The Disgrace of John Kinsey, Quaker Politician, 1739-1750

Few students of provincial Pennsylvania have remembered John Kinsey; at most he is just a name. He is mentioned in works touching upon the political scene between 1740 and 1750, but writers have never made an exhaustive study of his career. When Kinsey’s accomplishments are arrayed, they make a notable list and merit a place in colonial history alongside David Lloyd, James Logan, and Andrew Hamilton. The time has come to make public one unknown episode in his career as an explanation for his fall into oblivion. First, however, his attainments must be summarized to place the single incident in its proper perspective.

John Kinsey was born in Philadelphia in 1693, and was probably the son of John and Sarah Stevens Kinsey. His father was an active Friends minister and a carpenter by trade. He frequently traveled in the ministry: he made a journey to Long Island with Thomas Chalkley, was very active in the Monthly Meeting in Philadelphia, and helped to establish Woodbridge Preparative Meeting in New Jersey. He moved to Woodbridge, near Rahway, between 1702 and 1704, following the death of his wife, and there married a widow, Grace Fitz Randolph. In New Jersey he was one of the Middlesex

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2 Samuel Smith, *History of the Colony of Nova-Caesaria, or New Jersey* (Burlington, N. J., 1765), stated on page 103 that John Kinsey, the commissioner to New Jersey who died aboard ship in 1677, had a son John who arrived in Burlington the following year. Smith added that John Kinsey (1693-1750), later Chief Justice, was the third John in the family. However, John Kinsey of Burlington died in 1689. *New Jersey Archives, First Series* (Newark, 1880-1906), XXIII (Abstracts of Wills, 1670-1730), 276. Furthermore, John Whitehead, in *The Judicial and Civil History of New Jersey* (Boston, 1897), suggested that Kinsey came to New Jersey from England in the year 1716. Because the Philadelphia Kinseys moved to New Jersey, it is difficult to search out the truth. These statements are elaborated in E. M. Kinsey’s “Genealogical Notes,” *Genealogical Society of Pennsylvania*. 
County Commissioners, a member of the provincial Assembly, and Speaker of that body.⑧

Little is known about the boyhood of his son John Kinsey. He very likely attended the Friends Public School (what is now William Penn Charter School), for his father was interested in it and served on committees to oversee its condition, physical, spiritual, and intellectual. The first direct reference to young John which has been found is his signature on the marriage certificate of Edmund Kinsey and Sarah Osborne, or Ogburn, on the twenty-first of November, 1708, in Woodbridge. In addition to the signature of John Kinsey, there is the name “John Kinsey, Jun’r,” written by the fifteen-year-old lad in letters half an inch high and in capitals of one and one-half inches.④

A letter written at the time of Kinsey’s death recorded the following facts concerning his youth: “He [the elder John Kinsey] put the son we are speaking of, apprentice to a Joiner in New York, with whom he worked at that business a considerable time, but having an Inquisitive disposition, and a Genius for something above his then employ, he left his master before his time was out, & applied himself to the Study of the Law, in which he soon gained great Reputation.”⑤

It is thought that Kinsey studied law in Philadelphia, since he was admitted to the bar in Pennsylvania in 1724, and to the bar in New Jersey somewhat later.

The year 1725 was marked by two events in the life of John Kinsey, one personal and the other of a public nature. On Seventh Month [September] 9, 1725, he married Mary Kearney, daughter of Philip Kearney, at Philadelphia, and took her back to Woodbridge.⑥ The public event involved the time-honored Quaker testimony of “hat honor.” Kinsey appeared in the Court of Chancery at Philadelphia with his hat on, and Governor William Keith, who was presiding, ordered it taken off. The Governor acquiesced to the practice, how-


④ This marriage certificate is in the Friends Historical Library, Swarthmore College.

⑤ John Smith to Dr. William Logan, Fourth Month 2, 1750, Correspondence of John Smith, 1740–1770, The Historical Society of Pennsylvania (HSP).

⑥ Recorded Book A, 110, Department of Records, Philadelphia Yearly Meeting, 304 Arch Street, Philadelphia.
ever, when Philadelphia Quarterly Meeting petitioned him to refrain from such actions and to remember the historic position of the Society of Friends.\textsuperscript{7}

Between 1727 and 1730, Kinsey served as a member of the Assembly of New Jersey, and was Speaker of that body during his last year of service. Of him Governor John Montgomerie wrote: "Mr. Kinsey one of their profession [Quaker] is chose Speaker, he is a Man of sense and honesty, has a great regard for His Majesties Service, and the prosperity of the Province: I know he will do all he can to keep his Brethren in a good temper . . . ."\textsuperscript{8} A recent author gave Kinsey credit for many reforms in New Jersey in 1727–1728, and said, "The ninth assembly had been intoxicated by the generous supply of liberal ideas served up by its favorite, Kinsey . . . ."\textsuperscript{9} Persons opposed to the reforms, however, left less complimentary remarks for posterity.

Kinsey returned to Philadelphia late in 1730 or early in 1731. In January of the latter year he was chosen a member of the Assembly to replace David Potts, deceased,\textsuperscript{10} and he continued as a member until his own death in 1750. In recognition of his experience he was named to several committees in 1731, and on occasion served as chairman of the Committee of the Whole. In the intervening years until he became Speaker of the Assembly on October 15, 1739, he was a leading figure in all phases of its work. He replaced Andrew Hamilton in the Speaker's chair, and served for eleven years as both presiding officer and head of the Quaker element in the government.

This was a troublesome decade, after years of comparative quiet upon the political scene. The prime source of conflict was the outbreak of war between England and Spain, the so-called War of


\textsuperscript{8} Perth Amboy, May 22, 1730. \textit{New Jersey Archives, First Series}, V, 270.


\textsuperscript{10} He and his wife were admitted to membership in Philadelphia Monthly Meeting, Eleventh Month 21, 1730/1. Recorded Book A, 139, Department of Records, Philadelphia Yearly Meeting; \textit{Pennsylvania Archives, Eighth Series [Votes of Assembly]} (reprinted, Harrisburg, 1931), III, 2061; hereafter cited as \textit{Votes}. 
Jenkins' Ear. War with France, King George's War, followed in due time. The second point of trouble was the conflict with the Proprietors and their representative the Governor over the prerogatives of the Penns and the rights of the colonists. Frequently the two became intertwined. In 1739 England appealed to the colonies for both manpower and monetary aid. Pennsylvania, often in common with her neighbors, answered such calls to the colors in a very grudging manner, and the Assembly, under the leadership of Kinsey, demurred on economic, constitutional, and religious grounds.

George Thomas arrived as Governor of Pennsylvania in August, 1738, shortly before Kinsey became Speaker, and remained in office until May of 1747. The official correspondence between Thomas and Kinsey was marked by an acrimonious partisanship which did no credit to either.\(^{11}\) When, in the summer of 1740, indentured servants were allowed to enlist in companies of soldiers recruited to fight in the West Indies, constitutional grounds were given for refusal to appropriate funds. It was said that if servants, purchased with hard-earned money, should be taken from their masters, it would constitute a serious threat to property rights.\(^{12}\) On other occasions the religious convictions of the Quaker members of the Assembly were held up as a reason for not aiding the war effort.\(^{13}\) At still other times the pleas against appropriating money rested upon the economic hardships the colony faced, and attempts were made to portray the contributions of Pennsylvania in a favorable light in comparison with neighboring provinces.

This difference took on a more personal meaning to Kinsey, when he was suddenly removed as Attorney General in the midst of the conflict. He had replaced Joseph Growden, Jr., as Attorney General of the province on July 6, 1738, and had conducted the duties of office until some time in October, 1741, when Tench Francis was named to replace him.\(^{14}\) Kinsey refused to resign on the grounds that

\(^{11}\) Thomas Penn to Col. [George] Thomas, London, May 3, 1743, stated positively that Kinsey wrote all of the statements: "... He was Tyrd of the drudgery the House put upon him of writing everything they had to say to you, which as the Arguments he must Use were very contradictory to common sense must be a disagreeable task." Penn Letterbook, 1742–1750, HSP.

\(^{12}\) Votes, III, 2570 ff.

\(^{13}\) For example, Votes, III, 2530.

\(^{14}\) John H. Martin, Martin's Bench and Bar of Philadelphia (Philadelphia, 1883).
he had been appointed for life. Richard Peters, who had been present when Kinsey was appointed, clearly remembered that he had been named at the convenience of the Proprietors, and confronted Kinsey with his testimony, but to no avail. In October both Kinsey and Francis appeared in the Court of Oyer and Terminer to prosecute a case, and the court recognized the commission of the latter. Kinsey later approached Francis and said that his opposition had not been his own idea, but the result of advice of friends, and he promised to give him no trouble in the future. Since the Penn family continued to employ Kinsey in legal matters until he became Chief Justice, the removal was no reflection upon his legal ability.

The Speaker was the undoubted leader of the Quakers in the Assembly, and perhaps out of it as well. Kinsey was Clerk of the Yearly Meeting of Friends, the official body of the Quakers in Pennsylvania, New Jersey, and Delaware, for twenty years, and an Elder in Philadelphia Monthly Meeting. Peters reported in 1742 that Kinsey read letters to the Assembly which he received as Clerk of the Yearly Meeting, although he did admit that the reading took place in the lobby of the Assembly room. He strengthened his statement concerning the connection between Friends as politicians and Friends as religionists in the following sentence: “As the measures for carrying on the Election will be taken up next Yearly Meeting in 7br [September] no certain judgement can be made yet of what may be done . . . .” Peters had earlier made this comment upon the influence of Kinsey: “He is certainly the Hinge on which the Quaker Politicks all turn & can influence them to do what he pleases, & as he is exasperated with his Removal as Attorney General he will never promote an agreement with the Governor nor a Coalition of Parties.”

For a time it seemed that Peters’ prophecy was correct, for political conditions reached a new depth when physical violence broke out in the election in the fall of 1742. The story of sailors from the ships in port conflicting with the “Dutch” for control of the steps leading

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15 Richard Peters to John Penn, Oct. 20, 1741, Richard Peters Letterbooks, 1737-1750, HSP.
16 Richard Peters to Proprietors, Oct. 26, 1741, ibid.
17 Richard Peters to Proprietors, Nov. 14, 1741, ibid.
18 Richard Peters to Proprietors, Aug. 25, 1742, ibid.
19 Ibid. This is not the place to debate the accuracy of this accusation.
20 Richard Peters to Proprietors, Nov. 14, 1741, ibid.
to the second story of the City Hall is too familiar to be repeated here. The "Dutch" won, Quakers were returned to most seats in the Assembly, as usual, and investigations into the cause of the riot dragged on into the winter. However, early in 1743, Kinsey approached friends of the Governor, and suggested that a peaceful settlement might be made of the quarreling which had been going on for many months.\textsuperscript{21} The salary of the Governor was paid by the Assembly, and it had become the practice of that body to withhold payment until the executive had assented to all legislative bills. Thomas, having an independent income, was not nearly so susceptible to such economic pressure, and as a result had not been paid for more than two years. On his part he had signed no bills in that time.\textsuperscript{22} He withheld his approval because he did not wish to appear to affix his signature under duress, while the Assembly used its only weapon, control of the money, to insure his co-operation. The compromise involved a partial payment of back salary, to be followed by the approval of the bills, which in turn would result in final payment of the salary. It was accomplished in just that manner, and the settlement marked the beginning of a more peaceful relationship between the Governor and the Assembly.\textsuperscript{23}

It was at this time that Kinsey asked for, and received, the position of Chief Justice of the Supreme Court, in the place of Jeremiah Langhorne. Peters stated quite frankly that Kinsey received this position as a reward for settling the conflict.\textsuperscript{24} At the same time, Peters, who had assisted Kinsey in the negotiations, received the position of Secretary of the Provincial Council, in the place of Patrick Baird. Kinsey filled the position of Chief Justice to the satisfaction of most, although just before his death there was some question upon the part of Governor James Hamilton, Thomas' successor, concerning the acceptance by Kinsey of original jurisdiction over cases which normally would have been tried in lower courts.\textsuperscript{25} Very little is known about the actual trials, decisions, and other phases of the work of the court at that time.

\textsuperscript{21} Richard Peters to Proprietors, Jan. 15, 1742/3, \textit{ibid.}
\textsuperscript{22} \textit{Votes}, IV, 2851.
\textsuperscript{23} Richard Hockley to Thomas Penn, May 5, 1743, Penn Manuscripts, Official Correspondence, III, HSP.
\textsuperscript{24} Richard Peters to Proprietors, March 14, 1742/3, Peters Letterbooks.
\textsuperscript{25} Nov. 18, 1750, Penn Manuscripts, Official Correspondence, V.
Kinsey served the province in another way, as a representative to the Albany Convention with the Indians in 1745, and on commissions attempting to settle the boundary dispute between Pennsylvania and Maryland. In each case he conducted himself with dignity and upheld the honor of the province, although success did not crown his efforts.

Suddenly, his career came to an abrupt end. He was stricken while in court, and died the same day. The diary of John Smith recorded the event more completely than any other source:

Third Month [May] 11th 1750, Heard in the evening that John Kinsey was taken, about noon today, with a fit, after he had been pleading a case at the Supreme Court, at Burlington, and was carried into Daniel Smith’s and Doctor Bond was immediately sent for. I rode to Stenton after night.

12th. Heard, early in the morning, that John Kinsey died about eight o’clock last evening . . . . The loss of this great and good man occasions a general lamentation, and, to present appearance, is irreparable.

13th. About two we went to the burial. [Israel] Pemberton, Junior, William Logan, brother Samuel and I took up the corpse; we also carried it into the meeting and brought it out again. There was the greatest concourse of people that ever I saw upon any occasion. M.[ichael] Lightfoot and A.[braham] Farrington Preached at the meeting.

The Pennsylvania Gazette, the following week, published this brief notice: “Friday last died suddenly at Burlington, in New Jersey, the Honorable JOHN KINSEY, Esq; Chief Justice of this Province, and Speaker of the General Assembly. His long Experience and great Abilities in the Management of Public Affairs, his Skill in the Laws, and his unblemish’d Integrity as a Judge, made his Life a very useful and valuable One: His Death is therefore justly lamented as a general loss. His Remains were brought to Town on Saturday, and interr’d the Day following; the Funeral being respectfully attended by a very great Number of People.”

26 Minutes of Thomas Lawrence and John Kinsey (which is an account of the journey kept by Kinsey), Department of Records, Philadelphia Yearly Meeting.

27 Minutes of the Provincial Council of Pennsylvania (Philadelphia, 1852), IV, 204–223. At the time of his death, Kinsey had just been named to a new commission. Thomas Penn to James Hamilton, July 18, 1750, Penn Letterbooks, 1750–1754.

28 Whether this was Dr. Thomas or Dr. Phineas Bond is not quite certain. Dr. Thomas had been disowned by Friends, while Dr. Phineas still belonged. Perhaps one of them just happened to be in Burlington at the time.

29 John Smith Diaries, Free Library of Philadelphia.

30 May 17, 1750.
There were differences in journalistic style even in the mid-eighteenth century, and the flamboyant statement of *The Pennsylvania Journal or Weekly Advertiser* stands out in sharp contrast to the dignified article in Benjamin Franklin's publication quoted above.

On Friday last died in an Apoplectic Fit, at Burlington, in the Colony of New Jersey, in the 54th Year of his Age, that truly great Man, the Honorable JOHN KINSEY, Esq; of this City, the Place of his Birth, and was decently interr'd here on Sunday last. Upon the Death of his Father, who was Speaker of the House of Representatives in that Colony, He was, tho young, chosen a Member and Speaker of that House, where he sat from his first Election 'till a Dissolution of that Assembly, which happen'd some Years after his coming to reside in this Place; when the People there very much regretted, on his Account, that a Law of the Colony disabled persons not Inhabitants from representing them: But his great Abilities and unshaken Integrity were so conspicuous, that the Freemen of this County, at the first Election after the Removal of his Family hither, made Choice of him as one of their Representatives in the General Assembly of this Province, and continued him during his Life. He wou'd have beenImmediately chosen Speaker of our Honourable House, but that Chair was then fill'd by a Gentleman of like Abilities and Publick Spirit, whom they could not overlook; but that Patriot [Andrew Hamilton] in the Year 1738, declining to sit longer in the House, and resigning his Trust of Principal Commissioner in the Loan-Office, Mr. KINSEY was fix'd upon as the most proper Person to succeed him in both Stations, in which he continued until the Time of his decease. He was the Coryphaeus of Law in this and adjacent Provinces, some Time Attorney General; and, in April, 1743, to the great joy of the People, made Chief Justice, of this Province, and has ever since sat in the Supream Court with unrival'd Reputation; and, indeed, wou'd have fill'd with Honour the first Seat of Justice even in England. His Death gave universal Shock to the People. We may, without attempting a particular Delineation of his Character, justly apply to him what was said of the great and good Sir MATTHEW HALE in the last Century, whose Spirit he much admired.

"THAT HE WAS ONE OF THE GREATEST PATTERNS THIS AGE HAS AFFORDED, WHETHER IN HIS PRIVATE DEPORTMENT, AS A CHRISTIAN; OR IN HIS PUBLICK EMPLOYMENTS AS A LAWYER, "SENIOR, JUDGE, OR TREASURER." So that what Horace said of his Friend Quintilius will, with Propriety close this Article concerning our late public Friend. OMNIBUS II.I.F. BONIS FLEBILIS OCCIDIT

Not only did this obituary notice exaggerate Kinsey's importance, but it also included some errors of fact. He was fifty-seven years of age, not fifty-four. The matter of the membership of his father in the New Jersey Assembly and of his succession to the seat of the elder Kinsey was garbled. It is very unlikely that he would have been

31 May 17, 1750. His death was also mentioned in the *New York Gazette*, May 21, 1750.
made Speaker in 1730 even if Andrew Hamilton had not held the office. In fact, he was fortunate to make a strong enough impression in eight years to be elected for the 1739 session. And no serious person could believe that John Kinsey was qualified to sit on the high tribunals of England unless he had a better legal training than he is thought to have had.

A more moderate estimate of his importance was that expressed by Richard Hockley, a close friend of the Penn family, who wrote: “Mr. Kinsey’s death is a great Loss, to the Province, and in some degree to Your Family of whom latterly he spoke of with great respect and Friendship. The Gov’r I fear will miss him as he had a happy turn in reconciling difference and [to] bring his purposes about in the House as they are a sett of obstinate People and he had enough to do to manage them.”

Philadelphia Monthly Meeting prepared the following minute concerning the death of its prominent member. “John Kinsey was born in this city about the year 1693 being endowed with a superior natural capacity & understanding, applied himself to the study of the Law & became eminent in this and the adjacent government [New Jersey] by his integrity, candour and regard to truth and Justice: being of an agreeable disposition, easy of access & free to communicate his Knowledge for relief of the distress’d though engaged in a multiplicity of business. He was remarkably useful & acquired a general good character & respect among people of all quarters. In his younger years he was signally visited by the power of truth, by which he was drawn off from the vanities and follies of the world & became serviceable in the church on various accounts.”

The choice of a successor on the commission to meet with Maryland occasioned some correspondence between Thomas Penn and Governor James Hamilton. Penn wrote: “I am concern’d to hear of the death of Mr. Kinsey who tho’ there were great exceptions to him in several respects, was nevertheless capable of being serviceable to his Country, and at this time I think would have been a useful Commissioner to run the lines with Maryland.”

32 Richard Hockley to Thomas Penn. June 3, 1750, Penn Manuscripts, Official Correspondence, V.
33 Department of Records, Philadelphia Yearly Meeting.
34 July 18, 1750.
upon his being "serviceable to his Country" undoubtedly has reference more to his usefulness in preserving the power and prerogatives of the Proprietors than to either England or Pennsylvania, and he sounded almost as if he begrudged admitting that Kinsey was useful or would have been useful as a commissioner. He knew perfectly well that the deceased had one of the best legal minds in the province, and he had made use of that mind for other government matters, as well as in personal affairs, on several occasions.

Governor Hamilton, in discussing the appointment of Tench Francis, another one of the leading lawyers in Philadelphia, to the vacancy on the Commission occasioned by the death of Kinsey, wrote: Francis "... appears to me to have as much fitness for this Business as the other [Kinsey] ever had, and much more than He had of late."35 Hamilton thus suggested that Kinsey was failing before the time of his death, and no longer had the complete use of his faculties. No other mention was made in the writings of either Kinsey’s friends or opponents, and one fears that perhaps Hamilton wished to justify his choice of Francis, without waiting for a new nomination by the Proprietors, by running down the abilities of the deceased Chief Justice. On the other hand, if Hamilton was a more shrewd observer than his contemporaries, his analysis may provide the answer to some questions about Kinsey.

The final contemporary estimate of the deceased Speaker which will be quoted before a more distasteful subject must be discussed, is that in a letter from John Smith to William Logan, who, while a pallbearer with Smith, was out of the city shortly afterward. "In all his offices he discovered a penetrating & Judicious capacity, with an Indefatigable Industry, an affable & Benevolent disposition, a cheerful steady conduct, & manifestly flowing from a sincere honest heart, which gained him the most universal Esteem that ever any one man had in the province. ..."36

Here was a man, then, who was revered by his friends and respected by his political opponents, even though sometimes grudgingly. His loss seemed irreparable to many. Reference was made frequently to his integrity, to his ability to deal with people, and to his sincerity and honesty, all of which made the news which began

35 Sept. 24, 1750, Penn Manuscripts, Official Correspondence, V.
36 Fourth Month 2, 1750, Correspondence of John Smith, 1740-1770.
to seep out a few weeks later that much more of a shock to his contemporaries.  

The earliest mention of the true condition of the estate of the late Chief Justice was made in a letter between two of the administrators. Sarah Pritchard, a sister of John Kinsey, had been first designated as executrix of the estate, but she declined to serve and suggested Philip Kearney, Israel Pemberton, and William Plumsted to act in her place. Governor Hamilton named these men to settle Kinsey’s affairs, or at least to handle them until young James Kinsey reached maturity. Pemberton wrote to Kearney, a brother-in-law of the deceased, who was a lawyer at Perth Amboy in New Jersey: “The publick accounts are now near adjusted and to my great Concern I find there will be a large Balance due to the Province from our Deceased friends Estate the Exact Sum I cannot say, but am assured it will be upwards of three thousand pounds and I fear considerably more; how to discharge it in a manner consistent with our Friends Reputation and the Interest of the Family will I fear be difficult to effect so suddenly as the first Consideration would direct us to do; If it be not paid ’ere the Assembly meets, & the state of the accounts be settled with so large a Ballance due, it will be fixing a Blott on his Character scarce ever to be Erased, and if any Method can be found to discharge it or a Chief part of it before that time it may be thereby in our power to prevent this mismanagement being recorded to Posterity & I hope this may be Effected by us [,] but without a Meeting it will not be easy to propose and determine on it.”

John Kinsey, as one of the trustees of the General Loan Office, had misappropriated funds for his own use amounting to more than £3,000. It is difficult to translate that sum of money into present-day values; a conservative estimate would be an amount equal to

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37 Sharpless, 179, wrote of his death: “. . . he seems to have made no enemies and been open to no damaging charges.”

38 Administration Papers No. 41, 1750, Register of Wills, Philadelphia County. John Kinsey died intestate, and, unfortunately, the only papers extant are ones related to the resignation of Sarah Pritchard, and the appointment of the above-named men. James Kinsey was a member of the first Continental Congress from New Jersey, and later Chief Justice of the Supreme Court in the new state of the same name.

39 Fourth Month 27, 1750, Pemberton Papers, VI, HSP.
$50,000. It was a sum fifteen times greater than his annual salary as Chief Justice.

How can one explain such a matter? In his correspondence there are references to land purchases; perhaps he had "borrowed" money for speculation, only to see land values drop with the coming of peace after the long years of the wars with Spain and France. At all events, it was particularly unfortunate that this embezzlement of funds was undertaken by a man whose reputation was of the highest.

It was an especially severe blow to the Society of Friends to learn that the Clerk of the Yearly Meeting had died owing a public account more than three thousand pounds. Friends had been firm in stating the responsibility of members in matters of trade and business. The Rules of Discipline had had their beginning in letters of advice sent from George Fox to his followers, and as the years went by, the various Yearly Meetings of Friends began to collect not only rules of procedure, but also rules to govern the action of the members. In 1704 Philadelphia Yearly Meeting adopted Rules of Discipline, and changes were made in it from time to time. The early copies were in manuscript form, but by 1797 Philadelphia had a printed Book of Discipline.

Concerning trade, the Discipline by 1746 had the following to say, among other things:

This meeting being earnestly concerned that the service of our religious Society may not be obstructed, or its reputation dishonored, by any imprudence of its members in their worldly engagements, recommends to all, that they be careful not to venture upon such business as they do not well understand; nor to launch out in trade beyond their abilities, and at the risk of others; especially on the credit which may be derived from a profession of the Truth; but that they bound their engagements by their means; and when they enter into contracts, or give their words, that they endeavor on all occasions strictly to fulfill them.

We particularly exhort, that none engage in such concerns, as depend on the often deceptive probabilities of hazardous enterprises; but rather content themselves with such a plain and moderate way of living, as is consistent with the self-denying principle we make profession of; whereby many disappointments and grievous perplexities may be avoided, and that tranquillity of mind obtained, which is inseparable from the right enjoyment even of temporal things. And it is advised that where any among us err, or are in danger of erring in these respects, they be faithfully and timely admonished.40

Apparently it was not uncommon at this period for public officials to use government funds in their personal affairs. However, for a member of the Society of Friends to violate so flagrantly the teachings of this religious group, was a matter of great concern. Some must have remembered that Kinsey was sitting as presiding officer when these rules were accepted. Isaac Norris, who succeeded Kinsey as Speaker of the House, in corresponding with Richard Partridge, the Assembly representative in London, expressed particular anxiety. At the time of revising the Rules of Discipline in 1755, a new paragraph was added, and it may well be that the financial irregularities of Kinsey influenced the Friends who drew up this new advice: “Advised, that when Friends accept the office of trustee or assignee, that they be active in collecting the effects of the estate and punctual and speedy in making distributions:—that Friends everywhere carefully avoid being in any way concerned in defrauding the government of its duties; that so our ancient testimony in this respect be inviolably maintained.”

Thomas Penn, in answer to a letter from Governor Hamilton which has not been located, wrote the following: “I am much concern’d to hear Mr. Kinsey had made use of so much of the Publick Money, the Persons to whom you have granted Letters of Administration will no doubt render a fair Account and I shall hope soon to hear how it turns out; this deficiency must have been gradually increasing, no doubt, which might be prevented by the other Trustees often examining the very money, which they cannot do [have done], otherwise it would have been Long since discover’d; it is a melancholy thing to consider that for the sake of Interest People should profess a regard to a Person so very faulty in the discharge of the Trust reposed in him. . . .” At another time, in addressing Richard Peters, Penn added, “. . . it is strange his [Kinsey’s] understanding would suffer him to go so long in a way that must lead

41 W. E. H. Lecky, *A History of England in the Eighteenth Century* (New York, 1878), II, 515, wrote of William Pitt (made paymaster of the army in 1746), who refused to take advantage of his office to make personal gain, that he was “. . . entering public life at a time when the standard of political honour was extremely low. . . .”
42 Nov. 6, 1750, and June 28, 1751, Wallpaper Letterbook, Logan Papers, HSP.
44 Aug. 27, 1750, Penn Letterbook, 1750–1754.
to Destruction."\(^{45}\) Although Penn did not condone what Kinsey had done, there is no evidence of vitriolic condemnation; he seemed more saddened and shocked than indignant.

Penn was particularly perturbed about the reaction of the Quaker members of the Assembly to Kinsey’s death, and Peters expressed his own fears concerning the way that body would behave without the steady hand of Kinsey. He wrote to the Proprietor: "What turn Politicks will take [,] who will be Speaker this year and who will take the Command of the Assembly for the future is absolutely uncertain —If young Israel Pemberton is elected he will sooner or later reign Lord Paramount for it is a Certain Truth that there never was a meaner Set of Members, & this must be the case as long as there is no person of eminence to take the lead."\(^{46}\)

While the non-Quakers were corresponding back and forth about the misfortune which had befallen the late Speaker and Chief Justice, the administrators were attempting to salvage something of his reputation and estate. For one thing, his personal property was sold. Peters reported, "Poor Mr. Kinsey’s affairs turn out wretchedly, on my return to town but six weeks from his death I found his goods had been sold at Vendue, his dwelling house was in possession of a Town Carter, his Country House was let to Reis Meredith, An arrear to the Loan Office was discovered of above three thousand Pounds, and all mens Mouths open upon him."\(^{47}\)

John Smith also mentioned the sales in his diary. "30th, At the vendue of J. Kinsey’s goods, and 31st. Again at the same. I had before said I would give the appraisement, viz: £86 for the four-wheeled chaise and horses; they were, therefore, set up at that, and nobody bidding, they were cryed off to me; I also bought some plate, etc."\(^{48}\)

The correspondence between Pemberton and Kearney, with young James Kinsey participating, reflected the anxiety of these three interested persons. Kearney wrote that he had no money to advance himself, but earnestly entreated Pemberton to find some,

\(^{45}\) Aug. 27, 1750, *ibid.*
\(^{46}\) July 13, 1750, Penn Manuscripts, Official Correspondence, V.
\(^{47}\) *Ibid.*
\(^{48}\) John Smith Diaries, Free Library of Philadelphia.
to protect the good name of John Kinsey. He wrote very favorably of James, who was working in his office, learning the law, and said that he promised to repay all money advanced. Hundreds of pounds were furnished.\textsuperscript{49} In the fall, before the Assembly committee had made a final report, Pemberton wrote Kearney that they needed to provide an additional four or five hundred pounds, but his estimate was too low. He mentioned money owed to Kinsey from the Loan Office, but that the matter was uncertain for now no one knew how large the sum was. He hoped that there would not be a need to sell too much real estate because it would hurt Kinsey’s reputation, as well as the interests of the children.\textsuperscript{50} The reputation was already badly damaged, and it would seem that what was borrowed at one time would some day have to be repaid. Actually, “Plantation,” the estate along the Schuylkill River, was not sold for a number of years. Young James Kinsey mentioned some debts owed to the estate of his father in a letter to Pemberton, and urged the sale of real estate if the debts could not be collected.\textsuperscript{51}

The official results finally came out when the committee made its report on the books of the Loan Office. Money owed to his estate from the government for his services as Chief Justice and Speaker over a two-year period, plus lesser services, amounted to almost £558. At the last minute an additional £287 was paid to the government, and the final sum due from the Kinsey estate to the province amounted to £1,122 5s 7d.\textsuperscript{52}

There was one other small claim on his effects, from one Hercules Coutts. Coutts had secured the services of Kinsey to sell some land for him, and the sale had not been for as large a figure as he had expected. A final settlement of seventy-two pounds had been made, but Kinsey promised to refund to Coutts, in addition, the commission he had received on the sale. The latter wrote weekly to Israel Pemberton requesting this refund. In these letters he mentioned that Kinsey had had hard luck with some of his associates. In 1745 Kinsey had written Coutts, as a partial explanation of why

\textsuperscript{49} July 2, 1750, Pemberton Papers, VI.
\textsuperscript{50} Nov. 10, 1750, \textit{ibid}.
\textsuperscript{51} Nov. 16, 1750, \textit{ibid}.
\textsuperscript{52} \textit{Votes}, IV, 3345. Unfortunately Judah Foulke, Commissioner of the Port, was also heavily in debt to the government. Reference was made to this, both in the \textit{Votes}, and in Israel Pemberton's correspondence. He implored the latter to lend him the money to save himself.
he had not settled their business matter sooner, that a clerk had
“wrong’d him of a Considerable Sum of money.” Kinsey had also
written him that John Reading and John Budd had very much im-
posed upon him. Whether these events marked the beginning of
his downfall, merely accelerated what had already begun, or had no
connection at all, is problematical.

There was some talk during his lifetime about the expensive
living of Kinsey, and the fear was expressed that he was living
beyond his means—at least that was the opinion of Peters. Certainly
“Plantation,” his handsome estate, was a considerable expense to
him. Whatever the true nature of his financial misfortune, he was
wrong to take the easy way out by misappropriating funds.

The defalcation of government money ruined John Kinsey’s
reputation in the eyes of future generations, just as Pemberton had
surmised. There is no other apparent reason for the neglect of this
man whose prominence as a Quaker leader, as a lawyer and judge,
and as a politician, was seldom excelled in the colonial period.
However, notwithstanding the blot which sullies his reputation,
he deserves a place in the history of the province to which he con-
tributed so much in the formative years of its existence, and it is
to be hoped that a fuller understanding of his share in developing the
Commonwealth of Pennsylvania will help observers to gaze some-
what more kindly upon his frailties.

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Hercules Coutts to Executors of John Kinsey, June 4, 1750, Pemberton Papers, VI.