

The Speaker of the House Pennsylvania, 1701-1776

is the history of the remodeling of English governmental institutions to fit the particular circumstances of new societies in the new world. One such transformed institution was the office of speaker of the house as it emerged in the various lower legislative assemblies in the American colonies. The speakership became politically powerful in Pennsylvania and elsewhere in British America at the same time that it lost its partisan character in the House of Commons. There the long Whig hegemony, the appearance of the cabinet system of government, and the scrupulous probity amounting to genius of the Great Speaker Arthur Onslow (1727–1761) combined to create in the speakership the majestically nonpartisan office we know today. The American speakers, however, played a

¹ Early speakers were under the influence of the Crown, for whom they generally acted as agents in the House of Commons. Speaker Lenthall's refusal to comply with Charles I's demand that he expose the five members whose arrest the king had ordered signalled a shift from subservience to the king to the House itself. See Edward Porritt, *The Unreformed House of Commons* (Cambridge, 1903), I, 432-482; J. R. Tanner, *English Constitutional Conflicts of the Seventeenth Century* (Cambridge, 1966), 114-115; Joseph Redlich, *The Procedure of the House of Commons* (London, 1907), II, 131-172. See also Basil Williams, *The Whig Supremacy*

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dual role. They exercised the presidential function—guiding and controlling debate and guarding their assemblies' privileges and procedures. Yet because the American assemblies failed to evolve a ministerial system and were consistently in an adversary relationship to the executive, the speakers frequently played the partisan role that in England was assumed by cabinet officers. Hence in the assemblies' "quest for power," the speaker acted a key, frequently a crucial, part.²

A calling of the roll of Pennsylvania's speakers in the eighteenth century is a reflection of the political history of that colony. Previous to 1701, the Assembly, which had been relegated to a subsidiary role in the First Frame of Government, struggled through rapid constitutional change to its unique position ensconced in the Charter of Privileges of that year.³ Pennsylvania's constitution to 1776, the Charter of Privileges not only created a unicameral legislature but also gave specific sanction to the office of speaker.⁴ This provision, like the entire Charter, reflected a concession of William Penn to the "governmentish" propensities of his people, for he held the

⁽Oxford, 1939), particularly 34-37; C. E. Vulliamy, The Onslow Family (London, 1953), 87-133; and Caroline Robbins, The Eighteenth Century Commonwealthman (Cambridge, 1959), 281-282. Onslow's nonpartisanship did not end partisanship in the selection of speakers, though his immediate successor, Sir John Cust, who served from 1761 to 1770, was probably picked because his "nondescript political record . . . recommended him for the post." Sir Lewis Namier and John Brooke, The History of Parliament: The House of Commons, 1754-1790, Members (London, 1964), II, 291. Cust's successor, Sir Fletcher Norton, who served until 1780, was Lord North's candidate for the speakership. Though temperamentally unfit for the office, Norton was elected over the opposition candidate, Thomas Townshend, Jr. Ibid., III, 214-217.

² See Michael Macdonough, The Speaker of the House (London, 1914). Of the colonial speakers, Macdonough writes, "The colonial official in both practice and theory occupied a ground midway between the Speaker of the House of Commons in England and the Speaker of the House of Representatives of the United States" (p. 17); Jack P. Greene, The Quest for Power: The Lower Houses of Assembly in the Southern Royal Colonies 1689-1776 (Chapel Hill, 1963). The author's research on the office of speaker in the other English colonies in America indicates that the development of the partisan speaker was by no means unique to Pennsylvania (see his summary report in the American Philosophical Society Yearbook for 1971).

³ The best discussion of the First Frame is Gary Nash, "The Framing of Government in Pennsylvania: Ideas in Contact with Reality," William and Mary Quarterly, Third Series, XXIII (1966), 183-209. For the Charter of Privileges, see Samuel Hazard, ed., Colonial Records of Pennsylvania (Harrisburg, 1852), II, 56-59.

^{4 &}quot;[The assembly] shall have power to Choose a Speaker and other their officers. . . ."

office of speaker in low esteem. The speaker, he believed, was no more than "a foreman to speak for [the Commons] to a Committee of Privy Council." From the first Assembly under the Charter of Privileges, the following individuals were called to the chair on the dates indicated.⁶

Date	Speaker	Votes of Assembly
September 15, 17017	Joseph Growden	I, 281
October 15, 1703	David Lloyd	I, 378
October 15, 1705	Joseph Growden	I, 500
October 14, 1706	David Lloyd	I, 585
October 14, 1710	Richard Hill	II, 937
October 14, 1712	Isaac Norris	II, 1036
October 14, 1713	Joseph Growden	II, 1065
October 15, 1714	David Lloyd	II, 1101
October 14, 1715	Joseph Growden	II, 1158
October 15, 1716	Richard Hill	II, 1175
October 14, 1717	William Trent	II, 1222
October 14, 1718	Jonathan Dickinson	II, 1281
October 14, 1719	William Trent	II, 1318
October 14, 1720	Isaac Norris	II, 1339
October 14, 1721	Jeremiah Langhorne	II, 1381
October 15, 1722	Joseph Growden	II, 1457
October 14, 1723	David Lloyd	II, 1540
October 14, 1724	William Biles	II, 1597
October 14, 1725	David Lloyd	II, 1707
October 14, 1729	Andrew Hamilton	III, 1975
October 15, 1733	Jeremiah Langhorne	III, 2187
October 14, 1734	Andrew Hamilton	III, 2235-6

⁵ Sister Joan de Lourdes Leonard, "The Organization and Procedure of the Pennsylvania Assembly, 1682-1776," *Pennsylvania Magazine of History and Biography (PMHB)*, LXXII (1948), 226.

⁶ For the sake of convenience volume and page references from Gertrude MacKinney, ed., Votes and Proceedings of the House of Representatives of the Province of Pennsylvania, Pennsylvania Archives, Eighth Series (hereinafter cited as Votes of Assembly), are included in the listing. Neither the listing in John H. Martin, Martin's Bench and Bar of Philadelphia (Philadelphia, 1883), 167–168, nor John B. Linn and Wm. H. Egle, eds., "List of Officers of the Colonies on the Delaware and the Province of Pennsylvania, 1614–1776," Pennsylvania Archives, Second Series, IX (Harrisburg, 1880), 636–637, agrees exactly with the Votes of Assembly.

⁷ With this sole exception, elections to Assembly were held on October 1 of every year. The organizational meeting of each new Assembly followed two weeks later, either on October 14 or 15. In 1701 William Penn called the Assembly a month early because of the necessity of his early return to England. *Votes of Assembly*, I, 282.

October 15, 1739 October 14, 1745 January 6, 1745/6 August 6, 1750 January 2, 1758 October 14, 1758 August 29, 1759 October 15, 1759 May 26, 1764 October 15, 1764 October 14, 1766 May 22, 1769	John Kinsey John Wright ⁸ John Kinsey Isaac Norris II ⁹ Thomas Leech ¹⁰ Isaac Norris II Thomas Leech (pro tempore) Isaac Norris II Benjamin Franklin ¹¹ Isaac Norris II Joseph Fox Joseph Galloway Joseph Gox ¹²	III, 2510 IV, 3059 IV, 3061 IV, 3317 VI, 4672 VI, 4887 VI, 5029 VI, 5069 VII, 5686 VII, 5686 VII, 5938 VII, 6386
October 14, 1774 March 15, 1775	Edward Biddle John Morton ¹³	VIII, 7148 VIII, 7217
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A glance at this list indicates first that it contains many of the most notable names in early Pennsylvania history. Almost all of the speakers represented social and economic as well as political power. Most of them held significant offices in the government other than the speakership of the Assembly. With the exception of Andrew Hamilton, who was very much his own man, no proprietary supporter assumed the speakership, but neither David Lloyd, Andrew Hamilton, John Kinsey, Isaac Norris II, Benjamin Franklin, nor Joseph Galloway was the mere servant of the Assembly. On the contrary, these men were political chieftains; they provided the essential leadership in the Assembly's assertion of legislative autonomy.

The speaker's formal powers were great. House rules adopted in 1703, and remaining with respect to the speaker unchanged to the

⁸ Israel Pemberton was chosen, but he refused to serve. Wright shortly retired because of illness.

⁹ Kinsey died during the 1750 session.

¹⁰ Leech replaced Norris during the latter's temporary indisposition in 1758 and again in 1759.

¹¹ Though Franklin succeeded the ailing Norris, the new speaker, failing re-election the following October, enjoyed only a short tenure. Norris was again chosen, but once more resigned.

¹² Galloway temporarily retired because of illness.

¹³ Biddle became indisposed; Morton served through the end of the proprietary period.

Revolution, gave him the power to name members of committees.¹⁴ Although other assemblymen were not thereby "debarred of their Privilege of nominating Persons," or from rejecting the speaker's nominees, "in which case the Opinion of the House shall rule," there is no evidence that the speaker was ever overruled or that nominations were made by other members.

Besides the power of naming members to committees, the speaker was responsible for the good order of the House. He recognized members desiring to speak; he could "stop all unnecessary, tedious, or superfluous Discourse, and command Silence when needed." As the custodian of the liberties and privileges of the representatives of the people, he was the first to enter, nor could any member leave the House before him. He received all bills which after the first reading he marked and declared "the Nature and Use of the Same." With the consent of the House, he could command a member who breached its privileges "to stand at the Bar, and there receive the Censure of the House." He had the power to suspend the rule against a member's speaking twice on any matter, especially bills pending before the House.¹⁵

These powers closely paralleled the powers of the speaker of the House of Commons. The principal one of these was the power of committee appointment. But this power of the English speaker declined in importance in the eighteenth century because the House of Commons ceased utilizing standing committees. Every committee was a committee of the whole, or grand committee. In Pennsylvania, although the Assembly frequently went into committee of the whole, at the beginning of each session four standing committees were appointed. These, with innumerable ad hoc committees appointed throughout the session in response to petitions for remedial

¹⁴ Votes of Assembly, I, 404-406; Benjamin Newcomb, "The Political Partnership of Benjamin Franklin and Joseph Galloway, 1755-1775" (unpublished Ph.D. dissertation, University of Pennsylvania, 1964), 211, claims that under Galloway the rules were changed to give the speaker more power. The 1767 rules are, however, a restatement of the rules first stated in 1703, except that in voting the nayes were to remain seated while the ayes stood. Ibid., VII, 6065-6067.

¹⁵ The speaker's pay was 7s 6d per day. Regular members received 4s 6d.

¹⁶ Stanley Pargellis, "The Procedure of the Virginia House of Burgesses," William and Mary Quarterly, Second Series, VII (1927), 76; see also J. Franklin Jameson, "The Origin of the Standing Committee System in American Legislative Bodies," American Historical Association Annual Report (1893), 393-399.

legislation, carried forward the main business of the House. The speaker, by virtue of his office, usually chaired the committee for correspondence, one of the four standing committees. He was also a member of another standing committee, that for revising and correcting the minutes of the House.¹⁷

A review of the offices held by the Pennsylvania speakers, frequently coincident with their presidency of the Assembly, underlines their political potency in contrast to that of their House of Commons counterparts, whose offices were usually of an honorary nature. David Lloyd, one of the two or three outstanding leaders during the early period, had been William Penn's attorney general, clerk of the Philadelphia County and supreme court, member of the Council, and chief justice of the supreme court. He held the latter position simultaneously with the speakership in the 1720's. 19

Andrew Hamilton was speaker of the Lower Counties as well as of the Pennsylvania Assembly. Attorney general, prothonotary of the supreme court, judge of vice-admiralty, city recorder, and member of the Philadelphia Common Council, as well as of the provincial Council, Hamilton, unlike Lloyd, continued to hold proprietary offices while maintaining the confidence of the Assembly.²⁰ During his tenure as speaker, John Kinsey, by virtue of his leadership in Quaker affairs and his positions of attorney general and afterwards of chief justice, had a near monopoly on the reins of power until his death. Like Hamilton and Lloyd, Kinsey also played a principal, and in his case a seemingly lucrative role in the affairs of the general loan office.²¹ Later speakers were less likely to have proprietary

¹⁷ The other standing committees were the committee of aggrievances, and the committee to audit and settle the accounts of the general loan office.

¹⁸ Accused of dependence upon the Crown, Arthur Onslow resigned the lucrative treasurership of the navy in 1742. A precedent was thereby established that the speaker's holding an office at pleasure was inconsistent with his duties as presiding officer of the Commons. MacDonach, The Speaker of the House, 274-275; Porritt, The Unreformed House of Commons, I, 449.

¹⁹ Roy N. Lokken, David Lloyd, Colonial Lawmaker (Seattle, 1959).

²⁰ A pioneering work in need of revision is Burton A. Konkle, The Life of Andrew Hamilton, 1676-1741: "The Day Star of the American Revolution" (Philadelphia, 1941).

²¹ Isaac Sharpless, *Political Leaders of Provincial Pennsylvania* (New York, 1919), 155-180; Edwin Bronner, "The Disgrace of John Kinsey, Quaker Politician, 1739-1750," *PMHB*, LXXV (1951), 400-415; Joseph S. Walton, *John Kinsey*, *Speaker of the Pennsylvania Assembly and Justice of the Supreme Court of the Province* (Philadelphia, 1900).

offices bestowed upon them, although Franklin was courted by proprietary patronage before his break with the Penns in 1756.²² Joseph Fox, Master of the Carpenters' Company, had been a city commissioner and assessor.²³ John Morton was sheriff and justice of the peace in Chester County and an associate justice of the supreme court.²⁴

The procession of Pennsylvania speakers coincides with a rough periodization of the colony's history. Following an era of "spirited radicalism" that closed with Lloyd's decisive defeat at the polls in 1710, there occurred a period of stabilization. Leadership in the Assembly as indicated by the several speakers of the period became identical with leadership in the proprietary strongholds of the Council and city corporation. These men represented a mercantile oligarchy, ruling less through popular legislative institutions than by virtue of their comparative wealth and social position. The politics of deference temporarily replaced the politics of confrontation.²⁵

The constitutional struggles of the 1720's, however, coinciding with the Assembly's establishment of a general loan office, signalled a renewed assertiveness on the part of the legislature. Institutional continuity meant greater continuity in the speaker's office. During Governor Keith's administration there emerged that concatenation of economic and political issues that were contended to the eve of the Revolution.²⁶ In the Assembly, Lloyd challenged the constitutionality of proprietary instructions and led in the passage of Pennsylvania's first paper money legislation. Keith's approval of Lloyd's actions and his evident desire for royal government led to his removal from office. The former governor, elected to the Assembly and aware of the power of the office, futilely if flamboyantly sought

²² James H. Hutson, "Benjamin Franklin and Pennsylvania Politics: A Reappraisal," *PMHB*, XCII, 1969.

²³ Anne H. Cresson, "Biographical Sketch of Joseph Fox, Esq., of Philadelphia," PMHB, XXXII (1908), 175-199.

²⁴ Ruth L. Springer, John Morton in Contemporary Records (Harrisburg, 1967).

²⁵ Gary Nash, *Quakers and Politics: Pennsylvania*, 1681–1726 (Princeton, 1968), 306–331. Lloyd was returned as speaker in 1714–1715 during the crisis brought on by William Penn's incapacity and the Crown's disallowance of the judiciary act of 1711. Lokken, *David Lloyd*, 192.

²⁶ Thomas Wendel, "The Life and Writings of Sir William Keith, Lieutenant-Governor of Pennsylvania and the Three Lower Counties, 1717–1726" (unpublished Ph.D. dissertation, University of Washington, 1964).

the speakership, thereby severing his alliance with Lloyd and destroying his own political future.²⁷

A notable debate followed when Speaker Lloyd refused to issue an election writ to fill the departed Keith's Assembly seat. Lloyd's refusal, though he had previously exercised this power, was based on an analogy between the Pennsylvania Assembly and the House of Commons.²⁸ Keith's followers significantly denied the analogy, pointing out the differing origins of the two legislative bodies.²⁹ They withdrew from the Assembly leaving less than a quorum. Though refusing to issue the writ, Lloyd now led the remaining assemblymen in declaring themselves a legally constituted legislature.³⁰ Not only had Lloyd triumphed over Sir William Keith, but he had also outflanked Keith's followers through the partisan interpretation and manipulation of the speaker's authority.

There followed a period of economic growth and a political era of good feelings under the governorship of Colonel Gordon and speaker Andrew Hamilton.³¹ Hamilton, like Lloyd before him, drafted bills for presentation to the House.³² He led in the reformation of the loan office and in the attack upon the chancery court.³³ Hamilton took charge of many other matters from the design and construction of the new state house to the investigation of counter-

²⁷ Thomas Wendel, "The Keith-Lloyd Alliance: Factional and Coalition Politics in Colonial Pennsylvania," *PMHB*, XCII (1968), 289-305.

²⁸ Remarks on the Late Proceedings of Some Members of Assembly, at Philadelphia, April, 1728 (Philadelphia, 1728).

²⁹ The Proceedings of Some Members of Assembly, at Philadelphia, April, 1728, vindicated from the unfair Reasoning and unjust Insinuations of a Certain Remarker (Philadelphia, 1728).

³⁰ Votes of Assembly, III, 1882.

³¹ Norman S. Cohen, "The Philadelphia Election Riot of 1742," PMHB, XCII (1968), 306-307; Konkle, Andrew Hamilton; Foster C. Nix, "Andrew Hamilton's Early Years in the American Colonies," William and Mary Quarterly, Third Series, XXI (1964), 390-407. The author is deeply grateful to Mr. Nix, who kindly granted him a lengthy interview in the fall

of 1970 to discuss Andrew Hamilton.

³² James Logan to Thomas Penn, Jan. 15, 1733/4, Thomas Penn Papers, HSP; see also Benjamin Franklin writing in the Pennsylvania Gazette, Aug. 6, 1741, on the occasion of Hamilton's death: "He steadily maintained the Cause of Liberty; and the Laws made, during the time he was Speaker of the Assembly, which was many Years, will be a lasting Monument of his Affection to the People, and of his Concern for the welfare of the Province." Leonard Labaree, ed., The Papers of Benjamin Franklin (New Haven, 1959-), II, 327.

³³ William Fishbourne, a trustee of the loan office, was accused and convicted of mishandling the funds in his charge. *Votes of Assembly*, III, 2038 ff; James Logan to Thomas Penn, July 17, 1733, Thomas Penn Papers.

feit money.³⁴ His concurrence was essential to the passage of bills desired by the Penns, whom he also assisted in the matter of the Maryland boundary dispute. Speaker Hamilton broke precedent when in 1738 he refused to make the traditional disclaimer regarding his fitness for the position; his valedictory address is a significant document in the history of the growth of Assembly privilege in Pennsylvania.³⁵

John Kinsey's speakership marked the end of the period of relative political calm in Pennsylvania. With his long tenure in the office emerged the political force that has been denominated—not entirely accurately—the Quaker party.36 His first year as speaker (like all of the speakers, he had long been an active member of the Assembly) coincided with England's effort to break Spain's trade monopoly in the Caribbean, an effort culminating in the War of Jenkins' Ear. This action soon melded into the larger War of the Austrian Succession. In the Quaker-dominated Assembly, religious principles, combined with the fear of war-spawned executive prerogatives, placed the representatives in an oppositional framework. Although Kinsey served the proprietary interests in New Jersey and in the dispute with Maryland, he adamantly refused proprietary appeals for defense measures.³⁷ The Assembly's dispute with Governor Thomas, a dispute in which Kinsey drafted the Assembly messages he signed as speaker, is a classic of its kind in the history of colonial legislative obduracy.38 Both Kinsey and Thomas were equal to the polemical demands for which the situation called. In one ex-

³⁴ Votes of Assembly, III, 2144 ff., 2254.

³⁵ Ibid., III, 2443, 2505: "It is our great Happiness that, instead of triennial Assemblies, a Privilege which several other Colonies have long endeavoured to obtain, but in vain, ours are annual; and, for that Reason, as well as others, less liable to be practiced upon or corrupted either with Money or Presents. We sit upon our own Adjournments, when we please, and as long as we think necessary, and are not to be sent a Packing in the Middle of a Debate, and disabled from representing our just Grievances to our Gracious Sovereign, if there should be Occasion, which has often been the hard Fate of Assemblies in other Places...."

³⁶ Theodore Thayer, Pennsylvania Politics and the Growth of Democracy (Harrisburg, 1953), 16 ff.

³⁷ James Logan to John Penn, Nov. 5, 1739, Letters of James Logan (while Presid^t of the Council) to the Proprietors and others, American Philosophical Society (APS).

³⁸ Richard Peters to Thomas Penn, July 31, 1740, Penn Papers, Official Correspondence, III, HSP; Thomas Penn to Gov. Thomas, May 3, 1743, Penn Letter Book, II, 39, HSP. According to Prof. Jack D. Marietta, "Kinsey, more than any Friend after William Penn, suffered and typified the tension between church and state, the Quaker pacifist ethic, and

change, both sides resorted to Biblical exegesis for ultimate authority, Kinsey concluding one message with "Words of the sacred Text, That except the Lord keep the City, the Watchman waketh but in vain." "Because the Lord stills the raging Waves of the Sea," retorted Governor Thomas, does not mean that "the Seamen may therefore leave the Sails of the Ship standing, and go to Sleep in a Storm; or that Watchmen are therefore unnecessary, because, Except the Lord keep the City, the Watchman waketh but in vain." ³⁹

Like Hamilton before him, Kinsey waived the formal plea of his unfitness for the speakership. He also informed Governor Thomas that since he was the Assembly's choice, he planned to serve without the formality of requesting the governor's approbation.40 Thomas. in exchange for Kinsey's "public villification" of him, removed him from the attorney generalship. Thomas Penn regretted this move, writing Governor Thomas, "Tho he [Kinsey] has been in with a party [,] I always took him for an honest Man, & Capable of Doing Service being the only Person now in the Law, that has been long acquainted with the Constitution & People of the Province."41 Kinsey characteristically refused graceful compliance, and for a time it appeared that Pennsylvania would have two attorney generals.42 Thomas placed the blame for political factionalism squarely on Kinsey's shoulders. Before Kinsey was placed in the chair, Thomas claimed, all was at peace, but now all was faction "too much owing to his means."48 "He is certainly the Hinge," wrote Richard

the Quaker obligation to support government, for Kinsey held the highest offices available in his church and in the representative branch of government. "Considence, the Quaker Community, and the French and Indian War," PMHB, XCV (1971), 11.

³⁹ Votes of Assembly, III, 2531, 2537.

⁴⁰ Ibid., III, 2706.

⁴¹ Thomas Penn to Gov. Thomas, Mar. 1, 1741/2, Penn Letter Book, I, 371. According to William Allen, Kinsey, "in a very unprecedented manner told the Governor he was resolved to accept [the speakership]..." Allen to Thomas Penn, Mar. 27, 1741, Penn Papers Official Correspondence, III, 143.

⁴² Bronner, "John Kinsey," 403. The court recognized the new appointee, Tench Francis. 43 William Allen to Thomas Penn, Oct. 24, 1741, Penn Papers Official Correspondence, III, 201. Commiserating with the beleaguered Gov. Thomas, John Penn resorted to metaphor: "Whether it is power, which few people can bare," he wrote the governor, "or the Extreme Heat of your Climate in the Summer time," the late assembly can no more truly be considered Quakers, "than we would an ass to be a Lyon because he is cover'd with the Skin of that Noble Creature." Penn to Gov. Thomas, Nov. 26, 1740, Penn Letter Book, I, 341-342.

Peters," on which the Quaker Politics all turn & can influence them to do what he pleases, & as he is exasperated with his Removal as Attorney General he will never promote an agreement with the Governor nor a Coalition of Parties."44

Kinsey, who was Clerk of the Yearly Meeting as well as speaker of the Assembly played a leadership role in both institutions. Governor Thomas took some solace in the thought that he would "pen a History of the wretched Inhabitants of a Country, where like a Ship, the Head is governed by the Tail." Thomas complained similarly to the Board of Trade, stating that the Yearly Meeting, though "at first designed for the regulation of the Religious concerns of that Society," now directs, through Quaker control of the Assembly, civil affairs as well. The latter years of Thomas' governorship proved somewhat more harmonious, however, when, having appointed Kinsey Chief Justice, the governor found a more tractable Assembly.

With Governor Thomas' replacement by the popular James Hamilton, son of the previous speaker, the Penns hoped to mollify Kinsey and his followers. "As to Mr. Kinsey," wrote Thomas Penn to Hamilton, "I should think a private Conference with him at the beginning of a Session, or a particular business, in which you might tell him how far you could go, would in a great measure prevent an Open contention tho, I believe you are right in your Opinion of the Man, and it is necessary to play the Courtier upon him, which is certainly a very disagreeable Task."

Though the peace between England and France removed the most serious source of political contention, Hamilton's relations with the Assembly were not much better than those between Governor Thomas and the legislators. There still remained the divisive

⁴⁴ Richard Peters to Thomas Penn in Bronner, "John Kinsey," 404.

⁴⁵ Gov. Thomas to Thomas Penn, Jan. 24, 1738/9, Penn Papers Official Correspondence, III, 77.

⁴⁶ Great Britain, Public Record Office, CO 5, 1233, part 3, Library of Congress Transcripts.

47 Thomas Penn rightly believed that the appointment might help bring about a reconciliation. Penn to Gov. Thomas, May 3, 1743, Penn Letter Book, II, 39. Kinsey evidently effected an agreement with Thomas that in return for his signing the Assembly's bills, the Governor would receive his salary. Bronner, "John Kinsey," 405.

⁴⁸ Thomas Penn to Gov. Hamilton, July 31, 1749, Thomas and Richard Penn Correspondence, 45, APS. "Your Appointment of Magistrates," Penn continued, "will no doubt be Acceptable to Mr. Kinsey..." (p. 47).

issues of the Assembly's control over the "produce" of its paper money legislation and of the proprietors' secret instructions to the governor. 49 Kinsey as speaker, trustee of the general loan office, and Chief Justice seemed impregnable. Following Kinsey's death in 1750, Thomas Penn wrote that his dual position in the legislature and on the court had rendered him able "to regulate by Law the Court he was at the head of, and it would have become a second star Chamber."50

Kinsey's death not only put an end to such fears as these, but also led to the revelation that as a loan office trustee he had embezzled some £3,000.51 His demise left Pennsylvania in a kind of limbo. "What turn Politicks will take [,] who will be Speaker for the future is absolutely uncertain," wrote Richard Peters to Thomas Penn.52 Some years before, William Allen, a foremost friend of the proprietors, wrote to John Penn that Pennsylvania's troubles were due to Isaac Norris' "malice and Knavery & John Kinsey's pride and ambition—all under a cloak of religion..." Norris, it is true, was Kinsey's chief aid in the Assembly to which he had been elected in 1735 and in which he would serve without a break from 1739 to 1765. The direction of Pennsylvania's politics following Kinsey's death was asserted by Norris' unanimous election as speaker to succeed him.54

⁴⁹ The clearest exposition of the dispute regarding paper money is in James H. Hutson, "Benjamin Franklin and Pennsylvania Politics: A Reappraisal," *PMHB*, XCII (1969).

⁵⁰ Thomas Penn to Gov. Hamilton, Feb. 25, 1750, Thomas and Richard Penn Correspondence, 105, APS.

⁵¹ Bronner, "John Kinsey." Thomas Penn generously expressed sorrow for Kinsey's family which "very probably will be stript of every thing, which is hard on them as they are innocent." As to Kinsey himself, Penn wrote, "Tho there were great exceptions to him in several respects, he was nevertheless capable of being serviceable to his Country." Penn to Gov. Hamilton, Feb. 25, 1750; July 18, 1750, Thomas and Richard Penn Correspondence, 102, 150, APS.

⁵² Quoted in Bronner, "John Kinsey," 413.

⁵³ Mar. 27, 1741, Penn Papers Official Correspondence, III, 143.

⁵⁴ Votes of Assembly, IV, 3317. Election to speaker was frequently by the unanimous concurrence of the Assembly. Such unanimity may in part have resulted from the procedure whereby members stood to indicate their approbation, and there was a general reluctance to be noted as against the Assembly's choice. See Sister Joan de Lourdes Leonard, "Elections in Colonial Pennsylvania," William and Mary Quarterly, Third Series, XX (1954), 227. It was not unusual, nevertheless, for the choice of speaker to be, according to the Votes of Assembly, by "majority," or "great majority."

By birth and marriage Isaac Norris II was among the elite of the Quaker colony. In a reversal of his father's role, he made a career of politics while leaving business as a sideline. I James Logan, albeit reluctantly, for he disapproved of the young man's politics, became Norris' father-in-law. I am content to be laughed at for a good natured fool, somewhat improbably wrote the dour Logan, on I. Norris . . . asking my consent for my eldest daughter I gave it him. By virtue of his social standing Norris had been appointed to the city corporation, but his later political stance precluded further proprietary favors.

The Norris era coincided with the exclusion crisis of the 1750's. when during the Great War for the Empire conscience Quakers withdrew from the Assembly rather than support measures for defense. Retaining the speakership, Norris was criticized by some Friends as an apostate, although like James Logan he had long believed that the testimony of George Fox did not preclude selfdefence.⁵⁷ Through the sorry years of the Denny administration, Norris, with the increasingly indispensable Franklin, who had entered the Assembly as an independent in politics in 1751, led the Assembly's assault on the proprietors' prerogatives with regard to defense, paper money, and taxation. 58 Norris considered accepting the Assembly's nomination to go to England to seek a redress of grievances from the proprietors and, if necessary, from the British government. If ancient rights were not regained, he wrote to the Pennsylvania agent Robert Charles, "I shall determine as soon as possible to wind up my Affairs and leave the Graves [,] the Remains

⁵⁵ William T. Parsons, "Isaac Norris II, The Speaker" (unpublished Ph.D. dissertation, University of Pennsylvania, 1955), is the best study of Norris.

⁵⁶ Logan to John Penn, Nov. 5, 1739, Letters of James Logan (while Presidt of the Council) to the Proprietors and others, APS.

⁵⁷ John D. Windhausen, "Quaker Pacificism and the Image of Isaac Norris, II," Pennsylvania History, XXXIV (1967), 346-360.

⁵⁸ Nicholas B. Wainwright, "Governor William Denny," PMHB, LXXXI (1957), 170-198. In its administration of the moneys it raised by legislation, the Pennsylvania Assembly assumed powers greater than those of the House of Commons (ibid., 197n). Somewhat petulantly, Thomas Penn expressed his opinion of the Assembly's projects: "their hospital, steeples, bells [Norris was responsible for the acquisition of the state house bell which as the Liberty Bell, with crack, was later to become an object of patriotic devotion], unnecessary library with several other things, are reasons why they should not have the appropriations to themselves." Quoted in Thayer, Pennsylvania Politics, 12.

and the Possessions of my Ancestors—For the Country will be to me as unlovely as the Wilderness they fled to." Though Norris did not accompany Franklin to England, as the chief member of the committee of correspondence he continually wrote advice to the agent. Norris informed Franklin of Pennsylvania affairs, and at times wrote him concerning such "a general American concern" as the right to send iron to any port of England instead of London only.60

While Franklin pursued the Assembly's objectives in London, Norris guarded its interest at home. He assiduously cultivated the friendship of such potential friends as Thomas Pownall, who he hoped would become Denny's successor. To Pownall, when he ultimately accepted the Massachusetts rather than the Pennsylvania governorship, Norris expressed his and the Assembly's great admiration for Lord Loudoun, praise which he hoped would not miss the general's eye.⁶¹

Pownall refused the Pennsylvania governorship in part because of the inflexible nature of the proprietor's instructions with regard to the control of finance.⁶² Thomas Penn therefore turned once more to James Hamilton admonishing him "to confer with the Speaker." "It is certainly very necessary for you to confer," Penn warned, "unless the house resolves not to do any Business." ⁶³

Penn hoped that the cultivation of Norris would help in bringing about a truce between the various branches of Pennsylvania's government. "Tho' I can never approve the Man," Penn wrote, "I will

⁵⁹ Norris to Robert Charles, Jan. 31, 1757, Isaac Norris Letter Book, 74, HSP. The Assembly, on Jan. 29, 1757, nominated Norris and Franklin as commissioners "to go Home to England, in Behalf of the People of this Province, to solicit a Removal of the Grievances we labour under by Reason of Proprietary Instructions & etc." On February 3, Franklin accepted the Assembly's commission, while Norris declined on the basis of ill health and "that from his Experience in the Public Business of the Province, he might probably be of more Service to the House here, under their present critical Circumstances." Votes of Assembly, VI, 4502, 4506.

⁶⁰ Ibid., 76-77.

⁶¹ Norris to Pownall, July 29, 1756, Isaac Norris Letter Book, 71. Lord Loudoun replaced William Shirley as commander in chief of British forces in America in 1756.

⁶² Thayer, Pennsylvania Politics, 57.

⁶³ Thomas Penn to Gov. Hamilton, Apr. 10, 1760, Thomas and Richard Penn Correspondence, 463, APS.

consent to any thing that shall be thought necessary for ending these differences."64 Penn hoped also to bring about a break between Franklin and Norris. Though such a break was never consummated, Norris did resent the increasing power of the brilliant Joseph Galloway, who staked his political future on royal government for the colony, an objective of which Franklin also became enamored. Galloway's ambition, rather than proprietary machinations, evidently influenced Norris to moderate his antiproprietary stance. The speaker, wrote William Allen, "told us that a difference between the proprietors and the people was like that between man and wife, which ought never to continue, as it must always turn out to both of their disadvantages. . . . " Allen attributed the change in Norris to "a difference between our Speaker and Galloway, and some others of his Kidney. Isaac's rage," Allen continued, "is predominant against his new enemy, and I suppose will continue, for his hatred and ill will is known not to be fleeting."65

Whatever Norris' motives—he pled ill health—he resigned the speakership in 1764 so that he did not sign on behalf of the Assembly the petition for royal government, a petition which he opposed. Franklin, chosen speaker in Norris' place, signed that document, of which he was, in fact, the principal author. Following the election of 1764, Norris was back in the chair. When the new Assembly took up the question of the petition, in a replay of the drama of the

⁶⁴ Thomas Penn to Richard Peters, Jan. 8, 1757, Penn Letter Book, V, 64.

⁶⁵ William Allen to Thomas Penn, Mar. 25, 1761, Penn Papers Official Correspondence, V, 25.

⁶⁶ On May 25, 1764, Norris requested that "if his Duty as Speaker should require his Signing [the petition], that he might, previous thereto, be indulged with the Privilege of speaking his Sentiments thereon..." His request was agreed to, but following his remarks, the petition "was agreed to by a great Majority...." The next day, Norris sent a message to the Assembly stating that "my Attendance... particularly through the long Sitting of Yesterday, and the bad Night I have had in Consequence of it, have made it impossible for me to attend the House To-day, and when it may mend, if ever, is not in my Power to inform them." In consequence, Norris requested that a new speaker be chosen. Votes of Assembly, VII, 5610, 5611, 5613. On Franklin as author of the petition, see Leonard Labaree, ed., The Papers of Benjamin Franklin, XI, 193-198.

⁶⁷ Both Franklin and Galloway were defeated in the bitterly contested 1764 election. The antiproprietary faction, however, retained a majority in the new Assembly. See J. Philip Gleason, "A Scurrilous Colonial Election and Franklin's Reputation," William and Mary Quarterly, Third Series, XVIII (1961), 68-84.

previous May, Norris once more spoke against it, was outvoted, and, again pleading illness, resigned. In Dickinson, who was adamantly opposed to a change in government, recognized the power of the speakership in guiding the policies of the Assembly. If Madness or Villany, he wrote to Norris: shall still doom us to destruction; if Friends are not powerful enough to controul ye Designs of crafty Men [,] the only Method I apprehend to stop their Progress will be for you to give the Committee some expectation that you hope to be able in a Short Time to discharge the duties of Speaker; This may prevent their chusing a New One & consequently persuing such rash Steps as will utterly remove every Prospect of accomodation with the Proprietors.

In spite of Dickinson's plea, Norris remained in retirement. The Assembly, badly split on the issue of royal government, temporarily settled on Joseph Fox as speaker. Fox, a long-time assemblyman, had been, like Norris, a defense Quaker and a leader in the antiproprietary faction. However, possibly tempted by proprietary land, Fox now leaned toward the proprietors. Formerly "of a malignant Party among us," Fox was, in William Allen's words, instrumental in restoring peace during his term in office, "for which they outed [sic] him from the Speaker's chair. . . ." Nevertheless, Fox was speaker when the Assembly voted 19 to 11 to send Franklin with the petition to England. To In the election of 1766, the antiproprietary faction in

70 William Allen to Thomas Penn, Feb. 27, 1768, quoted in Cresson, "Joseph Fox," 195. See also Benjamin Newcomb, "The Political Partnership of Benjamin Franklin and Joseph Galloway, 1755–1775" (unpublished Ph.D. dissertation, University of Pennsylvania, 1964), 182; James H. Hutson, "The Campaign to Make Pennsylvania a Royal Province, 1764–1770," Part I, PMHB, XCIV (1970), 456; Votes of Assembly, VII, 5690.

⁶⁸ Votes of Assembly, VII, 5682, 5685.

⁶⁹ Dickinson to Norris, Oct. 22, 1764, Isaac Norris Letter Book. The committee to which Dickinson referred consisted of nine assemblymen appointed to ask Norris to reconsider his decision to resign. *Votes of Assembly*, VII, 5685. Norris previously had left the chair on a plea of illness during the libel trial of the staunch proprietary supporter William Smith. In Norris' place, the assemblymen chose Thomas Leech, who like Smith was an Anglican. Wrote Thomas Penn, "The speaker has played his Game with great art, but I much wonder Leech would be made the Tool of the Quakers." Penn wondered that churchmen "did not see the Trap laid for them by the former Speaker and the rest of his profession." Penn to Richard Peters, May 3 and May 25, 1758, Penn Papers, Saunders Coates, 1720–1766, 109, 111, HSP. Norris thought it "a favourable interposition of Providence that I was not in the Chair and that the Dispute is carried on by Members of the Same Church. . . ." Labaree, ed., *The Papers of Benjamin Franklin*, VII, 386.

the Assembly was strengthened—Joseph Galloway, the last of Pennsylvania's great speaker-politicians, and with Franklin the architect of the petition for royal government, was placed in the chair.⁷¹

Though Galloway, "the Demosthenes of Pennsylvania," had married the daughter of Lawrence Growden, one of the colony's wealthiest men and friend of the Penns-"has L. G. no control over him?" wistfully asked Thomas Penn-he was outside the Quaker inner circle with which Lloyd, Kinsey, and Norris had been intimately connected. An ambitious young lawyer, Galloway owed his start in politics to Benjamin Franklin, with whom he formed a close political alliance.72 As speaker, Galloway became a secret partner with New Jersey Governor William Franklin and the Ouaker merchant-politician Thomas Wharton in establishing a party newspaper, the Pennsylvania Chronicle.73 It is a tribute to Galloway's genius that he could maintain his predominant position in Pennsylvania politics on a platform which favored royal government during years of Anglo-American strife. With the failure of his hopes—a fact recognized by Franklin in August, 1768—the political initiative passed to John Dickinson and Charles Thomson.74 Galloway lost the support of Philadelphia, in part through his opposition to nonimportation.⁷⁵ Though able to maintain the speakership during the years of relative

⁷¹ Votes of Assembly, VII, 5938. William Allen, nevertheless, remained optimistic, writing Thomas Penn on Nov. 12, 1766, "except in the choice of the speaker, we appear to have more weight in the Assembly...." Penn Papers Official Correspondence, X, 70.

⁷² William Allen referred to Franklin and Galloway as "the two grand incendiarys." Allen to Thomas Penn, Oct. 21, 1764, *ibid.*, IX, 282. Newcomb, "The Political Partnership of Benjamin Franklin and Joseph Galloway," passim.

^{73 &}quot;William Franklin, the blessed Governor of the Jerseys, Galloway, & Thomas Wharton, as Malevolent as the other two," wrote William Allen to Thomas Penn, "have procured a printer from Rhode Island. . . ." Penn Papers Official Correspondence, X, 96. The printer was William Goddard, who later broke with Galloway. See Newcomb, "The Political Partnership of Franklin and Galloway," 201 ff.

⁷⁴ Hutson, "The Campaign to Make Pennsylvania a Royal Province," Part II, PMHB, XCV (1971), 46. Hutson attributes Galloway's illness in the spring of 1769 in part to the shock of Franklin's failure in England to win royal government. The distraught Galloway resigned the speakership to Joseph Fox in May of that year, but he returned to the chair with the next election. Votes of Assembly, VII, 6386, 6447.

⁷⁵ Galloway liked the Townshend duty act because the provision for the payment of salaries could be used against proprietary government. By 1770, Galloway ran for Assembly from Bucks County where he had inherited his father-in-law's estate. Newcomb, "The Political Partnership of Benjamin Franklin and Joseph Galloway," 262-263, 313.

calm after 1770, in 1774 he was defeated by Edward Biddle. Galloway bitterly assailed Biddle who "acted a most shameful and particular part," when he appointed only two Galloway supporters on a committee of fourteen members for framing an address to the Crown.

Galloway's political demise coincided with the growing paralysis of the Pennsylvania Assembly which was to be overwhelmed by the Revolutionary storm. Its last speaker was John Morton, who replaced the ailing Biddle on March 15, 1775. Morton, like his predecessors, had served long years in the Assembly previous to his attaining the speakership. He frequently enjoyed proprietary patronage, though he incurred the Penns' displeasure in 1764 because of his friendship with Franklin. Morton had been a delegate to the Stamp Act Congress in 1765, but his chief claim to fame resulted from his registering the swing vote in 1776 to put Pennsylvania on the side of independence. Two months thereafter, Morton presided over the last sitting of Pennsylvania's provincial Assembly when he signed orders to the treasurer to pay "the Salaries of public Officers and other contingent Charges of the past Year." For the last time, "the House then rose."

The Pennsylvania Constitution of 1776 was a logical outcome of Pennsylvania's political development during the eighteenth century. It provided for a unicameral legislature against which the weak executive was denied the veto. The Constitution specifically provided for the office of speaker of the House, and the incumbents of

⁷⁶ Votes of Assembly, VIII, 7148; Craig Biddle, "Edward Biddle," PMHB, I (1877), 100-103. Biddle, born in Philadelphia, had moved to Reading and was the first westerner to be named to the speakership.

⁷⁷ Leonard, "The Organization and Procedure of the Pennsylvania Assembly," 231.

⁷⁸ J. Paul Selsam, *The Pennsylvania Constitution of 1776* (Philadelphia, 1936), 49–135, traces the dissolution of proprietary government in Pennsylvania. Galloway had attempted in 1774 to stem the tide of revolution by presenting his plan of union with Great Britain to the First Continental Congress. The plan, modeled on Franklin's Albany Plan of 1754, was passed over by the Congress which excluded it from the journal of its proceedings. The embittered Galloway served General Howe during the war, and in 1778 sailed for England, where he was a principal spokesman for the American loyalists.

⁷⁹ Votes of Assembly, VIII, 7217. Biddle suffered from the results of a boating accident from the time of which, in 1775, his health failed. Biddle, "Edward Biddle," 102.

⁸⁰ Thayer, Pennsylvania Politics, 105.

⁸¹ Springer, John Morton.

⁸² Votes of Assembly, VIII, 7586. The date was Sept. 26, 1776.

that office have continued to play a leading role in the politics of the state. It was a tradition that would not be changed in spite of the successive framing of new constitutions.⁸³

The increasing significance of the Pennsylvania speakership throughout the eighteenth century was a function of the emergence of the Assembly to a position of dominance in the governance of the colony. The highest elected official, the speaker embodied the rights, dignities, and privileges of the people's representatives; he was the very symbol of the representative principle itself. He was not, as his House of Commons counterpart, merely the high priest of procedure. He led the Assembly's assault on proprietary prerogatives. From David Lloyd to Joseph Galloway, the Pennsylvania Assembly chose the colony's foremost statesmen for the speakership. The frequently noted rise of the assemblies, the most significant constitutional development in the maturation of colonial America, occurred under the leadership of astute politicians in the speaker's chair. So

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⁸³ Selsam, Pennsylvania Constitution of 1776, 169-204.

^{84 &}quot;If contemporaries were struck by the similarities between the formal structure of government in England and America," wrote Bernard Bailyn, "historians have reason to be struck by the differences in the informal structure of politics." The Origins of American Politics (New York, 1968), 66.

⁸⁵ A recent brilliant study of this development is Michael Kammen, Deputyes & Libertyes: the Origins of Representative Government in Colonial America (New York, 1969). For Pennsylvania, see 40-45.