Governor Denny and the Quartering Act of 1756

In 1764, during the controversy over the petition for royal government for Pennsylvania, the Reverend William Smith characterized Governor William Denny's administration as one which "will never be mentioned but with disgrace in the annals of this province." In Smith's view, Denny's disgrace was the enactment of a number of bills which sharply curtailed the governor's powers and the proprietors' prerogatives, including a tax measure which provided for the taxation of the Penns' estates. Almost two centuries later, in 1957, Nicholas B. Wainwright concluded a study of Denny by asserting that he was "in all respects a wretched governor." These interpretations represent the consensus of Denny's term as governor from August, 1756, to November, 1759. Since he has been relegated to this ignominious role in Pennsylvania's colonial history, an examination in detail of one controversy may afford an explanation as to why he failed so miserably. Denny's first major crisis with the Assembly, the quartering of British troops in the fall of 1756, is the subject of this investigation.

William Denny arrived in Philadelphia on August 20, 1756, to assume the responsibility for governing the Penns' colony. He had been recommended to Thomas Penn by the Duke of Cumberland, captain general of the British armies, upon the resignation of Governor Robert Hunter Morris in the spring of 1756. The Duke thought that Captain Denny, an experienced military man, might be the type of person needed to provide strong executive leadership during the French and Indian war. He had promoted Denny to lieutenant colonel to give him added prestige, Penn had issued him a new set of instructions, and the political leaders in Philadelphia gave

him a cordial welcome when he arrived to take over the reigns of government. But Denny had neither the ability nor the courage to execute his instructions when challenged by the power-seeking Assembly committed to legislative, and, at times, to executive supremacy. The invasion of Pennsylvania by the French and Indians in 1755 had resulted in prolonged disputes between the Assembly and former Governor Morris, disputes not yet settled when Morris resigned. Ironically, Thomas Penn’s expectation that a military man might prove to be a more competent governor than one without military experience was not to materialize.

Several days after Denny’s inauguration, the Assembly held a “handsome Dinner” at the Masonic Lodge for the new governor. Denny took advantage of the occasion to present to Benjamin Franklin the Royal Society’s Copley medal, which Franklin had been awarded in 1753 but had never received. After the formalities, Denny turned in private conversation to political considerations. He had been advised by friends in England, he said, to seek a friendship with Franklin as one who was capable of giving him expert advice, and making his administration harmonious and successful. Denny assured Franklin of his good will and the proprietors’ good disposition toward the province. Then, for he was not above political bribery, Denny informed Franklin that if he could restore harmony between the executive and the legislature he “might depend on adequate acknowledgements and recompenses, etc., etc.” Franklin in reply pledged his support to all public measures, and declared that he had no personal enmity toward the proprietors. He had opposed only those measures intended to further the Penns’ interest at the expense of the public. He would do everything in his power, he promised Denny, “to make his administration as easy as possible.”

During the month between Denny’s induction into office and the end of the legislative session, several minor laws were enacted. The first major matter to confront the governor was a tax bill which he at first rejected, but finally accepted on September 21 after the Assembly had drafted a new bill which reduced the amount and the funding time by half.

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The newly elected legislature had only just met and organized itself when Denny called the members to his council chamber on October 19 to urge them to propose bills on several military matters, notably a bill to provide quarters and the incidental items usually included in a general quartering act. He provided them with Lord Loudoun’s letter to him, dated September 22. Three days later, a committee, with Franklin as one of its members, was appointed to draft a quartering act, but no action had been taken before the Assembly recessed briefly to November 22. Two days after it reconvened, Denny sent another letter he had received from Lord Loudoun, informing the governor that a battalion of Royal Americans and probably two independent companies would be sent to Philadelphia for winter quarters, and assuring Denny, that it should be unnecessary for Loudoun to write more on the subject, since, “you, who is so thoroughly acquainted with the Quartering in England, in Time of Peace; and what Things are furnished in Quarters for the Officers and Soldiers; and likewise as you are fully acquainted with how much further Quartering extends in time of war, and even must do so from the Nature of Things.”

Loudoun was certainly less than honest when he “passed the buck” for quartering the British troops to Denny. In fairness to the general, however, it should be stated that before leaving England he had tried to get a specific answer to what powers he would have in the colonies, but the Duke of Cumberland gave him only evasive answers. Inasmuch as British officials had neglected to define the legal basis for quartering in the colonies, Loudoun was left with no better authority than the prerogative to be used against the time-honored English argument that no man should be forced to quarter except by law.

In England, troops were quartered in accordance with the provisions of the Mutiny Act, which provided that they use the inns and public houses, of which there were many. Local responsibility rested with the constables of towns where troops were to be quartered. Proprietors of inns and public houses were allowed to choose whether they wished to provide quarters with victuals and beer for officers and men at a maximum cost of one shilling for the former and four pence for the latter, or to provide quarters only, furnishing the troops gratis with incidentals: candles, vinegar, salt, a maximum of five

pints of beer or cider a day, utensils and firings, in order that they could feed themselves. While this may not seem an equable choice, the real expense of the innkeeper was in providing a diet for the troops. If he chose not to feed the troops, he was paid nothing by the army for quarters. The legal charges for quartering were paid by the paymaster out of the troops' subsistence, and any extra expenses were considered as a tax on the proprietor.

Prior to 1756, the colonial legislatures usually appropriated funds to pay public housekeepers when troops were lodged with them for short periods. Pennsylvania had been faced with a quartering problem following Braddock's defeat in July, 1755. On July 28, Governor Morris had informed the Assembly that Colonel Dunbar, Braddock's successor, was bringing the remnants of the defeated force to Philadelphia. Two weeks later the governor notified the Assembly that he had asked the Philadelphia mayor and corporation to arrange for quarters for 100 officers and 1,200 soldiers. And when the city officials replied that they knew of "no law that authorized them to provide Quarters" for the troops and therefore could not comply with the governor's request, Morris asked the Assembly on August 11 to draft a law to enable the magistrates to quarter such of his Majesty's officers and soldiers as might march through or remain temporarily in the province. This act, Morris asserted, would prevent all disputes between civil and military officials, between soldiers and civilians, and would do much to preserve the internal peace of the province. By asking the Assembly to legalize the quartering of British troops, Governor Morris raised the issue which was to plague Denny a year later.

On the same day that Morris asked for a quartering law, the Assembly appointed a committee, including Franklin, to draft the bill. The committee promptly presented a bill and it was enacted into law by Morris on August 15. In complying with the governor's request, the Assembly incorporated several sections of the Mutiny Act into

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7 Stanley M. Pargellis, *Lord Loudoun in North America* (New Haven, 1932), 187–210, is the source from which the material in this paragraph is taken. The above practice in England was for troops on the road. Incidentals were considered an extra tax upon the proprietor who was reimbursed by Parliament only if a military emergency necessitated his keeping troops for a longer than normal period of time. In Scotland, where only private houses were available, the same pattern was followed.

8 *Votes*, V, 3950.

their quartering bill. On this measure the legislators and governor were in complete agreement. Yet, when it was reviewed by the Board of Trade, it was considered to be "of an extraordinary and unusual Nature," and the Board referred it to Attorney General William Murray. His opinion was that the tendency of the act would be "to cramp the public Service, and obstruct the Defence of the Province," as the Pennsylvania law "assumes Propositions true in the Mother Country, and rightly asserted in the Reigns of CHARLES, the First, and CHARLES, the Second, in Times of Peace, when Soldiers were kept up without the Consent of Parliament." However, the "application of such Propositions to a Colony in Time of War, in the Case of Troops raised for their Protection by the Authority of the Parliament of Great-Britain, made the first Time by an Assembly . . . should not be allowed to stand as law." Adhering to Murray's opinion, the King in Council, on July 7, declared the act disallowed.

The reason for the disallowance was that the Pennsylvania act included two historic British principles found in the Mutiny Act. One was that subjects were not to have soldiers quartered on them against their will; the other was that any subject could refuse to quarter troops. In other words, the drastic limitations against forced quartering in England, where there were numerous, large public houses, did not present a problem to the military when public quartering was necessary. In the colonies there were few public houses, and most of them were small; therefore, the restrictions in the Pennsylvania law might make the quartering of troops in the limited public facilities a problem in time of war. Thus the province's attempt to legalize the quartering of British troops by relying on specific references to the Mutiny Act failed. In his study of Lord Loudoun in North America, Stanley Pargellis asserts that except for "this one matter alone, the whole history of the British Army in America is an attempt to extend

10 Ibid., VI, 4394-4398.
11 The objectionable sentence is as follows: "Whereas it is the undoubted right of the British subjects that they are not to be burdened with the sojourning of soldiers against their will, and that no officer, civil or military, or other person whatever shall presume to place, quarter or billet any soldier or soldiers upon any subject, or any degree, quality or profession whatsoever, without his consent, and that it shall and may be lawful for any subject, sojourner or inhabitant to refuse to quarter any soldier or soldiers, notwithstanding any demand, warrant, or billeting whatsoever." James T. Mitchell and Henry Flanders, eds., The Statutes at Large of Pennsylvania from 1682 to 1810 (Philadelphia, 1898), V (1744-1759), 194.
the military procedure which had grown up in England.\textsuperscript{12} Neither Morris nor the Assembly wished to follow the more typical pattern of having the legislature agree to pay all quartering expenses from the provincial treasury.

Although Governor Denny had asked for his quartering law in October, the committee took no action until a month later. On November 26 it requested that the clerk be ordered to ask the provincial secretary, Richard Peters, for the most recent act of Parliament relating to quartering. Finally, on December 2, a bill was presented, read the first and second times "by Special Order," and passed the following day. The governor returned the document unsigned on December 7 with a message that it was similar to the act recently repealed by the King in Council, except that the preamble had been left out. The substance of the preamble had, however, been inserted in the body of the bill. This was done, Denny declared, in spite of the fact that the preamble had been the basis for the rejection of the previous act. The Assembly promptly agreed to strike out the objectionable words and the bill was enacted the following day.\textsuperscript{13}

A curious person might wonder why the legislators would propose a bill similar to one which had recently been disallowed. It may be assumed that no partisan politics were involved in 1755 when Governor Morris enacted the Assembly's bill without controversy. Apparently, the Pennsylvanians had enacted sections of the Mutiny Act solely to protect the local citizens' rights against forced quartering. But the situation in the fall of 1756 had changed radically: a large British force was to be quartered during the winter months in Philadelphia; Morris had resigned after bitter disputes with the Assembly over taxation of the Penns' estates and expansion of the paper currency. What were the factors which prompted the legislators in the fall of 1756 to draft a bill which had been ruled repugnant only a few months before? An analysis of the membership of the legislature may provide a clue.

A comparison of the members of the committee chosen on August 11, 1755, with those selected on October 22, 1756, shows that only two members served on both committees: David McConnaughy and

\textsuperscript{12} Pargellis, 187.
\textsuperscript{13} Votes, VI, 4440, 4442, 4447, 4450.
Franklin. Of the remaining five members of the 1755 committee, only Griffith Owen remained in the legislature in October, 1756. Although ten pacifist Quakers had resigned prior to and immediately after the October, 1756, election, none had been members of the original committee. A cursory comparison of the thirty members who represented the city of Philadelphia and the counties of Bucks, Chester, Philadelphia, and Lancaster, after the elections of 1755 and 1756, shows that only thirteen of the original thirty members remained. The Assembly elected in October, 1756, proved to be much more antagonistic toward the governor than the body with which Morris had had to deal. The resignation of the pacifist Quakers, and their replacement by members committed to the leadership of Isaac Norris and Franklin, meant that the new Assembly had a united majority determined to assert its claim of power at the expense of the governor's authority. "A weaker Assembly, never was in the world," Peters wrote Penn, "it looks, as if the Quakers, in a passion of resentment, had chosen the most ignorant & head strong Wretches, they could pick up, out of the whole Country, to make a Present, by them, of all Authority of Government, to two ill-disposed Persons [Norris and Franklin]."

The dominant Quaker party also saw an opportunity in the quartering act to settle some local political disputes. The Assembly had frequently complained about the excessive number of public houses, inns, and similar establishments which were licensed by the governor. The members had claimed that governors used the licensing privilege to enrich themselves. Now they had an opportunity to embarrass the governor and to force the proprietors of public houses to bear an unfair, even if legal, financial burden. Apparently many of the innkeepers were poor, had large families, and were unable to provide all the items required by the quartering act. The usual military diet

14 The committee appointed in 1755 was composed of Evan Morgan, Thomas Cummings, Benjamin Franklin, Griffith Owen, Calvin Cooper, David McConnaughy, and John Smith. Votes, V, 3951. The committee appointed in 1756 was composed of John Baynton, Benjamin Franklin, Richard Walker, Roger Hunt, John Douglas, David McConnaughy, William Allen, and Thomas Yorke. Ibid., VI, 4404.

15 For a more complete treatment of Franklin's role as leader of the Assembly's majority party, see John J. Zimmerman, "Benjamin Franklin and the Quaker Party, 1755–1756," The William and Mary Quarterly, Third Series, XVII (1960), 291–313.

16 Peters to Penn, Dec. 11, 1756, Penn Papers, The Historical Society of Pennsylvania.

17 Colonial Records, VII, 350.
was cheaper in England than in the colonies; therefore, it was hardly honorable for the Assembly to limit the local landlords to the English allowance of fourpence a day.\textsuperscript{18} Then, too, the law provided that the city officials were to execute the act. Since the mayor and corporation at that time were known to favor the Penns in provincial politics, the Assembly was willing to have the local officials assume the responsibility for enforcing an unpopular act. Ostensibly, in passing its quartering bill of 1756, the Assembly was aiding and strengthening British military power in the colonies, something the British government had been attempting for years, but, in a larger sense, since the bill was so drawn that it was impossible for either the governor or city officials to enforce, the Assembly was actually asserting its power and claiming supremacy in government.

The degree to which the Assembly was willing to go in order to assert its independence and to show its contempt for those in its disfavor is seen in its treatment of William Plumsted. Plumsted, a former mayor and at the time an alderman, had been attempting since October 30 to represent Northampton county in the legislature. This political squabble had resulted from William Allen’s election by the voters of both Cumberland and Northampton counties. When Allen chose to represent Cumberland, a new election was held in Northampton. The sheriff’s official notice of Plumsted’s election was received by the Assembly on October 30, and on the same day a petition from a group of dissatisfied citizens was brought in claiming that the election had been illegal. Hearings were held during November and December, then postponed until the following September 23, when the Assembly, “by a great Majority,” resolved that Plumsted’s election had been illegal. Yet when the regular provincial election was held on the first of October, Plumsted was again elected by Northampton county voters and took his seat without opposition.\textsuperscript{19}

As soon as Governor Denny, who had followed the progress of the quartering bill, learned that it had been passed, he requested that the public houses be inspected to determine how many quarters were actually available, and whether the keepers were able to provide the items required by the Mutiny Act.\textsuperscript{20} Several days later, Mayor

\textsuperscript{18} Pargellis, 190.

\textsuperscript{19} Votes, VI, 4422–4423, 4635, 4664.

\textsuperscript{20} Colonial Records, VII, 346.
Attwood Shute informed him that the constables' report showed only 400 quarters available. This number, the mayor pointed out, was too high, since many proprietors had reported more quarters than they actually had "from a mistaken notion that they were to be paid a Shilling a day for every head." The act did provide a shilling a day for officers, but only fourpence for soldiers. In a recent militia law, the Assembly had allowed a shilling a day for quartering recruits, and this undoubtedly was the basis for the misunderstanding.  

It was apparent to Denny that there was a serious shortage of quarters. Both he and the mayor tried to persuade the managers of the hospital to allow the use of the recently completed building, still unoccupied, as it would accommodate the entire force expected during December. Denny believed that the request might be granted "but all of a sudden the Application miscarried, and an absolute Negative given." To complicate the governor's problems further, the weather turned inclement. In reporting the situation to the Penns, Denny wrote that "a very deep Snow fell, Succeeded by a sharp Frost. In this Severe weather the Troops marched into Town, the Small Pox raging in every Part, and were crowded into Public Houses, where they suffered extreme Hardships and caught the Infection." James Stevenson, surgeon to Colonel Bouquet, informed him on December 13 that the smallpox was increasing among the troops. It was almost impossible to treat the sick since they were so dispersed. Unless a hospital were provided soon, he warned, "every house in this place will be a hospital in a fortnight."  

When Denny had discussed the bill's limitations with his council on December 8, they had been of the opinion that, although the bill was inadequate to secure quarters for all the expected troops, he might accept it and at the same time request a supplementary bill to provide for additional quarters. In announcing his decision to enact the bill, Denny notified the legislators that the public houses were unable to provide quarters for the troops that "are every Moment  

21 Ibid., VII, 349.  
22 Peters to Penn, Dec. 26, 1756, Penn Papers. Franklin was president of the hospital board of managers at the time.  
23 Apr. 9, 1757, Pennsylvania Archives, First Series, III, 111. The Gazette reported on December 9 that Captain Horatio Gates, spelled incorrectly Gaites, arrived with his company from New York on December 5.  
24 Pennsylvania Archives, First Series, III, 82.
expected here,” and he urged them to provide additional quarters. But in reply, the Assembly declared the 117 licensed houses to be adequate. Furthermore, it hoped that the governor would agree that the British troops could easily be quartered “in the Manner directed by the Act of Parliament now to be extended hither,” and, since the troops did not have to be lodged in public houses, their proprietors might find quarters in other houses, or empty houses, if they should desire.26

Meanwhile, the mayor and the common council of Philadelphia became involved because they had the responsibility for securing quarters for the troops. The day following the enactment of the quartering act, Mayor Shute informed his council that he had been requested to obtain quarters for 500 soldiers and fifty officers. These troops, under the command of Lieutenant Colonel Henry Bouquet, constituted the first battalion of the Royal American Regiment. The mayor, who had been advised that the Assembly’s act directed “the Billeting of Soldiers on the public Houses in the manner used in England,” was of the opinion that the public houses of Philadelphia were not able to meet the demand. His council was of opinion, however, that the Assembly’s measure must be adhered to, and, if there were protests from citizens, such protests should not be directed to the council but to the Assembly, “where only a Remedy could be provided.”26 Denny also appealed to the council to rent empty houses to be used as billets, but was “politely refused.” Peters believed that the city officials refused because the Assembly had been “unreasonable in putting the Burthen upon the Public Houses,” and because they themselves had no funds available.27

The mayor and council made it clear that they were not going to accept responsibility for securing the required quarters. In a remonstrance to the Assembly on December 11, the city officials noted that the public housekeepers were unable to accommodate the troops, and that there was no public building suitable for a hospital. Although willing and desirous to do all in their power to aid the military, the

25 Votes, VI, 4448–4449.
27 Peters to Thomas Penn, Dec. 26, 1756, Penn Papers; Peters to the Proprietaries, Apr. 9, 1757, Pennsylvania Archives, First Series, III, 111.
mayor and council were “incapable of complying with this Demand, without the Aid and Assistance of the Legislature of this Province.”

When the remonstrance was considered on December 13, the only action taken by the Assembly was to request that the clerk compile a list of the public housekeepers, with the number of officers and soldiers billeted on each of them.

On December 15, Denny complained that all his efforts to relieve the miserable conditions of the soldiers had been futile. Nothing had been done by the legislators, the magistrates, or the provincial commissioners, a committee, named in the tax measure of September 21, which had full responsibility for supervising the expenditure of the funds appropriated. Although Lieutenant Colonel Bouquet had been unsuccessful in his appeal to the commissioners, he was loath to take drastic action himself. Therefore, he asked Denny to issue a warrant to the sheriff to assign quarters in private homes. Bouquet also had other needs, for he had been unable to obtain either the new or old hospital, or even an empty house for a hospital. It was at this time that the governor resorted to the only expedient which might force the Assembly to act. The following day in the presence of Bouquet and James Coultas, the sheriff, Denny made up a blank warrant, which he gave to Bouquet. After determining the actual number of quarters already provided, Bouquet was to fill in the blank and return it to the governor who would then issue it to the sheriff. At this proposal, Coultas asked that he be allowed to inform some of his friends that such a step was being taken. He believed that quarters might be provided since there were many “empty Houses in Town,” and the other necessary items could be procured at small expense. When it became known that Bouquet had the governor’s writ to quarter, Coultas asserted, “the Assembly would be solicited by the Citizens, and the Affair soon terminate to the Colonel’s Satisfaction.” However, instead of merely telling his friends of the governor’s action, Coultas asked Bouquet for the warrant in order to show it privately to his friends. After obtaining it under this pretense, Coultas promptly showed it to Israel Pemberton and some other

28 Votes, VI, 4457.
29 The commissioners were Isaac Norris, Benjamin Franklin, Joseph Fox, John Hughes, and William Masters from the Assembly, and Lynford Lardner and John Mifflin from the governor’s council. Votes, V, 4330.
Quakers. They then presented it to the Assembly, "where it raised a most sad Confusion, occasioned many severe Reflections on the Governor, and set the City in an uproar."  

The legislators' reaction was prompt, if ineffective. They insisted that Denny force the magistrates of the city and suburbs to comply with the quartering act. They also notified him that they had recommended to the provincial commissioners that a hospital be provided. Denny's answer, delivered to the Assembly on Saturday morning, December 18, was terse. "The King's Troops must be quartered." He had asserted prior to accepting the quartering act that it would not meet the demand for quarters, he wrote, but the Assembly had ignored his warning. Since the legislature had not implemented the act, his opinion of the inadequacy of the quarters had not changed.  

Denny's refusal to countermand his threat to quarter the troops in private homes forced the Assembly into action. A committee, on which Franklin served, promptly drafted a reply to the governor's message. Then, for the first time in the history of the province, the Assembly agreed to meet on a Sunday, December 19. On that Sabbath morning, after a re-reading of the reply, two members carried it to the governor "as the People were going to Church." The reply contained a lengthy recapitulation of the dispute since October 19, and included a request that the governor agree to a conference with members of the legislature in order that differences might be settled. When Denny agreed to meet an Assembly committee at noon on the following day, the members appointed a committee of five, including the ever-present Franklin.  

An official record of the conference is found in the committee's report to the Assembly. In defending its conduct, the committee maintained that the public housekeepers were, in general, able to provide quarters. If they did not comply with the law, then "the Magistrates should do their Duty, and Fine them, as the Law Directed." Denny replied that he was not concerned with where the fault was. His concern was to see that the troops were well quartered. To this remark the committeemen declared that they could only prepare laws, not execute them. They had prepared a "good Law" and he

31 Votes, VI, 4461, 4463. In addition to Franklin, the committee was composed of Joseph Fox, John Hughes, William Masters, and William Allen.
had enacted it. They reminded him that "the Executive Powers of Government were vested in him." When they said that no soldiers had been quartered in the suburbs or in the neighboring towns, Denny answered that quarters were demanded in the city. If the inhabitants thought it unfair, the governor declared, they could complain to Lord Loudoun. At this answer the committee asked Denny to "consider himself somewhat more in his Civil Capacity as Governor of the Province." His duty was to protect the people, and, should a petition to Loudoun be necessary, the governor should present it. If additional troops were to be sent to Philadelphia, then Denny should petition the general to quarter them in the neighboring towns. The committee asserted that it had received no complaints either against the 1755 law or the present one. While it was true that the mayor and aldermen had presented a remonstrance, the Assembly had requested an account of the billeting in order "to satisfy themselves whether there was Cause of Complaint," but its request had not yet been answered.32

At a council meeting held the following day, Denny wished the following statement to appear in the official minutes:

The Committee's Report is not agreeable to Truth, and very artfully told, not mentioning several pertinent Matters said by the Governor and the Members of the Council; and several offensive, indecent and rude Expressions, used by Mr. Franklin and others of the Committee, being entirely passed over. Upon the whole, there was abundance of Heat, Passion, and Rudeness, on the Part of the Committee.33

Secretary Peters, in reporting on the conference to Thomas Penn, explained more fully why Denny had complained about the lack of courtesy on the part of the committee. During the meeting Franklin "behaved with great rudeness and Insolence to the Governor, declaring he was no Governor, as he did not protect the People, and calling him, in express terms, a meer Bashaw, or worse than a Bashaw, which the Governor tamely put up with, in the presence of his Council, without any apparent resentment or Reply." Franklin also insinuated, Peters wrote, that the "Council obstructed the public

32 Ibid., VI, 4463-4473.
33 Colonial Records, VII, 374.
Business, misrepresented matters to the Governor, and inflamed him to take Arbitrary and Tyrannical measures."

During the conference the governor had told the committee that an additional sixty-two beds were needed for one hundred and twenty-four soldiers, "who lay upon Straw, in very bad Rooms, without Fire." Yet, when the committee reported this fact to the Assembly, the members made no attempt to secure additional quarters. Instead, they notified Denny that "when it shall be made to appear to us, that the Public House-keepers are not able to provide sufficient Quartering, we shall take proper Measures to supply the Deficiency." They had, however, provided a satisfactory guardroom, storehouse, and a hospital for the troops. Then to show their disdain for Denny, they had Franklin print in the *Gazette* on December 23, their lengthy message which had recapitulated the entire controversy, "together with what part they pleased of the Conference." As if to add insult to further injury, they adjourned on the 24th to meet again on January 3, without either informing the governor or obtaining his approval, a procedure most unusual since it was customary to do both.

Meanwhile Lord Loudoun had written the governor to assure him of support against the inactivity of the Assembly. If Bouquet's troops remained inadequately quartered, he asserted, he would send Major General Webb with a force sufficient to carry out any orders he believed necessary. Denny received the letter the day before Christmas. Since Bouquet's request for the sixty-two beds had not been met and the Assembly had adjourned, he asked the advice of his council. Its members unanimously suggested that he convene the provincial commissioners, which he did, and they agreed to supply all the deficiencies to his satisfaction. Apparently their decision was not reached as easily as suggested in the minutes of the governor's council. When Peters described the meeting to Penn, he wrote that the commissioners were opposed to providing anything. But when

34 Peters to Penn, Dec. 26, 1756, Penn Papers.
35 *Votes*, VI, 4474. The patients were moved from the "old" to the "new" hospital on December 17. Apparently the old hospital was made available for the British troops after the transfer. Leonard W. Labaree, ed., *The Papers of Benjamin Franklin* (New Haven, 1963), VII, 58n, and 64n.
36 *Colonial Records*, VII, 380.
Franklin expressed the opinion that "a total Compliance" should be voted, "the rest immediately Changed their Tone and fell in with the measure."\(^{37}\)

Although a group of public housekeepers petitioned the Assembly on January 3 for financial aid in quartering the troops, a bill for the purpose was not enacted until March 17. The Assembly, remembering that some of the innkeepers had preferred to give up their licenses rather than quarter troops, inserted a statement in the supplementary act that declared them "to be incapable of receiving any such license thereafter." Since there were no further official protests, the resolve of the provincial commissioners on December 26 to comply with Lieutenant Colonel Bouquet's demands evidently settled the quartering issue.

This controversy involved more than just another dispute between the legislature and the executive. The Assembly took advantage of the need for a quartering act to pass a law similar to the Parliamentary measure. It must have been obvious to the legislators that, in this particular instance, the provisions of the Mutiny Act would not be applicable to Pennsylvania. Nevertheless, they made it a contest for political supremacy, and for more than two months they insisted that Governor Denny enforce their bill. Had they succeeded with him, the members could have claimed that they were complying with British policy at the same time that they were preventing soldiers from being quartered in private homes or at public expense. Where their vital interests were concerned, the people should look to the Assembly rather than to the governor. The Assembly attempted to use this impractical and unfair law to harass the public housekeepers, and to embarrass the mayor and common councilors. Although the law was completely unsuited to conditions in Philadelphia, they blamed Denny for not quartering the troops in an adequate manner.

Denny was unable to demonstrate the strong, executive leadership which Thomas Penn had sought and sorely needed. An analysis of Denny's messages to the Assembly reveals that he never made specific recommendations or demands on how the quartering act should be amended. When the legislature gave him the opportunity

\(^{37}\) Peters to Penn, Dec. 26, 1756, Penn Papers.
to state his demands clearly, he answered in generalities. If one accepts the opinion of Peters, Denny never won the support of the Penns' ardent followers. Peters, as well as former Governor James Hamilton, Attorney General Benjamin Chew, and Chief Justice William Allen could have rendered valuable advice and help had they not been alienated by the governor. From the day of Denny's arrival, Peters was skeptical of him, and characterized him as "a trifler, weak of body, peevish and averse to business." Nor did his opinion change with time. During the height of the quartering dispute, Peters wrote Penn that "the Governor neglects every body, but the Commissioners and Assembly & they do with him what they please. He raves against them in conversation, but is obsequious to them in business, & they treat him with contempt, which he bears." If the governor were to counterbalance the Assembly in its struggle for power, Denny, or any other governor, needed the full support of respected, influential, experienced leaders. In the dispute over the quartering act, as in other disputes during the three years of Indian warfare, Denny, lacking leadership qualities, neither had nor desired their support. In consequence, he was little more than a cipher in a game of power politics.

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38 Wainwright, "Governor Denny," PMHB, LXXXI (1957), 175; Peters to Penn, Dec. 26, 1756, Penn Papers.