

## *The Free Society of Traders and the Early Politics of Pennsylvania*

THE political history of Pennsylvania in the first decade of settlement is the confused and confusing tale of chronic friction between sections, groups, and individuals. Upper and lower houses of the legislature matched strength; the lower counties (later the state of Delaware) jockeyed for power with the three initial Pennsylvania counties; pro- and anti-proprietary factions were pitted against each other; and within factions individuals vied for position. "For the love of God, me and the poor country, be not so governmentish, so noisy and open in your dissatisfactions," wrote William Penn, proprietor and founder of the colony, only three years after the "Holy Experiment" had been launched.<sup>1</sup> A year later he would write in disgust at political affairs in Pennsylvania, "It almost tempts me to deliver up the colony to the K[ing]—and lett a mercenary government have the taming of them."<sup>2</sup>

If the political process in colonial Pennsylvania was the despair of its founder, it has been no less so of historians writing of the colony's early history. Most have taken little account of the almost ceaseless political friction or have passed it off as the first signs of restiveness in the popular assembly—a sort of early ground-swell of democratic sentiment which would ultimately transform the Quaker colony into the equalitarian and majoritarian leader of the American colonies.

To some extent the political instability that beset Pennsylvania in its early years was not uncharacteristic of the American colonial experience, for it seemed to illustrate the proposition that rerooting

<sup>1</sup> Penn to Council, Aug. 19, 1685, Gratz Collection. For similar laments, see Penn to Thomas Lloyd, Aug. 15, 1685, and Penn to James Harrison, Dec. 4, 1685, Penn Papers, Domestic and Miscellaneous Letters, 22, 83. All documents cited are at the Historical Society of Pennsylvania (HSP) unless otherwise noted.

<sup>2</sup> Penn to Thomas Lloyd, Nov. 17, 1686, Parrish Collection, Proud Papers, II, 5.

English institutions across the water almost always involved a period of painful social and political readjustment.<sup>3</sup> But in Pennsylvania special factors compounded the difficulties, circumstances which had their origins in the initial planning and promotion of Penn's wilderness utopia and in the establishment of a joint-stock company launched in London in 1681 and almost lost to historical memory—the Free Society of Traders.

To understand the role which the Free Society of Traders was to play in Pennsylvania, it is necessary to perceive the plans which Penn was drawing up in London in the months after he received his charter from Charles II in March, 1681. As an experienced colonial promoter, active since 1675 in the affairs of the Quaker colony of West New Jersey, Penn doubtless recognized that the success of his colony hinged in no small part on his ability to recruit not only emigrants but financial support. The lessons of nearly one hundred years of English colonization were clear: success was unthinkable without the steady infusion of capital during the early years of settlement. Even a man of Penn's resources could not hope to underwrite single-handedly the manifold expenses of planting a colony. Fortunately for Penn, the problem was not without its answer. By the 1680's English Quakerism, though identified chiefly with yeomen and shop-keeper-artisans, had attracted a considerable number of merchants and well-to-do gentry. Penn was singularly well-connected in Quaker society to make his appeal to such men. Not only in his endeavors for West New Jersey but as one of the intellectual leaders of the Quaker movement, he had circulated among the most affluent Friends for years, establishing cordial relations with merchants of note in all the urban centers of Quakerism—Dublin, Cork, Bristol, and London—and with the Quaker gentry in the countryside. Throughout the Quaker world his name drew admiration for his courageous efforts in the law courts and at Whitehall in behalf of the faith.<sup>4</sup>

<sup>3</sup> See, for example, Bernard Bailyn, "Politics and Social Structure in Virginia," in James M. Smith, ed., *Seventeenth-Century America; Essays in Colonial History* (Chapel Hill, N. C., 1959), 90-115.

<sup>4</sup> The intimacy of Penn with the leading figures of the Society of Friends can be traced in Catherine O. Peare, *William Penn* (Philadelphia, 1957); John L. Nickalls, ed., *The Journal of George Fox* (Cambridge, 1952); and John E. Pomfret, "The Proprietors of the Province of West New Jersey, 1674-1702," *The Pennsylvania Magazine of History and Biography (PMHB)*, LXXV (1951), 117-134.

In soliciting the aid of such men, Penn worked carefully to present Pennsylvania not only as a religious refuge—an opportunity for the English Quakers to build their own “city on a hill”—but as a field ripe for economic exploitation as well. Most of the early promotional tracts advertising Pennsylvania dwell on this dual opportunity.<sup>5</sup> Likewise, in appealing to the upper strata of Quaker society, Penn capitalized on his connections with influential Quaker associates, many of them merchants. Robert Turner, a moneyed cloth merchant of Dublin, acted as a go-between in that city. In London, merchant James Claypoole, with commercial ties to the West Indies, the Baltic, and almost every other center of English commerce, played a central role, encouraging fellow traders to subscribe to the cause. In Rotterdam, Benjamin Furlly, a great Quaker trader, functioned similarly, as did James Harrison in Bolton and Robert Barclay in Scotland.<sup>6</sup>

The success of Penn’s appeal to wealthy Quakers is evident in an examination of the early purchasers of land, men who bought directly from Penn in the first few years of settlement. One surviving list, showing land sales as of August 22, 1682, reveals that of about 470 buyers, forty-one subscribed to 241,000 acres, or nearly half the land sold. Another, which probably records purchases through late 1684, counts 751 purchasers, sixty-nine of whom absorbed 380,000 of the 860,000 acres bought. In both lists large purchasers, the “lords” or “barons” as Penn styled them, took up five thousand acres or more each.<sup>7</sup>

<sup>5</sup> The tracts are listed and described by Hope Frances Kane, “Notes on Early Pennsylvania Promotion Literature,” *PMHB*, LXIII (1939), 144–168.

<sup>6</sup> For the assistance of Penn’s merchant friends, see John E. Pomfret, “The First Purchasers of Pennsylvania, 1681–1700,” *PMHB*, LXXX (1956), 145; and James Claypoole Letterbook.

<sup>7</sup> Land sales as of Aug. 22, 1682, are listed in Samuel Hazard, *Annals of Pennsylvania, 1609–1682* (Philadelphia, 1850), 637–642. The later list of purchasers is in Penn Papers, Pennsylvania Cash Accounts. Hazard and other authorities date the former list May 22, 1682. There is convincing evidence that this is in error. The list, firstly, totals purchases of 565,000 acres, an amount of land far in excess of that sold by May, 1682. It was not until Aug. 2, 1682, in fact, that the first 500,000 acres were subscribed. See Penn to James Logan, Mar. 10, 1703/04, in Edward Armstrong, ed., *Correspondence between William Penn and James Logan* . . . (Philadelphia, 1872), I, 275–276. Secondly, many of the individuals on the list did not make their purchases from Penn until after May 22, 1682. Among them were Richard Davis, Walter King, Richard ap Thomas, George Willard, Henry Litchfield, and Joseph Jones, all of whose deeds, executed between May 22 and Aug. 2, 1682, are in Lease and Release A-1 and B-2, Bureau of Land Records, Department of Internal Affairs, Harrisburg, Pa.

This upper strata upon which Penn depended so heavily was studded with Quaker merchants, particularly from London and Dublin. On both lists, mercantile wealth is identifiable in more than half of the names. Richard Marsh, Robert Turner, Thomas Callowhill, Samuel Carpenter, Samuel Claridge, James Claypoole, Joseph Fisher, John Fuller, James Lyell, and many more—practically a roll call of eminent Quaker merchants in England and Ireland, with a scattering from elsewhere—make up the list. The other great investors were a potpourri of professional men, well-circumstanced landowners, and Penn's relatives and personal associates.<sup>8</sup> For the most part their investment represented "venture capital," money advanced for speculative purposes by men who wanted not only to assist in the work of the "Holy Experiment," but who understood the opportunity of getting in on the ground floor—of obtaining choice land at the outset.

It was not surprising that in attempting to attract financial backing Penn readily made concessions to such men of wealth. Typical of this was the plan to offer a bonus to purchasers of the first hundred shares, of 5,000 acres each, exclusive right to property in the capital city of Philadelphia, projected as the seat of government and the hub of commercial activity.<sup>9</sup> According to certain "Conditions and Concessions" laid down by Penn in July, 1681, property in the city was not to be offered for direct sale but reserved entirely for dividends to be meted out to these "First Purchasers" in proportion to country land "taken up upon rent," that is, purchased in fee simple from the proprietor and subject to an annual quitrent of one shilling per hundred acres. Buyers of these "country lots" would receive 2 per cent of their purchase in the form of "city lots," obviously to be the

<sup>8</sup> Biographical data on the first generation of colonists must be sought in widely scattered sources. The most important are the eighty-eight volumes of the *PMHB*, for which the *Index* to volumes 1-75 is an invaluable aid; editorial notes in Norman Penney, *The Journal of George Fox* (Cambridge, 1911), and Norman Penney, ed., *The Short Journal and Itinerary Journals of George Fox* (Cambridge, 1925); John W. Jordan, ed., *Colonial Families of Philadelphia* (New York, 1911); Wilfred Jordan, ed., *Colonial and Revolutionary Families of Philadelphia* (New York, 1933-1960); Joseph Besse, *A Collection of the Sufferings of the People Called Quakers . . .* (London, 1753); William H. Hinshaw, ed., *Encyclopedia of American Quaker Genealogy* (Ann Arbor, 1936-1950); and the extensive collections, both manuscript and published, at the Genealogical Society of Pennsylvania and the HSP.

<sup>9</sup> Lawrence Lewis, Jr., *An Essay on Original Land Titles in Philadelphia* (Philadelphia, 1880), 65-68.

most valuable real estate in the province. The larger the purchase, the greater was the dividend in the capital city.<sup>10</sup>

In forging a system of government, other concessions were apparently made. Most writers are content to believe that Penn was given the rare opportunity of fashioning a government of his own, and that the result was a pure distillation of his philosophy, drawn from studies of classical Republican writers, his practical experience in the affairs of West Jersey, and the counsel of a few intimate advisers such as Algernon Sidney, the radical parliamentarian, and Benjamin Furly.<sup>11</sup> Penn, however, was far from a free agent in the work of fabricating a government. William Markham, his cousin and a trusted adjutant in the colony for many years, indicated as much when he wrote later: "I knew very well it [*the Frame of Government*] was forced upon him by friends who unless they received all that they demanded would not settle the country."<sup>12</sup>

Bearing witness to the truth of Markham's comment are a long series of draft charters for Pennsylvania, documents which reveal the gradual sacrifice of a balanced governmental system, which Penn, according to previous indications of his political philosophy, might have been expected to endorse. Adopted finally was a charter that conferred wide powers on the proprietor and his council at the expense of the lower house.<sup>13</sup> The assembly could not initiate legislation as could Parliament at home or the lower houses in neighboring colonies. Nor could it elect its own speaker, as had been allowed in early drafts of the charter, or sit on its own adjournment, another right commonly enjoyed in adjacent provinces. The life of the assembly, as the lower house was styled, was limited to an annual session of nine days, after which the governor and council could dismiss it at will.

The council, on the other hand, was endowed with sweeping legislative, executive, and judicial powers. Included was the all-important

<sup>10</sup> The "Conditions and Concessions" are in Francis N. Thorpe, *The Federal and State Constitutions, Colonial Charters, and Other Organic Laws . . .* (Washington, D. C., 1909), V, 3044-3047.

<sup>11</sup> This view is most recently and fully explicated by Mary Maples, "William Penn the Classical Republican," *PMHB*, LXXXI (1957), 138-143.

<sup>12</sup> William Markham to Gov. Benjamin Fletcher, May 20, 1696, J. W. Fortescue, ed., *Calendar of State Papers, Colonial Series, America and West Indies, 1696-1697* (London, 1904), 17.

<sup>13</sup> The drafts may be found in Penn Papers, Charters and Frames of Government, 49-149.

right of initiative and also authority (with the governor) to erect courts; preserve the peace and safety of the province; situate cities, ports, and market towns; regulate all matters relating to public buildings, roads, and marketplaces; judge impeached criminals; execute the laws; and supervise the treasury. The proprietor, as governor, also possessed extensive powers. He sat as the presiding officer in council where he exercised a triple voice. More important, he held sole power of appointment over all proprietary, provincial, and county officers—judges, treasurers, masters of the rolls, sheriffs, justices of the peace, and coroners. Only upon their death or malfeasance, or upon the death of Penn himself, would council exercise the right to nominate a double number of judges, treasurers, and masters of the rolls for a new governor's choice.<sup>14</sup>

Penn, in short, had staked out a constitutional system where political power was concentrated in the governor and his council. Belatedly he had realized, or been made to understand, that his initial plans for a parliamentary system were neither feasible nor acceptable. Men of substance, upon whom he relied for leadership and financial backing, would not exchange carefully cultivated estates in England for the uncertainties of a proprietary wilderness unless they were conceded extensive power. "I wonder," exclaimed Benjamin Furly, Penn's close friend, in criticizing the charter, "who should put thee upon altering them [*the earlier drafts*] for these, And as much how thou couldst ever yield to such a thing. . . . Who has turned you aside from these good beginnings to establish things unsavory and unjust."<sup>15</sup>

It was not only through concessions relating to land and government that Penn attracted the support of able and affluent men among the ranks of the English Quaker aristocracy. An integral part of the evolving system was a great joint-stock company, which, capitalizing on special privileges granted by Penn, planned to occupy a central position in the economic life of the young colony. Named the Free Society of Traders in Pennsylvania, the company was primarily the creation of a small group of London Quakers, mostly merchants, who

<sup>14</sup> For the final version of the Frame of 1682 see Thorpe, *Federal and State Constitutions*, V, 3055-3059.

<sup>15</sup> Furly's lengthy criticism of the Frame of 1682 is reprinted in *PMHB*, XIX (1895), 297-306.

from the outset enjoyed Penn's warm support.<sup>16</sup> Leading the enterprise were three Londoners, Nicholas More, Philip Ford, and James Claypoole. More, a wealthy physician, probably of armigerous background, had long been interested in seeking a fortune amidst the unfolding Quaker designs on the Delaware. In 1670, he had married Mary Hedge, daughter of a prosperous Quaker merchant of London. Five years later, More's brother-in-law, Samuel Hedge, emigrated to Salem in West Jersey with John Fenwick, founder of that settlement, and married Fenwick's daughter. Already a large landholder, Hedge may have interested More in the possibilities of the area.<sup>17</sup> In 1681, More made his move, purchasing from Penn a 10,000-acre tract, styled the Manor of Moreland. An imperious and aristocratic adventurer, he put no stock in a government where, as he later exclaimed, every "Will Dick and Tom govern."<sup>18</sup> More invested £300 in the company and received its presidency, perhaps in recognition of his large investment.

Merchant James Claypoole, the second dominant figure, also purchased 10,000 acres in the colony. Penn "is so much my friend," he wrote his brother in 1682, "that I can have anything in reason I desire of him." Claypoole functioned as the chief promotional agent of the Society, a position for which he was admirably suited by his extensive mercantile contacts. Philip Ford was also a London merchant, and since 1670 Penn's steward, in charge of his business and financial affairs. Like Claypoole and More, he invested liberally in Pennsylvania, purchasing five thousand acres from Penn and sinking an additional £400 into the Free Society.<sup>19</sup>

Widening the Society's circle of leadership were six other men, all investors in Pennsylvania land. Four of them, William Sharlow, Thomas Barker, Edward Pierce, and Edward Brooks, were London

<sup>16</sup> The Free Society of Traders is discussed by Simeon E. Baldwin, "American Business Corporations before 1786," *American Historical Review*, VIII (1902-1903), 453-456, and in greater detail in Meredith B. Colket, Jr., "The Free Society of Traders in Pennsylvania," M.A. thesis, Haverford College, 1940.

<sup>17</sup> Albert Cook Myers, ed., *Narratives of Early Pennsylvania, West New Jersey, and Delaware, 1630-1707* (New York, 1912), 281-282.

<sup>18</sup> William Markham to Penn, Oct. 5, 1686, Chew Papers, Cliveden.

<sup>19</sup> A list of subscribers is in *PMHB*, XI (1887), 175-180. Claypoole's central role in the early history of the Free Society is revealed in his letterbook, parts of which are reprinted in *PMHB*, X (1886), 188-202, 267-282, 401-413.

Quakers, each moving in the world of commerce. The other two, John Simcock and Thomas Brassey, were substantial yeomen of Cheshire, and staunch friends of Penn.

Under the leadership of these men, the Free Society projected bold plans for the economic development of Pennsylvania, which, if carried to fruition, would have fulfilled the roseate hopes that its creators expressed in their promotional literature. Armed with a charter granted by Penn at the end of March, 1682, the Society embarked on its grand designs. For a beginning, it was planned to send two hundred indentured servants to the colony. Hopefully, this agricultural labor force would quickly produce commodity surpluses on the Society's 20,000 acres suitable for export to the West Indies and other mainland colonies. Further profit was anticipated from the lease of land to incoming settlers, who would pay quitrents to the company while living under its jurisdictional and administrative shelter.<sup>20</sup>

More advanced projects would follow this initial utilization of land. Extraction of whale bone and oil, the manufacture of hemp and linen, mining enterprises, and fisheries were projected. Two thousand pounds was allocated to launch a fur trade with the Indians, an enterprise set in motion by the Society's advance agents, bearing gifts to local tribal leaders "to settle a Constant friendship and trade between us," as the treasurer of the company recorded. Probably anticipated as the greatest source of profit were the projected "factories" in Philadelphia and on Delaware and Chesapeake Bay. These were to be the supply centers of the colony, manned by agents of the Society who would barter or sell the wide array of imported manufactures needed in the colony for the tobacco, fish, grain, and other produce brought in by the settlers.<sup>21</sup>

Recognizing the need for ample capital to initiate such ambitious plans, the Society's leaders embarked on a quest for £20,000 in subscriptions. Both large and small investors were courted in an enthusiastic prospectus, which explained the advantages of this "very

<sup>20</sup> Penn's charter to the Society is in Hazard, *Annals*, 541-550. For the company's early plans, see *The Articles. Settlement and Offices of the Free Society of Traders in Pennsylvania . . .* (London, 1682), reprinted in *PMHB*, V (1881), 37-50.

<sup>21</sup> *Ibid.*; also see James Claypoole to Edward Claypoole, Apr. 20, 1682, and to Norton Claypoole, July 14, 1682, *PMHB*, X (1886), 193-194, 196.

Unusual Society." Pennsylvania, England, and the investors all would bask in the benefits of the Free Society of Traders. And like all such companies before and since, it would be "a great and prudent body, a kind of perpetual Trustees; the Friend of the Widdow and the Orphan. . . ."22

With Claypoole acting as promoter and Ford as stock-issuing agent, the sale of stock moved ahead rapidly in the spring of 1682. Shares were sold at £25, half payment due upon subscription, the remainder when the company's first ship set sail for the colony. Dublin, Cork, Bristol—all the centers of Quaker activity—were bombarded with the Society's literature. "Here are many have signified their good liking to it, and will be concerned," wrote Claypoole from London in April, 1682.<sup>23</sup> A month later £6,000 had been raised; by June £8,000 was in hand; and in September, with President More and some sixty servants of the company in the Downs, "bound for Pennsylvania," nearly £12,500 had been subscribed.<sup>24</sup>

There can be little doubt that from the outset Penn regarded the Free Society as an integral part of his plans for the colony. In selling the company 20,000 acres, Penn, while charging the usual price of £100 per five thousand acres, agreed to a token quitrent of one shilling per year for the entire tract—a personal sacrifice of nearly forty pounds annually. The Society was promised three seats in the provincial council and its charter was ratified by one of the "Laws Agreed Upon in England."<sup>25</sup> Ultimate confirmation of the laws, and thus of the charter, was deferred until the first assembly convened in Pennsylvania, but there seemed no reason to doubt that this approval would be given, since presumably the assembly would represent the Society's interests to a large degree. Ties between the leaders of the company and the men around Penn were tightened further by restricting the right of nonemigrating members of the company to

<sup>22</sup> *The Articles. Settlement and Offices of the Free Society . . .*, *PMHB*, V (1881), 49.

<sup>23</sup> James Claypoole to Samuel Claridge, Apr. 1, 1682, and to George and Francis Rogers, Apr. 4, 1682, Claypoole Letterbook.

<sup>24</sup> James Claypoole to John Spread, May 30, 1682, to Edward Claypoole, June 26, 1682, to Thomas Loveday, Sept. 21, 1682, and to Edward Claypoole, Sept. 23, 1682, Claypoole Letterbook.

<sup>25</sup> "List of Subscribers to the Free Society of Traders . . .," in *PMHB*, XI (1887), 175-180; *The Articles. Settlement and Offices of the Free Society . . .*, *PMHB*, V (1881), 37-50; Thorpe, *Federal and State Constitutions*, V, 3062.

vote in the Society unless they purchased at least one thousand acres of land from Penn; only those who purchased at least five thousand acres were eligible to hold office. Penn personally promoted the company by publishing a *Letter to the Free Society of Traders . . .*, a widely distributed advertisement which expressed in glowing terms the central role reserved for the company in the economic development of Pennsylvania.<sup>26</sup>

An analysis of stock subscribers to the Free Society reveals that the principal investors, like the major land purchasers, represented chiefly a small circle of Quaker merchants, joined by Penn's relatives and close associates, and a handful of prosperous landowners. Of thirty-two purchasers investing £100 or more, seven were related to Penn or in his employ, five were substantial landowners (two of them gentry), fourteen were merchants, three were shopkeepers, one was a doctor, and two are unidentifiable. Two-thirds were early land purchasers, most of them holders of large tracts. The list of initial land purchasers diverges from that of Society subscribers at the lower levels. Among the first purchasers, the small buyers tended to be modest landowners, craftsmen, and artisans, most of whom intended to emigrate to Pennsylvania. In the Free Society, the lesser subscribers were merchants, shopkeepers, artisans, and yeoman, most of whom remained in England.<sup>27</sup>

The election of company officers and a twelve man governing committee to manage affairs in Pennsylvania revealed anew the close correspondence between principal land purchasers and prominent members of the Society. More, Claypoole, and Simcock, the first three officers of the company, had purchased respectively 10,000, 10,000 and 7,875 acres. On the committee of twelve were many of Penn's closest associates: merchants Robert Turner, William Haige, Francis Plumstead, and Griffith Jones; Thomas Holme, an Irish gentleman and Penn's neighbor at his Irish estates; and James Harrison, shopkeeper of Lancashire and Penn's promotional agent in that area. Four were proprietors in West Jersey, well known to Penn in that capacity—Turner, Anthony Elton, Isaac Martin, and Haige

<sup>26</sup> *The Articles. Settlement and Offices of the Free Society . . .*, in *PMHB*, V (1881), 44-45; Penn's *Letter to the Free Society of Traders . . .* in Myers, *Narratives*, 224-244.

<sup>27</sup> Based on an analysis of the lists of First Purchasers and subscribers to the Free Society previously cited, and on biographical data compiled from sources listed in note 8.

—and three served East Jersey as proprietors—Turner, Haige, and Francis Plumstead. Collectively, the officers and committeemen had purchased more than 61,000 acres of land at a cost exceeding £1,200.<sup>28</sup>

Penn had one additional means of welding to his interest the circle of well-circumstanced patrons who were following him to Pennsylvania—the distribution of profitable offices. The proprietor had reserved for himself the right to appoint initially all proprietary, provincial, and county officers; each would serve, barring misbehavior, for life. It was an enormous power and Penn put it to good use. Positions of profit and power went almost uniformly to men whose tangible commitment to the Holy Experiment was substantial. They divided almost evenly among merchants and gentry, a pattern which would characterize office-holding in Pennsylvania for a decade to come.

Nicholas More was installed as chief justice of the provincial court, provincial secretary, and clerk of the council, all positions of high influence. To Robert Turner went a seat on the powerful Board of Propriety, created to administer the allocation of land in Penn's absence. Turner also sat as a provincial judge and as justice of the peace for Philadelphia County. William Markham functioned as proprietary secretary, member of the Board of Propriety, and, before Penn's arrival, as deputy governor. Thomas Holme was appointed receiver general for the lower counties, surveyor general, and sat on the Philadelphia County court. Hardly a position of influence or profit in the early years was allowed a man without a five-thousand-acre investment in the province. Most appointees were also stockholders in the Free Society of Traders.<sup>29</sup>

Of the First Purchasers of five thousand acres or more who came to Pennsylvania before 1684, only four—Simcock, Growdon, Brassey, and Jones—were not installed in high places. The first three chose to eschew city life in Philadelphia and took up estates in the country where they were appointed to the county courts. Jones was a special

<sup>28</sup> The officers of the Society are given in the minutes of the first meeting of the company in London, May 29, 1682. See Hazard, *Annals*, 576-577.

<sup>29</sup> Most of the early officers are listed in John Hill Martin, *Martin's Bench and Bar of Philadelphia* (Philadelphia, 1883), and in *Pennsylvania Archives, Second Series*, IX, 607-766. Neither are wholly accurate and have been corrected and supplemented by the multitude of commissions found in the Penn, Pemberton, Etting, and Society collections, HSP, and in Penn Manuscripts and Ancient Documents, American Philosophical Society.

case. Well known to Penn as a Quaker merchant of London, he alone was left out of office, perhaps because of a querulous nature which would involve him in litigation and acrimonious dispute during the next two decades. Looking at the question in another way, it can be said that of all the important officeholders, only three—Clark, Welch, and Haige—were not large buyers of Penn's real estate. Each of these men, however, was a proprietor and vast landowner in West Jersey, and an intimate of Penn in England. All were merchants, all were Quakers; Haige and Clark, who preceded Penn to the Delaware, were already experienced men in matters of settlement. Haige and Welch would die within a few years but Clark lived on to become Penn's most trusted officeholder in the lower counties, and the most important figure on the lower Delaware Bay.

That Penn should establish a system of economic and political control which delivered power and advantage to those who invested most heavily in his plan is hardly surprising. Like any prudent manager of a large enterprise, he sought support in the wealthiest and most experienced sector of his constituency. Conversely, these men, in return for financial backing and their willingness to start life anew in a distant wilderness, expected compensation. Notwithstanding what has been written about Quaker equalitarianism, one searches in vain for evidence that Pennsylvania was ever conceived as an economic or political democracy. Nothing could have been more natural than the transplanting of an ordered society where position and power resided in those whose stake in the venture was the largest.

The hope entertained by the Free Society of Traders that it might assume a controlling role in the economic development of Pennsylvania was quickly lost in the first years of settlement. Only a handful in number, Penn's merchant associates found themselves swamped by a larger group of entrepreneurs who had no intention of allowing such a closed body to aggrandize the colony's trade. Such men—most of them Quakers—had early been attracted to Pennsylvania by the news of Penn's stirring plans, then taking form on the banks of the Delaware. From the West Indies, for example, came Samuel Carpenter, Henry Jones, Jasper Yeates, and John Jones. Arthur Cooke, earlier a noted Quaker in London and since 1678 a merchant of Portsmouth, Rhode Island, moved south to the Delaware. New York added George Foreman, William Darvall—the former Anglican

mayor of the city—and three well-established Quaker merchants, William Frampton, Humphrey Morrey, and Abraham Whearley. From across the Delaware, in West New Jersey, came William Clarke, Joshua Barkstead, and Anthony Morris, men quick to perceive the economic control which Philadelphia soon would exert over the entire length of the river.<sup>30</sup>

Most of these adventurers, leaving established business to participate in the bold new designs on the Delaware, gravitated toward Philadelphia. A few, however, sought success down-river at Chester, the oldest settlement in the province, or in the lower Delaware ports of New Castle and Lewes. Clarke and Darvall took up residence at Lewes, on Delaware Bay, while Yeates, Barkstead, and two merchants from England—Maurice Trent and John Richardson—settled at New Castle and Chester as tobacco merchants. These were men proceeding to Pennsylvania from various way stations in the English mercantile world, but many of them well acquainted even before arrival through long business contacts. Having operated in the world of colonial commerce, most of them had a decisive edge over their co-religionists arriving from London, Bristol, or Dublin—men inexperienced in the problems of colonial trade.

It was into the hands of these individual merchants, acting for themselves or as agents for merchants in England, that the early commerce of Pennsylvania largely fell. In the face of their activity, the Free Society of Traders was defeated before it entered the race. The first phase of commercial activity was the provisioning of the successive waves of immigrants that washed on Pennsylvania shores; by the time the Society was on the scene, in late 1682, this function was already in the hands of other men. During the earliest stages of immigration, indigenous merchants assumed the leading role, selling supplies to the hundreds of newcomers, capitalizing on the needs of those who arrived too late in the year to get crops in the ground. The “ancient lowly inhabitants come to sell their produce to their profit and our accomodation,” reported Penn after his first winter in his colony.<sup>31</sup>

<sup>30</sup> The sources for tracing the gathering of the merchant community are so numerous and varied that no attempt can be made to list them here. Important among them, however, are the collections of the Genealogical Society of Pennsylvania and the HSP.

<sup>31</sup> Penn to Lord Keeper North, July 24, 1683, in William J. Buck, *William Penn in America* (Philadelphia, 1888), 116.

Merchants in other colonies were also quick to serve the ready market on the Delaware. At first coin was plentiful, for most immigrants translated their assets into specie before leaving England. According to Penn, about forty ships came to trade in Pennsylvania during the first year, eager to exchange provisions for the always coveted money. "New York, New England and Road Island did with their provisions fetch our Goods and Money," he disclosed.<sup>32</sup>

Even those who had launched the Free Society and invested heavily in it, merchants such as James Claypoole and Robert Turner, were quick to pursue their own mercantile interests apart from company affairs. Claypoole, treasurer of the company, was one of the most active entrepreneurs. Even before his departure from England he corresponded with his brother, already in Pennsylvania, for "advice of Merchandise what quantitys and what sorts are most vendable and what returnes may be expected." A year later, on the eve of his own departure, Claypoole was shipping English goods to a trusted servant already in the colony and advising him that commodities should yield "near double" their cost. Claypoole took with him an additional seven or eight hundred pounds worth of English goods, as well as a retinue of servants. Once in Philadelphia, he quickly established a vigorous trade, importing pork, beef, butter, cheese, and a variety of dry goods and tools from England, and sending pipe staves, timber, silver, pelts, furs, whale oil and bone in return.<sup>33</sup> Trade lines were opened quickly to Barbados, where another brother, a wealthy planter-merchant, acted as correspondent.<sup>34</sup>

By 1684, individual merchants had firmly established the Delaware ports as centers of no small promise in the English mercantile world. Boston, Newport, New York, Bristol, London, and Barbados were all within easy reach of Philadelphia and New Castle. Penn reported in 1683 that since the last summer almost sixty ships had put into Philadelphia to trade. "This we esteem a good beginning," he remarked. James Claypoole, no less optimistic, expressed the

<sup>32</sup> Penn to Earl of Sunderland, July 28, 1683, Society Collection.

<sup>33</sup> James Claypoole to Norton Claypoole, Oct. 28, 1681, to Edward Claypoole, Jan. 16, 1682/83, and to Edward Cole, Jan. 11, 1682/83, Claypoole Letterbook.

<sup>34</sup> James Claypoole to Thomas Cooke, Feb. 1, 1683/84, to Edward Haistwell, Feb. 13, 1683/84, to Edward Claypoole, Dec. 2, 1683, *PMHB*, X (1886), 401-402, 403-404, 274-277; Rebecca I. Graff, *Genealogy of the Claypoole Family of Philadelphia* (Philadelphia, 1893), 53.

prevalent belief that "we shall have a trade in a few years, as well as our neighbors [*such*] as New England, Virginia, Maryland &c."<sup>35</sup>

Amidst the buoyant beginnings of such individual enterprisers, the Free Society of Traders encountered little but adversity. From the beginning the Society was crippled by the disinterest of some of its officers and the erratic behavior of others. Nicholas More, the president, was no man to lead the venture. Aristocratic, unstable, and by nature condescending, he demonstrated little ability to guide the company's affairs. Instead, he expended his energies in seating his manor outside of Philadelphia. Simcock, the vice-president, took up his 7,875-acre purchase in Chester County, distant from the Society's offices, and pursued his agricultural interests there. Claypoole, the treasurer, did not arrive in Philadelphia until late 1683 and then, seeing the already fallen state of company affairs, followed his own mercantile interests while grumbling of the incursions which Society business made on his time. As one of the committee men complained of the Society's governing board, "particular men do[e]th for themselves."<sup>36</sup> Of the twelve members elected as resident commissioners, three decided to remain in England and three others took up land far distant from Philadelphia, the center of Society business.

Despite personnel problems, efforts were made to establish the Society at the center of the province's economic life. The first cargo and about sixty indentured servants of the company arrived in September, 1682, with President More. Eager buyers snapped up the goods. But already the necessity of buying provisions from other colonies was draining Pennsylvania of specie and the Free Society was forced to take credit where coin was unavailable.<sup>37</sup> A second cargo reached Pennsylvania the following summer. Again the shipment sold profitably, "but would have advanced much more hath the goods been suitable for the Country," according to one of the resident assistants.<sup>38</sup> "We are forced to trust most what we sell, and People

<sup>35</sup> James Claypoole to Thomas Cooke, Feb. 1, 1683/84, *PMHB*, X (1886), 402; Penn to Lord Keeper North, July 24, 1683, in Buck, *William Penn*, 116.

<sup>36</sup> John Blunston to William Sharlow, Jan. 23, 1683/84, Logan Papers, XVI, 14.

<sup>37</sup> James Claypoole to Thomas Loveday, Sept. 21, 1682, *PMHB*, X (1886), 199; the Free Society's cargo is listed in London Port Book E190/109/1, Public Record Office, London, as cited in Marion Balderston, "William Penn's Twenty-three Ships, *The Pennsylvania Genealogical Magazine*, XXIII (1963), 60-61.

<sup>38</sup> John Blunston to William Sharlow, July 23, 1683, Logan Papers, XVI, 7.

will not pay in 6 or 9 months," the treasurer reported. Within a year his letters summarized the falling state of the company: "We have neither credit nor money, and now must sue people at law, or be forced to loose all."<sup>39</sup>

Compounding the financial difficulties of the Society was the failure of English stockholders, apprehensive at reports of mismanagement in Pennsylvania, to pay in their full obligations. "Wee understand but halfe of the subscription money is paid in," wrote an alarmed John Blunston, member of the governing board in January, 1684.<sup>40</sup> Added to the growing shortage of specie in the province, the failure of English stockholders was very nearly a crushing blow. It was apparent that the Society lacked sufficient capitalization to sell goods on credit, as it must, for one or two years—perhaps even longer—until Pennsylvania could develop exportable commodities to balance her trade.

Although crippled by inadequate capitalization, the Society attempted to fulfill some of the grandiose schemes projected in London in 1682. Fishing and whaling expeditions were initiated at the mouth of Delaware Bay. A grist mill, built by early Swedish settlers, was purchased by the company and kept in operation. A glass factory, brick kiln, and tannery were begun, and Lasse Cock, an early Swedish settler and experienced Indian trader, engaged to launch the fur trade of which so much was expected. Two small vessels were purchased and trade was inaugurated with the West Indies.<sup>41</sup>

As grave as were the financial and administrative problems of the Free Society, the fundamental defect was in the political sphere.

<sup>39</sup> James Claypoole to Edward Haistwell, July 29, 1684, *PMHB*, X (1886), 411. The chronic lack of specie which quickly set in was mentioned by many of the early settlers. See, for example, John Blunston to William Sharlow, Feb. 2, 1682/83, Logan Papers, XVI, 11; Samuel Carpenter to Penn, Dec. 25, 1684, Albert Cook Myers Collection, Box 2, #9, Chester County Historical Society, West Chester, Pa.; F. Pastorius, *Circumstantial Geographical Description of Pennsylvania . . .* (Frankfurt, 1700), translated in *Narratives*, 376. Illustrative of the specie drain was the arrival in Philadelphia of a ship from Bristol with a cargo of 150 Negro slaves. "All the Negros where sould for redy money, which has Caused Money to be very scarce," wrote Nicholas More, president of the Free Society of Traders, to Penn, Dec. 1, 1684, Albert Cook Myers Collection, Box 2, #6.

<sup>40</sup> John Blunston to William Sharlow, Jan. 23, 1683/84, Logan Papers, XVI, 14.

<sup>41</sup> The early activities of the Free Society can be traced in the letters of James Claypoole in *PMHB*, X (1886), 267-282, 401-413. Other information is revealed in *Narratives*, 241n; John Blunston to William Sharlow, July 23, 1683, Logan Papers, XVI, 7; and Philadelphia Deed Book E2-5, 63, Recorder of Deeds, City Hall.

Penn at the outset had placed the company in a position of special advantage. Now he was to see it undermined by older settlers and new merchants who sought success apart from the proprietary-oriented venture. So closely associated with the proprietor and his interests, the company had offended the sensibilities of many, both old and new.

The issue of the Society was broached unavoidably when Penn sought endorsement of the Frame of 1682 and the "Laws Agreed Upon in England." Calling an assembly, or ratifying convention, shortly after his arrival in late October, 1682, Penn submitted the Frame, the laws written in England, and additional laws drafted after his arrival. Included was a law chartering the Free Society. On December 4, 1682, the assembly of forty-two men, seven from each of six counties erected, gathered at Chester. It was no surprise that almost all of Penn's supporters and officeholders, including at least six officers of the Free Society, had secured places—Taylor, Holme, More, Clarke, Simcock, Jones, Withers, Brassey, and others.<sup>42</sup> But from the three lower counties came representatives of the older Swedish, Dutch, and English settlers, most of them resentful at the sudden takeover of territory and government by the proprietor and his small circle. For nearly a decade, English tobacco planters had been drifting into the lower Delaware area from adjacent counties in Maryland, taking up land patents under the Duke of York's deputies and gradually replacing the Swedes. When Penn received his charter, more than a thousand people populated the lower counties—Sussex, Kent, and New Castle—arranged in a tier from the mouth of Delaware Bay northward to the town of New Castle.<sup>43</sup> Now their representatives seemed little ready to accede to the proprietor's requests. The speakership nearly fell to a non-Quaker, "Friends carrying it but by one voyce, and that through the absence of 2 of the other side that were not Friends," Penn wrote in dismay.<sup>44</sup>

<sup>42</sup> Although the complete membership of the assembly is not known, members are mentioned in *Votes and Proceedings of the House of Representatives of the Province of Pennsylvania, Pennsylvania Archives, Eighth Series*, (Harrisburg, 1931-1935), I, 1-13. Hereafter, *Votes*.

<sup>43</sup> For the population of the lower counties, see Pomfret, *West Jersey*, 63; *Records of the Court of New Castle on Delaware, 1676-1681* (Meadville, Pa., 1904), 156-181; *New York Colonial Documents*, XII, 646-649. The settlement of the lower counties is discussed in J. Thomas Scharf, *History of Delaware, 1609-1888* (Philadelphia, 1888), II, 1029.

<sup>44</sup> Penn to Jasper Yeates, Feb. 5, 1682/83, *PMHB*, VI (1882), 467-472.

The confrontation of old and new, Quaker and non-Quaker, Penn's friends and independent adventurers, had grave consequences for the Free Society of Traders, and for the entire machinery of proprietary management. In a series of moves, the convention struck at Penn's system. Proposals were made to overthrow council's monopoly in initiating legislation by allowing "any Member [*of the lower house to*] offer any Bill, publick or private, tending to the publick Good, except in Case of levying Taxes." Nineteen of the ninety laws proposed by Penn were rejected outright. Most significant, the law confirming the charter of the Free Society was voted down, for apparently the company appeared too integrally a part of a tightly knit economic and political partnership.<sup>45</sup>

Unconfirmed in its charter, the Society remained without legal status as a corporate body. But the struggle had effects far beyond the company's fate. In voting against it, a plurality of representatives had arrayed themselves against the proprietor's stated will. Fissures in the community had been opened that would not quickly heal.

The late 1682 fight over the confirmation of the Society's charter had its repercussions in the meetings of the general assemblies during the year that followed.<sup>46</sup> By 1684, after two years of political fencing among proprietor, assembly, and council, and by factions within the two legislative bodies, political groupings were beginning to coalesce. Three parties, still shifting and amorphous, but progressively recognizable, emerged. Each was led by an alliance of merchants and large landholders. In legislative matters, co-operation between any two of the groups could overpower the third.

The first group was the proprietary party, the inner circle of Penn's staunch supporters and officeholders—men such as Holme, Markham, Lloyd, Harrison, Claypoole, More, Taylor, Haige, Clarke, and Welch. A few represented the lower counties, notably Clarke at Lewes and Welch at New Castle, but most resided in Philadelphia or took up country estates in Bucks or Chester County. Never numerous, this group had been shaken by the failure of the Free Society's charter. Their reputation had suffered too by the rash and dogmatic

<sup>45</sup> *Votes*, I, 1–13.

<sup>46</sup> Political friction in 1683 can be followed in *ibid.*, 13–46; and *Minutes of the Provincial Council of Pennsylvania, 1682–1790* (Harrisburg, 1852–53), I, 57–92, hereafter cited as *Council Minutes*.

behavior of Nicholas More. Still, they held a power out of all proportion to their numbers, for they occupied almost every position of importance in proprietary and provincial affairs. With few exceptions this group was Quaker. The council was their citadel, although a few sat in assembly from time to time.

The second group was also Quaker in religious complexion, but strikingly different in their attitude toward Penn. Increasingly resentful of the proprietor's prerogatives, it sought an autonomy in local and provincial affairs that clashed directly with Penn's political concepts. Some of this group, men like Joseph Growdon, John Simcock, Nicholas Waln, John Songhurst, John Blunston, and George Maris, had been strong supporters of Penn in the evolutionary stages of the Holy Experiment. But transplanted to the Delaware, they began to feel the rub of restrictive proprietary policy. Most were landholders. One by one they fell away from the proprietor as their fealty withered. Joining them were a sizable number of newly arrived merchants, men from New York, the West Indies, and England, who, though Quakers, were rarely First Purchasers, officeholders, or members of the Free Society of Traders. Using the lower house as their forum, they questioned the exclusive power structure modelled by Penn and his supporters. So long as Penn was in Pennsylvania their demands were moderate, but once the proprietor returned to England their drive for power would assume a new look.

A third faction centered in the lower counties. From Penn's arrival it was evident that congenital differences would make a true union of interests between upper and lower counties difficult if not impossible. The upper counties were Quaker, the lower primarily Anglican and Lutheran. The upper counties were composed of newly arrived English and Welsh, the lower mostly of Swedes and former Marylanders. The upper counties saw no necessity for defensive fortifications or a militia, relying on a benevolent Indian policy to obviate such needs; the lower counties, vulnerable to marauding pirates and French raiders, demanded river forts and an armed citizenry. Perhaps most important was economic rivalry. With the growth of Philadelphia the down-river ports of New Castle and Lewes saw themselves as mercantile satellites, robbed of their previous importance, cast into an economic shadow. Finally, the lower counties were fixed territorially, hemmed in on their western border

by Maryland and to the east by Delaware Bay. It was obvious that as new immigrants took up land, Pennsylvania would expand, creating the need for additional counties and consequently diminishing the power of the lower counties in the legislature. In both council and assembly, representatives of the lower counties, save for a few loyal adherents of Penn, were intent on preserving their own autonomy from both Quaker parties to the north.<sup>47</sup>

While politics remained faction ridden, the colonial economy made rapid strides forward. Philadelphia, in fact, was exercising a magnetic influence on the trade of the whole middle-Atlantic area, quickly absorbing the commerce of the budding West Jersey ports, and beginning to challenge the pre-eminence of New York in the area. But from 1684 onward trade fell progressively to men who had little to do with the original promotion of Pennsylvania or who were steadily shying away from the proprietary group.<sup>48</sup> It was but a continuation and re-emphasis of an earlier move to outskirt the proprietary-supported joint-stock company and its handful of London Quaker merchants.

The decayed affairs of the Free Society of Traders only hastened this trend. Unable to collect its debts and inadequately financed, the Society found it impossible even to pay the wages of its employees. This, in turn, led to further embarrassments. John Hill and Henry Bowman, hired by the company to manage the whaling enterprise at the Delaware Capes, refused to release a harvest of whale bone and oil to the master of the Society's ship when their complaints of unpaid salaries went unheeded.<sup>49</sup> Troubles compounded. In September, 1684, the Society's pink was loaded for the West Indies with a cargo of boards which sold at a loss of £184. So rotten was the vessel on arrival that the company decided to lay her up in the West Indies and await spring when a purchaser might be found. From Pennsyl-

<sup>47</sup> For a general discussion of this regional tension see Robert W. Johannsen, "The Conflict between the Three Lower Counties and Pennsylvania, 1682-1704," *Delaware History*, V (1952), 96-123.

<sup>48</sup> A succession of deaths from 1684-1687 depleted the ranks of Penn's early supporters. William Welch died in late 1684, Christopher Taylor in 1686, and James Claypoole, Nicholas More, and James Harrison in 1687. Another of Penn's lieutenants, William Haige, left for East New Jersey late in 1684.

<sup>49</sup> Charles H. B. Turner, ed., *Some Records of Sussex County, Delaware* (Philadelphia, 1909), 115.

vania, Penn learned that "Their [*the Society's*] ship Lyes by and their Glasshouse comes to nothing."<sup>50</sup>

A succession of suits brought against the Society from 1684 to 1686 caused its final collapse as a significant component in Pennsylvania's trade. Thereafter, the Society functioned only as a land company, gradually selling its extensive property to extinguish its debts.<sup>51</sup> The first suit, an action for outstanding debts, was filed by Samuel Carpenter, fast emerging as the leading merchant of the province. "The Society would not pay me," he informed Penn, "but told me I must take my Course at Law." Carpenter won his case before the county court at Philadelphia, a decision upheld by the provincial court when the company appealed the decision.<sup>52</sup> Carpenter's suit was closely followed by that of Bowman, who sued the company for breach of contract—in effect, a failure to pay his wages. The court awarded Bowman £500, a crushing financial blow to the embarrassed company.<sup>53</sup>

Debt-ridden as it was, the Society still hoped to salvage its fading fortunes. Many of its officers still occupied positions of executive and judicial importance as members of Penn's circle. On the Philadelphia County court, for example, sat some of Penn's closest supporters—Thomas Holme, Robert Turner, Francis D. Pastorius, John Goodson, Hugh Roberts, and William Clarke. The provincial court was even more a proprietary stronghold. Nicholas More sat as presiding judge, while Clarke, Eckley, Turner, and Wood, all partisans of Penn, and all save Clarke members of the Free Society of Traders, completed the bench. It was Eckley and Clarke who heard the appeal of James Claypoole, acting for the Society in the Carpenter case. Although judgment was clearly with Carpenter, Clarke "refused to sett his hand to it, notwithstanding he had given his Judgment for it in Court."<sup>54</sup> Claypoole attempted another tactic, denying the validity of the judgment on the ground that he was appealing the case to

<sup>50</sup> Philip Lehnmann to Penn, Sept. 23, 1684, Albert Cook Myers Collection, Box 2, #5.

<sup>51</sup> For the sale of Society land in the early years see Philadelphia Deed Books E1-5, 639-647; H8, 357-361; I12, 180-181.

<sup>52</sup> Carpenter to Penn, Dec. 25, 1684, Albert Cook Myers Collection, Box 2, #9.

<sup>53</sup> Benjamin Chambers v. Nicholas More, Sept. 24, 1686, Gratz Collection, Supreme Court of Pennsylvania, Case 12.

<sup>54</sup> *Council Minutes*, I, 146-147.

England. When it was disclosed that he had given no security—in cases of equity the appellant was required to post bond for the amount of the judgment as a condition of appeal—Carpenter's petition to execute the decision was upheld by council.<sup>55</sup>

As Carpenter informed Penn, far more had been at stake than an overdue debt. For if Penn's appointees, many of them personally involved in the Society's affairs, continued to exploit their connections and to misuse their offices in defense of a bankrupt and restrictive trade company, they would bring discredit to both Penn and his colony. "Nothing but Shame and Confusion will attend them," wrote the embittered Carpenter; "the way they Endavor to uphold themselves pulls them downe with both hands. . . . Their debts lyes out notwithstanding all their Counsells Courts and Comitties and grandure therin, and people unpaid to their Perpetuall Shame and the dishonor of the Province."<sup>56</sup>

Complaints of the Society in Pennsylvania were matched by others at home. In London, stockholders of the Society besieged Penn, demanding a strict account of transactions in Pennsylvania. "I am much bated at by the committee here about the Condition of the Society," wrote the proprietor reproachfully in 1685. "The ship said to lye bored in with an ancor in her belly . . . [and] no letter or account from any member. . . ."<sup>57</sup> Convinced that their investment was squandered while control remained in Pennsylvania, English stockholders pressed Penn to return the government of the Society to England where a new "more trading like Constitution" could be written. All activities in Pennsylvania, such as glassmaking and whaling, would be abandoned and new subscriptions sought for a purely mercantile company. "Being so little able to excuse the late neglects," concluded Penn, "I incline for my part [*to the proposal*], and Advise you concerned in the Country, to do so too."<sup>58</sup>

Despite Penn's admonitions and advice, the Society in Pennsylvania rejected the proposition of the English investors. Nor did

<sup>55</sup> *Ibid.*; Carpenter to Penn, Dec. 25, 1684, Albert Cook Myers Collection, Box 2, #9.

<sup>56</sup> *Ibid.*

<sup>57</sup> Petition of English stockholders to Penn, June 15, 1685, Penn Papers, Autograph Petitions, 3; Penn to Thomas Lloyd, Simcock, Taylor, Harrison, and Turner, 1685, Penn Papers, Domestic and Miscellaneous Letters, 79.

<sup>58</sup> *Ibid.*

affairs improve as time progressed. "The Society is a great Reproach to the Province," charged Penn in the following year while again demanding an account of company affairs.<sup>59</sup>

Carpenter's attack on the Free Society of Traders was no isolated charge but part of a far broader offensive against the entire proprietary machinery. Was Pennsylvania to be run by "Councells Courts and Comittees" tied to Penn's interest, Carpenter had asked in December, 1684, or by men who had earned the right to govern by dint of the estates they had carved out in the province. Carpenter, though himself enjoying Penn's favor, was clearly disillusioned with the behavior of the proprietor's placeholders; his outcry against Penn's circle was echoed by others from 1684 to 1686. "There are gridges in some," reported one of Penn's adjutants, "that none are put in places of power but friends and tis not profession qualifies men for places & powers; offices shew it too much."<sup>60</sup>

Hardly less important than the Free Society of Traders in diminishing confidence in Penn was the question of land policy. Even while Penn was in his province, this had been a source of dissatisfaction, especially as it related to the allocation of property in Philadelphia.<sup>61</sup> Following Penn's departure in 1684, discontent mounted. At the root of the problem was a belief that Penn, in disposing of his vast wilderness domain, emphasized profit, not the needs or rights of the colonists. Large tracts of land close to Philadelphia were withheld for proprietary manors; landowners were refused the right to hold great unoccupied tracts for speculative purposes (one of the inducements that had awakened an initial interest in Pennsylvania); quitrents—never popular—were demanded in silver, always scarce in a debtor economy; and Penn's land officials were distrusted as capricious and often dishonest men.<sup>62</sup> All these factors combined to produce a crisis

<sup>59</sup> Penn to Council, 1686, in *PMHB*, XXXIII (1909), 308-309.

<sup>60</sup> Thomas Holme to Penn, Nov. 25, 1686, Chew Papers, Cliveden.

<sup>61</sup> For the colonists' complaints and Penn's somewhat acerbic reply, see petition of "Persons considerate in this City" to William Penn, Aug. 2, 1684, Robert Proud Papers, Box 2. A copy is in Parrish Collection, Proud Papers, I, 33-37.

<sup>62</sup> Penn was swamped with complaints about his land policy. See, for example, Robert Turner to Penn, Oct. 31, 1685, Samuel Carpenter to Penn, Dec. 25, 1684, Nicholas More to Penn, Dec. 1, 1684, Albert Cook Myers Collection, Box 2, #16, 9, 6; Thomas Holme to Penn, Nov. 25, 1686, May 24, 1687, Mar. 24, 1687/88, Chew Papers, Cliveden. Also, Edwin B. Bronner, *William Penn's "Holy Experiment"* (New York, 1962), 71-73.

of confidence in Penn which refashioned the political dynamics of Pennsylvania in the years following Penn's departure. Earlier, an element of the society, made up of smaller landowners, newly arrived merchants, and inhabitants of the lower counties, had opposed the monopoly of power which Penn had trusted to his early merchant and gentlemen supporters. But now a considerable segment of Penn's select group, disillusioned by the proprietor's policies and reacting to unforeseen contingencies in primitive Pennsylvania, forsook their loyalty to the founder. Joined by most of the newly arriving merchants, mostly younger men, they formed a new Quaker oligarchy—aristocratic, aggressive, pre-eminent in trade, and intent on substituting local autonomy for proprietary control. Moving into the vacuum left by the disintegrating proprietary circle, they became the new focus of economic and political power in Pennsylvania.

Bearing witness to the rising tensions and shifting alliances in Pennsylvania were the meetings of the general assembly in 1685 and 1686, tumultuous in the extreme.<sup>63</sup> "What ever thou doest, trye in my name to break that knott and soften them that bussle in General Assemblys," wrote Penn to Thomas Lloyd, whom he regarded as a trusted lieutenant. But Lloyd, as it would soon emerge, was by now himself deeply disenchanted with proprietary politics and a leader, in fact, of the anti-proprietary faction in council.<sup>64</sup>

Both the mounting pressure of anti-proprietary leaders and their resultant clash with Penn's remaining supporters were dramatically exhibited in the suit of the Free Society of Traders against Nicholas More—a legal fireworks that preoccupied Philadelphia and most of the province during the summer of 1686. More, who had resigned as president of the Free Society in 1685, was attempting to recover his investment in the company's stock. Recognizing that the Society's near-disastrous finances had sharply depreciated the market value of its stock, More proposed a mutually beneficial but highly discreditable arrangement: the Society would redeem his shares, giving him a bond for the amount of his initial investment and thus dissolving his interest in the company. More, in his capacity as chief justice of the provincial court, would return the favor by reversing the decision of

<sup>63</sup> The general assembly sessions can be followed in *Votes*, I, 58-77; and *Council Minutes*, I, 132-141, 176-185.

<sup>64</sup> Penn to Thomas Lloyd, Sept. 21, 1686, *PMHB*, LXXX (1956), 245.

a lower court which had recently ruled against the Society in a £500 suit for breach of contract. The Society, in desperate financial straits, could thus escape a £500 payment by repurchasing More's stock certificates for £203.<sup>65</sup>

The deal might have worked had More upheld his side of the bargain. Instead, while the provincial court did nothing to overturn the breach of contract decision, More demanded payment of the Society's bond for £203. When the company refused, More took his case to the Philadelphia County court. Present when the proceedings began on August 4, 1686, was William Markham, who sat, as he later related to Penn, on a little bench by the court clerk, "which I usually did to learn his methods." As the case commenced, "a Great Arme Chear" was carried into the court room, followed by its owner, Thomas Lloyd, who at once volunteered some remarks on the case.

"I desire," said Nicholas More, "that no man may Speak but what has leave of the Court." "I may speak," retorted Lloyd drily. "They that make the Court may speak in the Court." Later, when Lloyd again interrupted the proceedings, More reiterated his protest that the council president spoke out of order. "I wonder at thee Doctor More," thundered Lloyd, aroused. "I tell thee I may speak here or in any Court of this Government, as I am the Chief Justice in it by being Keeper of the Seal." "I never saw that power yett," replied More in reference to Lloyd's interpretation of his prerogatives. "But if you are [*the chief justice*] then pray sitt upon the Bench that I may Know where to Direct my Speach."<sup>66</sup>

Despite Lloyd's enlarged claims of his power, More won his case, obtaining a writ of execution against the "goods of the Society" for the amount of the bonds. Enraged at the decision, Lloyd called a meeting of council, where he instructed Benjamin Chambers, the Society's new president, to pen a petition for appeal of the case to the provincial court. When the petition had been drawn to Lloyd's satisfaction, he inscribed a minute of council on it, ordering the Philadelphia County court to stay execution of More's bond. "I fear the consequences of Such actions," wrote Markham to Penn, "ffor

<sup>65</sup> The manuscript court minutes of the case are in Gratz Collection, Supreme Court of Pennsylvania, Case 12, and are supplemented by the lengthy description provided by William Markham in a letter to Penn, Aug. 22, 1686, Chew Papers, Cliveden.

<sup>66</sup> *Ibid.*

both More and Lloyd have parties and as they disagree so dos their friends.”<sup>67</sup>

With More blocked, at least for the moment, Lloyd moved to insure the reversal of the lower court’s decision when the case appeared before the provincial court a month later. Six men had been nominated for the three seats on the new provincial bench, to be commissioned by council under the revised court law of 1685. Council, whether by the influence of Lloyd or because of other considerations, chose the three nominees most sympathetic to Lloyd in his drive for greater provincial autonomy.<sup>68</sup>

The appealed case was hardly less pyrotechnic than the initial trial and exemplified equally well the increasing hostility between the two opposing camps. More, recognizing that the composition of the new superior court made a reversal of the decision almost a certainty, refused to appear in court, pleading a crippling case of gout. Instead he sent a representative, Patrick Robinson, who, next to More himself, was the most mercurial and heartily disliked of Penn’s placeholders. The previous year Robinson, clerk of the lower house, had been “judged worthy to be excluded from the service of the House” by that body and later declared “a publick Enemy to the Province of Pennsylvania, and Territories thereof” for his intemperate and insubordinate behavior.<sup>69</sup> Now Robinson promptly charged that two of the judges on the bench were so involved in Society affairs that their presence represented a conflict of interest. When this objection was not sustained, Robinson “flew into a Passion” and denied the jurisdiction of the court to act in matters of equity. All decorum was forgotten in the verbal engagement that followed; only the adjournment of court put a stop to the inflamed proceedings.<sup>70</sup>

On the following day the court issued a warrant against Robinson, ordering him before the court to answer for his abusive behavior. Determined to ridicule the Lloydian controlled court, Robinson arrived

<sup>67</sup> *Ibid.*; writ of James Claypoole and William Warner to Philadelphia County Sheriff, Aug. 18, 1686, Penn Papers, Philadelphia Land Grants, 9; Chambers’ petition is in Miscellaneous Papers, Philadelphia County, I, 11.

<sup>68</sup> *Council Minutes*, I, 187, 189; the newly commissioned judges were Arthur Cooke, John Simcock, and James Harrison.

<sup>69</sup> *Votes*, I, 66–69.

<sup>70</sup> Markham to Penn, Oct. 5, 1686, Chew Papers, Cliveden; Simcock, Harrison, and Cooke to Penn, Oct. 3, 1686, Etting Collection, Pemberton Papers, I, 17.

with a Negro servant burdened down with a sackful of books. Squatting down by the court clerk, he announced that he "Came not in obedience to their warrant but voluntarily to know what they had to say to him," and then, crossing to President Lloyd's armchair, assumed "an indecent posture—Like a mad man" and called for his books. More and Robinson were clearly waging not only a losing battle but an impolitic one. Robinson was fined £100 for breaking the peace and shortly thereafter relieved of his position as clerk of the Philadelphia court. As expected, the opinion of the lower court against the Free Society was reversed, More's bond having been "fraudulently obtained" in the opinion of the provincial judges.<sup>71</sup>

By the end of 1686, Thomas Lloyd, in league with most of the merchants and an increasing number of the larger landowners, had taken the preliminary steps toward dismantling the machinery of proprietary government. The Free Society of Traders was all but defunct except as a land company. Penn's land policy was vocally opposed and frequently ignored. Many of his most trusted appointees were discredited; some had turned against him; others were dead or dying. Provincial and county courts had fallen under the domination of council, which itself was rapidly becoming a preserve of Penn's opponents. For another thirteen years, until his return to Pennsylvania in 1699, Penn sought from afar to end the political guerrilla warfare and the wholesale attacks on proprietary prerogatives that so disabled, in his view, his visionary plans for a New Jerusalem on the Delaware. But like the Free Society of Traders, the proprietary cause in Pennsylvania was in headlong decline. Neither the Free Society in the economic sphere nor the proprietary interest in the political would recapture the position of importance which the founder and his supporters had projected for them at the outset of settlement.

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<sup>71</sup> *Ibid.*; court proceedings in Gratz Collection, Supreme Court of Pennsylvania, Case 12.