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From Colony to Commonwealth

THE TRANSITION PERIOD
in
PENNSYLVANIA.

Edmund Gale Jewett.

1899.

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Theses

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→ Graydon
Cal. Studies VI

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-

-:OUTLINE:-

Peculiarities of Pennsylvania.

- (1) Population diverse-(2) Economic Conditions-(3) Form of Government-(4) Leaders.

Early Temper.

Mass Meeting of July 30, 1768.

Assembly asserts Charter Rights.

Assembly adopts Va. Resolutions of May 18, 1769.

Action regarding Tea Tax, 1773.

Mass meetings and special committees.

Action following Boston Port Bill.

Mass meeting of leading Citizens, May 20, 1774.

Appoints Temporary Committee of Correspondence.

Duties:-(1) To conduct colonial correspondence.

(2) To petition the Governor for special Assembly.

(3) To call a Mass Meeting.

Growth of Sentiment, 1774.

Popular Demonstration, June 1, 1774.

Correspondence carried on by various bodies.

Governor refuses a Special Session, June 9, 1774.

Mass Meeting, June 18, 1774.

(1) Condemns Boston Port Bill.

(2) Favors a Continental Congress.

(3) Appoints a Permanent Committee of Correspondence
Instructed to get delegates to send to Congress.

First Convention of Committees; July 15, 1774.

The Assembly(1774-5).

Appoints a Committee of Safety, June 30, 1775.

Relations between the Committee of Safety and the Committee of Correspondence.

Second Convention of Committees, Jan.23, 1775.

The Assembly(1775-6).

Instructs delegates in Congress vs. Independence.

Congress recommends New Governments.

Committee of Correspondence.

(1) Protests against Judiciary.

(2) Call a Mass Meeting to protest against the Assembly, May 20, 1776. (Counter Mass meeting.)

(3) Calls a conference of Committees.

Assembly circulates a remonstrance for Congress.

Third Conference of Committees, June 18, 1776.

Call of Constitutional Convention.

Assembly.

Instructs delegates in Congress to "Concur."

Adjourns for want of Quorum.

Constitutional Convention, July 15, 1776.

Membership-make a constitution-ratify-Declaration of

Independence-legislate.

Constitution.

Tendency, democratic-Peculiarity, single chambered legislature, executive council, council of censors, provision for amendment

Struggle to amend.

Mass meeting at Philadelphia, Oct. 17, 1776.

Proposition of Council to Assembly for Popular Referendum.

Council of Censors, 1783-Appeal to the People.

U. S. Constitution adopted on Party Lines.

Assembly calls a Convention. (Revolutionary)

Constitution of 1790.

Peculiarities //

The conditions in Pennsylvania at the beginning of the revolutionary epoch were in many ways peculiar. In population Pennsylvania ranked *fifth* among the colonies. But of more importance than numbers was the character of its population. Two striking extremes are presented, -the English Quakers and Germans in the eastern counties, and the Irish and Scotch Irish in the West. A colony containing such elements could not be expected to engage in rebellion without considerable friction.

The difference in the two sections was still further emphasized by a difference in economic conditions. The Quakers in the east were comparatively well to do. The settlers in the west were, for the most part, recent immigrants in a new country, with little property interest, enduring a hard struggle against poverty. Naturally the first resistance to the aggressions of Parliament found its supporters in the east; but once under way the revolutionary movement drew its zealots from the west, who found in it

not only a relief from the tyranny of a British ministry but also an opportunity to wrest the power of government from the aristocratic class that had always been supreme in the colony.

The government of the colony was very liberal and the rights of its inhabitants were guaranteed by a charter. In so far as possible the Governor avoided conflict with the assembly for fear of being deprived of his charter. The faith of the inhabitants in its charter government postponed its final overthrow.

Pennsylvania was fortunate in her early leaders. Among them John Dickenson, author of "The Letters of a Pennsylvania Farmer," did more, perhaps, than any other man to direct the early resistance to the Acts of Parliament.

During the excitement which followed the passage of the Townshend Acts, 1768, a non importation association was formed among the people of the colony. At Philadelphia, on July 30, a mass meeting was held to induce the merchants to sign a non importation agreement.

Life and Writings of John Dickenson, Vol. II., for his letters etc.

Cf. Tyler, Literary History of the American Revolution, Vol. I, p 234..

The Assembly, at this time, was in perfect accord with popular sentiment. The circular letter regarding the Acts of Parliament, sent out by the Massachusetts legislature to the other colonies, did not come before the Pennsylvania Assembly till the Governor had received an order to prevent its consideration or prorogue the Assembly. In reply to the Governor's threat, the Assembly simply quoted the charter which gave them the power to sit on their own adjournment, and proceeded deliberately to spread the letter on their minutes and petition the king. The resolves of the Virginia Assembly (May 16, 1769) were also adopted by the Assembly of Pennsylvania.

tea tax This early movement was little more than a precedent for the action taken in 1773. When the Act of Parliament relating to the East India Company's tea was announced, some of the principal inhabitants called a general meeting of the people, when a number of resolves were entered into. A number of persons were appointed by this mass meeting to desire

cu
date = 1768

Frothingham, p. 225.

Sept. 22, 1768.

Frothingham, p. 236

for resolves. See also

foot note, p. 238.

(Should expand)

Oct. 18, 1773. See

Frothingham, p. 302.

the consignees to relinquish the consignments." They consented. A special committee was also appointed to board the vessel and warn the captain against landing the goods. Fear that the committee would not carry sufficient weight led to the calling of another mass meeting, Dec. 26, 1773, which convinced the captain it would be policy to attempt no landing.

In all these proceedings, prominent citizens, acting as a sort of self-constituted committee, called the mass meetings and conducted affairs. In like manner, all over the province organizations to carry out the non-importation agreement were effected among the more aggressive elements. These of course kept in communication with one another. Thompson, a prominent leader, seems to speak of a formal choice of committees of correspondence at this time. But there seems to be no evidence to show that the correspondence was carried on other than by the natural leaders, either self appointed or agreed to by those who favored non-importation. Joseph Reed, in a let-

Reed, Vol. I., p. 5.
Letter to Earl of Dartmouth, Dec. 22, 1773.

Supra.

Thompson, Penn. Mag.,
Vol. II., p. 41.

ter to the Earl of Dartmouth written July 25, 1774 to show the progress of the spirit of the revolution, says, "It has been a great object to engage the country, by which I mean the body of farmers who compose the strength of these Provinces, and to lay the foundations early of a non-consumptive government." He adds also that it is the purpose of the organization to encourage family manufactures.

Reed, Vol. I., p. 70.

Boston Port Bill
The circular letter from the Fanueil Hall meeting of May 13, 1774, occasioned by the Boston Port Bill, was received at Philadelphia six days later. On the 19th of May Paul Revere arrived, bringing with him personal letters to Thomas Reed and Robert Mifflin sent by Samuel Adams, John Hancock and Thomas Cushing. A mass meeting of the citizens of Philadelphia was appointed for the next day, May 20. The crowd which packed the long room of the City Tavern represented both parties. At first, there was considerable confusion. The addresses of the first speakers, Reed, Mifflin and Thompson, were not altogether well received. Dickenson, who followed

them, advocated very moderate measures. At length, in spite of the differences, it was voted "by a vast majority" to appoint a committee to correspond with the colonies. A committee of twenty was accordingly elected, which represented both parties. Those chosen were to remain on the committee "until an alteration should be made by a more general meeting of the inhabitants, which they were authorized to call." They were instructed also to petition the Governor to call a meeting of the Assembly.

The reply to Boston advocated the calling of a Congress in preference to a non-importation and non-exportation agreement. In the letter sent to the other colonies they intimated "the necessity of a congress of delegates from all the colonies to devise measures necessary to be taken for the common safety."

The petition to the governor for the call of the Assembly was sent simply through Philadelphia and its environs. It was "signed by near 900 respectable freeholders in and near the city" and then pre-

Edward Tilghman, an eye-witness-written May 26, 1774.

Am. Archives, Series IV., Vol. I., p. 341.

Supra, p. 342.

Letter of Thompson, 1778, in Penn. Mag., Vol. II., p. 415.

Marshall Diary p. 8.

sented to the Governor. The Governor politely refused, June 9, 1774. Thompson, a member of the committee, explains the purpose of those who circulated the petition as follows: "Though it was hardly expected the Governor would comply, yet it was necessary to take this step in order to prevent farther division in the city, and to convince the pacific that it was not the intention of the warm spirits to involve the province in the dispute without the consent of the representatives of the people."

The extent to which public spirit had been aroused is shown by the demonstration of sorrow made in the city of Philadelphia on June 1, 1774, the day the Boston Port Bill went into operation. In accordance with an agreement entered into two days before by a "number of inhabitants composed by most of the societies of the city, many had their shops shut up, their houses kept close from hurry and business; also the bells of Christ Church were muffled, and rung a solemn peal at intervals from morning till night;

Col. Records of Penn.,
Vol. X., p. 178-181.

For Petition see Am.
Archives, Series IV.,
Vol. I., p. 301.

Cf. Gov. Penn's Letter with Earl of Dartmouth, Am. Archives,
S. IV., Vol. I., p. 367.

Penn. Mag., Vol. II.,
p. 416.

Am. Archives, S. IV.,
Vol. I., p. 365.

Not with Rector's
knowledge, but approbation. Am. Ar. Vol. I. P. 365

the colors of the vessels in the harbor were hoisted half mast high; the several houses of different worship were crowded, where divine service was performed and particular discourses suitable to the occasion were preached." The contrast to this Marshall is pleased to record three days later (June 4, 1774): "This being the birth day of King George III, scarcely, if any, notice was taken of it in this city by way of rejoicing; not one of our bells suffered to ring, and but few colors were shown by the shipping in the harbor; no, nor not one bonfire kindled." Two things are evident from this: first, the tide of opposition to Great Britain had already set in strong; second, the sympathizers with the British government were not very powerful in their influence in the local government, nor very demonstrative of their sympathies.

The tendency to form committees of correspondence was becoming so strong that particular classes and professions in one locality organized for the purpose of corresponding with similar groups in oth-

Marshall, p. 6.

Supra. Cf. also Am. Archives, S IV. VOL. I., p. 365.

er places. For instance, on May 29, 1774 a meeting of deputies of various congregations drew up a letter which they sent to the Committee of Correspondence of New York, and which was by them transmitted to the New York clergy.

Early in June a letter from the Mechanics of New York was received, so, by means of handbills, the Mechanics of the City and Suburbs to the number of 1200 were assembled at the State House. The intention was to appoint a committee to cooperate with the already existing committee of Merchants. However, no permanent organization of a committee was made, because it was understood that the committee (appointed May 20) "had determined to call a general meeting of all the inhabitants in the city and county to be held here next Wednesday, the 15th instant, at three o'clock in the afternoon, then to choose one Grand Joint Committee to represent the whole of the inhabitants of this city and county."

Final Convention.
Such was the state of public feeling, when, on June 9, 1774, the Governor re-

Am. Archives, S. IV.,
Vol. I., p. 300.

Am. Archives, S. IV.,
Vol. I., p. 405. Cf.
Marshall Diary, June 9,
1774, for a somewhat different account.

turned his denial to the petition for a special session of the Assembly. His refusal was not unexpected nor altogether undesired by the leaders. The committee immediately sent to the leaders throughout the province the following letter: "The Governor's declining to call an assembly renders it necessary to take the sentiments of the inhabitants; and for that purpose it is agreed to call a meeting of the inhabitants of this city and county at the State House, on Wednesday, the 15th inst. And, as we would wish to have the sentiments and concurrence of our brethren in the several counties, who are equally interested in the general cause, we earnestly desire you to call together the principle inhabitants of your county and take their sentiments. We shall forward to you by every occasion any matters of consequence that come to our knowledge, and we should be glad if you would choose and appoint a committee to correspond with us."

This last sentence indicates that committees of correspondence had not, by

Thompson, Penn. Mag.,
Vol. II., p. 417.

Egle, Hist. of Penn.,
p. 133.

the first of June, yet been formed in many counties. Upon the receipt of this letter, in some of the counties certainly, mass meetings were called, which adopted, at least in part, the resolutions recommended by the Philadelphia committee.

Meanwhile the Philadelphia committee of correspondence (appointed May 20, 1774) was busy with arrangements for another mass meeting. Upon receipt of the Governor's refusal they held conference at the Philadelphia Hall with a number of inhabitants called in from all the Societies in town, to advise, consult and deliberate upon the propositions that were to be laid before the general meeting of the inhabitants." This assembly unanimously agreed to a set of resolutions to be presented before the proposed mass meeting, which, though "not couched in such warm terms as many others," were yet expressive of unmistakable opposition to the claims of Parliament. An adjourned meeting of the committee changed the date of the mass meeting from June 15th to June 18th. →

Accordingly on June 18th, at three in

Am. Archives, S. IV.,
Vol. I., p. 426 & 428.

Marshall, p. 7.

Thompson, Penn. Mag.,
Vol. II., p. 415.

Reed to Dartmouth-
Life of Reed, Vol. I. p. 69

← And all legal voters

were urged to be present.

the afternoon, a large crowd gathered in front of the State House. Dickenson, Pennington and Willing had been appointed by the committee as presiding officers. The speakers were Smith, Reed and Thompson. So fearful were certain ones that something rash might be said or done, that the chosen speakers were obliged to write down what they intended to say and submit their several speeches to the revision of the presidents. This provision to keep the speakers within the bounds of moderation did not prevent (it was not intended to prevent) the meeting from taking three very important steps. First, it condemned roundly the Boston Port Bill and set on foot a subscription for the relief of that town. Secondly, it recommended a "Congress of Deputies from the several colonies as the most proper and public mode of securing our rights and liberties, and re-establishing peace and harmony between Great Britain and these colonies on a constitutional foundation." Finally, and most important, it appointed a committee of forty four persons, with John Dickenson

For call issued by the committee see Egle, Hist. of Penn., p. 162.

Thompson, Penn. Mag., Vol. II., P. 416.

Am. Archives, S. IV., Vol. I., p. 426 for resolutions of mass meeting.

as chairman, to "correspond with the sister colonies and with the several counties in this province." It also instructed the committee to see to it that the colony be represented in the proposed Continental Congress. The manner of accomplishing this was not specified. There seems to have been a general understanding, however, that the Speaker of the Assembly should call the members of the Assembly to a convention which should choose the delegates to Congress. The committee, however, sent directly to the counties and called the Committees of Correspondence to form the convention. This method was probably adopted in order to get a more complete expression from the people than would have been obtained simply through their representatives in the Assembly. The Representatives for the Assembly had not been chosen for some time previous. The committees of correspondence were, in many ~~any~~ cases, chosen after the call for the conference.

An outbreak of Indian troubles in the western counties rendered necessary the call-

Goodloe, Birth of the Republic, p. 200-201.

Am. Archives S. IV., Vol. I., p. 435, Northampton Co. Resolutions, Section 6, June 21, 1774, p. 428, Chester Co. Resolutions, Section 5, June 18, 1774.

Joseph Galloway, Speaker of the Assembly, favored the choice of delegates to the Continental Congress, "Either in Assembly, or by them in Convention." Letter to Boston, June 28, 1774, Am. Archives, S. IV., Vol. I., p. 486.

ing of a special session of the Assembly. The call was issued by the Governor in Council, June 27, 1774. If the Governor supposed that the calling of the Assembly would check the movement for a "convention of conferees," he was dissappointed. The popular leaders thought the convention should be held just the same "in order to draw up their instructions to their representatives in Assembly."

Accordingly, on July 15, 1774, the convention met. This convention is variously spoken of as, "Conference of Committees," "Provincial Committees," "Committee from all the Counties," "Committees from the several Counties." Its members were probably all members of the local committees, and many of them were also representatives to the Assembly. Thirty four of the thirty seven five members were from Philadelphia. In case of a division voting was done by counties, that is, each county committee cast one vote. This "Provincial Committee," as they styled themselves, agreed unanimously to an expression of loyalty to the crown, denounc-

Gov. Penn's message to the Assembly, July 13, 1774. Penn. Col. Records, Vol. X., p. 486.

Thompson, Penn. Mag., Vol. II., p. 417.

Am. Archives, S. IV., Vol. I. Cf. p. 436 with p. 435.555., also p. 427 with p. 555.

Reed, Vol. I., p.70.
Letter of Joseph Reed to Earl of Dartmouth, July 25, 1774.

Egle, Hist. of Penn., p. 133.

ed the Boston Port Bill as "unconstitu-
tional, oppressive, and dangerous," and a-
greed to promote the subscription being
taken in the various counties for the re-
lief of that unfortunate city. They also
pledged by a majority vote that the in-
habitants of the province would take any
steps Congress might determine upon. The
Assembly was about to meet and so it was
resolved unanimously: "That this commit-
tee give instructions on the present sit-
uation of public affairs to their repre-
sentatives who are to meet next Wednesday
in Assembly, and request them to appoint
a proper number of persons to attend a
Congress of Deputies from the several Col-
onies."

Nothing shows more clearly the impor-
tance which this conference of committees
assumed than their instructions to this
Assembly: "The inhabitants of the several
counties qualified to vote at elections,
being assembled on due notice, have ap-
pointed us their deputies; and in conse-
quence thereof, we being in Provincial
committee met, esteem it our indispensa-

Egle, Hist. of Penn.,
p. 135.

The mass meetings in
the various counties that
chose the committees were
doubtless composed large-
ly of "qualified" elec-
tors. There is nothing

ble duty, in pursuance of the trust imposed in us, to give you such instruction, as at this important period appear to us to be proper."

Before adjourning a special committee was appointed to "communicate the Resolves and Instructions of the Conference to the neighboring colonies." The conference also agreed that the Committee for the city and county of Philadelphia should be committee of correspondence for the colony. Thus the Philadelphia committee, which had been acting as Colonial Committee of Correspondence for some time, received now formal sanction.

The relation between the Assembly and Convention appears to have been perfectly friendly. When, on July 21, the Assembly had resolved itself into a committee of the whole to consider "sundry letters from the committees of sister colonies," the Conference was given leave "to attend and hear the debates." They then presented their instructions to the Assembly. These instructions, together with a lengthy argument, were also published by the Con-

to show that others were positively excluded.

In Chester Co. there were invited to the mass

meeting "all who were

Am. Archives, S. IV.,
Vol. I., p. 564.

entitled to vote for members of the Assembly."
Am. Archives, S. IV.,
Vol. I., p. 405. Cf. also supra, p. 405 with p. 436, section 6.

Marshall, p. 8.

Am. Archives S. IV.,
Vol. I., p. 557 for invitation.

ference.

The Assembly agreed unanimously to the resolutions to send delegates to the Continental Congress; and, July 28, 1774, appointed seven of their own number, not the nominees proposed by the convention. Their instructions to these delegates were very general.

After the adjournment of these two bodies, the opposing factions became more and more active. The Quakers in their "Yearly Meeting," which was held in Philadelphia in September 1774, put forth an epistle which Marshall says, "gave great offense to the friends of freedom and liberty in America." Their opposition to the revolutionary movement had become very marked by January 1775. At that time they published a "Testimony of the People called Quakers." Meetings were held almost daily in order, if possible, "to defeat the pacific proceeding of the Continental Congress, calling upon their members not to meet the county committees, but entirely to withdraw from them under penalty of ex-communication."

The instructions and argument are found in Am. Archives, S. IV., Vol. I, p. 560-592.

The Convention nominated Thomas Willing, Am. Ar. Vol. I, p. 608. John Dickenson and James Wilson. See Thompson, Penn. Mag., Vol. II., p. 418. The Assembly chose Joseph Galloway (Speaker), Samuel Rhoads, Thomas Mifflin, Chas. Humphries, Marshall, p. 10. Geo. Ross and Edmund Riddle. See note in Reed, Vol. I, p. 72. Dickenson's name was added in Oct. 1774.

Marshall's Diary, p. 13.

It was probably due to the influence of the Quaker Meeting of Sept. 24, 1774 that the October elections went against the Whigs. As a result of this defeat, the Philadelphia committee chosen by the mass meeting of June 18, 1774, felt the need of reorganization and a new election.

Accordingly a meeting of the committee was held at the State House "at which it was concluded that a new committee to the number of sixty should be chosen to manage public affairs for the city, the Southern and Northern Liberties, to be chosen by ballot the 12th inst., and to continue in that station until the meeting and sitting of the next Congress, and two weeks after the said Congress breaks up and no longer." Accordingly on Nov. 14, 1774 the freeholders "met at the State House, and chose, by ballot, sixty inhabitants for committee men, as was before agreed upon; but as the Southern District complained that it was not fully represented, they therefore requested that four of their District might be added to the sixty that were chosen; and also three

Thompson, Penn. Mag.,
Vol. II, p. 418.

This committee is variously spoken of as, the Committee of Inspection, and Observation for the City and Liberties," or as "The General Committee," "the Committee at the Philisophical," and the Colonial Committee of Correspondence."

Marshall, p. 10.

were afterward added to the Noethern Liberty account." This Committee was enlarged to one hundred at a similar election Aug. 16, 1775. Six months later a new election was held (Feb. 16, 1776). After the formation of the state constitution, its work being done, this committee left the affairs to the Legal Committee of Safety (Sept. 17, 1776).

Marshall, p. 10-11.

Congress adjourned

Aug. 1st.

Marshall, P/ 92.

We shall find that the committee was prime mover in the formation of a state government. We must not forget that meanwhile, in its weekly meetings, the committee was engaged in a mass of minor matters. It arrested Tories; it petitioned the Assembly against the importation of negroes; it nominated a Burgess who was elected.

Marshall, p. 35.

Supra, p. 14., Feb.,

1775.

Though the October elections (1774) for representatives to the Assembly went strongly against the Whigs, nevertheless they did not despair of effecting their purposes through that body. Among the members were some of their most formidable moderate Whigs-men like Dickenson, Mifflin and Thompson. The knowledge that

*repetition
cancel.*

they controlled a minority of the Assembly and the fear of alienating a considerable German element, whose pocketbooks had been touched by British tyranny, but whose religious scruples on Menonites would cause them to affiliate with the Quakers in case of violence-this caused the Whigs to proceed with moderation. The Assembly, which was in hearty accord with the Continental Congress, tendered that body a reception. It presented to the Governor an address on the relations of the colony to Great Britain. On Dec. 10, 1774, it approved the action of Congress relative to the non importation agreement. The resolutions both of Congress and of the Assembly were sent through the colony.

The Second Convention

Concerted action had been deemed necessary in the matter of choosing delegates to the Congress, and had resulted in the Conference of Committees of July 15, 1774. The Congress having met, another convention of committees seemed advisable in order to deliberate upon the resolutions of that body. Accordingly, the

Col. Records of Penn.,
Vol. X., p. 238.

Committees from the counties (probably composed of about the same number of members as in July, 1774) again met at Philadelphia. The conference continued in session five days, Jan 23-28, 1775. It approved the action of Congress and devised measures for carrying out the resolutions of that body. The non importation associations were greatly strengthened and soon took on a military aspect.

It is worth while noting that the Assembly acted as an intermediary between the first convention (July 15, 1774) and the Continental Congress, and also between the Continental Congress and the second convention of Jan. 23, 1775. The Assembly was, in fact, moving in the same direction as the Committees of Conference and their constituents. It refused the offer of Parliament of Feb. 1775. In spite of its Quaker elements, it voted a sum of money to purchase ammunition. On June 30, 1775, the sentiment of the colony had so far advanced that the Assembly approved "the association entered into by the good people of the colony for the defence of their loves, liberty and property." More important still, on the same day the Assembly passed a resolution organizing a committee of Safety for the province. On this committee were appointed such men as John Dickenson, Anthony Wayne, Robert Morris and Benjamin Franklin. According

Goodloe, Birth of the Republic, p. 205-206.

Approval of Convention by counties-Goodloe, p. 20(-211).

Penn. Col. Records, Vol. X., p. 253-254 (May 4, 1775.)

Thompson, Penn. Mag. Vol. II., p. 420.

Penn. Col. Records, Vol. X., p. 367.

to the resolutions of the Assembly, these were to "Be a Committee of Safety for calling forth such, and so many, Associates into Actual Service when Necessity requires, as the said Committee shall judge proper. For paying and supplying them with Necessaries while in actual Service, For providing for the defence of this Province against insurrection and invasion, and for encouraging and promoting the manufacture of salt petre; which Committee are hereby authorized and empowered to draw orders on the Treasurer, here in appointed, for the several purposes above mentioned." This resolution was considerably in advance of and may have influenced the resolution of Congress passed July 28, 1775 recommending to the provinces such committees.

The Committee and of Safety and the Philadelphia committee had many members in common. The relation between the two is illustrated by the following narrative: On Oct. 6, 1775, "twenty nine members of the committee at the Philosophical had three Tories arrested." The next day a

resolve was brought in by three of the Committee of Safety from Congress, dated the sixth inst., ordering that all suspected persons that were found to act inimical to the rights and liberties of America that fell under our discussing and notice, should by us be delivered over for trial of their offense to the Committee of Safety. xxx This induced a warm debate for some time, "but finally persons and suspected papers of suspected parties were sent to the Committee of Safety.

Two days later we find that fifteen of the General Committee ef were chosen to assist the Committee of Safety in the trial.

After the institution by the Assembly of the legal Committee of Safety, it might seem as if the Philadelphia Committee would be concerned with merely local affairs. But the Committee of Safety, which while it had the advantage of enjoying a legal appointment by a constitutional body, was at a disadvantage in being subservient to that body, and in composition to reflect its conservative temper.

In the elections of Oct., 1775, an-

other attempt was made by the Whigs to gain control of the Assembly. They failed. The progress of the Revolution outside its doors seemed only to quicken the fears of that body. On Nov. 9, 1775, it instructed the Pennsylvania delegation in Congress to "dissent from and utterly reject any proposition, should such be made, that may cause or lead to a separation from our mother country or a change in the form of this government." During the winter it fell more and more into disfavor with the radicals, and so, on Feb. 28, 1776, the Philadelphia Committee determined to call a convention of delegates from the local committees. Five days later the committee was again called together "in order to take into consideration the report of the Committee of Correspondence respecting the propriety of suspending the calling of the Provincial Convention for a few days in order to see the effect of sundry petitions xx before the House of Assembly." The expectations of the Committee were not met by the conservative Assembly. The election of new members to

Reed, Vol. I. p. 155.

I take this to be a sub committee.

Marshall, P. 61.

that body, held in the city May 1st, did not change its character. The sound of cannonading down the river in a naval engagement, which occurred on the eighth and ninth of May, aroused popular excitement. On the tenth, Congress passed the resolution advising the formation of new governments. The construction which the Assembly would put on the words "a government sufficient for the exigencies of the times" was well understood. The possibility of such construction was precluded, however, by the preamble to the resolutions, adopted by Congress May 15, 1775. That evening the General Committee at the Philosophical Hall considered the resolution; and at an adjourned meeting, held the next May day, May 16, 1776, "It was concluded: (1) to call a convention with speed; (2) to protest against the present Assembly's doing any business in their House until the sense of the province was taken in that Convention to be called."

In accord with the first resolution, a circular letter was immediately issued by the committee and sent to the various

Marshall, P. 69.

Marshall, P. 71.

county committees asking them to send delegates to a conference of the committees. In this letter, by way of sanction, was enclosed the resolution of Congress passed May 15, 1776.

The second resolution, for a protest against the existing government, was not so easily carried out. The Assembly was to meet on Monday, May 20. On Saturday the General Committee received a petition from a large number of inhabitants, asking that a mass meeting be held on the Monday following "in order to take the sense of the people respecting the resolve of Congress on the Fifteenth inst." This democratic way of influencing the Assembly was adopted by the committee and the announcement was spread through the city. At nine o'clock in the morning, in spite of the rain, a crowd of four thousand assembled at the State House. The authority of the Assembly was renounced in unmistakable terms, as derived "from our mortal enemy, the king of Great Britain, and whose members were elected by such persons as were ^{real} either, or supposed allegiance to the said

Marshall, p. 72.

king, to the exclusion of many worthy inhabitants, whom the resolve of Congress hath now rendered electors."

Though nearly four thousand had given their voices to this protest against the authority of the Assembly, the citizens of Philadelphia were by no means unanimous. Under the leadership of William Hamilton, the conservative element held a mass meeting on the following day and adopted a counter resolution. The newly organized Assembly was confronted with the two opposing documents. The Assembly was naturally more favorable to the later resolution. It adopted a remonstrance to Congress, which, Marshall tells us, "was carried by numbers, two by two, unto almost all parts of the town to be signed by all (tag, longtail and bob) and also [was] sent into the country and much promoted by the Quakers." In opposition to this, the General Committee drew up a set of resolutions to be presented to Congress as soon as the remonstrance of the Assembly should be read.

The protest against the authority of

Life of Reed, Vol. I,
p. 186.

The democratic unfranchised elements are now heard.

Marshall, p. 73.

the Assembly was soon followed by a protest against the Judiciary. On June first, the General Committee resolved to present a memorial to the County Court, "requesting them to adjourn until the sense of the Province had been taken." There is no evidence to show that the Judiciary adjourned in consequence of this resolution.

Marshall, p. 75.

The protest against the authority of the legislature and Judiciary were unavailing. The call for the convention of the committees was quickly responded to, and the convention assembled at Carpenter's Hall, Philadelphia, June 18, 1776, just one year and eleven months after the first convention. In all three cases the convention was simply a conference of the committees. But the local committees, and hence their delegates to the third convention, had changed in temper with the progress of the revolution, and, by an inevitable process.

For the proceedings of Philadelphia in choosing delegates, see Marshall, P. 77.

of exclusion, represented almost exclusively the Whig element. No limit was placed upon the number sent from any county; but the delegations varied in number from twenty five, chosen by the General Committee of Philadelphia, to only two, sent in by the Committee of Westmoreland County. In the conference also, on division, vote was taken by counties. One member was considered a sufficient delegation. That the extra-constitutional bodies had been drawing away from the constitution^d bodies is seen in this: Of the twenty five delegates selected by the General Committee of Philadelphia, only one, Benjamin Franklin, was a member of the Committee of Safety appointed by the Assembly, and he had not attended its meetings since Oct. 4, 1775. The Committee of Safety, a creature of the Assembly, designed for resistance and not revolution, was fast becoming a mere satellite left out in the cold. After organizing, the conference read, and, "after mature deliberation," approved the resolution of Congress May 15, 1776. Then it was re-

solved "unanimously that the present government of this province is not competent to the exigences of our affairs, xxx That it is necessary that a provincial convention be called by this conference for the express purpose of forming a new government in this province on authority of the people only." The conference, though very indirectly elected by the people, considered themselves, nevertheless, as representing the people. Three facts contributed to their sense of their own authority: the resolution of Congress, May 15, 1776, the recess of their own Assembly, and finally, their practical unanimity. Their conception of their own authority is expressed in the address they published "to the people of Pennsylvania." It begins, "Friends and countrymen, In obedience to the power we derive from you, we have fixed upon a mode of electing a convention to form a government for the province of Pennsylvania, under the authority of the people." " To the Associators of the province they issued the following: "The only design of our meeting together

For proceedings see

p. 78.

Proceedings, p. 41.

was to put an end to our own power in the province, by fixing on a plan for calling a convention to form a government under the authority of the people. But the sudden and unexpected separation of the late Assembly has compelled us to undertake the execution of the resolve of Congress, for calling forth 4,500 militia of the province to join the militia of the neighboring colonies to form a camp for our immediate protection. We presume only to recommend the plan we have formed to you. "

Hillgas Journal, p.41

While they realized they had no legal authority and styled themselves "the deputies from the committees assembled in provincial conference," when it comes to a "de-
the
claration on the subject of independence, of this colony of the crown of Great Britain," they declare: "We, the Deputies of the people of Pennsylvania assembled in full provincial conference xxx unanimously declare our willingness to concur in a vote of the Congress declaring the United Colonies free and independent states." Of prime importance, in view of the nature of the constitution finally drawn up by

Proceedings, p. 42.

Proceedings, p. 93.

the convention which this conference called, was the extension of the suffrage in the election of members of the convention. It is this change more than anything else that accounts for the extremely democratic nature of the constitution ultimately drawn up. Hitherto a property qualification of fifty pounds had limited the electorate and kept the powers of the government largely in the hands of the Quakers and other substantial citizens of the eastern counties. The Quakers and substantial citizens had proven themselves too conservative; the real power of the state, now that war was on, was vaguely felt to be the great mass of citizens under arms. These Irish and Scotch Irish, pioneers of the West and poorer classes of the East, could not well be denied suffrage. And so the conference declared "that every associator in the province should be admitted to a vote for members of the convention providing that such associators shall be of the age of twenty one years, and shall have lived one year in the province immediately preceding the election, and shall have contri-

buted at any time before the passage of the resolve to the payment of either provincial or county taxes, or shall have been rated or assessed toward the same." To prevent objectionable Tories from voting, it was provided, "That no person who has been published by any committee of inspection or the committee of safety in his province, as an enemy to the liberties of America, and has not been restored to the favor of his country, shall be permitted to vote at the election of members for the said convention." As an additional safeguard, the following oath was provided for electors: "I do declare that I do not hold myself bound to bear allegiance to George the Third, king of Great Britain, etc., and that I will ~~at~~ not by any means directly or indirectly, oppose the establishment of a free government in this province by the convention now to be chosen, nor the measures adopted by Congress against the tyranny attempted to be established in these colonies by the court of Great Britain." This oath in effect ratified the constitution in advance, or pledged

Proceedings relative
to the convention, p.38.

Proceedings relative
to the conventions, p 38B

ed the subscriber to ratify it by tacit consent. So as not to alienate the Quakers, the provincial conference prescribed the following oath for members of the convention: "I will oppose any measure that shall or may in the least interfere with, or obstruct, the religious principles or practices of any of the good people of this province as hitherto enjoyed."

The Assembly which met May 21, 1776, and found itself confronted with diverse remonstrances from the Whig and Tory mass meetings, and was itself, when last we noted it, getting up a remonstrance to Congress against the resolution of May 15, 1776-this Assembly was having an interesting history all its own. It was, in its way, carrying on war. On the thirtieth of May it appointed a committee to report on the defenses of Philadelphia. But the Assembly was too moderate to be long endurable to the Whigs and they withdrew _____ leaving it without a quorum. The instructions of the Virginia convention, having been received on June 5, 1776, the Whigs returned and endeavored to pass simi-

Proceedings relating

to Conventions, p. 39.

lar instructions to the delegates from

Pennsylvania. They succeeded, after a few days, in getting the former instructions withdrawn, and the following passed, June 8, 1776: That the delegates "concur with other delegates in Congress in forming such farther compacts between the United Colonies, including such treaties between foreign kingdoms and states, and in adopting such other measures as may be judged necessary for promoting the liberty, interest, and safety of America, reserving to the people of this colony the sole and exclusive right of regulating the internal government and police of the same." This much accomplished, the Whigs again withdrew.

While the constitutional governing body was thus divided against itself, and consequently little more than de jure the legislative power of the state, the call for delegates to the constitutional convention was meeting with prompt response.

Out in Mooreland, the election occurred July 8, 1776, and at other places probably about the same date.

Constitutional Convention
On July 15, 1776, the constitutional

Quoted in footnote of Marshall, p. 76.

On the preliminary vote on the Declaration of Independence, Penn. stood 4 to 3; on the final, 3 to 2.

Wm. J. Buck, Hist. of Mooreland, Penn. hist. Society Publications, Chap. XXVII.

convention assembled at Philadelphia. The entire membership was ninety six, eight from each of the eleven counties and eight from Philadelphia. On the second day of the session Dr. Benjamin Franklin was unanimously chosen President of the convention; Col. George Ross was chosen Vice President, and John Morris Secretary. The third day of the session saw appointed eleven members to draw up a declaration of rights. This committee was given leave of absence in order to complete more rapidly, and, on June 24, was assigned also the duty of preparing "a system of government for this state." On Aug. 2, the convention, in its preliminary deliberations upon the frame of government, "resolved, that the legislature of the state shall consist of one branch only, under proper restrictions." With this general restriction, the committee went to work on the details. The Bill of Rights, having been adopted on Aug. 16, the convention proceeded to the consideration of the report of the committee respecting the frame of government. After nine days, seven of which were spent almost ex-

Proceedings, p. 49.

clusively in consideration of the constitution, the document was referred to a committee on style and printing. Sept. 10 it was published, and on the 13th came up for final consideration. Finally on Sept. 26 the preamble was prefixed. Curiously enough, instead of providing for the writ of habeas corpus in the constitution, the convention recommended to the first general assembly that it make a law similar to the habeas corpus act of England.

means

The convention by no means simply restricted ~~ti~~ itself to the making of a constitution. On July 25 it was resolved unanimously that "The convention approve the said declaration of Congress of the 4th inst. and pledge themselves to maintain the freedom and independence of this and the other United Colonies of America at the utmost risk of our lives and fortunes." It gave its attention to various matters of legislation. It even appointed four new members on the Governor's Council. Finally it made special arrangements for the election of a new assembly. The date of the elections was changed and the date of

Marshall, P. 99.

Proceedings, p. 52.

Proceedings, p. 49.

Marshall, p. 92.

the new Assembly was fixed as Nov. 19, 1776. Perhaps more important than any other act not incorporated in the constitution itself is the following oath, which the convention required all electors to take:

"I do swear (or affirm) that I will be faithful and true to the commonwealth of Pennsylvania, and that I will not, directly or indirectly, do any act or thing prejudicial or injurious to the constitution or government thereof as established by the convention."

Proceedings, p. 51.

This oath to support the constitution permitted none of its enemies to be heard. Those who were moderately opposed took the oath notwithstanding: they could do nothing else. Those too bitterly opposed to subscribe simply lost their voice in the government.

The constitution which was thus presented to receive the oaths of the electors, though not the sanction of their free suffrage pro and con, consisted of a preamble, a bill of rights containing sixteen articles, and a frame of government.

The preamble sets forth the natural rights of a people to change a form of

government that does not fulfill the ends of government.

The bill of rights declares the right of the individual to "pursue and obtain happiness." It provides for the freedom of religion, of speech, and of the press, the right of petition, trial by jury, of freedom from search except by specific warrant, of liberty to migrate. It announces the principle that the right to vote belongs to all freemen having sufficient evident interest in and attachment to the government.

The frame of government vested the legislative power in a single chambered assembly chosen annually. This assembly was in power almost unlimited except by the bill of rights. They chose their own Speaker, and the State Treasurer, and also appointed and removed county recorders and registers of deeds. They could enact laws without the President of the Council, impeach criminals, administer oaths to witnesses, remove justices of the supreme court of the state and local justices, and bring impeachment against any judicial or

Section 23.

Section. 30.

Section 22.

civil officer, and have "other powers necessary for the legislature of a free state or commonwealth." One important safeguard against the tyranny of this body must not be omitted. Each member before taking his seat was sworn to do nothing to infringe the rights and privileges of the people as set forth in the constitution. He also had to subscribe to the following religious test: "I do believe in one God, creator and governor of the universe, the rewarder of the good and punisher of the wicked. And I do acknowledge the scriptures of the old and new testament to be given by Divine inspiration."

Next to the legislature established, perhaps the qualifications of the electorate are the most important as denoting the democratic nature of the frame of government. All taxpayers and oldest sons of freeholders could vote at all elections provided they were male citizens twenty one years old and had resided in the state one year. For members of the Assembly, simply one additional year's residence was required.

The method of passing bills shows the democratic tendency. Provision was made for publicity through publication of the proceedings, and by the admission of visitors to the Assembly room(except on special occasions). Yeas and Nays could also be demanded by any two members. To bring the Assembly more closely under popular influence, "old bills of public nature were to be published "for the consideration of the people xx and except on occasions of sudden necessity x not to be passed into laws until the next session of the Assembly; and for the more perfect satisfaction of the public, the reasons and motives for making such laws shall be fully and clearly expressed in the preamble."

Representation among the counties (including Philadelphia)was to be in proportion to the number of tazable inhabitants, and apportionments were to be made every seven years.

The democratic tendency, which is manifest in the provisions concerning the general assembly, is even more marked in the executive of the state. The legisla-

and dependent on the popular will. The executive power was robbed of its terrors by vesting it in a President and Council. The Councillors were chosen, one from each county, for terms of three years; and the elections arranged so that one third of the members retired each year. Retired members were not reelligible for four years. The President was simply one of the twelve, chosen by joint ballot of the general Assembly and Council. Members of the Council were Justices of the Peace for the Commonwealth. The Council had general executive power such as the appointing of judges and certain civil and military officers(unless appointed by the Assembly). They could grant reprieves; in the recess of the House they could lay embargoes for 30 days, or summon the house to meet before the date set for their convening. To them was given the power to try impeachments brought by the house.

The makers of the constitution were liable to have their sentence suspended by the subject to the will of the people. So wellhouse. Section 20. did they consider that they were succeeding

Even here they were

in this, that they made very stringent regulations in regard to any changes, whether by way of violence to it, provisions, or by way of amendment. The Council of Censors was provided for with a view to prevent any infringement of the constitution. In providing against the other danger, viz. that the constitution be too hastily amended, they undoubtedly overstepped themselves.

The constitution provided for its own amendment through the council of censors to be appointed every seven years. One method being provided, by a well known construction of legal instruments, other methods were precluded. The matter was not trusted to legal construction, however, but the preamble provided that no amendment should be made except as "this frame of government directs." Even then there might have been a chance for the constitutional lawyers to attempt an amendment in a way not provided for by the constitution, by pleading against this part of the preamble a clause found in the most vital part of the constitution, the bill

of rights. Section V. of that bill declares "that the community hath an indubitable, unalienable and indefeasible right to reform, alter, or abolish government, in such a manner as shall be by that community judged most conducive to the public weal."

This was effectually precluded by the oath required of every elector. "I do swear(or affirm)that I will be true and faithful to the commonwealth of Pennsylvania, and that I will not, directly or indirectly, do any act prejudicial or injurious to the constituion or government thereof as established by the convention." 540.

Not only was the way to amendment blocked by giving the initiative exclusively to the Council of Censors, but important restrictions were put in upon this body. Instead of submitting an amendment directly to the people(a plan probably not seriously considered)the council had to call a convention. To conduct business required a mere ~~minority~~ majority of the- a quorum of the council of censors; to call a constitutional convention required two thirds of the

whole number elected. Still further, "the articles to be amended, and the amendments proposed, and such articles as are proposed to be added or abolished, shall be promulgated at least six months before the day appointed for the election of such convention."

Discontent with the new constitution soon began to manifest itself. "A large number of respectable citizens" met on the evening of Oct. 17, at Philosophical Hall, "being called there by invitation in printed tickets xxx to consider a mode to set aside sundry improper and unconstitutional rules laid down by the late constitution." This body issued a call for a mass meeting, which adopted resolutions for a change of government and sent them by committees to each county in the state. This attempt fell through owing to the hardships of the winter.

In the west, it was not only useless but dangerous to oppose the constitution. For instance, in Northumberland county, a certain Robert Bobb was arrested by the County Committee of Safety on the charge

Marshall, p. 95.

Marshall, p. 97.

Marshall, p. 99. (Oct.

21 & 22).

of being inimical to the cause, and saying that he "thought there was bribery in the convention".

Some, like Joseph Reed, would not take the oath, and so were barred from office. It was felt that "power had fallen into low hands." Others misconstrued the oath. In the summer of 1777, the Council proposed to the Assembly that it submit the calling of a new constitutional convention to popular referendum. Military operations prevented. In 1778 the Assembly passed a general resolution that any of its members might take the oath, reserving the right to propose amendments. This unconstitutional proceeding was abandoned upon receipt of a petition of 13,000 signatures, largely from the western counties. By this time the strife over the constitution had "resulted in the division of the people into two well defined parties, called Constitutionalist and Republicans. The Constitutional party was largely composed of Irish and Scotch Irish from the west, and the more democratic and inflammable elements. To the Republi-

Minutes of the Committee of Safety of Northumberland Co. p.87, in Bulletin of Historical Society of Penn. Vol. I., No. 6, p. 74-99. Reed, Vol. I., p. 302. giving letter of declination sent by Joseph Reed to the Council, July 22, 1777.

Note, Reed, Vol. I., p. 302 For amended oath, see report of the Council of Censors, 1784. Supra, p. 112. Graydon, Memoirs, p. 348.

can party belonged the aristocratic class-
es-substantial Quakers and Germans, law-
yers and Tories. These last named suffer-
ed sometimes from mob violence.

Graydon, Memoirs, p.

349.

The two unsuccessful attempt of the
Assembly to amend the constitution, the
turmoil of war and the knowledge that the
Council of Censors was to meet Nov. 10,
1783, prevented any event of great consti-
tutional importance from occurring before
that date.

The Republicans, who had been in po-
wer in the state for many years, gained a
majority on the first council of censors.
But a simple majority was not enough; the
constitution required two thirds to propose
amendments. So that Republicans had to
content themselves with issuing an appeal
to the people. The minority also appeal-
ed to the people to refrain from unconsti-
tutional measures. The Republicans came
into power in 1786, just in time to call
and elect a majority in the state conven-
tion for ratifying the constitution of the
United States. The ratification was made
by a vote of 46 to 23. In this vote, all

Wiestling Proceedings

Relating to the Conven-

tions of 1776 and 1790,

p. 69. For the appeal,

p. 80 to 82.

Supra, p. 77-80.

lines. So strong was the feeling against the United States Constitution that in the western counties (strongholds of the state constitutional party) several riots occurred.

Distrusting the character of the Council of Censors (which was elected by counties, not in proportion to the population), the Republicans in the Assembly of 1789, quoted article V. of the Bill of Rights, and advised the people to call a convention. During the summer recess of the Assembly its members were so well assured of the support of the people that they issued a formal call for a convention, Sept. 5, 1789.

This convention provided for a bicameral legislature by a vote of 56 to 5, and unanimously agreed to vest the executive power in one man.

Col. Records, Vol. XVI, p. 343. McMaster to Stone, p. 454-501.

Wiestling, p. 129-133.

Wiestling, p. 133-137.

Harding, p. 399.