering they were upholding a principle rather than seeking to escape financial liabilities. They said that they were willing to give a voluntary contribution to the defense purposes for which the taxes were laid, and they actually did so.\[112\]

The Deputy Governor was the one who bore the brunt of the Assembly’s displeasure in all these cases. He had no peace and could secure neither legislation nor salary until he capitulated to the Assembly’s demands and violated his instructions. But, if he did so, he incurred the censure of the Proprietors and was liable to prosecution. The consequence was that, after a bitter struggle, most of them, sooner or later, threw up the trying job and went home. Even James Hamilton, the only Pennsylvania-born governor, found the position a thankless one, and gave notice of his resignation after a few years’ torture. Upon the urgent insistence of the Proprietors he again resumed office in 1759, but only on the absolute condition that he should not be hampered by impossible instructions.

Meanwhile, the Assembly under the guidance of Benjamin Franklin was moving slowly but clearly toward a break with the Proprietors. In 1754, the House was already saying:

If this Province must be at more than Two Thousand Pounds a Year Expence, to support a Proprietary’s Deputy, who shall not be at Liberty to use his own Judg-

\[111\] James Hamilton to Thomas Penn, March 18, 1752. PPOC, V, 227.
\[112\] They gave £5,000, but it was drawn from the Proprietors' provincial revenue and therefore was received piecemeal as the inhabitants paid quitrents.
ment in passing Laws . . . but the Assent must be obtained from Chief Governors, at Three Thousand Miles Distance often ignorant and misinformed in our Affairs, and who will not be applied to or reasoned with when they have given Instructions, we cannot but esteem those Colonies that are under the immediate Care of the Crown, in a much more eligable Situation. . . .

By 1764, the feeling against proprietary instructions was so great that the Assembly, with only three dissenters, voted to petition the King to take the government of Pennsylvania into his own hands. This was thought by many to be a foolish move, and was soon repented of by some who at first supported it. It was never presented, however, owing partly to the difficulties with the mother country after 1765. Moreover, when John Penn, in 1773, came to Pennsylvania for the second time as Governor, he was vested with plenary power as far as the Proprietors were concerned. This helped to settle the basic problem of proprietary absentee overlordship.

113 Votes, V, 3826–3827.
114 Ibid., VII, 3826–3827.
115 George Bryan's attitude was typical of that shared by many others. He wrote: "The difference to Individuals is but nominal & the Colonies where the Governor is commissioned by the crown are perhaps better treated in some respects, as the King cannot be supposed to make so much use of his influence in making the powers of Government available to the profit of his income, by quitrents etc., as a proprietary—But a change of this sort may afford an opportunity of retrench the valuable privileges heretofore granted & so bring the province more under Ministerial direction in points wherein liberty and security of property are concerned. And should this be the case with respect to Pennsylvania, it would be thought by every body a necessary severity exercised on a licentious people." "Memoranda of Events, 1764"—written on blank sheets in the back of John Watson's publication, The Gentleman and Citizen's Almanack for . . . 1760 (Dublin, 1760), in the Library of Congress.

116 John Penn's own personality and his liking for the provincial atmosphere of Pennsylvania likewise contributed to a better relationship. Even before he returned to America for the second time, Penn showed an appreciation of the colony. Writing to Joseph Shippen from England in 1771, he said: "You see I think about America which I like better now than ever I did, & had much rather live there than here. I am so much naturalised to it, that I consider myself as a kind of Exotic here, transplanted to a Soil, it cannot flourish in . . . I consider this Country, as an Old man, who has received several Strokes of the Palsey & tottering upon the brink of the Grave, whereas America is growing daily toward perfection, and must afford a man of reflection a very different Kind of pleasure, from what he will on the contrary experience, when he comes to consider the State of this Scene of Vice & Folly." Shippen Papers 1729–1763, No. 1695, Library of Congress.

Again, in 1773, he sent Shippen an amusing account of his efforts to spread a good report of America among his English friends: "Capt. Osborne sent me the Beer safe; it is very good, though it has not entirely taken to the bottle yet, as soon as it is fit to be produced, I intend to surprize some of our English Folks with it, who think there is nothing good in America & that the Inhabitants are little better than Hottentots. It is amazing how confined many people's Ideas are, with respect to our part of the World (for I consider myself more American..."
Intimately connected with this long drawn-out conflict between the Proprietors and the Assembly over the distribution of legislative power in Pennsylvania, was the frequently recurring antagonism between the Assembly and the Council over what the Assembly regarded as conciliar interference in the legislative process. From 1701, when the Charter of Privileges set up a unicameral legislature by changing the Council from a popularly-elected to a governor-appointed house of twelve members intended simply as a “Council of State” for the Governor, the Assembly jealously guarded its legislative monopoly against the slightest trespassing of the Council. As early as 1704, when Governor Evans expressed a wish for frequent conferences between Council and Assembly in order to facilitate government business, the House immediately resolved “That it is inconsistent with the late King’s Letters Patent, and the said Charter of Privileges, that the Council (as now chosen) should have a Share in the Legislation, unless it be when the Government is in the Council; which this House agrees may be upon the Death of the Governor, unless other Provision be made by the Governor in Chief. . . .”  

The Council’s opinion on legislative matters, said the House, is irrelevant.  

When Governor Gookin’s first legislative session was drawing to a troubled close in September, 1709, the Assembly sent him a remonstrance saying:

... to our great Dissatisfaction, we understand, that by certain Instructions from the Proprietary, those Powers of thy Commission are so restricted, that thou cannot pass any Bill into a Law without the Approbation or Advice of thy Council, who being under no Obligation to attend, we need not tell the Governor how the Business of the Country is by that Means retarded, and all our Pains and Endeavours for the Publick Good rendered ineffectual, which, we hope, will incline the Governor for the future, to adhere to the Powers and Directions of the royal Charter, which gives him and the Representatives of the People the whole Power of Legislation in this Province, and admits of no such Absurdity as to set up a Council of State to act in Opposition to those that represent them.  

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117 Votes, I, 423.  
118 Ibid., 456.  
119 Ibid., II, 905.  

than English) notwithstanding the numberless opportunities they have of Information; but they will not believe the truth when they hear it. I believe I am often taken for a liar or an enthusiast when I am telling plain matters of fact. . . . I pity their ignorance, & lament the bad policy of this nation with respect to America. . . .”  

Ibid., No. 1721.
What would they have said if they had known that Penn not only commanded the Governor to act in conjunction with the Council, but even advised Logan to "... engage two or three able & Sensible friends, and as many of others, to be of privat sfrds & Council to him, in the nature of a Cabinet, for the better prevention of ill designing persons, & ye popular performance of his duty in govermt"?120 This was just the sort of thing which, if made known, would have stirred up a war for the people's privileges resulting in a legislative stalemate. Later, Gookin went to the opposite extreme of ignoring the Council's advice, and getting himself into trouble by flagrantly violating the Charter of Privileges in dismissing the duly elected Assembly for making a law which he did not like.121 At this point Logan wrote to him begging him to consult with the Council, but, as Logan later confided to Mrs. Penn, "a distracted man in Bedlam was as easy to be advised or prevailed with in anything" as was the Governor.122 Others of the Council agreed that "... few men in a publick character ever stood in more need of Counsel and as few perhaps have been more difficult to be persuaded by it."123 Even the Assembly wished him to take the Council's advice, at least insofar as it coincided with the views of the House.124

In 1721, the Assembly went so far as to ask Governor Keith to advise with the Council on all bills sent to him from the House,125 and the following year it specifically requested him to consult with the Council on Indian affairs. Since, said the Assembly, the members of Council "are some of the principal Inhabitants of this Government, we have no reason to doubt but they will be concerned for the Good of the same."126 However, this attitude toward the Council was soon dissipated by what the Assembly considered as proprietary interference.

Hannah Penn, who since her husband's death had been exercising

123 James Logan to William Penn, August 11, 1715. Penn Papers, Letters of Penn Family to James Logan, II, 80.
124 Votes, II, 1180.
125 Ibid., 1373.
126 Ibid., 1418.
jurisdiction over Pennsylvania, upon hearing of Keith's neglect of the Council, sent an instruction ordering him to govern with its advice.\textsuperscript{127} This advisement included not only the consideration of bills and the passing of laws, but every act that required the Governor's deliberation, even the speeches he delivered to the Assembly or the messages he sent them. She also demanded that only persons formally proposed and approved in the presence of two-thirds of the Council be admitted to its ranks, and that at least one half be Quakers. She so ordered, she said, because

The Powers of Legislature being at present lodged solely in the Governor & Assembly without so much as a negative reserved to the Proprietor when absent it is of the highest importance for our security, as well as for that of the country, that Matters of Legislation should be carried on with the most mature advisement and Deliberation; for it never was intended that every new Governor should with an assembly annually chosen, proceed to make wt new laws they should think proper to be transmitted directly to the Kings Ministers without any other check.\textsuperscript{128}

To Keith's mind this was a violation of the Charter, and he had no difficulty in persuading the House of that fact. Asserting that the proprietary power to enact bills was "wholly and solely lodged in the person of his acting Deputy Governour for the time being," he maintained that to restrain the latter by permitting him to act only with the consent of the Council was to infringe the constitution by adding a third part to the legislature.\textsuperscript{129} If the Proprietor was desirous of such an amendment to the constitution, he said, the mode of amending provided for by the constitution should have been employed. The proprietary instruction in this matter was, moreover, "derogatory to the Royal Prerogative" insofar as it placed the control of governmental affairs largely in the hands of members of the Council who had never paid into the English Exchequer any security for their observance of royal instructions—an obligation imposed by act of

\textsuperscript{127} Hannah Penn to William Keith, May 20, 1724. PPOC, I, 147.
\textsuperscript{128} Ibid.
\textsuperscript{129} William Keith to Mrs. Penn, September 24, 1724. PPOC, I, 157. In behalf of the Proprietors, Simon Clement criticized Keith's argument, saying in part: "Surely no man could advance such a conceit who had ever taken the pains to inform himself of ye manner of passing ye Laws in England, where, when the Bills have passed both houses, they are laid before ye King in Council, & there it is consulted wch shall, or shall not receive ye Royal assent; & yet ye Privy Council was never imagined to be one of ye Estates of Parliament, or to have a Negative vote in ye passing of Laws; nor are Kings thought to lessen their Prerogative by consulting wth their Council in ye administration of ye Governmt." PPOC, I, 165.
Parliament on all persons entrusted with the power of government in the colonies. Indeed, he said, they had never even received royal approbation. Hence, it seemed clear to him that “the present Council of this Province cannot Legally be understood to be any other than a Council of State to Advise, and be present as Solemn Witnesses of the Governours Actions. . . .”

Logan, in writing of this provincial conflict, pointed out that Keith’s friend, Governor Spotswood of Virginia, was misleading him by saying that he never consulted the Virginia Council about his speeches or messages to Assembly.130 “What of it?” said Logan. There is a substantial difference between the legislative relationship of Governor and Assembly in Virginia and that in Pennsylvania. In any royal colony, he pointed out, “. . . the Governe cannot regularly treat about any Bill, but when prepared and agreed to by both the Houses viz Council and Assembly, he may either pass or reject it.” In Pennsylvania, on the other hand, “. . . the Governe, besides his proper Right, as Governr, to give his Assent or Negative Supplies the place of the Legislative Council and amends the Bills, instead of an upper House, which Shews how necessary the Assistance of a Council is in those cases.”131

When Keith was removed from office in 1726, his successor, Patrick Gordon, entered upon his duties promising not only to consult with the Council, but also to do nothing “of the least Importance relating to my Administration without the Advice and Approbation of your worthy Friend Mr. James Logan . . . Mr. Isaac Norris, and Mr. Richard Hill. . . .”132 The Council thenceforward resumed its accustomed function of deliberating with the Lieutenant Governor on legislative affairs. To such an extent did it participate in the legislative process that when, in 1755, Governor Morris had to travel to Pennsylvania’s frontier while a legislative session was in progress, he sent word to the House that he would take with him a quorum of the Council in order that he might deliberate upon and pass whatever bills should be sent him.133 Yet, in spite of this, every once in a while there was another flare-up of opposition to the Council’s having

130 James Logan to Joshua Gee, October 8, 1724, Ibid., 169.
131 Ibid.
132 Patrick Gordon to Hannah Penn, October 18, 1726. Ibid., 245.
133 Votes, V, 4106.
any part in the legislative process. Such a one, in fact, had taken place shortly before the incident just mentioned, when the Council had recommended that the Governor should veto a bill for regulating the importation of foreigners. The Assembly was annoyed that the Governor had consulted the Council and asserted that the Council had no right to give its opinion on any bill, much less on this, since many councillors were of the number of those “who are, or have lately been, concerned in the Importations, the Abuses of which this Bill was designed to regulate and redress.”

This remark tends to indicate that the divergent economic interests of the members of the Council and those of the Assembly played an important part in creating the antagonism of the latter toward the former. There is abundant evidence to support this opinion. The Council was made up of the wealthier, more substantial inhabitants who possessed extensive estates in various parts of the Province and who were in many cases engaged in commercial ventures on a large scale. The Assembly was, generally speaking, composed of those who were moderately situated, although some, like William Allen or Isaac Norris, were wealthy members. However, the conflict was also, to a large degree, the result of the Assembly’s desire to free itself of all restraints upon its legislative activity.

The Crown, as has been already noted, imposed the final control on Pennsylvania’s legislation. By Charter, Pennsylvania was obliged to submit her laws for royal allowance or disallowance. Before 1696, the English Government made no effort to see that Pennsylvania did so, and the colonists themselves showed little concern for this requirement. During the eighteenth century the laws were, for the most part, sent over, and a good number were disallowed. Disallowance, however, despite the inconvenience it caused, was not too great a hardship because it could be circumvented in various ways,

134 Ibid., 3891.
135 By Section VII of the Royal Charter given by King Charles II to William Penn, it was required that a copy of all laws “made and published” within the Province should be sent within five years to the Privy Council, in order that the King-in-Council might examine them within six months of their transmittance, and declare them null and void if he thought them inconsistent with his prerogatives “or contrary to the Faith and Allegiance due to the Legal Government of this Realm.”

for example, by passing laws which would expire before being acted upon by the King-in-Council, and by re-enacting many of the laws which had been formerly disallowed by the King.¹³⁷

At various times the Crown, or else the Board of Trade, also sent instructions to the governors of the proprietary as well as to those of the royal colonies. They were usually concerned with imperial matters, or at least what the English considered to be such. They were never well received by the colonists of Pennsylvania, but for many years they took second place in the list of colonial grievances—proprietary instructions were much more pressing and annoying to them.

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¹³⁷ Ibid., Chap. V.