



DAVID LLOYD

COLONIAL LAWMAKER

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According to a letter written by Blackwell at a later date, Penn had enjoined the Deputy Governor to deny the right of the Assembly "to do anything but say I or no: yea or nay; when they come to pass bills for Laws." He had instructed Blackwell further to prevent the Assembly from debating, amending, or altering legislative bills, from retaining a clerk, and from taking an information, since it was not a court of record.¹⁷ He thought that if the Assembly were allowed to "turn debaters, or Judges, or complainers" its partisans would "overthrow the Charter quite in the very root of the constitution of it, for th[at] is to usurp the P[rovincial] councils part in the Charter and to forfeit the Charter itself."¹⁸ He wrote Blackwell to "Let the Government know that they are to follow the example of *Maryland* and the other provinces in reference to their submission to authority in all cases of Government."¹⁹ The example of proprietary Maryland meant the absolute submission of the colonists to executive prerogative. Penn, moreover, departed from Quaker principles to some extent by indicating a desire that the death penalty be imposed upon a woman in the Lower Counties who had been charged with the crime of murder.²⁰ Capital punishment was abhorrent to the Quaker conscience, and, although the provincial laws admitted the death penalty for murder and treason, the practice in Pennsylvania had been to avoid capital punishment and to deal mercifully with persons convicted of serious crimes.²¹ To a certain extent the Lloyds were protecting Quaker principles by contesting Blackwell's administration of the courts, but they were also attempting to dispossess the Proprietor and his deputy of one of their most important prerogatives.

David Lloyd continued to work with Thomas Lloyd as the Deputy Master of the Rolls, and Blackwell's efforts in April and May to suppress the rebellion only seemed to make him the more determined in his opposition to proprietary prerogative. The Supreme Provincial Court was rendered *hors de combat* by the Lloyd-Blackwell conflict, and the Deputy Governor and Council instead functioned as the supreme appellate court of the province. In April Blackwell prepared charges against Thomas Lloyd for "high misdemeanors, Crimes, and offenses" and excluded Samuel Richardson, who had earlier questioned Penn's authority to commission a Deputy Governor,

from the Council. The freemen of Philadelphia County, distrustful of Blackwell, returned Thomas Lloyd and Richardson to the Council in the annual election held the same month, but Blackwell refused to accept their election or that of another Quaker, John Eckley. Blackwell asked the Council to organize a committee to prepare formal charges against Thomas Lloyd so that the rebellious Keeper of the Great Seal might be brought to trial. Moreover, he discovered that Joseph Growdon, a Quaker member of the Council, had a printed copy of the Frame of 1683, and the very fact that the Frame had been printed seemed to him a very serious misdemeanor. When questioned, Growdon refused to say who had printed the document or who had ordered it to be printed. Blackwell, who thoroughly disliked the Frame of 1683, told the Council that "the Proprietor had declared himself against the using of the printing presse,"²² either forgetting or betraying his ignorance of the fact that Penn himself had had the Frame of 1683 and other documents printed in 1687 for the edification of the colonists.²³

Blackwell's attacks on Thomas Lloyd and Joseph Growdon divided the Council. Robert Turner, Griffith Jones of New Castle, and Patrick Robinson sided with Blackwell. The Quakers, with the exception of Turner, were alienated by the Deputy Governor. In a letter to Penn they complained that Blackwell spoke of the Quakers as being "factious Mutinous, Seditious, turbulent & the like" and claimed the sole power to judge the qualifications of councilmen and assemblymen. Blackwell, they wrote, had questioned the propriety of the provincial laws and of the Frame of 1683 and had said that Penn had granted away prerogatives which only the King could grant. The Quaker councilmen feared that Blackwell's governorship would result in an exodus of Quakers from the province.²⁴

Blackwell, realizing that the popular tide was against him, offered to surrender his commission if Penn would approve his return to Boston. But the Deputy Governor resolutely insisted that Thomas Lloyd and Samuel Richardson were "two highly criminal persons."²⁵

The Lloyds remained undaunted by Blackwell's fury. They had prevented the Deputy Governor from reorganizing the Supreme Provincial Court and had obstructed his efforts to control the administration of justice in Philadelphia County. The

→ next step was to prevent the Deputy Governor and Council from sitting in judgment as the supreme appellate court of the province, and that involved the parliamentary privileges of the Assembly and a conflict with Penn's instructions to Blackwell to curtail those privileges. Neither of the Lloyds was a member of the Assembly, but the Speaker of the Assembly was a man on whom they could rely to carry on the battle. John White, the Speaker, was a Quaker who, in addition to his duties in the Assembly, officiated as clerk of courts in New Castle County, one of the Lower Counties which was heavily populated with Anglicans, Presbyterians, and Lutherans. His leadership of the Assembly in resisting Blackwell's exercise of judiciary powers, however, soon resulted in his being drastically limited in his usefulness to the Lloyds.

The sequence of events which led to White's downfall and eventually to another clash between the Lloyds and Blackwell began when Blackwell and the Council, sitting as the supreme appellate court, attempted to adjudicate a three-year-old legal dispute between two New Castle farmers. Blackwell and the Council ruled in favor of the defendant in the action, and immediately Speaker White and the Assembly, holding that they were "the supreme Judges of this Govern[men]t," requested that the Deputy Governor command a hearing before them of the decrees and action in the dispute. The Assembly, of course, was claiming a privilege far beyond any Penn had granted to it in the Frame of 1683, and Blackwell--rightly from the point of view of proprietary prerogative--ignored the Assembly's request as an impertinence. The Assembly nevertheless proved to have been right in bringing the verdict of the Deputy Governor and Council into question. Blackwell and the Council re-examined the case and reversed themselves in favor of the plaintiff.²⁶

The litigation between the New Castle farmers, however, was not the issue at stake. The issue was the propriety of the Assembly's claim to supreme judiciary powers. This vexed Blackwell, and he recognized in John White another formidable opponent of proprietary prerogative whom he would have to bring to book. He soon had occasion to do so.

Between sessions of the Assembly, John White, as clerk of courts in New Castle County, somehow provoked the ire of

→ the pro-Blackwell New Castle County judges, and the judges complained to Blackwell of White's alleged misdemeanors. Blackwell removed White from his clerical office and, as the Assembly convened in Philadelphia on May 10, had the Sheriff of New Castle arrest and imprison the harassed Quaker.²⁷ The Assembly was thereby deprived of its recognized leader at the very time that Blackwell was preparing to carry out Penn's instruction relating to that body.

With John White at least temporarily out of the picture, although the Assembly re-elected him its Speaker *in absentia*, David Lloyd entered the Assembly as its Clerk, so appointed by the Assembly on the first day of the new session. David Lloyd had not been elected to the Assembly and could not therefore become its Speaker; consequently he could not assume leadership. But as the Attorney General, as a proprietary agent who had turned against the Proprietor, and as a relative and lieutenant of the most powerful antiproprietary Quaker in Pennsylvania, David Lloyd could nevertheless exercise his influence on the assemblymen. His very action in accepting an office that Penn had specifically prohibited constituted an announcement that the Lloyds were moving to defend parliamentary privileges as well as the independence of Pennsylvania courts from proprietary control.

As the Clerk of the Assembly David Lloyd recorded Blackwell's advice to the Assembly that he intended to carry out Penn's instructions to cancel all provincial laws which the Assembly had enacted after August, 1684.²⁸ He also recorded the irate assemblymen's retort that they would "call the Violators of the Liberties of Freemen of this Government to Account."²⁹ The Assembly was hopelessly divided, however, and, when enough assemblymen, anxious to prevent an open breach with Blackwell, withdrew to prevent a quorum from meeting, Lloyd remained with those assemblymen, mostly Quakers, who nevertheless continued in session to defend their parliamentary privileges.

David Lloyd continued to record the proceedings of the rump Assembly even though, because it lacked a quorum, its legality was open to question. He recorded the Assembly's resolution that the Assembly was the only proper court of justice to determine the fitness of any one of its members to sit as a repre-

sentative of the people who had elected him and that White's continued detention in prison was a breach of parliamentary privilege. He prepared a writ of habeas corpus by order of the Assembly, instructing the Sheriff of New Castle County to appear before the Assembly with White and to show cause why White should be detained from attending the Assembly during its session. Lloyd also recorded the fact that the Sheriff refused to honor the writ. Either the Sheriff yielded to the pressure of public opinion, however, and released White anyway or White somehow broke prison, for the latter subsequently appeared at a meeting of the rump Assembly in Philadelphia.³⁰

→ White's liberty and David Lloyd's activity as Clerk of the Assembly were sharply curtailed when Blackwell had the Sheriff of Philadelphia County place both men under arrest. Blackwell entered no formal charges against Lloyd and released him shortly after the arrest, but he retained White in custody. The rump Assembly accused three of the councilmen, Turner, Jones, and Markham, of having persuaded Blackwell to order the arrest of Lloyd and White. Those three councilmen, the assemblymen said, were the "chief Authors of the present Arbitrariness in Government and who are men unworthy, as we conceive, to be much consulted with, and unfit to be chief Magistrates. . . ." The assemblymen ordered that the Sheriff of Philadelphia County and the councilmen whom they considered responsible for the arrest of Lloyd and White be brought "before this House, to answer their contempt and Breach of Privilege."³¹ Blackwell, however, ignored the rump Assembly's orders and representations, and his friends in the Council were not sufficiently awed by the Assembly to consider it a colonial High Court of Parliament. Lacking power even to confirm existing laws because a quorum was not present, the rump Assembly disbanded. So it was that David Lloyd's first term of service as a Clerk of the Assembly came to an end.

The Lloyds' resistance to Blackwell's attempts to carry out Penn's instructions appeared to have been weakened by the disbanding of the Assembly. Thomas Lloyd could still exercise his authority as Keeper of the Great Seal, and David Lloyd could continue to hamper the functions of the Philadelphia County courts by retaining possession of much of the county court clerk's office files and equipment, but they had lost the

only branch of the government through which they could effectively carry on the struggle against Blackwell. The significance of this loss became evident when Blackwell and his friends in the Council prepared and signed a declaration that all laws which had been enacted before August, 1684, should remain in force and that the Deputy Governor was authorized to issue commissions for judges under the lesser seal.³² The effect of the declaration was to repeal the laws which had been enacted after August, 1684, and to nullify the power which Thomas Lloyd had exercised as Keeper of the Great Seal.

Thomas Lloyd responded by appealing directly to public opinion. On June 4 he published a pamphlet at the office of William Bradford, Philadelphia's only printer, and circulated it among the colonists. The pamphlet, whose contents were to be of lasting influence on David Lloyd's mind, denied the right of the Deputy Governor to make laws without "the approbation & Assent of the Freemen in provincial Council & Assembly" and to pass any instrument with the lesser seal of the province. It warned:

Should the free-men allow Such a Power to Declaration or Ordinances be granted, they do herewith give up the Power of making Laws, creating Courts of Justice Raising of Monies and their severall other Rights to the Will and Pleasure of the Governour, with a Select Number of his Counsellors contrary to the present provision, as secured by Law and Charter unto them.³³

It added that, although the Assembly had adjourned, it was still legally in session, because Blackwell had neglected to dismiss it. As long as the Assembly continued in session, it said, the requirements of the Frame of 1683 that the laws be confirmed or lapse for want of confirmation twenty days after adjournment of the Assembly did not hold.³⁴

The pamphlet had an immediate and decisive effect on public opinion, and the scales shifted in the Lloyds' favor. Twenty days after its publication Blackwell wrote to Penn, "I now only wayt for the hower [hour] of my deliverance: for I see tis impossible to serve you in this place." He cursed Thomas Lloyd as "a serpent of y[ou]r [Penn's] owne cherishing" and complained that he "thrusts his oare in every boat."³⁵

Late in the summer of 1689 a Quaker visited Penn in England and successfully argued the case for the Lloyds' revolt

Quaker records as a member of the Quaker Yearly Meeting--an indication that Quakers readily accepted him as one of their leaders, for members of the Yearly Meeting were chosen representatives of the constituent Monthly Meetings.¹⁵ From 1692 on Lloyd defended a *status quo* in which orthodox Quakers governed in such a manner as to protect the autonomous interests of the colonists from the encroachments of proprietary and Crown prerogatives.

David Lloyd became a Quaker at a time when schismatic tendencies were beginning to appear in the Society of Friends and to challenge the political dominance of the Quakers in the province. Factional bitterness in the Society of Friends arose under the influence of George Keith, a Scottish Quaker and close friend of George Fox and William Penn who had taken charge of the Friends' School in Philadelphia in 1689--an educational venture which Penn had initiated that year. Keith had received a master of arts degree at Marischal College, Aberdeen, Scotland, in his youth, and was more sophisticated than most Quakers in Pennsylvania, who were prejudiced against college education. He was widely acquainted with religious thought in Europe, and he became particularly infatuated with a doctrine of the transmigration of souls which had been advanced by Francis Mercurius, Baron of Helmons. Keith's theological speculations, on which he lectured at Friends' School, led him to the conclusion that the Quaker doctrine of the inner light was in error--a conclusion which struck at the heart of the Quaker religion. The Quakers contended that the inner light alone was sufficient for salvation--a tenet which emphasized the spiritual relationship between the individual and God without the mediation of a third party. The Quakers' belief obviated the necessity of a church hierarchy and substituted for the ecclesiastical policy of the churches the religious individualism of the Quaker meetings wherein any member could stand and preach if the spirit so moved him. Those who demonstrated a closer affinity to God than most and who therefore preached most effectively became known as ministers, but there was no officially ordained ministry in the Society of Friends. Keith attacked the doctrine of the inner light because it excluded the mediation of Jesus Christ between God and man. He concluded that no man could be saved by his own efforts alone

and that he must seek salvation in the knowledge of and belief in the outward Christ.¹⁷

David Lloyd concurred with the majority of Pennsylvania Quakers who responded to Keith's attack on the doctrine of the inner light by warning that to assume the indispensability of faith in the outward Christ by all mankind "did not only exclude from salvation whole nations, but also infants, and deaf and dumb persons."¹⁸ Lloyd attended the Yearly Meeting at Burlington, the Quaker capital of West New Jersey on the Delaware River approximately twenty miles upstream from Philadelphia, and participated in its discussion of Keith's heresy. There he joined other members of the Yearly Meeting in disowning Keith and in submitting epistles to the Monthly and Quarterly Meetings in East and West New Jersey and Pennsylvania, exhorting Quakers to be faithful to the principles of George Fox and to avoid a schism in the Society of Friends. Lloyd also signed an epistle, along with other Quaker leaders, which informed the London Yearly Meeting of the activities and heresies of George Keith.¹⁹

Keith, who attracted a following among a minority of Quakers, attempted to set up a rival society which challenged the political dominance of orthodox Quakers in Pennsylvania. He questioned the propriety of Quakers' holding any position "in the compelling part of worldly government" and circulated printed pamphlets which, among other things, accused a Philadelphia County justice, an orthodox Quaker, of drunkenness, land theft, gambling on a horse race, and disrespect for the dead.²⁰ Orthodox Quakers responded by invoking Chapters XXVIII, XXIX, and XXX of the Great Law which Penn, the Council, and the Assembly had passed in 1682 and which prohibited slander, sedition, and abusive or malicious criticism of magistrates or other persons holding public office. The Grand Jury of Philadelphia County brought indictments against Keith and two of his followers for violations of the Great Law, and they were brought into the Philadelphia County Court of Quarter Sessions for trial. Because the Attorney General, who normally prosecuted criminal cases, was not a Quaker, the Court permitted David Lloyd and John White to prosecute on behalf of the provincial government. As the records show, Lloyd conducted the entire prosecution alone.²¹

and acts of Assembly. Fletcher implemented his commission, as if it were the only constitution he needed, to reduce the representation in the Assembly from six to four from Philadelphia County and to three from each of the other counties. He made the Council an appointive, rather than elective, body and reduced the number of councilmen from eighteen to five. Because his duties as Captain General of New York, Pennsylvania and the Lower Counties, East and West New Jersey, and Connecticut were often likely to take him away from the province, he appointed William Markham his Lieutenant Governor of Pennsylvania and the Lower Counties. Fletcher's commission accorded Markham "full power and authorities to doe and execute whatsoever hee shall be by you [Fletcher] authorized and appointed to doe, in pursuance and according to the powers & authorities . . . granted unto you."⁸ Much of Lloyd's dealings with Fletcher after 1693 had to be conducted through the agency of the Lieutenant Governor.

David Lloyd could not save the constitution, but he addressed himself to the task of salvaging as much as possible of the provincial laws which antedated Fletcher's commission. As a member of the Assembly's committee on laws, he considered ways and means of obviating possible objections to the provincial laws on the grounds that they were repugnant to English law. He and another assemblyman examined the laws in the office of Thomas Lloyd, Master of the Rolls, in which David Lloyd appears to have still been the deputy. There they found what David Lloyd must have known all along, that provincial laws which had been enacted after 1685 were not enrolled and remained unconfirmed by the King-in-Council. Few laws, in fact, had been confirmed at all, and only the titles of the unenrolled laws had been entered in a book, presumably for reference. David Lloyd and his companion reported their findings to the Assembly, but they did not explain why Thomas and David Lloyd had not acted earlier to enroll the laws of the province.⁹

David Lloyd and three other members of the Assembly subsequently attempted to persuade Fletcher to confirm the provincial laws which had been in force under the proprietary government. They brought Fletcher the book which contained the titles of the laws. The Royal Governor, however, refused to confirm the laws on the grounds that they had not been confirmed by

the King-in-Council. During the argument which followed David Lloyd said that he had seen "some of those Laws, & doe know that they were delivered in to the privie Councill by Mr penn: & being no wayes disallowed, they must needs be of force."¹⁰ Fletcher doubted Lloyd's story, as it was the first that he had heard of it. He pointed out also that none of the laws in question had been published under the Proprietor's great seal as required by the royal charter of 1680/81. Nevertheless, he agreed to a conference on the subject between the Council and ten members of the Assembly.¹¹

At the conference which followed David Lloyd acted as the chief spokesman of the Assembly delegation, and Lieutenant Governor Markham led the delegation from the Council. At first Markham and the conciliar delegates pressed the arguments which Fletcher had advanced against confirmation of the provincial laws. Patrick Robinson, a councilman, argued that according to the charter the laws had to be sealed before they could be effective. "The Seale," he said, "is the soule and Life of the Laws. . . ." David Lloyd and John White demurred. The seal, they insisted, was only a ceremony. They argued that "the sealing is not materiall to the making of a law, but the consent of the Governor, Council & assembly."¹² This interpretation of the seal was just the opposite of that which Thomas Lloyd had employed against Blackwell in 1689, but then the situation had changed, and like politicians of all faiths David Lloyd and John White tailored their arguments to fit the expediency of the moment.

David Lloyd then tried to shame Markham and the members of the Council, who were themselves colonists, for what he alleged was their want of local patriotism. "I am surprized," said Lloyd, "the members of Council, who have a joint interest with us in the province, and have acted by these Laws and satt in Courts of Judicature, should speak ag[ainst] their validitie. Our priviledges are yours." He summed up the Assembly's position when he asserted:

Who can be Judge whether these Laws be in force or not. None can be Judges but those that made them, since ther is no order from the king and Councill declarring them void; wee desire that they may be put in execu[tion]. It wer hard that the want of the affixing a Seal, or

some such other Ceremonie, should destroy our Laws. And if wee allow this att present wee must expect it for the future, That everie new Governor, finding fault with some omission or other in the making or publishing of our Laws, will declare them void, which is of evil Consequence, and wee doe not know that ever wee shall have more Laws.¹³

David Lloyd's argument made a favorable impression on the councilmen. Patrick Robinson, speaking for the Council, asserted that the point at issue was the prerogative of the Crown and that Fletcher was above all responsible to the Crown. Fletcher, he said, could not approve of any law which was repugnant to the laws of England. He suggested, however, that the Assembly examine once more the roll of laws to make sure that it contained nothing repugnant to English law, and he was satisfied that Fletcher would agree to the execution of the laws until he had received further orders from the King and Queen. Later, Fletcher reported to the Assembly that he had confirmed all the laws except one, a law against stealing, subject to the King's allowance.¹⁴ David Lloyd and his fellow assemblymen had won the first round of their conflict with royal prerogative.

The Assembly, however, was less fortunate in securing Fletcher's approval of new legislation. Although King William's War continued in full swing, Pennsylvania had made no contribution to the defense of the English colonies. David Lloyd and his fellow assemblymen had no intention of acceding to Fletcher's earnest appeals for a war budget, not only because of the Quaker testimony against war but because colonists of all faiths opposed property and head taxes even for the support of the government.¹⁵ Fletcher retaliated by refusing to consider new legislation, including bills which the Assembly had just submitted to him, until the desired appropriation had been made and threatened that Pennsylvania, because of her failure to contribute to the general defense, "must expect to be annexed to New Yorke or Maryland."¹⁶

The Royal Governor and the Assembly having reached an impasse, David Lloyd and several others took the leadership in attempting to contrive a bargain with Fletcher. They reported a revenue bill, drafted by the Assembly, to the Governor. Since the Assembly, however, had not put the bill to a

vote and since it did not bear the Speaker's signature, Fletcher refused even to look at the bill. One of the assemblymen begged the Governor to inform the Assembly of the disposition of the bills that had previously been submitted to him and to excuse the Assembly's failure to enact the revenue bill.

David Lloyd was more outspoken. "To be plain with the Governor," he said, "here is the Monie bill, and the house will not pass it until they know what is become of the other bills that are sent up."

Fletcher exploded, "I came not here to make bargains nor expose the king's honour. I will never grant anie such for all the monie in your Countrie."

The assemblymen threw still another unsigned bill on the table and departed in ill humor.¹⁷

Subsequently David Lloyd and several assemblymen who had attached themselves to him prepared a document in which they asserted what they believed to be the Assembly's rights and privileges, and they wanted it to be entered into the minute book of the Assembly.¹⁸ Lloyd was quite clearly spoiling for battle.

The majority of the assemblymen, however, did not care to follow David Lloyd in an all out conflict with the royal prerogative. They sought rather to achieve the passage of new legislation by working out a compromise with Fletcher and were unwilling to enter as a permanent record a paper which might have further antagonized the Royal Governor. On the day following David Lloyd's unhappy encounter with Fletcher, the Assembly submitted to the Governor and Council a bill levying a tax of one penny per pound on all personal property and real estate and a tax of six shillings per capita on all free-men who possessed not more than £100 and were therefore not subject to the penny per pound tax. The bill specified that the revenue derived from these taxes was to be employed for the support of the government. With this bill was attached a roll of 203 laws and a petition of right which the Assembly wanted Fletcher to put into execution in the province. Although Fletcher wished that the tax bill had been expressly for the defense of Their Majesties' plantations rather than for the support of the government, he was only too glad to obtain such a bill passed by the Assembly and signed by the Speaker. He ac-

cepted it, passed most of the proposed laws after several of them had been amended, and ordered that the new laws be executed by all civil officers in the province and the Lower Counties until the King's pleasure should be further known.¹⁹ The compromise was a success.

David Lloyd and a few assemblymen, however, were not satisfied. They insisted that Fletcher grant the Assembly the additional privilege of debating legislative amendments proposed by the Governor and Council and warned "that the Assent of such of us as were for sending up the Bill for the Supply [the appropriation bill] this Morning, was merely in Consideration of the Governor's speedy Departure; but that it should not be drawn into Example or Precedent for the future."²⁰ Fletcher, however, paid little attention to the demands and warnings of a small minority.

Neither David Lloyd and other Pennsylvania colonists, on the one hand, nor Fletcher, on the other, were happy about the state of political affairs in the province. The Quakers distrusted Fletcher, but many of them did not want to return to Penn's Frame of 1683 unless it were radically altered. Fletcher, on his side, despised the Quakers whose pacifism made it difficult to secure the cooperation of Pennsylvania in advancing the English war effort against the French. He preferred the company of the New York Anglican merchants, who chafed at the growing commercial competition from Philadelphia and the Connecticut and New Jersey ports and who complained that alleged violation of the navigation acts by Pennsylvania, Connecticut, and the Jerseys was injurious to the economy of New York. Fletcher and his New York friends thought that the best way to overcome both the commercial rivalry of the neighboring colonies and the obstructionism of the Quaker pacifists in the Pennsylvania Assembly was to secure the annexation of Connecticut, the Jerseys, and Pennsylvania to New York. In June they instructed their representative in London to memorialize the Lords of Trade to carry out the proposed annexation.²¹

→ At about the same time David Lloyd, his friends Phineas Pemberton and John White, John Bristow, the President or eldest Judge of the Chester County Court, and other Quakers drafted "Some Proposals what may be done for the future good of the Province in respect of the Govern[ment]."²² This paper

designated Lloyd, White, Pemberton, and Bristow as emissaries who were to go to England for the purpose of negotiating an agreement with Penn. If they succeeded in "perfectly" adjusting "the method of Govern[ment] with him [Penn] thereby to prevent all future disputes between the people and him" then they were to assist Penn in an effort to restore the proprietary government. Should these negotiations fall through, then the emissaries were to get Penn's assistance "in procuring the Govern[ment] to be committed to a person who may reside among us and be grateful to us. . . ." An alternative was to obtain the removal of the seat of the province to a place sufficiently far from the sea and threat of invasion "that the Civill Govern[ment] may in manner of a corporation be committed to magistrates of their own choosing. . . ." In that case the Pennsylvanians would be willing to be placed under the military command of the Royal Governor of Maryland and "yearly to rayse a Supply ffor the King and Queens occasions. . . ." If all else failed, then Lloyd, White, Pemberton, and Bristow were to ask the Crown to annex Pennsylvania to Maryland rather than to New York.²³ Lloyd and his friends appeared to have felt that Lionel Copley, the weak and inefficient Royal Governor of Maryland, would be easier to deal with than was Fletcher.

For some reason Lloyd, Pemberton, White, and Bristow never went to England, and no attempt was made to carry out the proposals. Fletcher, however, learned of the Quaker plans to send Lloyd and his friends to London, and he complained to the Secretary of State at Whitehall of Quaker obstructionism in Pennsylvania. "Some Quakers who have acted in the Govern[ment] by Mr Pen's Commission and are very fond of Lording it over theire bretheren," he wrote, "are now sending theire Delligates to Court in hope to gett Mr Pen restor'd or themselves impower'd to Act, or at last if these faile they desire to bee under the Govern[ment] of Mary Land. . . ." These were Quakers, he added, who had "declined to Act under theire Majesties Comission."²⁴ He complained that Thomas Lloyd was using his office as Keeper of the Great Seal to obstruct the Royal Governor's administration, as he had Blackwell's, by refusing to affix the great seal of Pennsylvania to Fletcher's commission and to the commissions which the Royal Governor

explained that he had taken the office of Surveyor General without remuneration to save Penn the expense of appointing someone else.¹¹

Thus Lloyd and his partisans went far afield from the judiciary controversy in their attack on Logan, and all the constitutional and land problems of the colony became involved.

Lloyd secured from the Assembly not only articles of impeachment against Logan but a remonstrance against Evans' executive ordinance on the basis of which provincial courts had been reopened. The only effect, however, was to steel Evans' and Logan's resistance to Lloyd's frontal assault upon them. Logan sent his answers to the articles of impeachment to Penn, and Evans prepared a reply to the remonstrance which he used as a kind of counterpropaganda. His reply was a warning that he "would absolutely refuse to pass an act for Courts unless the House would agree to establish a Militia for the defence of the Queen's subjects." He argued that conditions in Pennsylvania differed from conditions in England and that laws which were practicable in the homeland might not be desirable in Pennsylvania--a curious reversal of the position he had previously held that Pennsylvania should in all things conform to the institutions, laws, and customs of England.¹² Lloyd, in an equally curious reversal of his autonomy position, said that, even though conditions in Pennsylvania differed from those in England, "to infer from thence that we ought not to have the Common Rights & privileges of freeborn English subjects . . . we think as empty an amusement as any thing we have offered. . . ." Whatever the differences in climate might be, he asserted, "the People are generally averse to any, but an English Constitution. . . ."¹³ He might well have added that he and his followers demanded rights and privileges greater than any they had enjoyed in England and institutions and laws which were not at all a part of the English Constitution.

Lloyd and his partisans continued to press their charges against Logan, and the question arose as to the judicial powers of the Deputy Governor in such impeachment proceedings. Not since the days of Nicholas More and Speaker John White had the Assembly impeached an official in the provincial government, and the procedure had never been clearly determined. Evans contended that the proceedings were improper, "since

there is no middle state in it resembling the House of Lords in England, who can judicially hear and determine the Impeachments brought by the House of Commons."¹⁴ Lloyd replied that Penn's charter granted the Assembly the right to impeach and the Governor or his deputy the right to try persons impeached by the Assembly; these rights had also been established by precedent. He defined the Governor or his deputy as an intermediary between the Assembly and the Crown, holding a position comparable, though inferior to, the House of Lords in England; as such he had the power to act as a judge in the trial of impeached persons. The Council, he added, had no such power; Evans would have to be the sole judge. Lloyd argued that if Evans refused to prosecute Logan on the basis of the articles of impeachment, then the Assembly's right of impeachment would be meaningless. The Assembly's power of raising and appropriating money for the provincial government, he warned, would amount to nothing "without the Power of Impeaching evil ministers that act for the ruin of the nation." Lloyd thereupon demanded that Evans remove Logan from his Council.¹⁵

Evans rejected every one of Lloyd's demands, even though Logan petitioned for a speedy hearing that he might clear himself of the charges.¹⁶ Once more Evans and Lloyd were stalemated, and the Assembly went into adjournment without any equitable solution of the judiciary problem having been achieved and without a satisfactory conclusion to the impeachment proceedings. Lloyd, hoping to bring pressure to bear on Penn and his agents from a more authoritative quarter, sent letters to Whitehead, Mead, and Lower, enclosing a remonstrance by the Assembly and City Corporation of Philadelphia against Penn, Logan, and Evans. The English Quakers planned to lay the letters and remonstrance before the Queen.¹⁷

As the session of 1706-7 drew to a close, Lloyd's popularity remained undiminished. Evans, on the other hand, drew upon himself the increasing ire of the colonists because of his persistent efforts to militarize Pennsylvania. Two hundred twenty merchants and tradesmen, mostly of Philadelphia, complained to the Assembly that the erection of a fort at New Castle--one of Evans' pet projects--prevented the use of the Delaware River for commerce and trade. Some of the more