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“A Fickle, and Confused Multitude”: War and Politics in Revolutionary Philadelphia, 1750-1783

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“A Fickle, and Confused Multitude”:
War and Politics in Revolutionary Philadelphia, 1750-1783

by

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B.A., Stephen F. Austin State University, 1997

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“A Fickle, and Confused Multitude”:
War and Politics in Revolutionary Philadelphia, 1750-1783

Thesis directed by Professor Virginia DeJohn Anderson

ABSTRACT

This dissertation explores the crucial link between war and politics in Philadelphia during the American Revolution. It demonstrates how war exacerbated existing political conflicts, reshaped prewar political alliances, and allowed for the rise of new political coalitions, all developments that were tied to specific fluctuations in the progress of the military conflict.

I argue that the War for Independence played a central role in shaping Philadelphia’s contentious politics with regard to matters of balancing liberty and security. It was amidst this turmoil that the new state government sought to establish its sovereignty and at the same time fend off Pennsylvania’s British enemies. In so doing, the state government often exercised coercive wartime powers that it deemed necessary to ensure an American victory. Political leaders learned that war could be a political tool in achieving their aspirations. In times of excessive fear and violence, the public was far more likely to support aggressive wartime measures even at the cost of personal liberties. Yet once wartime fears dissipated or the government proved incapable of protecting citizens, the electorate would quickly redefine those coercive measures as abuses by an oppressive government. For eight long years, Pennsylvania’s government thus had to balance its use of wartime measures to ensure security without creating an internal political backlash from its own people. Philadelphians’ assessment of their government’s success in maintaining this delicate balance fluctuated in response to the ebbs and flows of the conduct of the war.
This dissertation tells the story of those governmental struggles as they played out against the backdrop of a military conflict that Pennsylvania’s officials could neither predict nor control. By intertwining the existing social and political history of Revolutionary-era Philadelphia and Pennsylvania with the military narrative, this dissertation enhances our understanding of the ways in which the war—its battles, logistical demands, governmental demands for allegiance, and perpetual uncertainty—helped to determine the course of politics in the city.
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Introduction

The political struggle to maintain governmental security, while at the same time protecting citizens’ rights, has been an ongoing concern in America since the nation’s inception. In times of war, such concerns reach their highest pitch. Those in power, responsible for prosecuting the war, often take extraordinary measures in the name of defense, which then encourages their opponents to condemn such actions as compromising the rights of American citizens. The citizenry, in turn, must decide which group best represents the public interest and vote accordingly. One of the earliest manifestations of this conflict between liberty and security appeared in Philadelphia during the American Revolution.

This dissertation analyzes the central role played by the War for Independence in shaping Philadelphia’s contentious politics with regard to precisely these matters of balancing liberty and security. It is inspired in part by John Shy’s assertion in 1973 that historians could learn a great deal by exploring the link between war and politics.¹ Shy argues that the war itself acted as an agent of political change, in addition to the concerns of ideology, class, and ethnic tensions that have been the focus of many Revolutionary histories. The war, he suggests, produced a three-way struggle as British and American forces vied for political support of the local population.² Both governments used the violence of war, or the threat of aggression, to try and compel allegiance. Military occupations, confiscation of property, and forced military service were tactics used by both British and American authorities during eight years of war. Britain also

² John Shy conceptualized the politics of Revolutionary America as a triangular relationship among two belligerents vying for popular support of the local inhabitants. By means of the war, the British army (the political arm of the Crown), the American government and its military forces, and the civilian population were linked in this political struggle. Consequently, the violence of war was as much a means of coercion as an instrument of destruction. By eliminating or suppressing the population’s support for its opponent, one side in the conflict could promote its political agenda and establish control over a region.
attempted to use the carrot as well as the stick to cultivate loyalist support and thus weaken patriot resistance. The Americans, in turn, scrambled to create new revolutionary organizations that would be trusted with political and military functions that often involved coercion as well. In between the British and American governments and armies stood a vulnerable populace. Individuals tried to choose the path of greatest personal or economic security, but as the fortunes of war fluctuated, it was often difficult to know what the safest path might be.

Shy insists that lessons learned during the Revolutionary War were as much political as military. Loyalists discovered that only the constant presence of the British army could ensure their protection. Whenever the redcoats moved on, patriot groups reassumed control of a region and punished loyalist populations. At the same time, those who supported the patriot cause had to create new governmental as well as new military institutions and learn how best to use them. The war afforded previously powerless groups, or groups that had formerly avoided politics, the opportunity to participate in government through these new organizations. As they did so, they engaged in vigorous debates about legitimacy, representation, and the powers of elected officials. Thus patriots often battled with one another over the legalities of wartime powers even as they fought together to retain an independent government. To examine local politics without paying close attention to the way they intersected with the progress of the war, Shy concludes, is to ignore what was perhaps the most important engine of political change in Revolutionary America.

Philadelphia is an especially good place for such an examination because of its political and military significance. The city was the heart of state and national politics. As both the state government and the Continental Congress hastily hashed out political boundaries and sought to implement a new political culture, military demands compounded an already difficult situation.
Nowhere else did a fledgling state government contend with the continued presence and demands of the national government and the American army, in addition to the ongoing British threat. The dependence of the national government and the army on the success and contributions of the states meant that any perceived incompetence by Pennsylvania’s state government resulted in the immediate entanglement of the Continental Congress and American army in local politics. Political feuds and incompetence within Pennsylvania’s state government that could have been managed during a time of peace hampered war efforts and became a military liability to the entire nation.

Philadelphia was also militarily significant because of its nearness to the fighting and the city’s role as a pseudo-national capital. Because the city was home to the Continental Congress, Philadelphians viewed their city as a prime military target for the British army. Government officials interpreted continued feints and battles to the immediate northeast as a prelude to invasion. Additionally, unlike New York City or Charleston, Philadelphia was the only major American city to be occupied by the British army and then abandoned during the course of the war. This occupation meant that Philadelphians experienced the abandonment and return by both belligerent governments over the course of three years. This created a unique political scene where the choices of the people and governmental leaders to flee or remain in Philadelphia during governmental changes redefined or reaffirmed their political allegiance.

Amidst this turmoil the new state government sought to establish its sovereignty and at the same time fend off Pennsylvania’s British enemies. In so doing, the state government often exercised coercive wartime powers that it deemed necessary to ensure an American victory. Political leaders learned that war could be a political tool in achieving their aspirations. In times of excessive fear and violence, the public was far more likely to support aggressive wartime
measures even at the cost of personal liberties. Yet once wartime fears dissipated or the
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coercive measures as abuses by an oppressive government. For eight long years, Pennsylvania’s
government thus had to balance its use of wartime measures to ensure security without creating
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government’s success in maintaining this delicate balance fluctuated in response to the ebbs and
flows of the conduct of the war. This dissertation tells the story of those governmental struggles
as they played out against the backdrop of a military conflict that Pennsylvania’s officials could
neither predict nor control.

**Historiography**

Scholars of the American Revolution have systematically examined virtually every
influence on Philadelphia’s tumultuous politics – ideology, economics, ethnicity, religion, class –
except the war. In so doing, they have ignored what was the central event in the lives of
Philadelphians for nearly a decade. Many works of history that examine Philadelphia during the
American Revolution typically begin their stories in 1763, when the end of the Seven Years’
War ushered in an era of political instability. Yet in order fully to understand Pennsylvania’s
rancorous politics and political culture during the Revolution, one must begin in the 1750s.
Benjamin Newcomb and Philip Davidson do so by showing how the political volatility during
the American Revolution grew out of colonial antecedents that had themselves been strongly
influenced by the Seven Years’ War (1754-1763). Both authors describe how Quakers largely

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withdrew from government in 1756 rather than abandon their pacifist principles, and sought through the Friendly Association to end the war by pacifist means. Newcomb and Davidson conclude that this political vacuum permitted a new group of leaders, opposed to the Penn family’s proprietary control in the colony, to assume power in government.

While Newcomb and Davidson concentrate on the colonial government in Philadelphia, others have researched the evolving nature of politics during the Seven Years’ War on the Pennsylvania frontier. A. G. Roeber, and more recently Kevin Kenny and Peter Silver, explore how the surge in wartime Indian attacks mobilized the German and Scots-Irish settlers in frontier communities to demand protection from their government. Frontier settlers interpreted Quaker pacifism as evidence of indifference to their plight. At the same time, however, Germans worried about efforts by the Quakers’ anti-proprietary political rivals to place Pennsylvania under crown control, fearing that such a move would threaten the Germans’ personal and religious liberty. This concern provided an opportunity for the traditionally weak proprietary governor to mobilize the Germans and Ulster Presbyterians into a political force. Thus in postwar Pennsylvania, Philadelphia’s relative political influence was diminished, popular politics was practiced on a scale never before seen, and racial antagonism against Indians and violence and the threats of violence against Indians and the whites (Quakers particularly) who were perceived to sympathize with them added yet another element of disorder. These histories of the Seven Years’ War era in Pennsylvania provide a strong foundation for the first chapters of my

dissertation, but stop short of exploring fully how such developments shaped Pennsylvania politics during the War of Independence.

Another group of historians carries the story into the postwar years, describing the persistence of political instability, but disagreeing about its causes. Alan Tully argues that the emergence of interest-group politics based on religious and ethnic affiliation forced governing bodies in Philadelphia to address popular political concerns. Peter Silver focuses on how the racialization of politics resulting from wartime Indian-hating contributed to the rise of “outdoors politics” whereby frontier settlers in particular challenged the colonial government’s legitimacy. Thomas Doerflinger examines how postwar economic distress helped delay the politicization of Philadelphia’s powerful merchants. 6 Gary Nash and Eric Foner emphasize the development of an artisan class consciousness, with Nash also exploring how this white working-class identity merged with racial discrimination to politicize Philadelphia’s black community. Adopting a different angle of analysis, Richard Ryerson examines extra-legal committees as sites of radical political activism, both anti-British and anti-Quaker. All of these works, with the exception of Peter Silver’s, tend to cast the politics of the 1760s as pre-revolutionary in character. None – again, with the exception of Silver – fully recognizes the extent to which political ferment arose not just in response to British reforms in the 1760s and 1770s but from internal political changes that emerged during the Seven Years’ War. 7

Scholars agree that the outbreak of the Revolutionary War ushered in further political change in Philadelphia, but they have mainly attributed the city’s increasing divisiveness

variously to class, interest group, or economic affiliations, with little or no reference to how the war itself contributed to the city’s political struggles. Eric Foner, for instance, argues that class conflict was at the heart of wartime politics in Philadelphia, with different groups of artisans employing republican rhetoric to justify the pursuit of their own interests against the power of city elites.⁸ Artisans, he asserts, were primarily responsible for writing the 1776 Pennsylvania Constitution that solidified their political dominance and class interest.

Gregory Knouff and Steven Rosswurm likewise emphasize the influence of class on politics, concentrating primarily on the militia.⁹ Rosswurm argues that the war allowed for the political transformation of the “lower sorts” through militia service. He is the one author who takes up John Shy’s challenge, if only briefly, concluding that the militia “brought the war home” and contributed to Pennsylvania’s ongoing political evolution.¹⁰ Yet Rosswurm focuses exclusively on the militia and his examination begins only in 1769, omitting consideration of the impact of the Seven Years’ War and the first years of the Revolutionary crisis.

Thomas Doerflinger’s detailed study of Philadelphia’s merchants during the Revolutionary era shows how the imperial crisis and eventual war transformed this group from largely apolitical observers focused on their economic interests into a politically influential group.¹¹ Despite the difficulties of wartime disruption of established networks, many merchants eventually welcomed the way independence freed them from imperial restraints that had hampered trade. Yet because the state government often did not protect their interests, merchants were compelled to take a more active political role. They organized to overcome these political obstacles and to seek more rigorous government protection of trade. All of these

⁸ Foner, Tom Paine and Revolutionary America.
¹⁰ Rosswurm, 6, 252.
¹¹ Doerflinger, A Vigorous Spirit of Enterprise.
works on various segments of Philadelphia’s political participants inform this dissertation, which acknowledges the influence of class and other factors on the city’s politics. The present study aims to complement their findings by embedding them into a larger narrative in which the war itself acted as an engine of change shaping the world in which these political actors operated.

In so doing, the dissertation draws upon a rich historical literature on the conduct of the war in Pennsylvania in general and Philadelphia specifically. Military historians such as Thomas McGuire, David Hackett Fischer, and Stephen Taaffe examine how tactical choices and critical battles changed the scope of the war, concentrating in particular on the Philadelphia Campaign (1777-1778). Their works, however, do not address how these contingent military events shaped governmental policy in Philadelphia.12 The dissertation takes into account other works of military history that take a broader approach to the war, but their usefulness is limited to the present work by the brevity of their analysis of military actions in Pennsylvania and Philadelphia.13 By interweaving the existing social and political history of Revolutionary-era Philadelphia and Pennsylvania with the military narrative, this dissertation shows how the war—its battles, logistical demands, governmental demands for allegiance, and perpetual uncertainty—helped to determine the course of politics in the city. It demonstrates how war exacerbated existing political conflicts, reshaped prewar political alliances, and allowed for the rise of new

political coalitions, all developments that were tied to specific fluctuations in the progress of the military conflict.¹⁴

**Chapter Outline**

The general structure of the dissertation is chronological. Chapter 1 examines the transformation of political culture in Pennsylvania from the 1750s until 1774. It demonstrates how the Seven Years’ War changed colonial politics in four major ways: 1) Quakers largely withdrew from politics 2) non-pacifist and anti-proprietary politicians like Benjamin Franklin and Joseph Galloway became leaders in the Assembly 3) Germans and Scots-Irish in the countryside mobilized politically to demand protection, and 4) the emergence of these latter groups as political forces gave an opening to the proprietary governors to organize them as a popular movement to retake control of the Assembly. Even before the imperial crisis began, therefore, Pennsylvania’s political arrangements were in flux. Imperial discord in the 1760s and 1770s further disordered political life in the province and a new Whig faction, opposed to the new Parliamentary measures, emerged to challenge an existing government that failed to counter what was seen as a looming British threat to colonial liberties. While the Whigs did not yet dominate Pennsylvania politics, their rise would set the stage for the more dramatic and violent developments that took place during the Revolutionary war.

In Chapter 2, I demonstrate how the onset of an unexpected war in April 1775 allowed the new Whig faction to wrest power from the Assembly. Following the Battles of Lexington and Concord, the Whigs used the threat of war to argue for the creation of extralegal committees

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¹⁴ Benjamin Carp’s recent examination of Revolutionary politics in urban settings suggests how the pressures of war often reconfigured groups previously separated by class, economics, and ethnicity into new political units. Benjamin L. Carp, *Rebels Rising: Cities and the American Revolution* (Oxford, 2007).
to protect Pennsylvanians, an expedient that further weakened the Quaker-controlled Assembly. Yet as the Whig faction gradually gained political influence throughout 1775, it eventually split over the best way to reform the colonial government in order to deal with the exigencies of war. The Independent Whigs called for Independence and a new form of state government that would protect its citizens, while the Moderate Whigs sought reform without removing the existing government of governor and Assembly. A political contest erupted throughout the first half of 1776 as Independent Whigs, Moderate Whigs, and the Quaker-controlled Assembly each contended for the support of Pennsylvanian colonists. Despite the onset of hostilities in Massachusetts and elsewhere, many Philadelphians—like many colonists in general--hesitated to take the extreme step of declaring Independence. It took the arrival of war at the doorstep of Philadelphia in May 1776 finally to achieve a political shift within the city. The Independent Whigs used the fear of invasion to obtain sufficient support to remove the colonial assembly, espouse independence, and call for a state constitutional convention. The Independent Whigs dominated that convention, which hastily created a new constitution and appointed a Council of Safety. Although they justified such measures as essential to confronting the British military threat and protecting Pennsylvanians, convention delegates had not been granted the power to appoint such a council. This Whig overstepping of the bounds of their instructions helped shape the next stage of the political crisis.

Chapter 3 explores the political activities of the Independent Whigs, now known as Constitutionalists. It focuses in particular on how the Constitutionalists invoked the proximity of war following the British occupation of New York to justify their peremptory actions, even as wartime concerns hindered their efforts to establish the new government’s legitimacy in the eyes of the public. Protests against the constitution’s structure and swift ratification, the harshness of
wartime security measures, and the dominance of an unelected Council of Safety inspired the Constitutionalists’ opponents to join in creating a Republican faction. The Constitutionalists and Republicans (composed of primarily Moderate Whigs), both loyal to the patriot cause, each used the war to validate its vision of Philadelphia’s political future to the people. The Constitutionalists, empowered through the Council and later their control of the Assembly, employed loyalty oaths, treason laws, and arbitrary arrests to suppress political opposition, becoming increasingly repressive in the name of security. Republicans decried the 1776 constitution as a flawed document, proclaimed the Constitutionalist government’s oppression as evidence of its dangerous incompetence, and sought a new constitutional convention to secure the rights of the people. Even as this political infighting intensified, the threat of invasion prevented the Assembly from meeting to address the state’s problems. Political disorder was further magnified when the American army occupied Philadelphia during the winter of 1776-1777. When the Constitutionalist-controlled Assembly finally convened in March, 1777, it only had six months in power before the British army replaced the retreating Americans in occupying Philadelphia, forcing the state and national government officials to flee to the west.

Chapter 4 examines how the relative strengths and proximity of the British and American armies shaped governmental policy in Philadelphia. During the British occupation from September 1777 until June 1778, city politics were shaped by General William Howe’s dual role as commander of the army and as peacemaker. Bearing instructions to reintegrate Philadelphia into the empire and with a powerful army to back him up if necessary, Howe implemented a fairly benign policy toward its inhabitants. Violence perpetrated by any individual, whether patriot, loyalist, or British soldier, would not be tolerated. Patriots and neutrals would remain unmolested, so long as they remained silent. In what he regarded as a conciliatory gesture,
Howe appointed Philadelphian loyalist Joseph Galloway to implement this benevolent policy and kept his soldiers in reserve to fend off any internal or external threats. The British occupation of Philadelphia, however, was cut short in June 1778 by the American alliance with France, a diplomatic coup that required a revision of Britain’s military strategy. Even in the absence of that occupying army, however, Pennsylvania’s government operated under the constant threat that it might return. This sense of vulnerability, combined with the desire to wreak vengeance on those thought to have abetted the British army during its occupation, provoked the Constitutionalist-controlled government to lash out against all opposition, whether loyalists or Republican patriots. The Constitutionalists initiated mass trials to eliminate loyalist opposition, even to the point of condoning the execution of two Philadelphian citizens. The government also attacked the military governor, Benedict Arnold, whom Washington placed in the city to ensure a peaceful transition of power following the occupation.

Chapter 5 provides a case study of the political ramifications of military conflict by examining how war-induced flour shortages endangered the Constitutionalist-controlled government. As the returning state government secured its power in 1778-1779, the demands of war threatened to destroy Pennsylvania from within. The proximity of belligerent powers hampered farmers’ efforts to produce and ship adequate quantities of wheat even as military demands for flour further reduced the supply available to the civilian population. As shortages grew in Philadelphia, the government scrambled to confront a problem that lay largely beyond its ability to solve. In a desperate effort to keep the peace, the Constitutionalists supported the creation of yet more extralegal committees to encourage wheat production and prevent hoarding of scarce flour supplies. At the same time, taking political advantage of the crisis, Constitutionalists implemented a strategy of blaming the city’s shortages on their Republican
opponents, who included numerous merchants. The most distressing outcome of these tactics was an outbreak of violence at the home of James Wilson that left several Philadelphian patriots dead at the hands of fellow patriots. Such measures allowed the Constitutionalists to retain power in the 1779 election held immediately after the violence, but they also threatened to incite a civil war within the city.

The conclusion focuses on the decline in the Constitutionalists’ political dominance of Philadelphia, a development directly related to the southward shift of the military conflict and the increasing presence of French troops to help Americans prosecute the war. Many Philadelphians ventured to believe that the end of the long war might be in sight. Even so, wartime demands on Pennsylvania’s government for supplies and troops continued to plague the city’s inhabitants. Constitutionalists responded, as they had before, by confiscating goods and enforcing martial law. But measures that had once been tolerated because of an imminent military threat were no longer deemed necessary. Voters responded by ousting the governing Constitutionalist faction in 1780 and replacing it with Republican rivals who pledged to solve the city’s wartime problems and restore the people’s liberty.

Thus the rise, reign, and ruin of Pennsylvania’s Constitutionalist faction cannot be fully understood without tracking these political developments against the contingent events of the Revolutionary War. The Constitutionalists’ policy of infringing on liberties in the name of security was only acceptable when war loomed on the near horizon. Once the military threat receded, so too did public acceptance of the Constitutionalists’ justification for their actions. Indeed, as John Shy has suggested, the Revolutionary War provided Philadelphians with a political education that they would not soon forget.
On the morning of October 1, 1764, the polls opened in Philadelphia for the yearly
election of the General Assembly. In a typical year, a few hundred men casually arrived at the
courthouse throughout the day and cast their vote. But on this morning a crowd had already
gathered on the steps of the courthouse when the polls opened at 9a.m..\(^2\) Charles Pettit, a local
ironmonger, walked down Market Street toward Philadelphia’s courthouse and witnessed an
interesting spectacle. His hands quickly filled with squibs and half sheets as men distributed
political propaganda to anyone approaching the courthouse. Glancing at a half sheet, Pettit saw a
cartoon discrediting Doctor Franklin. Continuing on, he noticed political spies, both for the Old
and New Ticket, observing the courthouse and dashing off to report the latest situation to their
faction leaders.\(^3\) And as he approached the courthouse amidst increasing noise, Pettit wondered
at the mass of people crowding and shouting at each other on the steps of the courthouse itself.
Some fought to push their way through the crowd to enter the building, encountering proponents
of both sides who “appeared as the champions” of their candidates.\(^4\) This was unusual, to say the

\(^2\) Mr. Pettit to Mr. Reed, Philadelphia, November 3, 1764, William Bradford Reed, ed., *Life and Correspondence of Joseph Reed* 2 vols. (Philadelphia, 1847), I:36-37 [referred to hereafter as *JRC*].
\(^3\) The Old Ticket referred to the Quaker party, who had controlled the Assembly throughout the eighteenth century. The New Ticket was a coalition of the proprietary and Presbyterian factions.
\(^4\) Mr. Pettit to Mr. Reed, Philadelphia, November 3, 1764, *JRC*, I:36-37.
least. Assuming that the polls would close in a few hours, as was typical, and order would be restored, Pettit continued on his way down the street.5

Yet people crowded into the courthouse for the next thirty hours to cast their votes. The polls did not actually close until mid-afternoon the day after voting began.6 The crowd was so dense that for the first fifteen hours it reportedly took fifteen minutes for people just to make it up the steps to the door of the courthouse. When members of the New Ticket suggested closing the polls at 3am, Old Ticket representatives quickly denounced the idea on the grounds that they still had supporters needing to cast their votes. For the remainder of the night, the Old Ticket faction spread word for supporters to come to the courthouse as quickly as possible. Individuals who were unable to walk were carried out of their homes that night on litters and chairs and delivered to the courthouse.7 In response, spies alerted New Ticket organizers who sent riders on horseback to local communities to gather up their own supporters. Throughout the night, the pounding of horse hooves could be heard as riders from outlying communities arrived en masse to cast their votes.8

When the votes were tallied, it became clear that the election had reshaped Philadelphia’s city and county government. George Bryan, an upstart Irish Presbyterian who was making his first venture into politics, stunned Philadelphians by defeating the incumbent Benjamin Franklin.9 In addition, eight out of ten Quakers running for office lost their seats, an outcome that dealt a grievous blow to the now dramatically reduced Quaker majority remaining in the

6 Mr. Pettit to Mr. Reed, Philadelphia, November 3, 1764, JRC, I:36-37.
7 Mr. Pettit to Mr. Reed, Philadelphia, November 3, 1764, JRC, I:36-37.
8 Even Governor William Franklin of New Jersey traveled to Philadelphia and campaigned for his father. Benjamin Carp, Rebels Rising: Cities and the American Revolution (Oxford, 2007), 185-186; Foster, 52.
9 Benjamin Franklin was the current leader of a Quaker coalition that included the remains of the traditional Quaker leadership intermixed with Franklin and his political supporters. Carp, 185-187; Foster, 52-54.
The electoral victories of men like George Bryan over seasoned politicians such as Franklin and his Quaker allies left no doubt that the political landscape in Philadelphia – indeed, in the colony of Pennsylvania as a whole – had been transformed by a tidal wave of electoral discontent. \[11\]

The political upheaval revealed by the 1764 elections should not have been surprising, given that by 1764 Philadelphia and Pennsylvania had endured nearly a decade of turmoil ever since the outbreak of the Seven Years’ War. That war and its immediate aftermath, including wartime traumas related to Indian violence on the frontier, spurred into action a variety of Pennsylvania colonists who had previously eschewed political participation or challenges to authority. Once these people became involved in politics, however, there was no going back even when the Indian threat diminished. Yet the tumultuous election served less as an endpoint of sorts for a decade of discontent than a midpoint in what would be a long-running process of political realignment. For a new threat almost immediately loomed on the horizon – ominous imperial reforms that demanded a colonial response. The Pennsylvania government that had just rejected old political alignments had not yet settled into new patterns. That reshaping would occur during a decade of equally contentious politics, the outcome of which no one could have predicted.

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\[10\] A political coalition of Presbyterians and the proprietary, each group seeking its own political goals, succeeded in removing Quaker representation in the city. The Presbyterians sought the coalition to protect the countryside from the subsequent Indian conflicts that arose after the Seven Years’ War, and the proprietary hoped the alliance would disrupt Quaker attempts to royalize the colony. Despite this upset, the Quakers still possessed a slight majority in the house. But for the next twenty years, Philadelphia’s elections would foreshadow future political change within the colony/state. Carp, 185-187; Foster, 52-54.

\[11\] Control would vary as factions navigated the imperial crisis, but the rise of Presbyterians and other groups in 1763 and 1764 would reshape the political landscape in Philadelphia over the next decade. Carp, 185-187; Foster, 52-54.
Pennsylvania politics during the first half of the eighteenth century was profoundly elitist, centering on an Assembly dominated by a Philadelphia-based oligarchy of Quaker merchants.\textsuperscript{12} These grandees had habitually opposed the Penn family, proprietors of the colony since its founding, and over time they had wrung great concessions from the Penns.\textsuperscript{13} The governors appointed by the Proprietor, by contrast, exercised comparatively little real power within the province. They never successfully built a strong court party, and spent most of their energy resisting the anti-proprietary Quaker party’s determination to tax proprietary lands.\textsuperscript{14} Clashes between the Assembly and the governor intensified over disagreements about military defense and Indian negotiations.\textsuperscript{15} The assemblymen saw themselves as the architects of the colony’s economic stability and continued peace, and habitually opposed any assertion of proprietary power that could be seen as compromising these achievements. Ultimately, this economic success and stability during the first half of the century ensured Quaker domination in the colony.\textsuperscript{16}

Opposed as they were in principle, the Quaker Assembly and the proprietary governor tacitly agreed on the practice of keeping politics out of the public sphere and confining their wrangling within the colony’s leadership. As a result, the general population played little role in

\textsuperscript{12} Pennsylvania was a proprietary colony founded by William Penn in 1681. Governors were appointed by the Penn family, but the unicameral assembly quickly became dominated by leading Quakers in the colony. Quakers would retain control of the Assembly in the first half of the eighteenth century, despite the fact that Quakers were becoming a lower percentage of the total population. This was partially due to the fact that the growth of non-Quakers were unrepresented in their frontier counties. Robert L. D. Davidson, \textit{War Comes to Pennsylvania, 1682-1756} (New York, 1957), 8-9; Carp, 170; Tully, 88, 145, 258-264.

\textsuperscript{13} William Penn’s children and grandchildren abandoned their father’s Quaker beliefs, and became members of the Church of England. As proprietors, the Penn family controlled Pennsylvania’s public lands and could veto Assembly legislation. Refusing to pay taxes on this land was a chief gripe of the Quaker Assembly. Edmund S. Morgan and Helen M. Morgan, \textit{The Stamp Act Crisis: Prologue to Revolution} (Chapel Hill, 1953), 250-251.

\textsuperscript{14} The Quakers in government presented a united political front in government in the 1720s and 1730s to counterbalance their decreasing percentage in the colony. Yet Quaker political unity allowed them to control 71 to 90 of the Assembly seats between 1739 and 1745. The executive power was limited by the proprietor and the King, and therefore was unable to contest Quaker power. The result was Pennsylvania possessed the strongest General Assembly in the British North American colonies, but had the weakest executive power of any. Carp, 183; Davidson, 8; Tully, 145-147.

\textsuperscript{15} Tully, 90.

\textsuperscript{16} Tully, 73.
politics before the Seven Years’ War. The Germans – the largest ethnic minority in the colony – were politically inert. Primarily concerned with the welfare of their families and farms, disinclined by their quietist religious traditions to enter into public life, they spoke little English and cared little about English governance except insofar as it came to bear on the security of their property. The divided religious makeup of Germans (split into a bewildering variety of confessions, including Lutherans, Reformed, Moravians, Schwenkfelders, and others) hindered efforts to unite various communities, while most sought political isolation to avoid taxes and other perceived threats to their property. During the first half of the eighteenth century, Germans assumed that their best chance for quiet, successful lives was discreetly to support the Quaker Assembly and avoid encounters with English law and culture as much as possible.

The Scots-Irish, the fastest-growing immigrant group in the colony, similarly avoided politics. Approximately 100,000 Ulster Presbyterians arrived in America between 1717 and 1775. In the first wave alone, 1718-1729, two-thirds settled in the Pennsylvania backcountry. Many sought relief from religious persecution and often squatted on frontier lands to avoid attracting attention from the colonial government. They often formed exclusive communities in these areas in order to retain their cultural ties and customs. By the 1750s, Scots-Irish populations soared throughout western Pennsylvania.

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18 Roeber, 252.
20 Approximately 3,000 Ulster Presbyterians arrived at ports along the Delaware River during the late 1710s. Griffin, 1, 91.
21 Griffin, 100-102; Salinger, *To Serve Well and Faithfully*, 84-85.
Although Germans and Scots-Irish Presbyterians mainly flocked to the backcountry, a steady stream of them began moving into Philadelphia by the 1750s. German settlers saw Philadelphia as “the American Oberamt,” a district center where German communities gathered for religious and public meetings, and to reaffirm familial ties. Many Scots-Irish in Philadelphia arrived as indentured servants; once their terms were up, they often remained in the city working as mechanics or craftsmen. The free Scots-Irish immigrants who settled in Philadelphia hoped to take advantage of its commercial expansion. By the 1750s, therefore, the city had begun to absorb an immigrant population with little connection to the Quaker-dominated government. So long as they remained as politically quiescent as their backcountry brethren, however, Quaker power remained uncontested.

The arrival of war in Britain’s North American colonies sounded the death knell for the unopposed power of the Quaker Assembly. Pennsylvania’s long standing peace ended abruptly as British, French, and Indian belligerents clashed on the frontier in July 1754. The ensuing Seven Years’ War provided the trigger for political upheaval in Philadelphia. The long, bloody conflict eroded the political and economic stability that provided the foundation for Quaker control in the colony. Over the decade between the outbreak of the war in 1754 and the tumultuous election of 1764, colonial politics changed in three successive stages, ultimately

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24 Roeber, 252.
25 Salinger, 118-119.
26 In addition to cultural influences, both Germans and Scots-Irish established ethnic or religious based charities in Philadelphia to support their people throughout the 1740-1760s. For example, the Scots-Irish St. Andrew’s Society and the German Deutsche Gesellschaft zu both assisted not only newly arriving immigrants, but their kindred on the Pennsylvania frontier. This had the result of keeping emotional ties between the city and frontier. Silver, 100.
27 A British force of approximately two thousand men, commanded by General Edward Braddock, was ambushed as they approached Fort Duquesne by the French and their Indian allies. Fred Anderson, *Crucible of War: The Seven Years’ War and the Fate of Empire in British North America, 1754-1766* (New York, 2001), 105, 108, 205.
altering the very character of political life in Pennsylvania and Philadelphia in the immediate post-war period.28

First, the war aroused the Germans and Scots-Irish from their political slumber. The French and Indians quickly attacked such frontier communities as Gnadenhutten, Penn’s Creek, and Great Cove.29 As the principal targets of frontier violence perpetrated by French-allied Indians, backcountry settlers mobilized to demand that their government provide protection. Conrad Weiser, a German go-between, informed Governor Penn that “We are all in uproar, all in Disorder, … we have no authority, no commissions, no officers practiced in War, & without the commiseration of our Friends in Philadelphia, who think themselves vastly safer than they are.”30 Pennsylvania had lived peaceably with local Indian communities since its inception. This, coupled with Quaker pacifist beliefs, meant the colony’s lack of a militia had never before been a contested issue. But with the destruction of a British expeditionary force headed by General Edward Braddock, the frontier settlements were largely defenseless against French and Indian incursions.31 When no aid was forthcoming from the Quaker-dominated assembly, irate frontiersmen launched vehement attacks against the Quakers, labeling them as Indian-lovers indifferent (or indeed hostile) to the suffering of the “white people” in the countryside.32

This ethnic anger was not limited to the backcountry. Rage filled German and Scots-Irish Philadelphians as lurid accounts of violence and an increasing flood of refugee brethren poured into the city.33 One frontier exile proclaimed, “We must not be sacrificed, and therefore are determined to go down with all that will follow us to Philadelphia, and Quarter ourselves on its

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28 Davidson, 194-196.
29 Anderson, 160-161.
30 Pennsylvania Colonial Records, VI, 645-50, found in Davidson, 158-159.
32 Silver, 96-97.
33 Morgan, 252; Silver, 110; Russell F. Weigley, Philadelphia: A Three Hundred Year History (New York, 1982), 105.
inhabitants and wait our Fate with them.” In Philadelphia, an Indian ally named Scarooyady arrived from the frontier and sought an audience with the government. He warned that if the Assembly continued to ignore the petitions and remonstrations of its frontier communities, the settlers “would march down and tear the whole Members of the legislative body Limb from Limb, if they did not grant them immediate protection.” Philadelphians, already fearing attacks from local Indians and the French, now faced the possibility of violence from their fellow colonists. Compounding a political struggle between the Quaker Assembly and proprietary governor over how to proceed with the war, many Philadelphians joined their frontier brethren in perceiving Quaker inaction as indifference, or actually supporting the local Indians. In reality, Quaker wartime policies reflected a complex mixture of religious pacifism, concerns about sustaining good Indian relations, and an ongoing battle against the proprietary. Yet individuals suffering or witnessing the plight of the refugees translated the government’s inaction as simply the inability to defend frontier communities.

The second stage of this political shift occurred in 1755-1756 when leading members of the Quaker party chose their religious principles over political expediency, and sought to manage the war through pacific means. The Quaker Assembly did little to curb the Indian onslaught as war spread across the Pennsylvania countryside. Instead, many Quakers sought reconciliation with Indian communities in hopes of restoring the prewar peace and prosperity. Quakers even

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34 Pennsylvania Colonial Records, VI, 645-50, found in Davidson, War Comes to Pennsylvania, 158-159.
37 Silver, 98.
38 Davidson, 154-155.
39 Silver, 99.
40 The only show of support by the Quaker Assembly to the frontier was the allocation of one thousand pounds to purchase weapons for defense. Anderson, 108, 160-161.
established the Friendly Association for Regaining and Preserving Peace with the Indians by Pacific Measures in the spring of 1755. Unlike previous charity groups that assisted people of European background, this group only assisted local Indian communities during the war. The Friendly Association sought to end the war and reestablish peace through acts of kindness. Yet settlers throughout Pennsylvania interpreted this action as a Quaker government supporting the enemy at the cost of its own people.

The view that Quakers would rather support Indians instead of Pennsylvania colonists created a severe backlash against the Quaker controlled Assembly. Pennsylvanians harassed and threatened Quaker assemblymen who would not act or abandon their seats. Unable to reconcile their religious and political conflicts, many Quakers simply withdrew from politics during 1755-1756. In the months preceding the 1756 assembly elections, ten members resigned on pacifist grounds or from external pressure from outraged communities. Many Quaker assemblymen declined to run for reelection, and others who were elected quickly resigned their position in government. The resulting 1756 election saw Quaker representation drop from twenty-six, out of thirty-six total seats, to a minority party of seventeen.

This political exodus provided an opportunity for Benjamin Franklin. From the onset of the war, he and his party sparred over how to respond to the conflict. Franklin condemned the Quaker party’s fervent pacifist policy during the war, and appealed for the formation of a militia and additional funding for arms and frontier forts. The forced removal of the Quaker leadership from the Assembly and the reelection of Quakers who supported a more aggressive wartime policy allowed Franklin to assume the leadership role for the remnants of the Quaker party.

41 Anderson, 105.
42 Silver, 100-101.
43 Davidson, 168.
44 Davidson, 187.
45 Davidson, 168.
46 Davidson, 187; Foster, 38.
Franklin additionally gained support of several non-Quakers who favored his position on defending the frontier. Thus following the 1756 election, the old Quaker power collapsed as Scots-Irish and German populations used threats and intimidation to influence government. But a new Franklin-led faction filled much of the void and retained influence in the Assembly. This newly structured Assembly immediately appealed to the public by passing a militia law to defend the frontier. Their efforts to defend Pennsylvania, combined with the arrival of the British army, and the war turning in Britain’s favor in the late 1750s, dissipated the settlers’ unrest against the government.

The third major shift occurred just before the 1764 election when the Scots-Irish and German populations were once again aroused by renewed frontier violence. In May 1763, Pontiac’s War erupted when a pan-Indian alliance attacked British forts throughout the Great Lakes region. This violence, a response to continued incursions by settlers into Indian lands and Britain’s implementation of a new economic and political system with Indian communities, threatened Pennsylvania’s frontier settlements. Once again, the Quaker Assembly failed to respond to the crisis. Moving beyond threats of violence, Presbyterians and Germans now became politically active in an attempt legitimately to remove unresponsive Assemblymen. What made the Presbyterians’ and Germans’ challenge more potent than ever before was their alliance of convenience with the proprietary governor, who sought to harness their energy to seize the Assembly from the anti-proprietary faction’s control, which they indeed did during Pontiac’s War.

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47 Davidson, 187; Foster, 38.
49 Anderson, 535, 548; Dowd, 2, 114.
50 Anti-Quakerism held this temporary alliance together. The Scots-Irish faction consisted of an odd mixture of frontier and Philadelphian Germans, Scots-Irish, and even some Anglicans. Davidson, 189.
This was the tumultuous context for George Bryan’s entry into politics. Born and raised in Dublin, Ireland, Bryan arrived in Philadelphia in 1752 when his father arranged for him to become a partner in a Philadelphia import/export company.\(^{51}\) Bryan quickly prospered and, when the Seven Years’ War erupted, joined the general Scots-Irish vilification of the Quakers. Despite Franklin’s connection with the city’s Quaker faction, Bryan sought him out as a political ally at the outbreak of war, assuming that a Franklin-led government would more effectively defend the frontier.\(^{52}\) Indeed, Franklin had pushed for the creation of the first assembly-funded militia, and had raised money to build frontier forts in the early years of the war.\(^{53}\) By 1762, Bryan had emerged as a leading figure in a weak Presbyterian faction that allied itself with Franklin’s anti-proprietary coalition.\(^{54}\)

But this fragile alliance between Presbyterians and Franklin’s Quaker faction soon dissolved. Even as Pontiac’s War exploded on the colony’s western borders, the Quaker party seemed more intent on undermining proprietary control than on protecting the backcountry’s beleaguered settlers. Under the leadership of Benjamin Franklin and Joseph Galloway, the Quaker Party now advocated not just taxing proprietary lands, but overthrowing the proprietary government altogether.\(^{55}\) They went so far as to appeal to the King in early 1764 to make Pennsylvania a royal colony. As far as Bryan and the long-suffering inhabitants of frontier

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\(^{52}\) Foster, 38.

\(^{53}\) Foster, 38-39; Weigly, 104.


\(^{55}\) Joseph Galloway was born a Quaker in Maryland and moved to Philadelphia in 1747 to become a lawyer. He abandoned Quakerism in 1753 and married Grace Growden, who was Episcopalian. Galloway entered politics in 1756 as a member of Franklin’s new Quaker party. He held this position until his defeat, along with Franklin, in 1764. James Tait, Philip Carter, ‘Galloway, Joseph (c.1731–1803)’, rev. Philip Carter, *ODNB* (Oxford University Press, 2004), [http://www.oxforddnb.com/view/article/10310, accessed 24 Dec 2011].
communities were concerned, such political maneuvers represented a return to the old Quaker style of indifference to the plight of the colony’s people.\textsuperscript{56}

Tensions between frontier settlers and the government peaked in December 1763 when a gang of Scots-Irish vigilantes attacked and murdered local Conestoga Indians on two separate occasions.\textsuperscript{57} The Conestogas lived peacefully on land donated by William Penn, but the attackers claimed they supported Indian raids in the area. These Paxton Boys, armed and two hundred strong, then marched on Philadelphia in January 1764 to attack a group of Moravian Indians who had fled there to seek the city’s protection.\textsuperscript{58} Panic raced throughout the city at the news. The Paxton Boys brought the fight between frontier settlers and Indians to the doorsteps of Philadelphians’ homes. Even a few Quakers, who preached pacifism during the Seven Years’ War, took up arms in defense of the city. In the absence of a city militia, only the hasty organization of Philadelphians by Governor John Penn, and Franklin’s willingness to meet with the marchers and accept a list of grievances prevented the situation from spiraling out of control.\textsuperscript{59}

The march of the Paxton Boys represented the culmination of years of frontier hostility and generated political disarray throughout Pennsylvania. To Presbyterians everywhere, the fact that Quakers would arm themselves to defend Philadelphia but do nothing to safeguard backcountry communities reinforced their belief that pacifist principles had nothing to do with

\textsuperscript{56} The Quakers approached the Crown regarding royalization as a result of their weakened position following the war. Anne M. Ousterhout, A State Divided: Opposition in Pennsylvania to the American Revolution (New York, 1987), 11-12.

\textsuperscript{57} Strangers, 297.

\textsuperscript{58} Kevin Kenny, Peaceable Kingdom Lost: The Paxton Boys and the Destruction of William Penn’s Holy Experiment (Oxford, 2009), 147.

\textsuperscript{59} Philadelphian David Rittenhouse, at the approach of the Paxton Boys, commented “the behavior of these fellows was ten times more savage and brutal than [Indians].” Kenny, 159.
Quaker policy-making toward the frontier. Indian attacks and arbitrary retaliation by settlers created a lawless frontier where the inhabitants looked toward Philadelphia to reestablish order. Yet politicians concentrated instead on the power struggle between the proprietary and Quakers, with the latest round involving each side casting blame on the other for the response to the Paxton Boys. Philadelphia’s Presbyterians concluded that the wrangling in the Quaker Assembly endangered not only the frontier, but now Philadelphia itself.

Fed-up Presbyterians thus organized to topple the Quaker faction in the 1764 assembly elections. They allied with the proprietary and used “out of doors” politics to organize and campaign in 1764 since the Assembly had ignored their pleas for action. The proprietor’s representatives, in turn, determined to exploit the situation for their own ends, sending men to meet with members of the coalescing Presbyterian faction in the city and the backcountry in hopes of further inciting frontier fury against the Quakers. George Bryan and fellow Presbyterians welcomed this New Ticket party alliance and were energized to take on a more active role against Franklin’s Old Ticket party. Pamphlets and satirical engravings on a scale

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60 In reality, only a small number of Quakers armed themselves. The Society of Friends condemned these individuals, but the perception reinforced preexisting fears among many in the city. Kenny, 191; Morgan, 252.
61 Kenny, 205.
62 Kenny, 151.
63 “Out of doors” politics, or “outdoors politics,” refers to political meetings by individuals outside of the State House, where the Assembly and formal government met. This form of political expression likely came about in seventeenth century England where parliamentary meetings were closed to the public, and therefore people met publicly to express their views to government. These uprisings became an accepted part of English politics when the public’s interests were ignored in government. Pauline Maier, “Popular Uprisings and Civil Authority in Eighteenth-Century America,” William and Mary Quarterly Third Series, 27, 1, (January, 1970): 5, 8. Carp, 172-173 [referred to hereafter as WMQ].
64 Despite the true motives for Quaker attempts at royalization, their actions were interpreted as abandoning the frontier and colony during the war, and attempting to skirt the political repercussions by gaining favor with the King. Ousterhout, 11-12.
65 By 1764, Philadelphia’s Presbyterians were the voice of the frontier regarding the passive Indian policy. In addition to the frontier’s opposition to the war, Germans believed efforts to place Pennsylvania under crown control threatened their personal and religious liberty. The growing German population in Philadelphia, many who previously lived on the frontier, joined this faction partially because of the empathy toward their frontier brethren. Kenny, 191, 197; Roeber, 250-251.
never before seen in Philadelphia spread throughout the city. Dr. John Ewing, a Philadelphian physician, proclaimed that “The rage of party spirit has been as violent lately in this province as ever it was.” When the polls opened on October 1, Philadelphia erupted into a scene of political activism never before seen in the city.

The Presbyterians’ use of “out of doors” politics to rally Scots-Irish and German communities to vote proved far more successful than the Paxton Boys’ methods of violence and murder. In the 1764 election, more than twice as many voters cast ballots than ever before. Several Old Ticket candidates were ousted at last from the Assembly. The New Ticket’s Presbyterian-proprietary coalition won eleven seats in the Assembly, eight out of ten seats in Philadelphia. Both Franklin and Galloway were removed from office. Observers noted that “Mr. Franklin died like a philosopher . . . But Mr. Galloway agonized in Death, like a Mortal Deist, who has no Hopes of a Future Existence.” Bryan took Franklin’s place in the Assembly and became an instant hero to Pennsylvania’s new political faction. The Quakers still won twenty-one seats in the Assembly because of their ability to cast blame upon the proprietary in neighboring counties that were not threatened by Indian violence, but the election crippled their Philadelphia powerbase.

66 Carp, 184.
67 Dr. John Ewing to Mr. Reed, Philadelphia, 1764, JRC, I:34-35.
68 Estimates from prior elections never exceeded 1,500, but in 1764 3,874 ballots were cast. In Philadelphia City and County, turnouts for voting more than doubled. Silver, 222.
69 In November, 1764, Franklin was sent to England to contest the Sugar Act and upcoming Stamp Act, and to pursue royalization of Pennsylvania. Morgan, 255.
70 Franklin blamed the Germans for his party’s stunning defeat in the city. Mr. Pettit to Mr. Reed, Philadelphia, November 3, 1764, JRC, I:36-37; Carp, 188; Foster, 52.
72 The Quaker coalition would still maintain a slight majority in the Assembly, controlling twenty-one of thirty-six seats. But it was the largest turnover in the Assembly since the 1755-1756 upheaval, with a 28% turnover and the
Thus the 1764 election marked a turning-point in Pennsylvania politics. Quaker influence in Philadelphia diminished, popular political participation increased on a scale never before seen, and a new Presbyterian faction competed for popular support. Yet the Presbyterian coalition would have little time in which to consolidate their control before new crises emerged. Even as they learned to handle the reins of power in their city and colony, these men would have to grapple with disturbing news of imperial reforms that threatened to undermine their hard-won victory.

Barely five months after the new political coalition assumed power in Philadelphia, news arrived that Parliament intended to impose a stamp tax in the colonies. The perception that Parliament had exceeded its power and usurped the role of the colonists’ own representative assemblies outraged people throughout Pennsylvania. But as the city’s three main political factions – the Quakers, the proprietary, and the Presbyterians – deliberated over how to respond, they had to consider not only their own personal views on the matter, but also the reaction of the electorate. The Presbyterian coalition in particular, having successfully appealed to the public in the 1764 election, could hardly afford to ignore an energized populace if they wished to retain their political gains. But if the populace demanded that their leaders mount a too-strong opposition to the new tax, it might well invite a backlash from the imperial government, and perhaps from local supporters willing to accept the measure. Too weak a response, however, might encourage Parliament to impose additional taxes. Whatever constitutional issues the

replacement of ten men. This election also would represent the biggest Assembly turnover until 1776. Foster, 36, 52; Kenny, 202; Ryerson, 259; Silver, 225; Tully, 197.

73 The Secretary of State for the Southern Department wrote colonial governors on August 11, 1764, announcing the creation of the Stamp Act. The initial £2 stamp tax on paper goods was lower in the American colonies than the rest of the empire, and it was hoped it would be raised after the initial shock subsided. Morgan, 58-59.
Stamp Act raised, the immediate implications of the measure for their own political careers stood foremost in the minds of Philadelphia’s political leaders.\textsuperscript{74}

Throughout fall of 1765, public opposition to the measure steadily grew.\textsuperscript{75} Even so, Franklin’s Quaker faction advocated complying with British law in hopes of enticing the crown into royalization. Unlike other colonial assemblies that openly protested the Stamp Act as an infringement upon their own power to tax, the bare majority of Quakers in Pennsylvania’s legislature reacted based upon what they saw as the greater good for their faction.\textsuperscript{76} Their humiliation in the 1764 election convinced them that their political futures, as well as the stability of the colony as a whole, depended upon making Pennsylvania a crown colony. Such a move would not only deprive the Penn family of its tax exemptions and other privileges but also undercut the Quakers’ Presbyterian opponents who had cast their lot with the proprietor.\textsuperscript{77} This is not to say the Quaker party was not worried about new imperial developments. Its members realized that the Stamp Act infringed upon the Assembly’s powers, and the merchants in their group hardly welcomed either the tax or the likely public outburst against it.\textsuperscript{78}

Balancing their political fortunes against their imperial concerns, Quaker leaders dispatched Franklin to London to pursue royalization. Endorsing this cautious approach, Franklin sent numerous reports back to his followers in Philadelphia expressing his hope that

\textsuperscript{74} Ousterhout, 16.
\textsuperscript{75} During the Stamp Act crisis, Philadelphia’s merchants remained largely outside of the political realm, choosing to convene merchant meetings to discuss their situation. Initially, only Presbyterian and Anglican merchants, belonging to the proprietary party, opposed the Stamp Act, while Quaker merchants remained silent. But these groups united to oppose nonimportation in November, 1765. Stating that the Stamp Act was the basis for the economic turmoil, Philadelphia’s merchants formed a committee, comprised solely of merchants. The committee, not wishing to become involved in local politics, worked within the British merchant network to resist the Stamp Act. This effort included adopting resolves with New York merchants and pleading with London merchants to support its repeal. Thomas Doerflinger, \textit{A Vigorous Spirit of Enterprise: Merchants and Economic Development in Revolutionary Philadelphia} (Chapel Hill, 1986), 189; Arthur Meier Schlesinger, \textit{The Colonial Merchants and the American Revolution, 1763-1776} (New York, 1939), 79; Ousterhout, 19-20.
\textsuperscript{76} Carp, 189.
\textsuperscript{77} Ousterhout, 16-17.
\textsuperscript{78} Ousterhout, 16-17.
they would achieve their goal. He urged his supporters to resist the temptation to speak out openly against the Stamp Act as well as to quell any anti-tax violence by others so that he could make royalization a reality. Taking their cue from Franklin, assembly leaders professed loyalty and obedience to Crown and Parliament. They were sure that if they acknowledged Parliament’s authority, contributed to the reduction of the imperial debt, and avoided the outbreaks of violence erupting in other colonies, the Crown would gladly assume control of Pennsylvania and reward the Quaker Assembly that made this possible.

The proprietary faction similarly feared upsetting the Crown with anti-tax protests because of the likely political repercussions for its hold on power. Its preferred position was neutrality, but it had to walk a fine line. Faction members hoped that the very passage of the Stamp Act with the Crown’s endorsement would be enough to arouse the electorate’s opposition to the Quaker party’s campaign for royalization. But outbreaks of excessive popular violence might prove counterproductive, provoking the Crown to assume control in the interests of restoring public order. In the end, the proprietary faction avoided overtly instigating popular protests even as it refused to voice public support for the Stamp Act. It chose simply to step aside and let the crisis run its course. Governor Penn, Chief Justice William Allen, and members of the proprietary government went so far as to flee town when a crowd gathered to protest.

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79 Carp, 189-190; Ousterhout, 16-17.
80 Ousterhout, 16.
81 Carp, 189-190; Ousterhout, 16-17.
82 Ousterhout, 17.
83 Franklin, in London, argued that violence in the colony demonstrated a lack of proprietary control, and the colony needed new leadership. Ousterhout, 17.
84 Despite this proprietary strategy, a few members did instigate crowds behind the scenes in an attempt to further weaken the Quaker Assembly. Ousterhout, 18.
85 Ousterhout, 18.
86 Ousterhout, 18, 42.
The Presbyterian faction, despite its gains in 1764, struggled to have its voice heard in the Assembly. News that the Privy Council had dismissed Franklin’s petition to royalize Pennsylvania removed the chief motive behind the Presbyterian/proprietary alliance. With this common obstacle gone, the proprietary and Presbyterians fixated on their mutual animosities. The proprietary, which controlled the Assembly seats in Philadelphia city and county, no longer needed the voting support of Presbyterians to stave off royalization and was wary of aligning itself with a faction linked to the Paxton Boys. The Presbyterians and their supporters revived their concerns about the way in which the proprietary faction had played politics during the Seven Years’ War, instead of defending the backcountry settlers. Furthermore, long existing religious tensions compromised the alliance as many supporters of the proprietary were Anglican. Bickering and political differences between the Presbyterians and the proprietary intensified the split throughout 1765.

The Presbyterian faction in the Assembly was thus outnumbered and unable to advance its cause through legitimate governmental channels. Bryan, as a legislative newcomer, found himself appointed only to minor committees where he could exercise little influence. But when the first rumors of a Stamp Act arrived in Philadelphia, the Assembly selected Bryan to serve on a small committee to discuss the repercussions of imperial taxation. Bryan thereupon

87 Presbyterians saw the Stamp Act as a Parliamentary threat to their recent successes in Philadelphia’s political realm. With no fear of political repercussions from abroad, they openly resisted the Stamp Act. Carp, 172-173.
88 Franklin would still pursue royalization, and write of its impending success, until 1768. Ousterhout, 21.
89 Reverend Dr. William Smith’s hopes of becoming America’s first Anglican bishop in 1766 only further split these two groups. The alliance crumbled in the summer of 1766. Ousterhout, 21.
90 Bryan and Dickinson were the only Presbyterian Assemblymen representing Philadelphia city and county. As violence dissipated on the frontier after Pontiac’s defeat, Germans also returned to their political quiescence, further weakening Presbyterian voter power. The absence of internal Assembly support by the proprietary and the weakening of external support compromised Presbyterian efforts in the Assembly. Foster, 55; Ousterhout, 21.
91 Carp, 189-190.
attempted to persuade his fellow members to resist the act. His efforts, however, came to nothing as the Quaker and proprietary factions refused to go along.92

The Presbyterians thus returned to a tactic that had served them so well in the 1764 election – arousing public opinion against a seemingly ineffectual Assembly unable or unwilling to protect the peoples’ interests. Presbyterian leaders organized public gatherings in inns, taverns, and meeting halls where angry inhabitants debated the legitimacy of the Stamp Act. Unnerved by the displays of public opposition to the tax, the Assembly agreed to send four delegates – including Bryan and John Dickinson – to the Stamp Act Congress in New York City.93 The Assembly, in an attempt to calm the situation, instructed the delegates to present their arguments in a civil manner and avoid offending the Crown or Parliament.94

It was in the context of the Stamp Act crisis that John Dickinson emerged as a key figure in the Presbyterian faction, although he was in fact a lapsed Quaker. Born in Maryland, Dickinson had moved to Philadelphia in 1750 to study law. After a sojourn in England studying law, he returned to the colonies in 1757 and opened his own practice in Philadelphia. Unable to win a seat in Pennsylvania’s Assembly, he ran and was elected to the Delaware Assembly, eventually becoming its speaker.95 Yet he desired to return to Philadelphia and ran for the Assembly in 1761. Dickinson actually lost the 1761 election, but the death of a leading Quaker

92 Carp, 189-190.
93 The Assembly nominated Joseph Fox, George Bryan, John Morton, and John Dickinson to represent Pennsylvania in the Stamp Act Congress. Dickinson wrote numerous resolves addressing Parliament’s attempts to tax the colonies. He stated that Parliament had the power to pass colonial legislation, and that the colonies were compelled to obey, but the implementation of taxation without colonial representation violated their rights within the empire. John Hughes, “Extracts of Letters from Mr. Hughes, appointed Distributor of Stamps for Pennsylvania,” Philadelphia, September 8, 1765, The Papers of Benjamin Franklin [http://franklinpapers.org/franklin/framedVolumes.jsp, accessed 15 Feb 2012] [referred to hereafter as PBF]; Benjamin H. Newcomb, “Dickinson, John (1732–1808),” ODNB (Oxford University Press, 2004), [http://www.oxforddnb.com/view/article/68594, accessed 26 Dec 2011].
94 Foster, 54-55; Ousterhout, 40.
assemblyman in 1762 provided Dickinson the chance to win his much-coveted seat.\textsuperscript{96} Two years later, Dickinson opposed his fellow Quakers’ push for royalization, convinced that such a move would compromise colonial liberties guaranteed by the charter. Abandoning Franklin’s Quaker faction, he defeated Joseph Galloway in the 1764 election.\textsuperscript{97} The following year, Dickinson became a vocal critic of the Stamp Act, denouncing it as an “arbitrary, rigid, threatening, and dreadful” measure that endangered Pennsylvania’s liberties.\textsuperscript{98}

Even as the Stamp Act Congress deliberated in New York, the Presbyterian faction strove to shore up its popular support in Philadelphia.\textsuperscript{99} On September 16, 1765, Presbyterian leaders called for a city-wide meeting to discuss the hated tax measure. Bonfires were lit and bells rung throughout the city to announce the gathering.\textsuperscript{100} That they chose to hold the meeting at the London Coffee House, quite near to the Court House, was no coincidence. There the crowd determined first of all to force John Hughes to resign as the city’s stamp distributor, even though his commission had not yet arrived in America.\textsuperscript{101} Franklin, a friend of Hughes, had arranged for his nomination as an act of goodwill, unwittingly making him instead a target of public
Franklin’s sponsorship of Hughes helped the Presbyterians to link the Quaker Assembly to the Stamp Act. The crowd, led by Presbyterian leaders and discreetly supported by some members of the proprietary eager to reduce Quaker domination, burned effigies and shouted threats to persuade Hughes to relinquish his position. The raucous crowd also announced its intentions that the homes of Franklin, Hughes, and Galloway “should be leveled to the Street.”

Franklin, still in London, instructed Galloway, reelected to the Assembly in 1765, to quash public defiance of the Stamp Act lest it undermine his strenuous efforts to royalize the colony. So on the same night when the Presbyterians and their supporters held their meeting at the London Coffee House, Galloway deployed eight hundred members of the White Oaks, a group composed of ship carpenters, various mechanics, and “honest good tradesmen,” to stop any outburst of violence against Hughes and Galloway. Galloway believed this more drastic measure of influencing the public through intimidation was the only way to disperse the crowds and eliminate the “Spirit of Riot and Rebellion.” These Philadelphian mechanics were not supporters of the Stamp Act, but they backed Quaker attempts to remove the proprietary government, which the mechanics saw as a tyrannical threat to the colony. The White Oaks gathered around the homes of Franklin and Hughes, and patrolled the streets in order to fend off the crowd raised by the Presbyterians and proprietary. At midnight, Hughes gratefully reported seeing “several Hundreds of our Friends about the street, ready to suppress any Mob, if

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102 Carp, 190; Ousterhout, 18-19; Weigley, 112.
103 Foster, 54-55.
104 Carp, 190; Ousterhout, 18-19; Weigley, 112.
105 Hughes to Franklin, September 8-17, 1765, PBF, found in Hutson, 18.
106 John Dickinson lost his assembly seat in the 1765 election as the mechanics continued to support the Quaker party. Carp, 189-190; Hutson, 18; Ousterhout, 40.
107 D. Franklin to Franklin, November 3, 1765, PBF, found in Hutson, 19; Carp, 190.
108 Carp, 189-190.
109 Hutson, 13-14, 19; Carp, 43, 190; Weigley, 112.
110 Weigley, 112.
it should attempt to rise, and the Rabble are dispersing.” For the next several weeks, the pattern of rival mobs milling about the streets repeated itself. The Presbyterian faction would convene public meetings to denounce the Quaker Assembly, and the Galloway-led Assembly would use its own supporters to prevent outbreaks in violence that threatened their royalization plans.

Tensions peaked on October 5 when a ship carrying stamped papers and Hughes’s commission approached Philadelphia. The news quickly spread throughout the city, and, as one Quaker attested, “such confusion and disorder it created as thou never saw with Us…and nothing Less than the destruction of our dear Friend J Hughes and the surrender of his Office were the Objects.” Thousands of people, stirred up by Presbyterians and their supporters, congregated outside of the State House demanding the government block the ship’s entry. A crowd again gathered around Hughes’s home to demand his resignation. Hughes complained that the crowd threatened “Destruction to my Person & Property if I refused to gratify them in their Demands.” The Assembly and Hughes again counterattacked this public resistance with a crowd of their supporters. Outside the State House, the opposing mobs shouted demands back and forth. Eventually, leaders on both sides realized that neither faction would back down.

Begrudgingly, crowd leaders met to negotiate a compromise. Hughes retained his commission as stamp distributor, but promised not to enforce the tax until the King either responded to their

\[\text{\textsuperscript{111}}\text{ John Hughes, Treasury Papers, Class I, Bundles, 441, 442, 452, found in Morgan, 259.} \]
\[\text{\textsuperscript{112}}\text{ The White Oaks dispersed at least two more meetings in the fall of 1765. Ousterhout, 19.} \]
\[\text{\textsuperscript{113}}\text{ In “Americanus,” Joseph Galloway stated that the British North American colonies should assist in paying of the British debt, as they were part of the empire. He also expressed that Parliament only took such extreme actions with taxation because the colonial assemblies would not pass the necessary legislation themselves. Ousterhout, 16-17.} \]
\[\text{\textsuperscript{114}}\text{ Hutson, 19; Carp, 189.} \]
\[\text{\textsuperscript{115}}\text{ Thomas Wharton to Benjamin Franklin, October 5, 1765, PBF [http://franklinpapers.org/franklin/framedVolumes.jsp, accessed 15 Feb 2012].} \]
\[\text{\textsuperscript{116}}\text{ Carp, 190.} \]
\[\text{\textsuperscript{117}}\text{ John Hughes to John Penn, October 8, 1765, John Hughes Papers, APS, found in Carp, 190.} \]
\[\text{\textsuperscript{118}}\text{ Carp, 190.} \]
grievances or the act was executed in the neighboring colonies.\textsuperscript{119} Effigies of Hughes still burned throughout the city, and the Stamp Act remained a point of contention in throughout the winter, but with the enforcement of a stamp tax nullified, organized opposition lessened throughout the city.\textsuperscript{120}

Philadelphians were overjoyed when rumors of the Stamp Act’s repeal filtered into town in March, 1766.\textsuperscript{121} When men carrying news of the act’s official demise arrived in the city, happy crowds greeted them with songs and celebrations.\textsuperscript{122} Galloway led the Quaker Assembly in expressing its appreciation to the King and Parliament for supporting repeal.\textsuperscript{123} The imperial crisis appeared to be over. The Presbyterian faction had flexed its political muscle during this time, but it still had not dislodged the Quakers from government. The Quaker faction reasserted control of the Assembly in the 1765 elections, George Bryan and John Dickinson had lost their seats, and the Presbyterian-proprietor alliance was in ruins.\textsuperscript{124} To counter this development, the Presbyterian faction attracted support from some disaffected Quaker merchants and political newcomers involved in politics, but not associated with the Presbyterian faction.\textsuperscript{125} This new

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\item[\textsuperscript{119}] The Stamp Act was to take effect on November 1, 1765. Hutson, 19; Carp, 190.
\item[\textsuperscript{120}] One more attempt was made in November to remove Hughes, but no action came from it. Carp, 190.
\item[\textsuperscript{121}] Ousterhout, 20.
\item[\textsuperscript{123}] The Assembly’s conciliatory attitude toward imperial officials, in addition to the Quakers’ deployment of mechanics into the streets to fend off their opponents, further weakened their public support. But the Quakers believed this temporary setback would be worth it if they achieved royalization. Ousterhout, 40.
\item[\textsuperscript{124}] Historians interpret the losses by the Presbyterians stemming partially from the absence of the German vote in 1765, but more so from Quaker efforts to rally their supporters to vote. Dickinson, for example, won the 1764 election with 2,040 votes, but lost the 1765 election with 1,980 votes. Galloway, who defeated Dickinson in 1765, received 2,400 votes, far more than the 1,918 in the 1764 election. Benjamin H. Newcomb, “Effects of the Stamp Act on Colonial Pennsylvania Politics,” \textit{WMQ} Third Series, 23, 2 (April, 1966): 269; Hutson, 18; Ousterhout, 40.
\item[\textsuperscript{125}] Carp, 191-192.
\end{itemize}
coalition, which called itself the Whig party, hoped to live up to its English namesake and oppose imperial tyranny and those supporting it.\textsuperscript{126}

The period of political calm, however, proved short-lived, ending with the onset of the Townshend Acts Crisis in 1767.\textsuperscript{127} Yet where there was crisis, there was opportunity for the Whig party in Pennsylvania politics. As the Quaker dominated Assembly and proprietary factions again sought to avoid anti-imperial protests that might endanger their positions in government, the Whigs put themselves forward as the champions of liberty.\textsuperscript{128} The party took advantage of governmental indifference to the threat posed by the new taxes, and hoped to use the crisis to achieve a legislative majority. Whig leaders realized, however, that their first task was to rally the people behind their cause.\textsuperscript{129}

The Whig party argued that failure to oppose the Townshend Acts would invite further imperial abuses of power.\textsuperscript{130} To arouse the populace, Whigs employed techniques that had worked so well for the Presbyterian faction.\textsuperscript{131} They flooded the presses with anti-tax publications and summoned public meetings where opponents of the Acts could make their voices heard. John Dickinson, a leading Whig spokesman, wrote the highly influential “Letters

\textsuperscript{126} The Presbyterian faction was weak and the inclusion of those opposing imperial taxation provided the group additional support, as well as a political platform to rally behind. Many opponents still referred to the Whigs as the Presbyterian party because of the leadership that group provided to this new faction. Ousterhout, 21-22.
\textsuperscript{127} The Townshend Acts passed on June, 1767 and went into effect on November, 1767. It enacted import duties on tea, lead, paper, paint, and glass in order to help pay salaries for governors and judges. Foster, 72; Ousterhout, 22.
\textsuperscript{128} The Assembly and proprietary viewed the new imperial legislation as inconsequential to colonial politics, and did not concern themselves with the legislation. Galloway privately opposed the Townshend Acts, but publicly supported his party. Ousterhout, 23-25, 40,43.
\textsuperscript{129} Carp, 194; Ousterhout, 23.
\textsuperscript{130} Most Pennsylvanians were not affected by the Townshend Acts, and did not initially make a connection between the legislation and the violation of their liberties. Carp, 191-192; Ousterhout, 23-25; Weigley, 115-116.

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from a Pennsylvania Farmer” in December, 1767. Assuming the role of a small, independent farmer, Dickinson explored the ominous intentions behind the Townshend Acts and Parliament’s assumption of excessive powers. He acknowledged Parliament’s power to regulate imperial trade and that the colonies “legally be bound” to pay these duties. But Dickinson argued that the Townshend Acts were not merely familiar custom duties, but a “dangerous innovation . . . for the single purpose of levying money upon us.” The Townshend Acts were, in fact, a tax, and any form of colonial taxation by Parliament that raised revenue for the empire was unconstitutional. Submitting to this legislation would establish a dangerous precedent that could undermine the Assembly’s rightful legislative power and Pennsylvanians’ liberties.

Dickinson’s eloquent treatise formed the centerpiece of a Whig propaganda campaign in the press, which sowed the seeds of fear in a public mind still uncertain how to react.

Whig leaders combined their print campaign with public gatherings to apprise groups of imperial dangers. Throughout the spring of 1768, Whigs attended the meetings of merchants and mechanics to convince them of the dangerous precedent the duties presented to Philadelphians. Unlike merchants in New York and Boston, those in Philadelphia were slow to see that danger. Philadelphia’s merchants were largely Quakers or Anglicans, and often

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138 Merchants were generally divided into two categories. The first were dry goods merchants who moved manufactured goods from London to Philadelphia. The second group consisted of provision merchants who exported raw materials such as wheat, flour, meat, and lumber throughout the British Empire. Thomas Doerflinger, “Commercial Specialization in Philadelphia’s Merchant Community, 1750-1791,” The Business History Review 57, 1 (Spring, 1983): 23-25.
sought neutrality along with their brethren in the Quaker and proprietary parties.\textsuperscript{139} In addition, many merchants engaged in the dry-goods trade, importing manufactured goods from England and selling them throughout the colony. Dry-goods merchants feared the encroachment of imperial laws, but they also worried that adopting nonimportation as a form of protest would cripple their businesses. Their struggle to balance ideological and economic concerns resulted in a conservative outlook toward the Townshend Acts.\textsuperscript{140}

The continuing Whig propaganda in the press and the adoption of nonimportation by New York and Boston motivated the public to pressure local merchants into opposing the duties.\textsuperscript{141} Crowds threatened violence or boycotts to force merchants into compliance. By June, Whig newspaper publications continued to attack merchants’ passivity and called for Philadelphians to agree to nonimportation in the city with or without the support of the merchants.\textsuperscript{142} Dickinson’s broadside, “A Copy of a Letter from a Gentleman of Virginia to a Merchant in Philadelphia,” accused them of selfishness and passing the additional costs from the Townshend Acts onto their customers.\textsuperscript{143}

Fearing for their wellbeing, Philadelphia merchants met on March 26, 1768 to discuss how to respond.\textsuperscript{144} Not surprisingly, the overwhelming majority of dry-goods merchants either opposed nonimportation or hoped that delaying a decision would give Parliament time to reconsider its position and repeal the detested acts.\textsuperscript{145} These attempts to avoid the crisis

\textsuperscript{139} It is estimated that Quaker and Anglican (proprietary) merchants made up two thirds of Philadelphia’s merchant community. Presbyterian merchants only accounted for one fifth of the city’s merchants. Doerflinger, “Philadelphia Merchants,” 218.

\textsuperscript{140} Doerflinger, “Philadelphia Merchants,” 198, 210, 225; Schlesinger, 126.

\textsuperscript{141} Boston implemented nonimportation on August 1, 1768, and New York followed suit on October 1, 1768.

\textsuperscript{142} Schlesinger, 119.

\textsuperscript{143} Schlesinger, 118.

\textsuperscript{144} Schlesinger, 117.

\textsuperscript{145} For the next six months, dry-goods merchants avoided all public and private meetings involving nonimportation. When Whigs called a public meeting in September to again discuss nonimportation with merchants, over three fourths of the dry-goods merchants refused to show. Weigley, 115.
continued throughout that summer, but ultimately proved futile. Provision and dry-goods merchants started meeting privately throughout the latter half of 1768 to come up with a different strategy. In November, a merchant committee sent a letter to London merchants that described their dire situation and appealed for assistance in dealing with Parliament. If those efforts failed, Philadelphia merchants promised to adopt nonimportation in spring 1769. True to their word, Philadelphia merchants started cancelling orders in February, and nonimportation finally took effect on March 10, 1769, six months after Boston and New York. Philadelphia’s merchant community still remained largely outside of politics, but they could not avoid the pressures placed on them by increasingly strong Whig propaganda and public pressure.

Even as they sought merchants to support nonimportation, the Whig party worked to detach mechanics from the Quaker party. When Parliament repealed all duties except that on tea on April 12, 1770, Philadelphia’s merchants split over how to respond. Dry-goods merchants sought to end nonimportation because it hurt their import trade. Yet provisions merchants, who traded with the West Indies and locally, joined with Philadelphia’s mechanics to argue for continuing the boycott because it had enriched them. Philadelphia’s local economy thrived during nonimportation as mechanics and manufacturers could expand their businesses without

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146 Carp, 192; Schlesinger, 127-128.
147 A new merchant committee formed the day nonimportation took effect. This Committee of Twenty One enforced nonimportation within the merchant community. This tactic represented a shift in extralegal committees as the merchants would now seek to enforce its resolution. But the committee was still controlled by merchants, and when they decided to end nonimportation in September, 1770, the merchants did so without consulting political factions of the public. Ousterhout, 56.
148 By the end of 1769, every resisting colony except New Hampshire adopted a nonimportation agreement. Carp, 192; Schlesinger, 156.
150 Parliament’s decision to partially repeal the Townshend Acts provided dry-good merchants the leverage to oppose nonimportation. When the merchant committee called for continued nonimportation, many were slow to respond for obvious reasons, but eventually agreed. They feared the loss of business and that nonimportation would encourage American manufacturing, further hurting their future profits. Foster, 73; Ousterhout, 25-26.
151 Foster, 73; Ousterhout, 29.
competition from cheaper British goods. Even Franklin commented to Galloway on the benefits nonimportation had for Philadelphia’s budding manufactures.  

When the Quaker faction in the Assembly – which included many dry-goods merchants – refused to enter the debate on nonimportation, a rift opened up in the Quaker/mechanics alliance.  

The mechanics’ ideological and economic interests merged in their support of continuing the boycott, so they shifted their support to the Whig party. In a letter to Franklin, Galloway stated, “White Oaks and Mechanics or many of them have left the old Ticket and ‘tis feared will go over to the Presbyterians.” The political ramifications of this switch were immediately seen in the 1770 Assembly election. The Quakers still maintained a bare majority in the Assembly, but the mechanics’ shift in allegiance resulted in John Dickinson’s election as a Philadelphia assemblyman and a further weakening of Quaker control.

Whigs learned a great deal about political maneuvering during the Townshend Acts crisis. In particular, they came to appreciate the effectiveness of using extralegal committees and an aroused populace to challenge the authority of the unresponsive Quaker-dominated Assembly. The Quaker and proprietary factions, content in their positions of government, grew closer to one another in an attempt to maintain the status quo. The Whigs, however, had demonstrated their ability to gain public support during the crisis, successfully allying themselves with provision merchants and mechanics, and forcing dry-goods merchants to comply with nonimportation. It was increasingly possible for them to imagine a political realignment in Philadelphia that worked in their favor.

156 Ousterhout, 29.
157 Foner, 60.
The return to calm in imperial relations during the early 1770s provided breathing room for Philadelphia’s political factions to assess their positions vis-à-vis one another.¹⁵⁸ A new Quaker/proprietary coalition, no longer preoccupied by royalization, emerged to resist Whig political power. And as months turned into years, the Quaker-controlled Assembly and proprietary assumed that they had survived the imperial crisis intact. With the absence of any imperial transgressions to energize their followers, the Whigs, in turn, struggled to maintain their political momentum.¹⁵⁹

Then came news of the Tea Act of 1773. In an effort to assist the East India Company in alleviating its debt, Parliament granted the company a rebate on the North American tea taxes that were paid in accordance with the Navigation Acts.¹⁶⁰ Newspapers reported in September 1773 that the company would ship a million pounds of tea to four major North American ports and sell said tea to selected merchants (called consignees) at prices far lower than the American competition.¹⁶¹ Dry-goods merchants along the east coast who would not be consignees condemned this “obnoxious act” and interpreted it as Parliament supporting an East India Company monopoly in the American colonies.¹⁶²

Philadelphia’s merchants and mechanics feared such an East India Company monopoly. Merchants and smugglers trading tea concluded that they could not compete with the lower prices and the act would cripple those merchants who were not named consignees. Additionally,

¹⁵⁸ Schlesinger, 240.
¹⁵⁹ Weigley, 117.
¹⁶⁰ The East India Company actually sought to total elimination of these duties, but Lord North refused because of Parliament’s desire to enforce the only remaining Townshend duty in North America. The compromise permitted the company to sell tea at a far lower price than competition, but allowed Parliament to continue the collection of the tea tax. The company was also permitted to select their own agents to sell the tea. Benjamin Carp, Defiance of Patriots: The Boston Tea Party and the Making of America (New Haven, 2011), 19-20, 78.
¹⁶¹ The Tea Act passed by Parliament in May, 1773, aimed to assist a struggling East India Company by allowing the company to bypass English merchants and sell their tea directly to British colonies. Schlesinger, 264.
¹⁶² Mr. Reed to the Earl of Dartmouth, Philadelphia, December 22, 1773, JRC, I:51-52.
one-third of all Philadelphia’s imports from England originated in India. These merchants who sold these goods feared that if the East India Company received permission to import other goods at this reduced price, it would be a disaster for the city’s merchants.\(^{163}\) Mechanics feared that once the East India Company eliminated merchant competition, the removal of mechanic jobs would soon follow. Since the company could select its own tea agents, mechanics feared that they would be excluded if the company replicated this pattern for ship building and constructing company warehouses.\(^{164}\)

The Whigs capitalized on this turmoil by organizing resistance against the Tea Act. Joining the condemnations by merchants and mechanics, the Whigs stated that this monopoly threatened colonial commerce, just as the Townshend Acts endangered colonial liberties.\(^{165}\) They further proclaimed that the Tea Act tricked colonists into paying the tea tax remaining from the Townshend Acts. Benjamin Rush, a prominent Whig, wrote “Let us with one heart and hand oppose the landing of [the tea]. The baneful chests contain in them a slow poison in a political as well as a physical sense. They contain something worse than death – the seeds of slavery.”\(^{166}\) Dickinson, under the pseudonym ‘Rusticus,’ built upon Rush’s claims and stated that any man who helped to unload the tea “shall ever after be deemed an Enemy to his Country, and never be employed by his Fellow-Citizens.”\(^{167}\) By making this connection, the Whigs succeeded in rallying individuals not directly affected by the Tea Act to their cause.\(^{168}\) With this public support, the Whigs called for friends of liberty to gather outside of the State House on October

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\(^{163}\) Mr. Reed to the Earl of Dartmouth, Philadelphia, December 22, 1773, JRC, I:53.
\(^{164}\) Carp, Defiance, 78; Schlesinger, 268-269; Weigley, 117-118.
\(^{167}\) John Dickinson, October 16, 1773, Pennsylvania Packet; Carp, Defiance, 21.
\(^{168}\) Schlesinger, 272-273.
The crowd adopted eight resolves, including one that stated that the Tea Act should be resisted “by all lawful and proper methods.” The gathering dispatched a small crowd to persuade the consignees to resign their commissions, which they willingly did when confronted by the ill-tempered mob.

Whigs and their supporters continued to speak out and meet in opposition to the Tea Act, but for the next two months the situation remained relatively stable. Then on December 24 the crisis escalated as news arrived – eight days after the event – of Bostonians dumping East India Company tea into the harbor. Moderates and conservatives throughout Pennsylvania and the colonies viewed the destruction of East India Company property as an extreme measure. Pennsylvania’s Assembly and proprietary denounced the action, and the Whig party hesitated, unsure of how to respond. Opposing British legislation could rally support behind its faction, but supporting such aggressive behaviors could scare off support and invite harsh consequences from the local and imperial government. The Whigs needed to choose carefully how to react to the incident.

The Whig party’s luxury of time abruptly ended the next day when it learned that the Polly, a ship containing East India Company tea approached the harbor. A delegation left Philadelphia and stopped the ship, commanded by Captain Samuel Ayres, four miles down the Delaware River at Gloucester Point on December 26. Whig leaders immediately called for yet another public meeting and informed Ayres that he would be allowed to depart once the city

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169 The meeting was largely attended by Whigs, mechanics, and non-Quaker merchants, but Philadelphia’s Quaker merchants did not attend because the Quaker party a religious conflict the night of the meeting. Mr. Reed to the Earl of Dartmouth, Philadelphia, December 22, 1773, JRC, I:52; Carp, 195; Ousterhout, 36; Schlesinger, 281.
170 Mr. Reed to the Earl of Dartmouth, Philadelphia, December 22, 1773, JRC, I:52; Carp, 195; Ousterhout, 36.
171 Approximately one hundred Bostonians, dressed as Mohawk Indians, boarded East India Company ships in the harbor and dumped approximately 90,000 pounds of tea overboard. The approximate worth of the tea was £10,000. Carp, Defiance, 2-3; Robert Middlekauff, The Glorious Cause: The American Revolution, 1763-1789 (New York, 1982), 226.
172 Schlesinger, 290-291; Weigley, 118.
inhabitants determined their response to its tea shipment. The following day, eight thousand Philadelphians met outside of the State House to discuss the fate of the Polly. Fearing a replay of the Boston Tea Party, Whig leaders suggested the ship turn around and depart with the tea. Ayres, informed of the “present temper of the inhabitants,” met with Abel James and Henry Drinker, both Quaker merchants and Philadelphia’s consignees for the East India Company, who refused to accept the tea. At the same time, Whigs distributed a broadside throughout Philadelphia to persuade Ayres to leave with his detested cargo.

You are sent out on a diabolical Service; and if you are so foolish and obstinate as to complete your Voyage, by bringing your Ship to Anchor in this Port, you may run such a Gauntlet as will induce you, in your last Moments, most heartily to curse those who have made you the Dupe of their Avarice and Ambition.

What think you, Captain, of a Halter around your Neck—ten Gallons of liquid Tar decanted on your Pate—with the Feathers of a dozen wild Geese laid over that to enliven your Appearance? Only think seriously of this—and fly to the Place from whence you came—fly without Hesitation—without the Formality of a Protest—and above all, Captain Ayres, let us advise you to fly without the wild Geese Feathers.

Ayres departed without unloading his shipment or suffering the threatened punishment. Philadelphians even assisted him by loading the Polly with supplies. Whig leaders, with the support of provisions merchants and mechanics in this matter, gave Ayres a letter to take to London denouncing the Tea Act. In the end, by preventing the Polly from docking in Philadelphia the Whigs could rally the crowd behind them, without sparking the kind of violence that might alienate more moderate Philadelphians.

173 Carp, Defiance, 165; Schlesinger, 290-291; Weigley, 118.
174 Mr. Reed to the earl of Dartmouth, Philadelphia, December 27, 1773, JRC, I:54-56; Carp, Defiance, 78, 165.
176 Mr. Reed to the earl of Dartmouth, Philadelphia, December 27, 1773, JRC, I:55.
During the next five months, no more ships carrying East India Company tea approached Philadelphia, but Pennsylvanians, like all colonists, awaited news about London’s response to the Boston Tea Party. Then, on May 19, 1774, a man on horseback rode at breakneck speed into the city and dismounted at the State House. Paul Revere entered the State House with papers announcing Parliament’s “most ignominious, cruel, and unjust” plan to close Boston Harbor. He also brought a request for assistance for Boston. Philadelphians were astonished by the severity of the Coercive Acts. The punitive legislation exceeded mere reprisal for the dumping of tea, and instead constituted the most vivid evidence to date of Parliament’s plan to strip away the colonists’ liberty.

Even before the Assembly had time to react, Whig leaders called for a public meeting on May 20 at the City Tavern. The evening before Joseph Reed, John Dickinson, Thomas Willing, and other Whig leaders dined and strategized on how to best rally support for Boston. They knew that the merchant and mechanic factions politically opposed the Coercive Acts. Economically, however, the same split existed between dry-goods merchants who opposed nonimportation, and the provisions merchants and mechanics who called for reinstituting nonimportation. On May 20, over three hundred people packed into the City Tavern. Both

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177 News of the Boston Port Act arrived in Philadelphia on May 10. Soon after, General Thomas Gage arrived in Boston, relieved Governor Thomas Hutchinson, and delivered the remaining Coercive Acts to the public. Ousterhout, 54.
180 Joseph Reed, perhaps the most successful lawyer in Philadelphia, entered politics in December, 1773, by writing the earl of Dartmouth in hopes of resolving the imperial discord. Joseph Reed was born and grew up in Trenton, New Jersey. His father was a local merchant and political official. Joseph Reed attended numerous schools of higher education in the Philadelphia area. Members of the Whig party sought his inclusion into local politics because of his reputation and intelligence. Thomas Willing was an Anglican and supporter of the proprietary, but opposed the Coercive Acts. He would later vote against the Declaration of Independence. Ousterhout, 62; Weigley, 119. Benjamin H. Newcomb, “Reed, Joseph (1741–1785),” ODNB (Oxford University Press, 2004), [http://www.oxforddnb.com/view/article/68649, accessed 26 Dec 2011].
181 Reed, JRC, I:66.
the Quakers and proprietary sent representatives with instructions to oppose actions against Parliament. Hoping to quash precisely these calls for moderation, the Whigs initiated their plan. Reed and Willing condemned the Boston Port Act in their speeches and called for a strong response. Having stirred up the crowd, Reed and Willing gave way to John Dickinson, who proposed a relatively moderate set of actions. Dickinson suggested forming a committee to write a formal response to Boston and sending a petition to Governor Penn asking him to call an emergency session of the Assembly. He also urged Pennsylvanians to take the lead in calling an intercolonial congress to devise a unified response to Parliament’s threat to all colonies’ liberties. As the Whigs had hoped, the crowd approved of Dickinson’s more moderate proposal and ignored the Quaker and proprietary attendees.

The Whigs moved immediately to capitalize on their public support. The crowd elected Dickinson and Reed to the Committee of Nineteen and drafted a letter of support for Boston. This committee was more than simply a merchant committee as in previous years. This group better represented the city and included eight Quakers, five Anglicans, five Presbyterians, and one gentleman of unknown allegiance. Nevertheless, the Quaker representatives quickly abandoned the committee when achieving their goals became fruitless. From then on, the Quaker party instructed its members not to serve on committees. The remaining committee members sent Governor Penn a petition, with over one thousand signatures, demanding the convening of the Assembly. Many Whigs, however, felt it was pointless to call the Assembly

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182 The Whigs hoped this strategy would alleviate the public’s stress over condemning the acts, but allow the Whigs to revive nonimportation before the dry-goods merchants, despite their earlier anger toward the Tea Act, could organize and appeal to the public for moderation. Carp, 196-197; Ousthout, 54-55; Reed, 66-67; Schlesinger, 344-345.
183 Reed, JRC, I:66.
184 In a separate meeting, 1,200 mechanics, also annoyed with the government’s lack of response, met the next day and created their own Committee of Mechanics. The mechanics pledged their support to the Whig controlled Committee of Nineteen. Carp, 197; Ousterhout, 60.
185 Mr. Reed to Mr. Quincy, Philadelphia, November 6, 1774, JRC, I:85-86; Carp, 197; Ousterhout, 54; Weigley, 119.
since Speaker Joseph Galloway would never countenance vigorous opposition to Parliament. Yet Whig leaders thought it crucial to utilize legitimate governmental channels before adopting extralegal tactics. As expected, Penn disregarded “so affrontive an application” to support the Whig cause and refused the request.\footnote{Governor Penn to Lord Dartmouth, May 31, 1774, JRC, I:66-68.} Penn regarded this simply as an “extraordinary measure” by the Whig party to discredit his government and to rally support for a continental congress.\footnote{Governor Penn to Lord Dartmouth, May 31, 1774, JRC, I:66.} The Whigs had placed Penn in a no-win scenario. He could either accede to Whig demands and alienate his own supporters, or ignore them and confirm popular suspicions about an unresponsive government more interested in obeying Parliament than preserving colonial liberties.

In early June, news of the Administration of Justice Act and the Massachusetts Government Act reached Philadelphia. Since Governor Penn refused to convene the Assembly, the Whigs organized approximately eight thousand Philadelphians who gathered outside of the State House Yard on June 18 to have their voice heard. Dickinson and other Whig leaders encouraged the crowd to proclaim its fierce opposition to the Coercive Acts.\footnote{“Proceedings of the Inhabitants of Philadelphia; June 18, 1774,” Avalon [http://avalon.law.yale.edu/18th_century/proc_in_pa_1774.asp, accessed 14 Feb 2012].} Crowd members denounced the treatment of Boston and insisted that the city was “suffering in the common cause of America.”\footnote{“Proceedings of the Inhabitants of Philadelphia; June 18, 1774,” Avalon [http://avalon.law.yale.edu/18th_century/proc_in_pa_1774.asp, accessed 14 Feb 2012].} They then condemned the Coercive Acts as “dangerous to the liberties of the British colonies.”\footnote{“Proceedings of the Inhabitants of Philadelphia; June 18, 1774,” Avalon [http://avalon.law.yale.edu/18th_century/proc_in_pa_1774.asp, accessed 14 Feb 2012].} Since many participants in this gathering believed that the Committee of Nineteen, formed just weeks earlier, did not fully represent the colony’s inhabitants, they voted to create a larger Committee of Correspondence, also referred to as the Committee of Forty-
Three. This committee consisted of fourteen men from the Committee of Nineteen, six men from the Committee of Mechanics, six men from the frontier, and fourteen others from Philadelphia. The forty-three men were approved as one body in an attempt to avoid infighting during the meeting. This more representative group would correspond with the other colonies and host a provincial convention to decide how to appoint Pennsylvania's delegates to a continental congress.

The provincial convention met on July 15. With the governor still refusing to convene the Assembly, convention members discussed the option of "unofficially" calling on legislators to choose Continental Congress delegates. They decided instead to meet with Speaker Joseph Galloway and convinced him to ask Penn to convene the Assembly. Once it was in session, the convention would present a list of delegates for the Assembly's approval. Galloway's willingness to compromise exposed the growing concern by the Assembly and proprietary about the potential for disorder posed by all of these public gatherings and committees.

What the Whigs had done, with their periodic summoning of crowds and creation of committees, was create an alternative government in the city. But the Assembly was determined to fight back. It proceeded to disregard the provincial convention’s nominees for the Continental Congress and instead appointed its own seven delegates, a group dominated by moderates and the conservative speaker Galloway. These delegates were given strict instructions "to avoid every Thing indecent or disrespectful to the Mother State."
The Whigs denounced the Assembly’s provocative actions. One Philadelphia critic exclaimed, “I believe the Committees and indeed people in general are not well pleased at the Assembly’s choosing the members of the congress out of their own house; indeed I think it is a reflection on them that the Farmer [Dickinson] was not one of the number.”

The Whig strategy to coopt the Assembly had backfired. Despite this setback, the Continental Congress would meet in Philadelphia in less than two months. Whigs hoped that this extra-legal body, which represented the interests of the people, would endorse their own local committees and public gatherings, as a counterweight to their political adversaries in the Assembly.

The meeting of the Continental Congress did for the colonies as a whole what the Whigs had been trying to do for Philadelphia and Pennsylvania – express the will of the people when more formal institutions of authority refused to do so.

When the Congress convened on September 5, Joseph Reed announced that, “the eyes of all America [were] upon this city.” Philadelphia’s Whigs, so instrumental to the Congress’s creation, inevitably shared some of the spotlight. Although the Congress adjourned on October 26, its presence in the city emboldened the Whig party during the November 1774 campaign for Assembly seats. In open defiance of

196 Diary of Christopher Marshall, 88, found in Carp, 200; Ousterhout, 72.
197 John Young to [Elizabeth Graeme] Ferguson, August 10, 1774, Misc. MSS, Berks and Montgomery Counties, Historical Society of Pennsylvania, found in Carp, 200; Ousterhout, 72.
198 Even before the Continental Congress convened in Philadelphia, Philadelphia’s various factions vied to influence its proceedings. The Whigs strongly supported Congressional efforts to unite the colonies in their opposition to arbitrary imperial policy. Galloway and the Assembly preferred that the congress adopt resolutions that put the congress under the constitutional authority of the colonial governments. Galloway even offered to host the congress in the State House, but the delegates declined since the Assembly supported the mother country. Carp, 201; Ousterhout, 69.
199 Governor Penn hoped the congress simply would present a list of grievances to the King and “that the result of their proceedings may be such as not to cut off all hope” of reconciliation. Governor Penn to Lord Dartmouth, September 5, 1774, JRC, I:80.
200 The First Continental Congress met from September 5 until October 26, 1774, and scheduled to meet again in May, 1775. Congress composed a “Declaration of Rights and Grievances,” which reiterated their allegiance to the Crown, but decried the unconstitutionality of Parliamentary legislation against the colonies since 1765. It also created the Association, which would enact nonimportation on December 1 and nonexportation on September 10, 1775. These resolutions would be enforced by the local committees. Mr. Reed to the earl of Dartmouth, Philadelphia, September 25, 1774, JRC, I:76-77; Middlekauff, 238-247.
the Assembly’s November elections, Whigs called their own meeting on November 7 and five
days later elected the Philadelphia Committee “in the same manner as the members of Assembly
are chosen.”201 The Whigs sought to demonstrate their willingness to serve the city’s interests if
the Quaker Assembly would not, and the committee assumed the power to “manage public
affairs for this City.”202 The November 1774 Assembly election demonstrated no significant
shift in representation. Only three new Whigs won a seat, and two of them ran unopposed.
However, Galloway’s absence from the first meeting did result in Edward Biddle, a moderate,
becoming Speaker. But the political significance of that November was the creation of a rival
power in the city devoted to protecting and enforcing the will of its inhabitants.203

Throughout the remainder of the winter, the Whigs tied their cause to the intercolonial
resistance represented by the Continental Congress. Congress provided the local Whigs
legitimacy, and the Philadelphia Whigs reinforced Congress’s authority by executing its
resolutions.204 Philadelphia’s Committee of Correspondence created a Committee of Inspection
and Observation in December to enforce congressional mandates regarding nonimportation,
nonexportation, and nonconsumption. Joseph Reed felt confident in Philadelphia enforcing
Congress’s directives since the resolutions were “backed by the body of people in such a manner
that no discontented spirit dares oppose the measures necessary for the public safety.”205

Political opponents of the Continental Congress and of the local Whigs faced a quandary.
Both Congress and the Whigs enjoyed large-scale support in Philadelphia. The Quaker
dominated Assembly, no longer able to ignore the public outcry against Parliament, reluctantly

201 Mr. Reed to the Earl of Dartmouth, Philadelphia, December 10, 1774, JRC, I:88.
202 The committee declared that it would stay in session until the meeting of the next Continental Congress.
Christopher Marshall, Extracts from the Diary of Christopher Marshall, Kept in Philadelphia and Lancaster During
the American Revolution, 1774-1781, William Duane, ed. (New York, 1877), 10; Carp, 202; Weigley, 122.
203 Carp, 202-203; Ousterhout, 92-94; Ryerson, 92-93.
204 Mr. Reed to Mr. Quincy, Philadelphia, November 6, 1774, JRC, I:85-86.
205 The committee met in December and January to address the changing economic situation in the city and the
deteriorating situation with England. Mr. Reed to Mr. Quincy, Philadelphia, November 6, 1774, JRC, I:85-86.
met in December and endorsed the measures of Congress.\textsuperscript{206} In doing so, the Quakers hoped to retain their seats in the Assembly and weaken the Whig led committees.\textsuperscript{207} Increasing public support for the Continental Congress also weakened the resistance opposition of dry-goods merchants. Congress’s decision to reintroduce nonimportation confirmed their worst fears, but they remained largely silent out of a sense of self-preservation.\textsuperscript{208} Joseph Reed wrote, “should the merchants hesitate to comply with any suspension of trade the Congress direct, the people of the country will compel them, and I know no power capable to protect them.”\textsuperscript{209}

Joseph Galloway was still bitter about public support for the Continental Congress and for his political rivals. On March 4, 1775, he boasted that he would send the Crown a Quaker petition that would resolve the imperial crisis and eliminate the rationale for both the local committees and Congress. Unfortunately for him, news arrived on March 8 that the King had refused to receive the Continental Congress’s Declaration of Rights and Grievances. The Assembly had no choice but to vote down Galloway’s petition and force him to resign in disgrace.\textsuperscript{210} As spring approached, the Quaker and proprietary factions still dominated the Assembly and executive, but had little sway over the growing influence of the extralegal government of the Whigs.

The imperial crisis from 1765 to 1775 only intensified the factionalism that had erupted in Pennsylvania during the Seven Years’ War. The Whig party emerged as the self-styled protector of community interests, in opposition to the Quaker and proprietary interests that

\textsuperscript{206} Mr. Reed to Mr. Pettit, January 14, 1775, \textit{JRC}, I:91.
\textsuperscript{207} Yet the Whig party translated this decision as a “legal sanction from the Assembly” that would encourage Pennsylvanians to adhere to congress’s future decisions. Mr. Reed to the Earl of Dartmouth, Philadelphia, December 10, 1774, \textit{JRC}, I:88.
\textsuperscript{208} As before, nonimportation was supported by the provision merchants.
\textsuperscript{209} Mr. Reed to the Earl of Dartmouth, Philadelphia, September 25, 1774, \textit{JRC}, I:77-80.
\textsuperscript{210} Carp, 202.
dominated the government. Never able to gain a majority in the Assembly, Whigs resorted to extralegal tactics to build and maintain popular support. In doing so, the Whig party achieved in early 1775 what the proprietary party failed to accomplish in previous decades: obtaining concessions from a Quaker dominated Assembly. Many Whigs applauded this achievement, but concluded that the Assembly was still far from a representative body.

Even as they rejoiced in the growing influence of their party, moderate Whigs now wondered if they could make the Assembly a more representative body. Some were concerned that an outspoken radical minority would advocate the elimination of the Assembly itself. Joseph Reed worried that, “Every thing goes on smoothly yet, and there is no doubt it will continue, if some rash people in the committee do not over govern, which there is some danger of.” Reed applauded his fellow Whigs’ success, but he did not want to go so far as to destroy Pennsylvania’s existing government. He believed that working within the system would provide a stronger foundation for change and for continued resistance against imperial tyranny. Yet an unforeseen event in April utterly transformed the stage upon which the Whigs and Philadelphia’s other politicians would have to act: the outbreak of war at Lexington and Concord.

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211 Mr. Reed to Mr. Pettit, January 14, 1775, JRC, I:91.
Chapter 2:
“The Die is Irrevocably Cast”:
Fear and Uncertainty in War

“The die is irrevocably cast, and that we must play out the game, however doubtful or desperate.”

On the morning of April 24, 1775, a messenger galloped into Philadelphia declaring the outbreak of war. Word spread through the city that five days earlier, General Thomas Gage had marched the British regulars to Lexington and Concord to seize munitions and arrest Samuel Adams and John Hancock. Gage was unable to find Adams and Hancock, but his troops did encounter local resistance. The ensuing exchange of gunfire between colonists and the British regulars continued during the army’s march back to Boston. By the time the troops arrived in Boston, the British army had 73 men killed, 174 wounded, and 25 missing. The colonists had 49 killed, 39 wounded, and 5 missing. This “bloody, savage massacre of a number of the inhabitants of Lexington” threw the New England countryside into panic. Within days, thousands of militiamen from Connecticut, Rhode Island, and New Hampshire poured into Massachusetts and joined the local militia in sealing off the British army in Boston. Word raced down the east coast that “the sword of civil war has been drawn by the King’s Troops.”

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1 Mr. Reed to Robert Morris, esq., Head-Quarters, New York, July 18, 1776, William Bradford Reed, ed., Life and Correspondence of Joseph Reed 2 vols. (Philadelphia, 1847), I:199 [referred to hereafter as JRC].
4 The militia “assembled, and form[ed] a semicircle from Charlestown to Roxbury.” By July, it is estimated that between 15,000-18,000 colonial militia sealed off Boston and the 6,500 British troops within the city. Colonial militia estimates are uncertain because the militias acted independently and militiamen often arrived and left at their whim. Letter from Newport to the Philadelphia Committee, Newport, April 25, 1775, AA, 381; Middlekauff, 274-275; Symonds, 17.
5 Letter from Newport to the Philadelphia Committee, Newport, April 25, 1775, AA, 381.
This series of unpredictable military events reshaped Philadelphia’s local political scene. Pennsylvanians struggled to cope with the onset of war and threat of invasion after battles at Lexington, Concord, and, in June 1775, Bunker Hill. These episodes were not isolated events, but a slow buildup of uncertainty and fear in a vulnerable population seeking to avoid destruction by a superior military force. The unpredictable movements of a nearby British army and the continued warnings of an imminent invasion pushed the populace to the brink. As citizens looked toward their government for protection, new factions seized these opportunities to weaken, and finally remove, Pennsylvania’s century-old Quaker-dominated government. Building upon strategies learned during the imperial crisis, the Whigs and other political factions moved to obtain public support and implement their plans to ensure Pennsylvania’s survival. Though the war certainly brought danger, it also brought the Whigs an unprecedented political opportunity.

The alarming news – an army marching through the countryside, troops and civilians exchanging gunfire, and the militia now besieging Boston – redefined the imperial crisis in Philadelphian politics. The Philadelphia Committee, controlled by the Whig faction, and the Assembly, dominated by Quakers and conservatives, were forced to reevaluate what had been a decade of political maneuvering within the context of a military conflict. Foremost on the minds of all Philadelphians was the defense of the city and colony. In the spring of 1775, Pennsylvania was essentially defenseless since it still did not possess a militia. This fear initially trumped local political animosities, and factions previously at odds over the structure of local government

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6 Other colonies saw their assemblies crippled by a royal governor or British power, and therefore went outside legitimate government to retain their rights. But in Philadelphia the assembly, because of the proprietary nature of the colony, never lost power to imperial forces (governmental or military). Instead, the Pennsylvania Assembly lost power from extra-legal committees, largely comprised of Whigs, attempting to insert themselves into governmental decisions and using the threat of invasion to demonstrate how they could protect colonists from these military threats, while the Assembly did not meet throughout the winter.
now faced a common threat: the British army. The moderate Whigs, still seeking change within the governmental system, agreed with their emergent radical minority to hold a public meeting that could respond to the crisis more rapidly than the reluctant state government. The Assembly hesitated to condemn the actions of the British army, but despite their Quaker, proprietary, or merchant interests, they concluded that the government might be forced to support Whig defensive tactics if the city found itself under a military threat. Moderate Whig John Dickinson appealed to all groups to put aside their differences and protect the colony when he exclaimed, “While we revere and love our mother country, her sword is opening our veins.”

On the afternoon of April 25, Whig leaders organized a meeting of approximately eight thousand alarmed Philadelphians to discuss “the present critical situation of the affairs of America.” After “several eloquent and patriotick speeches,” many in the crowd agreed to “associate” for the purposes of “defending our property and lives against all attempts to deprive us of them.” These men immediately set about forming militia companies, electing officers, and distributing their limited supplies. Among these officers were Whig leaders Joseph Reed and John Dickinson. Yet despite the efforts of the Philadelphia Committee and the strong Whig

7 John Dickinson, AA, 381, 444-445, found in Middlekauff, 278-279.
8 “Association, for defending with Arms, their property, liberty, and lives, adopted at a meeting of near eight thousand of the Inhabitants of Philadelphia,” Philadelphia, April 26, 1775, AA, 399.
presence in the militia, it is important to note that membership in this early militia was not based upon class, religion, or political beliefs. Men from all walks of life voluntarily joined to defend their city from a possible invasion by the British army. One hundred Quakers even joined to defend the city and colony.\(^\text{12}\) Philadelphian resident Samuel Curwen observed,

\[\text{I find the drums beating, colours flying, and detachments of newly raised militia parading the streets; - the whole country appears determined to assume a military character, and this city, throwing off her pacific aspect, is forming military companies, uniting shoulder to shoulder, they form so many patriotic bands to oppose like the invincible.}^{13}\]

By June, this amalgam of over two thousand men divided themselves into three battalions, a troop of light horse, and an artillery company.\(^\text{14}\)

The immediate formation of the militia happened outside of the framework of government; neither the Assembly nor the governor approved of this action. Nonetheless, Philadelphians organized themselves into an armed extralegal body. As the city mustered in the name of defense, Pennsylvania’s Assembly convened on May 1 to debate the ramifications of an extralegal military group.\(^\text{15}\) Quaker pacifists in the Assembly feared the presence of the British

\(^{12}\) A Philadelphia meeting of Friends condemned 144 Quakers for serving in militia. Rosswurm, 51.


\(^{14}\) On June 8, “three Battalions of this City and Liberties, consisting of fifteen hundred men, the Artillery Company of one hundred and fifty, (with two twelve and four six-pound brass field-pieces,) a troop of Light-horse, several companies of Light-Infantry, Rangers, and Riflemen, in the whole above two thousand men, marched to the commons, and having joined in brigade, went through the manual exercise, firings, and manoeuvres, (with a dexterity scarcely to have been expected from such short practice,) in the presence of the honourable members of the Continental Congress, and several thousand spectators, among whom were a great number of the most respectable inhabitants of this City.” “Three Battalions of the City and Liberties of Philadelphia, the Artillery Company, a Troop of Light-Horse, several Companies of Light-Infantry, Rangers, and Riflemen, in all above two thousand Men, reviewed by the Members of the Continental Congress,” Philadelphia, June 8, 1775, AA, 931; Rosswurm, 49-50; Ryerson, 7, 118.

\(^{15}\) The Speaker of the Assembly currently was John Morton, a moderate Quaker. In addition to debating support for the militia, the Assembly responded to an attempt by Governor Penn to implement a Parliament directed self-taxation in Pennsylvania. John Dickinson headed the opposition in the Assembly and refused to lose their power of taxation. The Continental Congress reaffirmed the Assembly’s refusal in matters of colonial taxation. Governor
regulars, but the Quakers initially hesitated to authorize support for military organizations. The militias surrounding Boston pleaded for supplies while Joseph Warren warned Philadelphia that “if one colony is enslaved, she [Britain] will be immediately improved as an engine to subdue the others.” But following its conservative inclinations, the Pennsylvania government denied requests to grant funding of arms and supplies for Boston. This refusal forced Philadelphia’s Whig leaders to seek public donations to supply their suffering neighbors.

The Assembly quickly realized that ignoring the pleas of a distant militia was far easier than disregarding the local militia created to defend their city. Days after the formation of Philadelphia’s militia, its members sent a petition to the Assembly and requested £50,000 for “the imminent Dangers to which this Province particularly . . . are exposed at this Instant. . . [and] must in its Course soon reach Pennsylvania.” The fear aroused by both the British army and panicked armed locals convinced the Assembly on May 11 to allocate £2,000 “to be disposed of and applied towards discharging certain Engagements lately entered into for the public Security.” The Assembly then adjourned until June 19, leaving the city to its own devices.


16 Joseph Warren exclaimed, “I rejoice that our friends in Philadelphia are united, and that all are at last brought to see the barbarous scheme of oppression which administration has formed. We are all embarked in one bottom; if one colony is enslaved, she will be immediately improved as an engine to subdue the others.” Warren resided in Boston and directed militia efforts in and around the city immediately after the Battle of Lexington and Concord. Additionally, he was given the task of organizing a provincial army to defend Boston and the colonies. Joseph Warren to Mr. Reed, Cambridge, May 15, 1775, JRC, I:104-105; Ethan S. Rafuse. "Joseph Warren," American National Biography Online, [http://www.anb.org/articles/02/02-00331.html, accessed 28 February, 2013]: 1 [referred to hereafter as ANB].

17 William Bradford Reed, JRC, I:113; Ryerson, 118.


The day before the Assembly conceded funds to the militia, on May 10, the Second Continental Congress convened in Philadelphia. The delegates openly acknowledged and praised Philadelphia’s efforts to mobilize against a common threat. John Adams exclaimed,

The martial Spirit throughout this Province is astonishing. It arose all of a Sudden, Since the News of the Battle of Lexington. Quakers and all are carried away with it… Their officers, are made of the People of the first Fortune in the Place—Uniforms, and Regimentals are as thick as Bees. America will Soon be in a Condition to defend itself by Land against all Mankind.

Congress was nowhere near ready to declare independence, but the delegates acknowledged that steps needed to be taken to protect their colonies. On June 14, the Continental Congress created a Continental Army and appointed George Washington as Commander-in-Chief of the American forces. Washington selected Joseph Reed as his Secretary. Reed shocked his friends by accepting the position. Reed had never expressed a desire to serve in the military, but he responded by saying, “I have no inclination to be hanged for half treason.” In fact, both Reed and Thomas Mifflin abandoned their leadership positions within the Whig faction and departed to serve in the war. As Washington prepared to depart for the outskirts of Boston,

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20 That very day, American forces captured Fort Ticonderoga “in the name of the Continental Congress.” Middlekauff, 277.
22 Congress created a committee on May 27 to obtain arms and supplies for the American military. Middlekauff, 281.
23 Middlekauff, 281.
26 Thomas Mifflin was a merchant, Quaker, and a member of the colonial assembly until 1775. Upon the initiation of hostilities that April, Mifflin left politics and joined the new provincial army as George Washington’s aide-de-camp. His choice to fight resulted in his expulsion from the Society of Friends. John K. Alexander. "Thomas Mifflin," *ANB* [http://www.anb.org/articles/02/02-00234.html, accessed 28 February 2013], 1 [referred to hereafter as *ANB*]: 1; Fischer, 281.
more alarming news arrived in Philadelphia as it was learned that the British army had attacked American positions on Breed’s Hill.\textsuperscript{27}

When the Assembly finally reconvened on June 19, it faced demands for action from a local Philadelphia Committee, an armed extralegal militia, and the Continental Congress all attempting to conduct a war. Congress immediately requested a rifle battalion to strengthen the Continental Army. The Philadelphia Committee, headed by Joseph Reed until his departure, demanded that the Assembly contribute further to the needs of the militia to protect “the very naked and defenseless state of this City.” The Chairman stated that the city needed to establish a naval defense on the Delaware and encourage the manufacturing of war supplies. The Philadelphia Committee also urged the Assembly to create a “Committee of Safety and Defense,” composed of twenty-five men from both the Assembly and Philadelphia Committee, that would be under the control of the Assembly and have the power to act immediately in the defense of the city and colony.\textsuperscript{28}

The Assembly conceded on all terms. It agreed to create a company of riflemen for Congress. It also passed a resolution stating that the local militia would be paid and supplied during “any Invasion or Landing of British Troops.”\textsuperscript{29} And on June 30, the Assembly created a Committee of Safety "in the present time of danger and uncertainty."\textsuperscript{30} John Dickinson was

\textsuperscript{27} The Battle of Bunker Hill occurred on June 17, 1775 when approximately 3,000 British troops landed on Moulton’s Point and attacked the American militia positions. The battle resulted in 1,054 British soldiers and 440 American soldiers killed or wounded. The American forces fell back, partially from running out of ammunition. Ira Gruber, \textit{The Howe Brothers and the American Revolution}, (New York, 1972), 25; Piers Mackesy, \textit{The War for America, 1775-1783}, (Nebraska, 1964), 4, 27; Middlekauff, 285-290; Symonds, 18-19.

\textsuperscript{28} This committee comprised of moderates and extremists from both the Assembly and the Philadelphia Committee. “Joseph Reed, Chairman, and in Behalf of the Committee of the City and Liberties of Philadelphia to the General Assembly,” Philadelphia, June 23, 1775, \textit{Votes and Proceedings}; Ryerson, 119.

\textsuperscript{29} “General Assembly,” Philadelphia, \textit{Votes and Proceedings}.

elected chairman and the committee included such city leaders as Benjamin Franklin, Thomas Willing, and Thomas Wharton.\textsuperscript{31}

The creation of the Committee of Safety represented more than good natured cooperation because it offered political benefits to both the Assembly and the Whig faction.\textsuperscript{32} The Assembly recognized the need to defend Philadelphia from a possible invasion. But the Assembly also realized that it was under siege by its own citizens. The reality was that Whig controlled committees were already a direct threat to the Assembly’s power and the militia presented an armed body acting without any direction from government. Yielding to the demands of the Philadelphia Committee allowed for the Assembly to retain the image of power in the city. By appearing to compromise with the Whig party to create the Committee of Safety, the Assembly was actually attempting to bring the armed body under its own control. Additionally, since military defense of the colony fell under the authority of the governor, forming an executive committee with the approval of the Assembly granted it additional power, or so the legislators believed.

The Whigs saw the Committee of Safety not only as a means of effectively defending the colony, but a further gain in their ability to influence government. The Philadelphia Committee had already assumed several powers of the legislative branch. The creation of the Committee of Safety now granted them the power to expand their control into the executive branch of government. The Committee of Safety assumed wartime powers previously reserved for the governor, such as calling out the militia and petitioning the Assembly for military funds. And


\textsuperscript{32} Ryerson contends that this was, in fact, “enthusiastic cooperation between continental, provincial, and local bodies.” Ryerson, 127.
these committees continued to expand their power throughout the summer and fall of 1775. The Philadelphia Committee expanded from sixty-six to one hundred members on August 16. The militia, seeking further to organize internally, created the Committee of Privates, also known as the Associators, in September. The Committee of Privates put the militia under direct leadership of militia leaders and attempted to skirt the leadership of the Committee of Safety.

In effect, the outbreak of war had spawned two governing systems in Philadelphia. The Assembly still acted much as it did during peacetime, with the notable exception of its grudging provision of limited funds to the militia. The Assembly convened on and off throughout the year, addressed local matters, submitted legislation to the governor, and, most importantly, still controlled the power of the purse. Governor Penn oversaw the government, but avoided any direct role in the escalating crisis. The committees, however, in effect constituted themselves as a wartime government. The Philadelphia Committee assumed the role of the legislature, moving beyond its initial jurisdiction of enforcing nonimportation and nonexportation. Seeing themselves as the defenders of the people, its members assumed responsibility for obtaining supplies and funds for the colony’s defense.

As local committees and militias formed throughout Pennsylvania, they would sometimes petition the Assembly for funds, but for more

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33 As the initial life-threatening fear of the British army’s attacks waned in the months after Lexington and Concord and the militia assumed a more intolerant stance toward British supporters and the Assembly, its composition became less diversified. Many Quakers and conservatives who joined its ranks as an immediate response to the violence left and their spots were filled by members of the artisan community and the city’s growing Whig supporters. Anne M. Ousterhout, A State Divided: Opposition in Pennsylvania to the American Revolution (New York, 1987), 107; Rosswurm, 56, Ryerson, 135-136.
34 Ousterhout, 107; Rosswurm, 56, Ryerson, 135-136.
35 Ousterhout, 106.
36 Ousterhout, 107.
37 The committee declared that it would stay in session until the meeting of the next Continental Congress. Christopher Marshall, November 7, 1774, Extracts from the Diary of Christopher Marshall, Kept in Philadelphia and Lancaster During the American Revolution, 1774-1781, William Duane, ed. (New York, 1877), 10; Ryerson, 131.
38 Ousterhout, 107.
immediate needs these extralegal groups would go directly to the Philadelphia Committee or the Committee of Safety.\textsuperscript{39} The question of who was in charge of the colony’s government would become even more pressing during the fall and winter of 1775-1776 as the military crisis intensified.

During the winter months, rumors that the British intended to invade Philadelphia swirled around town.\textsuperscript{40} The first hints of such a possibility had arrived in late September and early October 1775. Information from Boston stated that four warships and two transports, carrying six hundred men, had left that city in “profound secret.”\textsuperscript{41} Additionally, rumors of the imminent arrival of five Irish regiments began to circulate.\textsuperscript{42} Philadelphians believed their city, site of the Continental Congress, was the next logical target. While Philadelphia was not in fact the destination of the British army, the escalation of the war and fears of a British invasion shifted support in the October elections to men promising to defend the colony.

Not since 1764 had an Assembly election sparked such politicking.\textsuperscript{43} In Philadelphia, virtually every man who ran for office supported the extralegal organizations pledged to the city’s defense. Two Philadelphia Quaker assemblymen unwilling to compromise their commitment to pacifism withdrew before the vote.\textsuperscript{44} Philadelphia’s mayor, Samuel Rhoads, even conceded defeat and resigned before the election ended.\textsuperscript{45} The Whigs supported Colonel

\textsuperscript{39}Ousterhout, 107; Rosswurm, 56, Ryerson, 135-136.
\textsuperscript{41}The warships included one 64-gun ship, one 20-gun ship, and two 81-gun sloops. “Extract from a Letter,” \textit{Pennsylvania Packet}, October 12, 1775.
\textsuperscript{42}“Extract from a Letter,” \textit{Pennsylvania Packet}, October 12, 1775.
\textsuperscript{43}Ryerson contends this was the most contested election in Philadelphia since 1764. Christopher Marshall, October 3-4, 1775, \textit{Diary of Christopher Marshall}, 44; Ryerson, 131.
\textsuperscript{44}Henry Pawling and Israel Jacobs, both Quakers, announced their withdrawal prior to October. Ryerson, 135.
\textsuperscript{45}Samuel Rhoads was a Quaker merchant who served as a member of the Assembly from 1771-1774, and later elected to the First Continental Congress. However, he left the Continental Congress to serve as Philadelphia’s
Thomas Potts, Colonel Samuel Miles, and Robert Morris for Philadelphia’s seats. All three men served in the militia and/or on a committee, but none was a thoroughgoing radical. They supported the militia and defense, but had no desire to take extreme measures in opposition to the Assembly or imperial authority. Their moderate stance revealed to voters that a crucial split had emerged between such men and a more radical group of Whigs. This splinter group took a more aggressive stance and hinted at the necessity of removing the Assembly and separating from the British Empire. The new faction nominated Charles Thomson and Thomas Pryor.

In city voting, however, Philadelphia’s moderate candidates triumphed in the election; so too did moderate John Dickinson. Thomson and Pryor lost because their more extreme views regarding government and militia service frightened Philadelphians. Elsewhere in the colony, where rural inhabitants exhibited little concern about a British invasion, voters persisted in choosing the same kinds of cautious Quakers they had supported in the past. The result was an Assembly nearly balanced between moderate Whigs and conservative Quakers. The increase in Whig representation meant that the relationship between the Assembly and extralegal committees dominated by the Whigs became more complicated, but the election results also demonstrated voters’ rejection of the most radical candidates for office. Dickinson summed up the current political climate, noting that “the oppressive measures of the British Parliament have compelled us to resist their violence, by force of arms, yet we … utterly reject any


Christopher Marshall, October 3-4, *Diary of Christopher Marshall*, 44; Ryerson, 135.

This splinter group started to believe that reforming the Assembly was hopeless, and declaring independence might be needed to achieve their political goals. Christopher Marshall, October 3-4, *Diary of Christopher Marshall*, 44.


Ryerson, 135-137.
propositions…that may cause or lead to a separation from our Mother Country, or a change of
the form of this government.” The Whig faction had been able to exploit the military conflict
to gain ground in the Assembly. Now many of its members hoped to defend Pennsylvanians and
prosecute the war using the formal machinery of the existing government instead of relying so
heavily on extralegal organizations.53

Meanwhile, throughout the summer and fall of 1775, the Continental Congress requested
additional troops to help in fighting that war. Its call for Continental Army recruits occurred at
the same time that Philadelphia authorities urged men to defend their homes and families by
joining the militia. The Committee of Safety urged the Assembly to requisition supplies in order
to arm, clothe, and feed the colony’s first line of defense, but the legislature temporized. The
Committee of Safety had been created to mount a quicker military response to the war, but so
long as it tried to work through the Assembly, its effectiveness was sharply limited.55

The Committee’s ability to achieve its military goals was further thwarted by the actions
of men who saw the need for a defensive force, but harbored concerns about the militia’s radical
tendencies. James Allen only joined the militia to silence public speculation about his political
views. He declared that “My Inducement principally to join them is; that a man is suspected
who does not; & I choose to have a Musket on my shoulders, to be on a par with them; & I
believe discreet people mixing with them, may keep them in Order.” Allen was not the only

52 Mr. Dickinson to Delegates of Congress, November 9, 1775 JRC, I:155.
53 Ryerson, 135-137.
54 Washington to Reed, Cambridge, November 28, 1775, JRC, I:130-132.
56 James Allen grew up in Philadelphia, graduated from the College of Philadelphia in 1759, and studied law at the
Temple. His only political experience before the Revolution was his election as a Common Councilman of
Philadelphia in 1767. Allen supported the colonies in the imperial crisis, but believed in the necessity of
maintaining Pennsylvania’s current government and opposed declaring independence as an option. James Allen,
Magazine of History and Biography 9, 2 (July, 1885): 176-177 [referred to hereafter as PMHB].
57 James Allen, October 14, 1775, PMHB, 185-186.
man to worry about the influence of the Committee of Privates (or Associators)—which seemed answerable to no one—over the militia. He believed that if more moderate men like him would join, the worst tendencies of the militia and its supervising Committee might be checked.\textsuperscript{58}

Militia leaders certainly resented the inability, or perhaps unwillingness, of the government and the public to meet supply demands. In early October 1775, the Associators urged all Philadelphians to do their part to fend off a possible invasion.\textsuperscript{59} The Associators requested that the Assembly pass a law requiring all persons, including pacifist Quakers, to assist in the defense of the colony.\textsuperscript{60} The Committee of Safety, however, hesitated to support a measure forcing all men, regardless of religious or personal circumstances, to serve in the militia. As far as many militiamen were concerned, this reluctance made the Committee of Safety no better than the Assembly. Both bodies stood in the way of accomplishing Associator objectives.\textsuperscript{61}

One ploy the Associators tried in order to get compliance was to play the Assembly and the Committee of Safety off of each other to gain their needed supplies. This was a tricky proposition, since after the October election, there was considerable overlap in the membership of the Committee and the Assembly. Nevertheless, the Associators, in a surprising move, denounced the Committee of Safety in October and appealed to the Assembly for its support. Although the Committee of Safety had been recognized by the legislature, the Associators argued that it should have no power to pass militia laws “because we know of no right which our

\textsuperscript{58} James Allen, October 14, 1775, \textit{PMHB}, 185-186.
\textsuperscript{59} “General Committee of Privates to the Honorable House of Assembly,” \textit{Pennsylvania Packet}, October 9, 1775; Ryerson, 134
\textsuperscript{60} The Associates determined that a fine “not exceeding Ten Pounds” be levied against any man who “shall neglect or refuse” militia service. “Resolutions Directing the Mode of Levying Taxes on Non-Associators in Pennsylvania,” Philadelphia, \textit{Votes and Proceedings}.
\textsuperscript{61} The Associates allied themselves with the Whigs when they shared common goals, which was often the case. Yet when the Whig faction refused funding or denied support for Associates’ actions, the Associates quickly, but temporarily, grouped the Whigs into the same uncaring category as the Assembly. Untitled, \textit{Pennsylvania Packet}, November 13, 1775.
Assembly has to invest any body of men with legislative authority. See 62. Seeing an opportunity, John Dickinson, his supporters, and conservative Quakers in the Assembly reluctantly approved the measure on November 25. Politically, Moderate Whigs and conservatives did not approve of the Associates’ posturing, but the Assembly hoped that this act would strengthen its authority over the militia and provide the Assembly with militia support. Militarily, pacifist Quakers still abhorred the decision to make militia service a requirement and many voted against the measure, but the threat of invasion and public backlash shifted the views of enough conservatives to approve this measure. Although the Associates were allied with the Whigs, their political maneuverings irritated several moderate Whigs in the Assembly and on local committees, but not to the point of an open breach. The immediate threat to the city stifled any public outcry against military preparedness since such measures were seen as essential to the colony’s defense.

But as the winter of 1775-1776 deepened in Philadelphia, the immediate prospect of an invasion waned and Pennsylvanians grew restive. The war became something that people read about in the newspapers. But in those papers, accounts of battles up north appeared next to a flood of essays debating whether the colony should reconcile with the British Empire or leave it. By far the most influential polemic was penned by the Philadelphia resident, Thomas Paine, who

62 “General Committee of Privates to the Honorable House of Assembly,” Pennsylvania Packet, October 9, 1775.
64 Many in the Assembly feared a military body operating outside the control of the government. For Moderate Whigs who continued to seek reform without replacing the government, this option provided the city funding for defense while keeping the militia under the monetary control of the government.
65 At this time, twenty-three men served both as militia officers and members of the Philadelphia Committee. Ousterhout, 121; Ryerson, 134.
published *Common Sense* in January 1776. He had emigrated from England barely a year earlier, but emerged as the most eloquent advocate of independence. In constructing his argument, Paine focused on the military conflict as justification for severing the imperial tie. “All plans, proposals, &c. prior to the nineteenth of April, i.e. to the commencement of hostilities, are like the almanacks of the last year; which tho' proper then, are superseded and useless now.” In response, a host of men, including Dickinson and Reverend William Smith, insisted that a hasty separation from the empire would end in disaster. Smith published a series of essays under the name “Cato” that denounced the goals of the Independent Whigs as “directly repugnant to every declaration of that respectable body [Congress].”

This propaganda war over independence exacerbated the division between Whigs and conservatives, as well as between moderate and more radical Whigs. Joseph Reed admitted to a friend, “If you get our papers you will see a terrible wordy war waging on the subject on independence. Some writers have taken up the cudgels against ‘Common Sense,’ and the city seems desirous they should all have fair play.” The political debate also revived the question of the viability of an Assembly that seemed reluctant to pursue the war effort. Many Whig leaders, including Reed, Dickinson, and James Wilson, served either in the Assembly or the Continental

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66 Paine began by theoretically discussing the role of government in a society. He then examined the situation in America and stated that the colonies should separate from the empire for numerous reasons, including economics, the continued political clashes that would occur, and that the colonies had grown beyond the need of the British Empire. *Common Sense, The Rights of Man, and Other Essential Writings of Thomas Paine*, Sidney Hook, ed. (New York: Penguin Books, 1969), 37-39.

67 Reverend William Smith was the most outspoken opponent to *Common Sense* in Philadelphia. “To the People of Pennsylvania. Letter II,” *Pennsylvania Ledger*, March 16, 1776; See also the *Pennsylvania Ledger* on March 30, April 6, and April 13; Ousterhout, 178-179.


70 Reed’s letter also expressed his indecision over how to proceed overall, as he wrote, “I never felt so much puzzled to know how to act; I think our business must sink to a very low ebb. Expenses rather increase; to stay in town seems to be imprudent; to remove and give up business entirely, does, not seem to be wise. To go into the army seems like abandoning my profession….I am perplexed with a scene of which one can see so little.” Mr. Reed to Mr. Pettit, Philadelphia, March 30, 1776, *JRC*, I:181-182; Colonel Moylan to Mr. Reed, Camp, January 30, 1776, *JRC*, I:160.
Congress, and hoped that the colony government would demonstrate greater support for the war and accept minor changes in representation. If the Assembly refused to budge, its enemies would be emboldened to challenge its very existence. Moderate Whigs regarded the replacement of a functioning legislature with some sort of revolutionary expedient as a mistake in a time of war. Massachusetts had been forced to create a revolutionary government when its royal governor refused to convene the General Court, but Pennsylvania’s executive had not followed suit. Looking back years after the Revolution’s conclusion, former Whig Charles Thomson recalled,

Had the Whigs in Assembly been left to pursue their own measures, there is every reason to believe they would have effected their purpose. . . . The original Constitution of Pennsylvania was very favorable, and well adapted to the present emergency. . . . Hence it is apparent, that Pennsylvania had a great advantage over the other Colonies, which by being deprived by their governors of their legal Assemblies, or House of Representatives, constitutionally chosen, were forced into conventions.

What Thomson’s recollection ignored, however, was the fact that the Assembly’s Whigs were divided over the subject of independence. Reed initially resisted independence, but had joined the Continental Army and supported the pro-independence movement when he concluded that the “separation from the Mother Country is a certain event, though we are not yet so familiarized to the idea as thoroughly to approve it.” Dickinson, James Wilson, and Robert Morris

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71 Pennsylvania’s Assembly seats did not currently represent the growing frontier population, and Whig leaders sought to increase frontier representation to gain power in the Assembly.
72 Reed won a seat in the Assembly during a January 26 election. Reed was also elected to the Philadelphia Committee, the 2nd Committee of 100, on February 16, 1776. Mr. Reed to Mr. Pettit, Philadelphia, March 3, 1776, JRC, I:164; Ryerson, 158-159.
73 Middlekauff, 252-253.
74 Mr. Thomson to Mr. Drayton, JRC, I:152-153.
75 Mr. Reed to Mr. Pettit, Philadelphia, March 3, 1776, JRC, I:164.
meanwhile believed that the existing Assembly could adequately address the colony’s political crisis.\textsuperscript{76}

For a small group of more radical Whigs, however, many of whom served in the militia, this debate provided another opportunity. Having been rejected by voters in the previous election, they believed that their own political fortunes would improve if the colony declared independence. Such a move would presumably replace the existing Assembly with a new legislature where they might hope to gain seats. Invoking the writings of Thomas Paine, the Independent Whigs called for a provincial convention in February in order to create a new government that could protect the colony more effectively. Neither public opinion nor the moderate Whigs were ready for such drastic actions, however, and the radicals’ plan came to naught.\textsuperscript{77}

Changing their tactics, the Independent Whigs then joined forces with moderates in a plan to enlarge the Assembly, thereby increasing representation in frontier communities that increasingly supported the Whigs. The Assembly accordingly added seventeen new seats in March 1776.\textsuperscript{78} Surprisingly, both Whigs and Quakers supported the move. Whigs saw an opportunity to increase their membership in the legislative body, and Quakers hoped this concession would help to preserve the current government and defuse public animosity toward


\textsuperscript{77} James Allen, March, 6, 1776, \textit{PMHB}, 186.

\textsuperscript{78} Reed and Dickinson headed the committee to finalize the bill, and it was passed on March 14, with a vote of twenty one to nine. It was then approved by the governor. Philadelphia gained four seats. The counties of Lancaster, York, Cumberland, Berks, and Northampton gained two seats each. The counties of Bedford, Northumberland, and Westmoreland gained one seat each. “An Act to Increase the Number of Representatives in Assembly for the City of Philadelphia, and in the Several Counties Therein Names,” act of March 23, 1776, \textit{The Statutes at Large of Pennsylvania, 1682 to 1801} Vol. 8 (Pennsylvania, 1902), 459-462, [http://www.palrb.us/statutesatlarge/17001799/1776/0/act/0717.pdf, accessed 10 May, 2012]; Untitled, \textit{Pennsylvania Packet}, March 11, 1776; Ousterhout, 129; Ryerson, 162, 259.
it. Reed concurred that “increas[ing] the representation” was the best compromise, but he also worried of “violent spirits . . . obstruct[ing]” cooperation between the two factions.

In the midst of this political struggle, rumors of another military threat to Philadelphia surfaced in early March. News arrived from London that Parliament had voted to authorize British “ships of war to seize all American vessels, and condemn them as lawful prize.” This action would not only cripple Philadelphia’s merchants, but also hurt local businesses, farmers, and travelers. Rumors about the arrival of additional troops also began circulating, with the numbers doubling with every conversation. Tales of British warships patrolling the mouth of the Delaware filtered through the city. Then on May 19, the British abandoned Boston. General Washington claimed that he did not know the destination of the army. Many assumed Halifax was its destination, but a redeployment to attack Philadelphia was another possibility. Joseph Reed remarked that “many who were impatient to have Howe drawn from Boston, are now alarmed with the apprehension of the seat of war being removed to the Middle Colonies.” Many Philadelphians prepared to flee west to avoid an attack. Reed worried for his wife in Philadelphia and whether or not it was financially beneficial to retreat into the countryside or ride out the crisis. He pondered, “I never felt so much puzzled to know how to act; I think our business must sink to a very low ebb. Expenses rather increase; to stay in town seems to be

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81 General Washington expressed his concern to Joseph Reed in a letter stating, “I am exceedingly concerned to hear of the divisions and parties which prevail with you. . . . These are the shelves we have to avoid, or our bark will split and tumble to pieces, - here lies our great danger, and I tremble when I think of it.” George Washington to Joseph Reed, April 15, 1776, *JRC*, I:189.
83 James Allen, March 6, 1776, *PMHB*, 184.
84 The occasional passing of any ship flying the British flag spurred fears and rumors throughout the area. Mr. Reed to Mr. Pettit, Philadelphia, March 30, 1776, *JRC*, I:181-182.
88 Mr. Reed to Mr. Pettit, Philadelphia, March 30, 1776, *JRC*, I:181-182.
imprudent; to remove and give up business entirely, does, not seem to be wise.”

As James Allen stated upon hearing the news of additional troops, “The plot thickens.”

Despite the prospect of invasion, few Pennsylvanians were ready to agree to the radical Whigs’ proposals and support either independence or the replacement of the Assembly. No matter how hard the Independent Whigs invoked wartime exigencies to push for their political agenda, they could not garner sufficient public support. Joseph Reed suspected that many Assembly members and delegates to the Continental Congress, “would cut the knot tomorrow, but they must have a concurrence of the people, or at least a general approbation of any such material change.”

The war was not yet at their doorstep, and so few Philadelphians were ready to accept radical measures, especially considering the concessions offered by the Assembly regarding representation and defense. Thus in the May 1 by-election, Independent Whigs again lost out to moderates in the Assembly.

James Allen, a prominent moderate, was reassured by the fact that “moderate men look blank, & yet the Majority of the City & province are of that stamp; as is evident from the Election of new members.” Radical Whigs needed a trigger to arouse public support for their goals of declaring independence and creating a new government. Colonel Stephen Moylan, Muster-master general of the Continental Army, accurately predicted that before the people would accept dramatic change, “the war must come to every man’s home.”

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89 Mr. Reed to Mr. Pettit, Philadelphia, March 30, 1776, *JRC*, I:181-182.
91 Mr. Reed to Mr. Pettit, *JRC*, I:183.
92 James Allen won a seat for Northampton County in this short-lived Assembly. James Allen, March 15, 1776, *PMHB*, 186; Ryerson, 211.
94 Colonel Moylan wrote Joseph Reed, “Shall we never leave off debating and boldly declare independence? That and that only will make us act with spirit and vigour. The bulk of the people will not be against it, but the few and timid always will; but what can be expected from a contrary conduct? Can it be supposed possible that a reconciliation will take place after the loss of blood, cities, and treasure already suffered.” Colonel Moylan to Mr. Reed, Camp, January 30, 1776, *JRC*, I:160.
Christopher Marshall was walking to his local Philadelphia coffee house when the sound of “a great number of heavy cannons firing down the river” broke the afternoon silence on May 8, 1776.95 Suddenly, panic-stricken citizens dashed outside of their homes, scrambled through the streets, and headed toward the river to investigate the source of the disturbance. In the State House, the Second Continental Congress paused its meeting to ascertain the threat to the city. Back outside, Marshall observed turmoil as the city’s alarm gun fired, followed by the beating of drums. Reports quickly spread that it was the HMS Roebuck and HMS Liverpool, a 44 man-of-war and a 28-gun frigate respectively, sailing up the Delaware and engaging the USS Wasp and local boats.96 Men, women, and children gathered along the river and watched as a group of men armed themselves, boarded the city’s gondolas, and set off down the river. The fathers, sons, and husbands of Philadelphia proceeded toward the sound of battle on their unstable, flat bottom boats and disappeared around the bend in the river. The war had come to Philadelphia.97

For the next two days, the gondolas and British ships repeatedly faced off down river from the city. William Whipple, a member of the Continental Congress from New Hampshire, 

95 The British navy ships Roebuck and Liverpool, 44 and 28 guns respectively, sailed up the Delaware and were engaged by provincial thirteen gondolas. Untitled, The Pennsylvanian Evening Post, May 9, 1776; Christopher Marshall, May 8-9, 1776, Diary of Christopher Marshall, 69. Untitled, The Pennsylvanian Evening Post, May 9, 1776; Untitled, The Pennsylvania Ledger May 11, 1776; John Adams to Abigail Adams, May 12, 1776, LDC, American Memory, [http://memory.loc.gov/cgi-bin/query/r?ammem/hlaw:@field(DOCID+@lit(dg003609)), accessed 11 April, 2012]; William Whipple to John Langdon, May 11, 1776, LDC, American Memory, [http://memory.loc.gov/cgi-bin/query/r?ammem/hlaw:@field(DOCID+@lit(dg003606)), accessed 11 April, 2012]; Reed, 184-185.
96 The British ships had paused to steal cattle from the New Jersey shore when they were attacked. The Wasp had recently assisted in the capture of British military supplies as Fort Montague. Dispatched to Philadelphia to make minor repairs, the ship was then assigned to patrol the Delaware River, where the Wasp encountered the Roebuck and Liverpool in the Delaware. Outgunned, the Wasp and local boats opened fire from an extreme distance.
97 The gondolas exchanged cannon fire with the British ships for about four hours, with minimal damage to both sides. The battle renewed on Thursday, and forced the British ships down river. Untitled, The Pennsylvanian Evening Post May 9, 1776; Untitled, The Pennsylvania Ledger, May 11, 1776; Christopher Marshall, May 8-9, 1776, Diary of Christopher Marshall, 1774-1781, 69; John Adams to Abigail Adams, May 12, 1776, LDC; William Whipple to John Langdon, May 11, 1776, LDC; Gardner Allen, A Naval History of the American Revolution 1 (Boston, 1913), 140-144; Reed, JRC, I:184-185.
observed with surprise “many Spectators from this City” heading south to watch the battle. Yet rumors of the engagement trickled into Philadelphia. Marshall expressed frustration at the vagueness of the information.

Various accounts of the affair down the river, between the men of war and our gondolas, but nothing that’s certain, save our men conducted themselves valiantly, and obliged the men-of-war to fall down below New Castle, being handled very roughly.

As the battle raged, newspapers further incited panic by reporting that an additional forty-five thousand English and Hessian troops were heading to America. Finally, after two days of skirmishing, news arrived that the gondolas “forced” the Roebuck to run aground, although it escaped during the night before the colonists could board it. The British ships then withdrew from the Delaware. But the battle came at the cost to the city of one dead and six injured men. Overcome with fear and uncertainty, a mass exodus occurred as people fled the city. Chaos filled the streets as men and families attempted to settle their affairs, secure their belongings, and escape west into the countryside.

Philadelphia was a city on edge even before the onset of cannon fire. For many Philadelphians, the exchange of cannon fire down river on May 8 confirmed their yearlong fears. Independent Whigs had long warned about the danger to the colony, but only now were Philadelphians willing to heed their admonitions. The military crisis, worrisome as it was,
proved to be a political boon for the radical Whig faction seeking to remove the Assembly, providing it with the public support it had longed for but until now had not received.

On 7 May, the Continental Congress had appointed a Committee of the Whole to debate how best to respond to the military situation. For days, the members argued over a proper course of action and all resolutions were “[left] to sit.” The battle on the Delaware, however, convinced delegates that urgent action needed to be taken, and on May 10 they issued a momentous resolution. Congress instructed colonial assemblies that “where no Government sufficient to the Exigencies of their Affairs, hath been hitherto established,” they should “adopt such Government as shall in the Opinion of the Representatives of the People best conduce to the Happiness and Safety of their Constituents.” In leaving it up to individual colonies to decide if their governments were capable of addressing wartime needs, the Congress in effect empowered local Whigs to take control and change their local governments if necessary. Pennsylvania’s Independent Whigs recognized this as their chance to strike.

Blocking their path, however, were moderate Whigs led by Dickinson, Reed, and Wilson. They insisted that Pennsylvania’s government was fully capable of navigating the crisis and protecting the people. Aware of the hotly contested debate between Moderate and Independent Whigs in Philadelphia, Congressional delegate John Adams quickly wrote a preamble to the May 10 resolution ordering “that the exercise of every kind of authority under the . . . crown . . . be totally suppressed, and all the powers of government [be] exerted, under the authority of the

103 This Committee of the Whole first met on May 7, after news of Hessian troops being sent to America. James Allen, July 26, 1775, PMHB, 186.
Such an aggressive directive, aimed at Pennsylvania’s government, strengthened the position of radicals and thus worried moderates in both Congress and at the state level. James Wilson warned Congress that

In this Province if that Preamble passes there will be an immediate Dissolution of every Kind of Authority. The people will be instantly in a State of Nature. Why Precipitate this Measure. Before We are prepared to build the new House, why should We pull down the old one, and expose ourselves to all the Inclemencies of the Season.  

Thomas Paine, Christopher Marshall, Sr., and other Independent Whigs, however, welcomed the preamble for its very radicalness. Paine wrote that Philadelphia’s “present condition is alarming” and that the colony must sever all ties to the Crown. He accused Pennsylvania Assemblymen’s minds of being “warped and prejudiced” and pleaded for a provincial convention in order to save the colony. 

The English fleet and army have of late gone upon a different plan of operation to what they first set out with; for instead of going against those Colonies where independence prevails most, they go against those only where they suppose it prevails least. They have quitted Massachusetts-Bay and gone to North-Carolina, supposing they had many friends there. Why are they expected at New-York? But because they imagine the inhabitants are not generally independents, (yet that province hath a large share of virtue, notwithstanding the odium which its House of Assembly brought upon it.)

The panic, uncertainty, and casualties of the battle were still fresh in the minds of Philadelphians. Paine’s writings built upon this sense of dread in order to convince Philadelphians that lingering

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106 Pro- and anti-independent supporters debated on the dangers of this preamble in both Congress and the Assembly. Letter of Honorable James Wilson to General Horatio Gates, June, 1776, PMHB 36, 4 (October, 1912): 473-475; “Congress Recommends the Formation of State Governments,” May 10, 1776, Sources and Documents, 148; Ryerson, 213.
divisions over the issue of independence would bring disaster: an invasion by the British army.\textsuperscript{111} Recognizing the Independent Whigs’ ability to capitalize on the military situation and increase their influence on the populace, James Wilson predicted that “Matters are . . . now, in all Likelyhood approaching to a Crisis.”\textsuperscript{112}

Energized by the Congressional resolution, the Independent Whigs called for a public gathering to rally support for governmental change. On May 15, they convened a regular meeting of the Philadelphia Committee, but on the following day, the Independent branch of the Whigs met on their own in the same room.\textsuperscript{113} This meeting included not only Independent Whigs in the Philadelphia Committee, but also pro-independence supporters not currently active in government.\textsuperscript{114} The radicals agreed to demand a provincial convention and to undermine the Assembly until this convention met.\textsuperscript{115} They proceeded to petition the Philadelphia Committee, demanding an “open assembly of citizens” to discuss matters.\textsuperscript{116} The Philadelphia Committee, which derived its power from the people, obliged. Already fearing the outcome, newly elected Assemblyman James Allen worried that Pennsylvanians “all may bid adieu to our old happy constitution.”\textsuperscript{117}

On the morning of May 20, four thousand Philadelphians gathered, “notwithstanding the rain,” to discuss the future of the Assembly.\textsuperscript{118} Major John Bayard, Chairman of the Philadelphia Committee, called the meeting to order and Colonel Daniel Roberdeau sat as

\begin{footnotesize}
\begin{enumerate}
\item James Clitherall, who traveled from South Carolina to Philadelphia in April, 1776, noted, “I soon perceived in this city that parties ran high – the body of the people were for Independency.” Dr. James Clitherall, “Extracts from the Diary of Dr. James Clitherall, 1777,” \textit{PMHB} 22, 1 (January, 1898): 469.
\item After the Philadelphia Committee adjourned on May 16, the Independent Whigs met in the same room. Ryerson, 213.
\item Ryerson, 212-213.
\item Ryerson, 213.
\item Ryerson, 213.
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chair. The wet crowd cheered as the meeting opened with Roberdeau reading Congress’s resolution calling for the states to create new governments. Next, the crowd quieted as he presented the Assembly’s instructions warning against hastily removing a fully functioning government. Once the Whigs presented both sides of the dispute, Whig militiamen Colonel Thomas McKean, Colonel John Cadwalader, and Colonel Timothy Matlack proceeded to refute what they regarded as the Assembly’s exaggerations and reminded the crowd of the current government’s pattern of failure in dealing with an armed conflict.

When the debates ended, attendees voted in favor of a resolution stating that the current Assembly did not have the power to make the necessary changes to government because the electorate had not granted its members such authority. Only a specially elected provincial convention could make such governmental alterations. They agreed that such a convention would be held on June 18, its delegates chosen “by the people for the express purpose of carrying the said Resolved of Congress into execution.” In achieving this victory, with the tacit help of the Continental Congress, the Independent Whigs at last crippled the Assembly, challenging its legitimacy in the face of military crisis. The Philadelphia Committee had no choice but to respond to the demands of the people. It drafted a circular letter the next day and dispatched

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119 Major John Bayard was a Philadelphia merchant and moderate Whig who joined the Associators and served on numerous Philadelphia committees from 1775-1776. He would later support Independence, but oppose the 1776 state constitution. Colonel Daniel Roberdeau was an Independent Whig who served on the Committee of Safety in 1775. He joined the Associators as a colonel in 1776, served with Washington’s forces, and became a member of the Continental Congress in 1777. Darwin H. Stapleton, “Roberdeau, Daniel (1725-1795),” *ANB* [http://www.anb.org/articles/01/01-00784.html, accessed 3 February, 2013]: 1; G.S. Rowe, “Bayard, John Bubenheim (1738-1807),” *ANB* [http://www.anb.org/articles/03/03-00612.html, accessed 3 February, 2013]: 1.

120 John Adams presented the preamble to Congress on May 15. Dr. James Clitherall, *PMHB*, 470-471; Ryerson, 214.

121 Dr. James Clitherall, *PMHB*, 470-471; Ryerson, 214.


123 Clitherall, attending the meeting, stated that any man not supporting their vote was “insulted and abused, I therefore thought it prudent to vote with the multitude and we resolved.” Dr. James Clitherall, *PMHB*, 470-471.
riders to deliver the resolves to Pennsylvania’s counties.\textsuperscript{124} As John Morton noted, Pennsylvania’s colonial assembly “became at last too heavy to drag along.”\textsuperscript{125}

When the Assembly met two days later, it was a powerless shell.\textsuperscript{126} Dickinson, Allen, and a small contingent of moderates and conservatives gathered in a nearly empty State House. Allen condemned those men who abandoned the Assembly and exclaimed, “We were undone by false friends in Assembly, who have since turned out warm independants tho’ they affected to oppose then.”\textsuperscript{127} In one final and feeble attempt to avert disaster, the Assembly voted away the swearing of an oath to the King as a sign of its severing of its ties to the Crown. But it was to no avail. By early June, the Assembly could no longer summon enough men for a quorum.\textsuperscript{128}

When the attending members finally adjourned on June 14, they realized that it was too late for any of them to be nominated to the provincial convention that would begin in four days.\textsuperscript{129} Their political fortunes had collapsed, and other men would take charge of shaping the new government.\textsuperscript{130}

Historians recognize the May 20 “assembly of citizens” as a key turning point in Pennsylvania’s revolutionary politics. This was the point when popular opinion finally tipped in


\textsuperscript{125} John Morton was a moderate Whig who served as Speaker of the Assembly in 1775 and struggled against Quakers in the Assembly to get funding passed for the militia. He spoke out against the Assembly’s reluctance to support the people in the pre-Revolutionary crisis, but resisted the call for Independence because he did not wish to sacrifice Pennsylvania’s functioning government. He would also later oppose the 1776 state constitution because of its failure to balance powers. John Morton, Philadelphia, August 16, 1776, “Letter of John Morton to Anthony Wayne, 1776,” \textit{PMHB} 39, 3 (July, 1915): 373-374; Rosemary Warden, “Morton, John (1725-1777),” \textit{ANB} [http://www.anb.org/articles/01/01-00638.html, accessed 3 February, 2013]: 1.

\textsuperscript{126} Contributing to this absence was the increasing “scandal and abuse; nay, any gentleman who offered to speak in favor of the old constitution was abused.” Dr. James Clitherall, \textit{PMHB}, 470-471; James Allen, June 15, 1775, \textit{PMHB}, 187-188.

\textsuperscript{127} James Allen, June 15, 1775, \textit{PMHB}, 187-188.


\textsuperscript{129} Only thirty-six members showed up for this final day. Stille, \textit{Life and Times of John Dickinson}, 189.

\textsuperscript{130} The Assembly would attempt to reconvene on August 26 and September 23, but lacking the numbers to hold quorum, they were without teeth. Yet at their final meeting on September 23, they attempted to turn the Independent Whigs words against them by declaring the November 25 legislation unconstitutional that required Non-Associators to pay fines and relinquish supplies to the militia. This act, the Assembly stated, enforced taxation by a body not represented by the people. Ousterhout, 149; Ryerson, 226-227
favor of replacing the Assembly with a revolutionary government. It also signaled an important shift in the political fortunes of the Independent Whigs. For more than a year, they had grappled with their political adversaries, using the machinery of the legitimate government as well as of extralegal organizations. Time and again, however, they failed to gain a majority in the Assembly or majority support among the populace. Ever since Lexington and Concord, they had tried to use the military crisis to advance their political agenda, but it was only when British ships entered the Delaware—making the war real to Pennsylvanians as never been before—did they at last gain enough popular support to sidestep the Assembly and launch the effort for a new provincial government.

Their triumph cannot be explained merely by the ordinary internal struggles that afflicted Pennsylvania’s politics ever since the end of the Seven Years’ War. The war itself had become a major player in the colony’s politics, and the Independent Whigs proved more adept than any other faction at capitalizing on it to further their own political interests. They received important assistance from the Continental Congress, also keenly aware of the nearness of military conflict. Their popular support stemmed more from public anxiety about invasion than reasoned deliberations about politics, and the Independent Whigs took the victory however it came. James Allen lamented that he was “very active in opposing Independence and [a] change of Government; but the Tide is too strong.”

What the Independent Whigs would do with their new power, however, remained to be seen.

In the weeks leading up to the provincial convention, Philadelphia witnessed a surge in popular debates over governmental philosophy, both within the Continental Congress and in local political venues. Citizens grappled with concepts of republicanism and representation as

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they contemplated the creation of a new government.¹³² The most pressing debates centered on whether a unicameral or bicameral legislature would best represent the common good. A balanced, or mixed, government with a two-house legislature prevailed in England and all other colonies, but Pennsylvania’s colonial Assembly had always been unicameral.¹³³ Thomas Paine argued for keeping it that way, with frequent elections. “Let the assemblies be annual,” he declared, “with a President only. The representation is more equal. Their business wholly domestic, and subject to the authority of a Continental Congress.”¹³⁴ He believed that this governmental structure freed the state from unnecessary political disputes between governmental branches and, as a more representative model, would be the truest form of democracy possible.¹³⁵

Independent Whigs and their supporters living on the frontier similarly called for a more democratic government. Memories of an inept Assembly that had, ever since the outbreak of the Seven Years’ War, failed to protect Pennsylvanians from the atrocities of war lingered in their minds. In fact, a key motivator for increased frontier representation originated in the demand for government protection during a time of war. Now, instead of French Canada and its Indian allies threatening the frontier, Pennsylvanians feared a repeat of wartime destruction at the hands of British Canada and its Indian allies. Many Independent Whigs likewise emphasized wartime security as the main responsibility of a new government, which they believed would be best achieved through greater frontier representation.¹³⁶

¹³² The word republic stems from res publica, meaning “the public affairs, or the public good.” Wood, 54-56.
¹³³ Wood, 54-56.
¹³⁴ Paine pushed for greater representation because of the frontier’s lack of representation. Paine, Common Sense, 47.
¹³⁵ Paine, Common Sense, 47.
¹³⁶ Extracts from the Proceedings of the Provincial Conference of Committees,” June 18, 1776, Philadelphia, Conference of Committees, 1776 (Styner & Cist, 1776), 1; Letter of Honorable James Wilson to General Horatio Gates, June, 1776, PMHB, 473-475; Ousterhout, 134-137; Rosswurm, 103-108.
Pennsylvania’s Provincial Conference of Committees met in Philadelphia on June 18 to discuss the election of delegates to a constitutional convention. Over one hundred men attended and urged the hasty election of delegates on account of “the exigencies of our colony.” The committee set the election date for July 8, and the convention itself would commence on July 15. Every person “qualified by the Laws of this Province to vote for Representatives in Assembly” would be allowed to vote for convention members, assuming they took an oath severing their ties with Great Britain. This quick turnaround provided only a couple of weeks for news to reach the outlying settlements and for those communities to elect a delegate, inform him of their opinions, and send him to the convention. Yet the desire by frontier communities to be represented in government assured that their delegates would arrive in Philadelphia on time.

Even as Pennsylvanians prepared to send their representatives to create a new state government in Philadelphia, Congress issued the Declaration of Independence. John Dickinson and Robert Morris both urged that the vote be delayed until America obtained the support of foreign allies. Morris declared that “it was an improper time, and that it will neither promote the interest nor redound to the honor of America, for it has caused division when we

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140 Thomas McKean, President of the Conference, to the People of Pennsylvania, Philadelphia, Conference of Committees, 141-42.
141 Congress voted “unanimously” for independence on July 2, 1774. Middlekauff, 325.
142 Dickinson recalled that day in a letter to Mercy Warren, who was at that time writing a history of the American Revolution. John Dickinson to Mercy Warren, Wilmington, October 9, 1807, The Life and Times of John Dickinson, 195-196.
wanted union.”

When their efforts failed, both men excused themselves from the final vote. James Wilson, despite his reservations over independence, voted for the measure along with Benjamin Franklin and John Morton, and threw Pennsylvania’s support behind the revolutionary cause. The news of Pennsylvania’s separation from the British Empire emboldened Independent Whigs and increased their popular support. Joseph Reed, still in New York with Washington’s army, was far less enthusiastic. He worried that “The die is irrevocably cast, and that we must play out the game, however doubtful or desperate.”

Pennsylvania’s convention delegates convened on July 15 and began the process of writing a state constitution that would ensure the security of the population and their liberties. A significant portion of Philadelphia’s former political leaders were noticeably absent. Reed, Thomson, and others currently served in the American army. Dickinson and Joseph Galloway had opposed British actions against the colonies, but they did not support the growing violence or the removal of the Assembly. In addition, many former Assemblymen refused to run or

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144 Charles Humphreys and Thomas Willing voted against Independence. Ryerson, 239.
145 Joseph Reed explained his feelings on the matter in a letter to Robert Morris. Reed stated, “My principles have been much misunderstood if they were supposed to militate against reconciliation. I had one dogma of political faith to which I constantly adhered, that as united councils and united strength alone could enable us to support this contest... The Declaration of Independence is a new and very strong objection to entering into any negotiation.” Mr. Reed to Robert Morris, esq., Head-Quarters, New York, July 18, 1776, *JRC*, I:199.
146 With colonial charters serving as the basis for colonial rights and perceived protection from arbitrary forces, Philadelphia citizens saw a constitution as the necessary foundation to protect their liberties and to avoid the fear of chaos. A constitution would not only protect their civil liberties, but would also provide a foundation for the new identity these individuals were assuming when they became American citizens. “Minutes of the Proceedings of the Convention of the State of Pennsylvania,” Philadelphia, July 15, 1776, *Pennsylvania Constitution*, 755-756, [http://www.duq.edu/Documents/law/pa-constitution_pdf/conventions/1776/minutes-1776-PA-ARCHIVESvol10.pdf, accessed 14 May 2012]; Bailyn, *American Politics*, 57-60; Calvert, 253.
147 Reed replaced General Gates who received a promotion. Reed, 189.
were seen as supporters of a failed government.\textsuperscript{149} Even Thomas Paine, whose writings on independence rallied the Independent Whigs, left Philadelphia in July and joined Washington’s army as a secretary for the Pennsylvania militia.\textsuperscript{150}

This political vacuum permitted Independent Whig supporters to “circumvent . . . the decaying authority” of moderates and dominate the convention.\textsuperscript{151} The majority of the convention delegates were Independent Whigs who predominantly resided outside Philadelphia.\textsuperscript{152} Many of these men lacked governing experience, but their familiarity with frontier violence ensured that they would press for a new constitution that would create a state government capable of providing wartime security and avoiding the internal bickering between executive and legislative branches that previously hampered efforts to protect the frontier. These political outsiders promised to form the greatest democratic government in history.\textsuperscript{153} Yet one apprehensive observer noted that these delegates were “mostly honest well-meaning country men, but entirely unacquainted with such high matters.”\textsuperscript{154}

\textsuperscript{149} The exception was Benjamin Franklin, who returned from the Second Continental Congress and because of his pro-independence views was chosen as president of Pennsylvania’s State Convention on July 16, 1776. But his involvement in the Continental Congress and in the debates over the new Articles of Confederation government minimized his sway during the convention. Additionally, his departure to France in October of that year removed him from the role of protecting against radical democratic tendencies in the constitution. J. A. Leo Lemay, “Franklin, Benjamin (1706–1790),” \textit{ODNB} (Oxford University Press, 2004), [http://www.oxforddnb.com/view/article/52466 (accessed 24 March, 2009)]: 1.

\textsuperscript{150} Foner, 138.


\textsuperscript{152} Out of the nine perceived leaders of this faction, two were from rural Pennsylvania and the rest were from outside the colony, with origins ranging from other colonies to the West Indies. In contrast, their most organized opposition were moderate Whigs primarily born and residing in Philadelphia. George Winthrop Geib, “A History of Philadelphia, 1776-1789” (PhD diss., University of Wisconsin, 1969), 9.

\textsuperscript{153} Wood, 85.

\textsuperscript{154} Francis Alison to Robert Alison, August 20, 1776, \textit{PMHB}, 379.
As one of its first items of business, the constitutional convention created a Council of Safety on July 23 to undertake the reorganization of the state’s military defense. This new committee replaced the Committee of Safety and assumed its role of ensuring state security until an election could be held. Additionally, eliminating the Committee of Safety removed any ties between Pennsylvania’s committee and the Continental Congress. The convention could now form a committee that served the same purpose, but answered solely to the constitutional convention and Pennsylvania.

Pennsylvania crossed the Rubicon when it disbanded its colonial government and approved the Declaration of Independence, and it now needed a functioning replacement. For five weeks, delegates debated and bickered over the potential structure of government. They struggled to reach a consensus over how to best represent the interests of the people. Existing animosities and disagreements further stalled progress. John Morton complained that those “who are to form a New Government have made but little progress. . . .The [previous] Assembly went too slow . . .These Gentlemen will I doubt not make up the Lee way as they make ordinances and do some things which people did not Expect as it was give out at the time of Choice they were only to form a new Government.”

It took the defeat of the American army, the only buffer between Philadelphia and the British army, to motivate the delegates to form a consensus on anything. On August 27, 1776, the Continental army engaged the British at the Battle of Long Island, a mere hundred miles away. For weeks British troops, under the command of General William Howe, had arrived in

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155 The constitutional convention elected twenty-six men to the Council of Safety, consisting of fifteen Philadelphians and an additional person from each of the state’s counties. The Council’s role was to protect and defend the state and assume control of the militia until the Supreme Executive Council could meet. Christopher Marshall, July 23, 1776, *Diary of Christopher Marshall*, 85-86; Bradford, 21; Foster, 78-85; Ousterhout, 171-172.


158 Free from the entrenchments, it was Washington’s first head-to-head battle against the British. Symonds, 27.
New York Harbor and secured the immediate area. By the middle of August, Howe commanded an army of 32,000 soldiers against a disorganized American force of 28,000 soldiers and militia. Reed, in New York, agonized over the condition of Philadelphia’s last line of defense. Witnessing the Americans’ lack of training, cohesion, and supplies, he wrote that “all political disputes about government, &c., should cease, and every nerve be strained for our defence.”

Reed’s fears were realized on August 22 when Howe landed 15,000 troops on Long Island. The Continental army fortified their positions, but a night attack on the 26th pushed the American forces back to Brooklyn Heights, where Washington personally arrived to direct the defense. Washington determined that holding Brooklyn Heights was essential to retaining New York City, and called on reinforcements to build his force to 9,500 men. Howe, hesitating and deciding to fortify his position before attacking, allowed Washington three days to mull over his precarious situation. Realizing the British navy could complete the encirclement of his forces if they received favorable winds, Washington ordered a night retreat across the East River to Manhattan. Nathanael Greene wrote to Joseph Reed that only the “miserable, disorderly” retreat on the night of August 29 saved Washington’s army from capture.

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160 Reed expressed that the readiness of the army for battle was “exaggerated in every way.” Mr. Reed to Mr. Pettit, July 22, 1776, *JRC*, I:208.
161 Robert Morris agreed with Reed that the disunity after the dissolution of government compromised the city’s unity and defense. Mr. Reed to Mrs. Reed, June 27, 1776, *JRC*, I:194; Robert Morris to Mr. Reed, Hills on Schuylkill, July 20, 1776, *JRC*, I:201; Mr. Reed to Mrs. Reed, August 7, 1776, *JRC*, I:214.
162 The British suffered only three hundred casualties, while the Americans suffered two thousand. *JRC*, I:219; David Hackett Fischer, *Washington’s Crossing* (New York, 2004), 89-95; Mackesy, 88; Middlekauff, 342-346; Symonds, 27-28.
163 Fischer, 89-95; Mackesy, 88; Middlekauff, 342-346; Reed, 219; Symonds, 27-28.
164 Nathanael Greene to Joseph Reed, *JRC*, I:236.
Washington’s letter describing the defeat and withdrawal reached Congress on September 3 and the news quickly spread to the Philadelphia convention. Washington lamented that his current situation was “truly distressing . . . . I am persuaded and as fully convinced, as I am of any one fact that has happened, that our Liberties must of necessity be greatly hazarded, If not entirely lost.” News of this defeat heightened fears throughout Philadelphia, a city already on edge. A retreating American army meant that nothing stood between its inhabitants and the British army. Philadelphians were also distressed and divided over news from both Washington and Joseph Reed that some New Yorkers had been supporting the British army. As Congress considered a meeting with General Howe, Pennsylvania’s convention rushed to write a constitution. On September 5, the convention abruptly ordered that four hundred copies of the current draft of the unfinished constitution be printed for “public consideration.” The delegates also hastily passed the state’s first treason law. They then resumed their efforts to finalize the constitution. Three weeks later, on September 28, the convention approved and enacted Pennsylvania’s first state constitution.

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165 At this time, Howe paused and did not attack the American army until September 16, 1776. The ensuing Battle of Harlem Heights would result in a minor American victory, but the news would not arrive in time to affect the creation of the state constitution. Fischer, 89-95; Mackesy, 88; Middlekauff, 342-346; Reed, 219; Symonds, 27-28.
168 Reed, 234.
171 The Battle of Harlem Heights on September 16 temporarily relieved the anxiety in Philadelphia and bolstered morale in Washington’s army, but the arrival of the news had little effect on the finalization of the constitution. “Minutes of the Proceedings of the Convention of the State of Pennsylvania,” July 15, 1776, The Proceedings Relative to Calling the Conventions, 52; Symonds, 29.
172 Delaware (September 20) and Pennsylvania (September 28) were the first states to approve their constitutions after Congress declared independence. The proximity of the war shaped the timing, especially in the case of Pennsylvania that contained the Continental Congress. Other states within the early scope of the war included New
The document preserved Pennsylvania’s unicameral legislature and stipulated that popular elections would be held every October.\footnote{The increased representation essentially created white manhood suffrage for tax payers. Despite the call for a more representative government, the realignment of Assemblymen actually resulted in Philadelphia underrepresented while the western towns were overrepresented. Each county, and Philadelphia, would elect six members to the Assembly. This number would be altered after a census of eligible voters was completed in two years. “The Constitution of Pennsylvania,” September 28, 1776, Sources and Documents, 165-168; Wood, 283.} A Supreme Executive Council composed of twelve men, one from each county and one from Philadelphia replaced the governor.\footnote{The President of the Supreme Executive Council was the Commander and Chief of the state military. The Constitution of Pennsylvania,” September 28, 1776, Sources and Documents, 165.} The President and Vice President of this council would be elected by a combined vote of the Council and Assembly for a one year term. This plural executive had limited powers, but still proposed laws to the Assembly, controlled the state militia, and communicated with the other twelve states.\footnote{Additionally, a Supreme Court of Judicature were appointed and dismissed by this Council. The Constitution of Pennsylvania,” September 28, 1776, Sources and Documents, 166-168.} None of this would have been accomplished, or accomplished so quickly, had the military situation not been so dire.

The state’s new treason law prescribed severe punishment for “internal enemies” who acted against the ruling government. Its provisions were expressed in dangerously broad terms. Resisting the authority of the new government, speaking out against militia service, or speaking with anyone thought to be a traitor would result in confiscation of all property and confinement in jail until the end of the war.\footnote{“An Act Declaring What Shall be Treason and What Other Crimes and Practices Against the State Shall be Mispriison of Treason,” September 5, 1777, The Statutes at Large of Pennsylvania, 18-19.} A revised version of the treason law passed in February, 1777, broadened the definition of traitorous activity to include anyone who condemned any actions of the present government.\footnote{“An Act Declaring What Shall be Treason and What Other Crimes and Practices Against the State Shall be Mispriison of Treason,” February 11, 1777, The Statutes at Large of Pennsylvania, 45-47; Bradley Chapin, Liberty, Order, and Justice: An Introduction to the Constitutional Principles of American Government, 3rd ed. (Indiana, 2000).} As was the case with treason in the British Empire and now the United States, the punishment for treason was death.
The convention delegates also approved passage of a test oath with alarmingly vague wording. Section 40 stated that any political or military official must swear,

I – do swear (or affirm) that I will be true and faithful to the Commonwealth of Pennsylvania: And 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.\textsuperscript{178}

Anyone who refused to take this oath was prevented from holding office, serving on a jury, or transferring property. Such individuals would also be disarmed by the city or local militia. Test oaths existed in other states and were aimed at loyalist opposition who could compromise the war and the new state governments. Yet the situation in Philadelphia resulted in a unique execution of the pledge. The internal political struggle between two pro-patriot factions over the form of government combined with the vague wording of the oath allowed for Independent Whigs to silence not only loyalists, the oath’s supposed target, but also Whigs who opposed the new state constitution.\textsuperscript{179} Moreover, the oath assured the Independent Whigs’ hold on government since refusing to declare loyalty to the government prohibited participation.

While the framers of the constitution hoped that the government that they had created would “be preserved inviolate forever,” they did include a mechanism for revision.\textsuperscript{180} The constitution provided for a Council of Censors to be elected every seven years to examine the well-being of the state. These men would review the government’s record over the previous seven years and determine if any legislation, taxes, or actions violated the people’s liberties. If two-thirds of the censors deemed it necessary, they would call a convention to amend the

\textsuperscript{179} The Statutes at Large of Pennsylvania, 110-114.
constitution to rectify any problems. Until the first Council of Censors was elected in 1783, however, the new state government could not be changed or challenged by the people. Thus in a matter of only a couple of years, the Independent Whigs had moved from a vocal and frustrated minority, to the dominant force in a new state government.

The Independent Whigs’ triumph could not have occurred outside of the context of war. Despite popular discontent with the perceived weakness of the colonial Assembly, Pennsylvanians were not ready for drastic measures until military invasion loomed on the near horizon. The Whigs’ radical faction gained momentum when the first battles in Massachusetts revived Pennsylvanians’ longstanding anxieties about security. They increased their legislative presence—though not to the point of a majority of seats—and also exerted influence through extralegal committees and the militia. Yet moderates still held sway, reluctant to remove the existing government despite its deficiencies and divided on the emerging question of independence.

Military disaster paradoxically favored the Independents’ cause. First the skirmish in May 1775 and then the disastrous American defeat in New York in August 1776 brought home the imminent danger to Pennsylvania. At last a majority of inhabitants agreed that the colonial Assembly had to be replaced with a government that would be more vigorous in preserving their security. The British occupation of New York in the summer of 1776 provided an essential backdrop to the passage of the most radical of the new state constitutions, which, among other measures, eliminated the single executive and retained a unicameral legislature. Treason laws, deemed essential for dealing with both external and internal enemies, gave the ruling radical

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faction an indispensable tool for making sure that its newly won political victory would not be short-lived.

Yet the Independent Whigs’ seizure of power meant nothing if the United States did not win the war. Philadelphians, and all Pennsylvanians, allowed for the creation of this government not only to protect their rights, but to ensure protection from the looming British military threat. The Independent Whigs, now identified as Constitutionalists, could no longer cast blame on a Quaker or British backed Assembly for any political or military difficulties.\textsuperscript{182} Now the state’s leaders, members of the Constitutionalist faction, knew that they must pursue an American victory to ensure not only the survival of the government and state, but of their very lives.

\textsuperscript{182} With the achievement of Independence and the successful writing of a pro-Independent Whig constitution, the faction became known as the Constitutionalists, supporters of the new constitution. This faction included Independent Whigs as well as those, despite reservations over the new constitution, determined fighting the war under the current government took precedence over holding a new convention and rewriting the constitution.
Chapter 3: “Where the Storm Will Turn Now, No One Knows as Yet”: Implementing Government During War, 1776–1777

“The very cause for which they contended was essentially that of freedom; and yet all the freedom it granted was, at the peril of tar and feathers, to think and act like themselves.”"¹

General George Washington observed his troops and defensive position on Manhattan Island on October 12, 1776. His varied assortment of men appeared reinvigorated in the wake of their victory over the British army at the Battle of Harlem Heights.² Yet Washington realized that the engagement was far from over. As he debated his army’s next action, news arrived that the British had landed four thousand men just east of the Continental Army’s position at Throg’s Neck.³ Washington dispatched troops to contest the landing, and over the next week the Americans engaged the British force and inflicted greater casualties upon the enemy. Nonetheless, it quickly became clear to Washington that Howe was attempting to cut off the American army on Manhattan Island and prevent any possible escape.⁴

Realizing this threat, Washington marched his army, currently at Fort Washington, north to avoid Howe’s entrapment. However, Washington split his forces, leaving two thousand men at Fort Washington and positioning the remaining 14,500 troops on the hills overlooking White Plains. Howe paused to allow the newly arrived Hessian force of eight thousand to join his army

¹ Alexander Graydon, Memoirs of a Life, Chiefly Passed in Pennsylvania, Within the Last Sixty Years; With Occasional Remarks Upon the General Occurrences, Character and Spirit of That Eventful Period (Pennsylvania, 1811), 299-301.
³ General William Howe’s decision to land at Throg’s Neck proved a mistake, and instead of attacking the Continental Army, the British forces redeployed north to join additional troops. Fischer, 109-113; Gruber, 128-135; Mackesy, 90-91; Middlekauff, 350-354; Symonds, 29.
⁴ Fischer, 109-113; Gruber, 128-135; Mackesy, 90-91; Middlekauff, 350-354; Symonds, 29.
and then he positioned his 14,000 troops immediately south of White Plains. On October 28, Howe’s forces attacked. While the armies squared off over the next two days, a contingent of four thousand British troops charged the western hill and compromised the American right flank. Overwhelmed, the 1,600 militia holding the hill retreated and the British took control of a hill that could be used to roll the American line. Washington acknowledged the hopelessness of his situation and retreated northeast.  

As Washington retreated further north, Howe halted pursuit and moved to take Fort Washington, which he did on November 16 at the cost of 3,000 American dead and prisoners. Next he instructed General Cornwallis to seize Fort Lee across the Hudson River. Only the warning of Cornwallis’s crossing allowed General Nathanael Greene and his men to escape. Now with a fighting force of less than four thousand men, Washington and the American army swiftly retreated south into New Jersey with Cornwallis close behind. As General Howe received news of the American retreat, he reinforced his gains in New York and initiated plans to pursue the American Army south and possibly to capture the American capital of Philadelphia.

Only a hundred miles south of White Plains, Pennsylvanians struggled to implement their rushed-through constitution in this context of potential invasion, a context that threatened to put constitutional liberties and matters of military security seemingly on a collision course. Philadelphia’s status as a military target in the fall of 1776 further complicated the new state’s effort to consolidate its government. Philadelphia, home of Congress, became a strategic focal point for military strategy both for the American and British armies. For General Washington, protecting Congress and the country’s de facto capital was paramount. At the same time,

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5 Fischer, 109-113; Gruber, 128-135; Mackesy, 90-91; Middlekauff, 350-354; Symonds, 29.
6 Howe’s forces bombarded the fort and the quickly stages an attack. The British suffered 350 casualties. Gruber, 134.
7 Fischer, 109-113; Gruber, 128-135; Mackesy, 90-91; Middlekauff, 350-354; Symonds, 29.
Britain’s General William Howe hoped that by threatening Philadelphia he could draw Washington into an open battle, where he could destroy the rebel army.\(^8\)

The difficulties faced by Pennsylvania’s early state government were as much the product of war as of political debate and wrangling. The proximity of the fighting hindered the Assembly’s ability to meet and appoint members to the Supreme Executive Council. Without a functioning government, the illegitimate Council of Safety became the pseudo-governing body of the state. This war-induced confusion spurred political opposition to condemn the Constitutionalists’ government and demand the formation of a new constitutional convention.\(^9\)

At the same time, if the state government was unable to convene and contribute to the war effort, Congress and the military were willing to assume control of the government. As Gordon Wood has argued, the Pennsylvania Assembly, “torn by party rivalry and the repeated withdrawal of members, watched its authority in June 1776 simply erode away.”\(^10\) Six months later, it seemed as if the military conflict itself would finish the job.

The ratification of the state constitution on September 26, 1776 put into place a framework for government, but the document meant little without an election or a meeting of assemblymen. It was during this governmental vacuum that debates raged over the powers assumed by the constitutional convention and now the Council of Safety. When Pennsylvanians

\(^{8}\) Fischer, 109-113; Gruber, 128-135; Mackesy, 90-91; Middlekauff, 350-354; Symonds, 29.

\(^{9}\) Other historians have suggested that these actions can be tied to ethnic and class divisions, and perhaps have downplayed the military context. Steven Rosswurm views this early political instability as a poor and inexperienced artisan class, who comprised the vast majority of the local militia, struggling to pursue their class interests against wealthier groups, including merchants, loyalists, and neutrals. Eric Foner argues that it was not as much a class struggle between the wealthy and the poor as it was a class struggle between merchants, artisans, and other groups seeking power in the “political vacuum.” Thomas Doerflinger contends that it was predominantly the Scots-Irish Presbyterians from the Pennsylvania countryside that shaped Pennsylvania’s government and clashed with “conservative Anglican whigs from the eastern counties.” Thomas Doerflinger, _A Vigorous Spirit of Enterprise: Merchants and Economic Development in Revolutionary Philadelphia_ (North Carolines, 1986), 252-254; Eric Foner, _Tom Paine and Revolutionary America_, (New York, 1976) 136-138; Steven Rosswurm, _Arms, Country, and Class: The Philadelphia Militia and "Lower Sort" during the American Revolution_ (New Jersey, 1987), 147-148.

sent their delegates to Philadelphia in the summer of 1776, it was to only write a state
cstitution. Yet the imminent threat of Howe’s invasion in August and September compelled
the convention to go beyond its assigned duties. The delegates, predominantly Independent
Whigs, created the Council of Safety, organized the militia, and disarmed non-Associators – in
effect prosecuting the war without electoral permission to do so.\textsuperscript{11} The Council justified its
actions in the name of security.\textsuperscript{12} “Holding themselves accountable to their constituents,” the
delegates explained,

\begin{quote}
The Convention considered the interval which of necessity
took place between the suppression of all power derived
from the Crown, and the erecting of the same on the authority
of the people, as a period pregnant with important events, and
meant to supply it with such a temporary constitution as might
preserve us from ruin. This caused ordinances to pass, and
though some of them as they as they now stand met with
considerable opposition, yet not one passed the Convention
but such as appeared absolutely necessary for the safety
of the State.\textsuperscript{13}
\end{quote}

Now referred to as Constitutionalists, the Independent Whigs stressed to the people that it was
the war, and not corruption, that forced the convention to step beyond its assigned powers and

\textsuperscript{11} The twenty-six man Council of Safety assumed control of the militia until the Assembly could appoint members
to the Supreme Executive Council. The constitutional convention that created the Council of Safety assumed the
Supreme Executive Council would form soon after the November election, but in reality the Council of Safety
controlled the executive role of the government until March, 1777. Christopher Marshall, July 23, 1776, \textit{Extracts
from the Diary of Christopher Marshall, 1774-1781}, William Duane, ed. (New York, 1969), 85-86; William
Bradford Reed, \textit{Life and Correspondence of Joseph Reed} 2 vols. (Philadelphia, 1847), I:21 [referred to hereafter as
\textit{JRC}]; Joseph Foster, \textit{In Pursuit of Equal Liberty: George Bryan and the Revolution in Pennsylvania} (Pennsylvania,
1994), 78-85; Anne M. Ousterhout, \textit{A State Divided: Opposition in Pennsylvania to the American Revolution} (New
York, 1987), 171-172.

\textsuperscript{12} “To the Freemen of the Commonwealth of Pennsylvania,” Philadelphia, September, 1776, \textit{American Archives,
as \textit{AA}]; Foster, 81-83; Ousterhout, 151-152; Wood, 338-339.

defend the state from the British army. “Lord Howe is near at hand . . . [and] ‘a house divided against itself cannot stand.’”

The Constitutionalists garnered an array of support from Presbyterian Scots-Irish, urban artisans, and militiamen, who provided the government with an armed force in Philadelphia and throughout the state. The Constitutionalists even included a small number of moderate Whigs who supported the state constitution merely because it provided a stable government that could fight a war, and not because they considered it an ideal document. Furthermore, Congress endorsed the state constitution simply because Congress needed a stable Pennsylvania government to fight the war. In Congress’s eyes, further political infighting or the notion of a new constitutional convention only hindered the war effort. With this local and federal support, the Constitutionalists anticipated the November Assembly elections and the chance to enact the necessary policies to run the state government and repel the British army.

Despite Constitutionalists’ assurances that the convention’s actions promoted greater security during a time of war, the Council of Safety and the state constitution created a backlash among various factions in the city. Resisting the new constitution was a coalition of Moderate

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Whigs, neutrals, merchants, and Quakers referred to as Republicans.\textsuperscript{17} This emerging faction supported the creation of a state government in Pennsylvania, but they condemned the constitution as prone to abuses and too hastily approved during the threat of invasion. These Republicans recognized the threat of the war, but they abhorred the idea of exchanging one abusive government for another, no matter the current state of affairs. They also detested the Constitutionalists’ insistence that security concerns during a time of war justified the government, or convention, operating beyond its fixed powers and establishing the Council of Safety.\textsuperscript{18}

These governmental clashes over the constitution and Council during September and October “split the Whigs to pieces” and a three-way competition arose as Constitutionalists and Republicans vied for popular support.\textsuperscript{19} Yet the factions were unable to settle their differing views in the political realm because the convention postponed the usual October Assembly elections until November. The convention argued that the election date came too soon after the constitution’s ratification, which it did, and that the war made travel increasingly difficult. In the meantime, the Constitutionalist-controlled Council of Safety (whose members were appointed by the convention and not elected by the voters at large) assumed control of the government in order to defend the state.\textsuperscript{20}

\textsuperscript{17} Many of the Republican neutrals, such as Quakers, did not necessarily support Republican governmental ideology, but adamantly opposed the tyrannical and abusive nature of the Constitutionalist government. While these men provided additional support to the Republican faction, they also allowed Constitutionalists to lump all Republicans into a single category of individuals who did not support the new state. Foster, 81-83; Ousterhout, 151-152; Rosswurm, 102-107, 172-175.

\textsuperscript{18} “Minutes of the Proceedings of the Convention of the State of Pennsylvania,” July 15, 1776, \textit{The Proceedings Relative to Calling the Conventions}, 1; Foster, 81-83; Ousterhout, 151-152; Rosswurm, 172-175.

\textsuperscript{19} The three-way struggle that previously existed between the Quaker Assembly and the Whigs for the popular support of the people now shifted to rival Whig factions within the state. James Allen, January 25, 1777, \textit{PMHB}, 188-191.

The Council’s lack of public sanction made it an extralegal body and deprived it of much needed legitimacy. The Republican faction attacked this unelected power and the new constitution during a series of meetings in October and early November. A gathering of “citizens” met at the American Philosophical Society-Hall in Philadelphia to protest the arbitrary nature of the Council and constitution.\textsuperscript{21} They declared that “THERE CAN BE NO LIBERTY” under such a “dangerous” governmental structure.\textsuperscript{22} Republicans feared that such a body threatened the state with a new face of tyranny. Confirming their fears, the Council of Safety had assumed control of the local and state militia, thereby becoming an armed political power. In the minds of the Republicans, the Council had “assumed and exercised powers with which they were not entrusted by the people.”\textsuperscript{23}

Even more worrisome was the ratification of the constitution itself. The participants at this meeting exclaimed that the people never consented to the constitution because of the rapid process used to ratify the document. A draft was, in the phrase of the day, “submitted” to the people for their “consideration” by means of printing it in the newspapers. Since printing presses and papers were principally found in urban environments, the four hundred copies of the draft constitution distributed in Philadelphia rarely made it out to rural communities before its

\textsuperscript{21} The meeting adopted thirty-two grievances against the 1776 Constitution. The equality of the term citizen used to announce the meeting indicated that all individuals who opposed the current state government were permitted to attend the meeting and that the meeting represented all citizens in the state. Colonel Bayard, Chairman, “At a Meeting of a Number of the Citizens of Philadelphia, in the Philosophical Society-Hall,” October 17, 1776, \textit{EAI}, 1; “A Meeting of a Number of the Citizens of Philadelphia, in the Philosophical Society-Hall, the 8th of November, 1776,” \textit{EAI}, 1; Foster, 81-83; Ousterhout, 152-153; Rosswurm, 123-126.

\textsuperscript{22} Colonel Bayard, Chairman, “At a Meeting of a Number of the Citizens of Philadelphia, in the Philosophical Society-Hall,” October 17, 1776, \textit{EIA}, 1.

\textsuperscript{23} Colonel Bayard, Chairman, “At a Meeting of a Number of the Citizens of Philadelphia, in the Philosophical Society-Hall,” October 17, 1776, \textit{EIA}, 2; Foster, 81-83; Ousterhout, 152-153; Rosswurm, 123-126.
passage. Republicans thus insisted that “the consent of a majority of the people alone can render a frame of government” and a majority of Pennsylvanians had not even seen the draft.\textsuperscript{24}

The Republicans also warned the Constitutionalist-controlled Council about arbitrarily labeling as a traitor anyone who opposed or was ambivalent about the current constitution. Samuel Howell, chairman of the November 2 meeting at the Philosophical Society-Hall, declared, “You have been told that we are connected with the Tories, and that we are aiming to bring back the late royal and proprietary power of this State. --- We deny the charge.”\textsuperscript{25}

Watching this clash from outside the political arena, neutral James Allen summarized the situation when he wrote,

\begin{quote}
It seems, as if the Dispute is only between two Parties, and it is supposed, that whosoever doth not join with the one, must needs belong to the other. Neutrality: but whether it is lawful for any to be so, I do not know…..In all Probability, when Peace is re-establish’d between the two contending Parties, neither of them will think well of the third Party, which might in Time produce disagreeable Events and raise a Persecution, if God will permit it.”\textsuperscript{26}
\end{quote}

With the November elections approaching, the Republicans continued their demands for the Council to “immediately dissolv[e]” while the Constitutionalis\textsuperscript{\textsuperscript{tists repeatedly defended their wartime measures as essential in preventing a British invasion.\textsuperscript{27}}

\textsuperscript{24}While only Massachusetts initially sought the public’s consent to a new state constitution, the idea of obtaining the people’s consent proved a major issue for many Pennsylvanians. Peter Chevalier, chairman, “A Meeting of a Number of the Citizens of Philadelphia, in the Philosophical Society-Hall, the 8th of November, 1776,” \textit{EIA}, 1; James Aldrich, \textit{The Revolutionary Legislature in Pennsylvania: A Roll Call Analysis} (PhD diss., University of Maine, 1969), 16; James McClellan, \textit{Liberty, Order, and Justice: An Introduction to the Constitutional Principles of American Governments} (Indiana, 2000), 116-118; Foster, 81-83; Ousterhout, 146-147; Rosswurm, 123-126.

\textsuperscript{25}Samuel Howell was a former Quaker and Moderate Whig prior to Independence. Samuel Howell, chairman, Jonathan B. Smith, secretary, “A Meeting of a Number of the Citizens of Philadelphia, at the Philosophical Society’s Hall, November the 2d,” \textit{EAI}, 1; McClellan, 116-118; Ousterhout, 146-147.

\textsuperscript{26}Peter Miller to James Read, 1776, October 10, 1776, “Letter of Peter Miller (Brother James Bez of the Ephrata Community) to James Read, 1776,” \textit{PMHB} 38, 2 (1914): 227-228.

\textsuperscript{27}Peter Chevalier, chairman, “A Meeting of a Number of the Citizens of Philadelphia, in the Philosophical Society-Hall, the 8th of November, 1776,” \textit{EIA}, 1; Foster, 81-83; Ousterhout, 152-153; Rosswurm, 123-126.
As the Council of Safety retained virtual control over Pennsylvania throughout the fall, the war raged just north of the city. News arrived in late September that the Continental army achieved a minor victory at the Battle of Harlem Heights, but the fate of the American army was far from certain.\textsuperscript{28} To ensure the survival of Washington’s army, the Council of Safety continued implementing laws that men not serving in the militia had to pay fines and relinquish goods to support the military cause. To enforce these measures, the Council hired men and used the militia to gather supplies from civilians. The Council’s men were also sent into the countryside to bring what additional food, blankets, and wagons that they could obtain. Concurrently, civilians who did not demonstrate their loyalty received constant harassment from the militia patrolling the city and countryside.\textsuperscript{29}

The November 5 election only amplified the political infighting as both factions vied for popular support. Republicans increasingly attacked the Council’s enforcement of the test oath that stated that candidates who did not swear allegiance to the constitution were prohibited from holding office.\textsuperscript{30} Test oaths, also known as loyalty oaths, had existed in the British Empire and most states adopted a similar oath during the war. Yet the test oath conflict in Pennsylvania pitted two political factions that supported the patriot cause against one another. As in the cases in other states, the oath was merely an expression of state loyalty over that of the British Empire. But for Republicans, it was not a matter of state loyalty. Their concerns centered on their disapproval of the constitution’s structure. Republicans realized that if they took the oath, they

\textsuperscript{28} Gruber, 128-135; Mackesy, 90-91; Middlekauff, 350-354; Symonds, 27.
could no longer criticize the government without risking charges of disloyalty.\textsuperscript{31} If they refused the oath, they were banned from government. In effect, the Constitutionalists could now either silence or eliminate their political opposition during the election. Republicans condemned the “universal repugnancy to the . . . oath” and feared that British tyranny had simply been replaced by a homegrown version.\textsuperscript{32}

As a result, many Republicans not only refused to vote, but also did not bother to seek election. Joseph Reed, still serving with Washington in New York, was one of those who rejected the idea of participating in the election, even though he had supporters. Writing to his brother-in-law Charles Pettit, the secretary to the governor of New Jersey, Reed noted that “I was much surprised at your mentioning me as one proposed for Governor. I would not on any account consent to it, or any thing of the kind. Pray do all you can to suppress any such measure.”\textsuperscript{33} Only a few Republicans “dispensed with” the oath altogether and sought election in open defiance of the law.\textsuperscript{34}

This controversy and the war’s proximity contributed to a low turnout of voters for the government’s inaugural election. The local newspapers reported that only two thousand out of the state’s fifty thousand eligible voters, just 4\% of the electorate, cast a vote for the Assembly.\textsuperscript{35} Of those two thousand, seven hundred were from Philadelphia.\textsuperscript{36} Many voters stayed away from the polls because of the uncertainty of the ongoing battle immediately to the north.\textsuperscript{37} Rumors

\begin{thebibliography}{99}
\item[31] Samuel Chase to John Dickinson, October 19, 1776, \textit{John Dickinson Correspondence}, Box 1, Folder 11, \textit{Historical Society of Pennsylvania} [referred to hereafter as \textit{HSP}].
\item[33] Reed, unfamiliar with the titles in the new government, was assumingly referring to becoming the President of the Supreme Executive Council in the November elections. Mr. Reed to Mr. Pettit, White Plains, October 14, 1776, \textit{JRC}, I:244-245.
\item[34] James Allen, January 25, 1777, \textit{PMHB}, 188-191.
\item[36] Ousterhout, 153.
\item[37] Aldrich, 27.
\end{thebibliography}
began spreading in early November that Howe defeated Washington at White Plains, and that Washington retreated north, thereby leaving no military force between the British army and Philadelphia.\textsuperscript{38} Howe was not currently moving toward Philadelphia, but anyone hoping to escape with his family and belongings could not venture far from home in case the general changed his plans.\textsuperscript{39}

Surprisingly, some Republicans won seats in the city and county of Philadelphia thanks to the low voter turnout and the large number of local militia, predominantly Constitutionalist supporters, away fighting in New York.\textsuperscript{40} Republicans did not hold a majority in the Assembly, but they did possess enough seats to preclude a quorum and guarantee the Assembly’s ineffectiveness. A writer in the \textit{Pennsylvania Packet} recognized Republican efforts to sabotage the Assembly when he gloated, “As the present Assembly was chosen by so few people, I presume they will hardly venture to proceed to acts of legislation . . . [because] none of their acts can ever be received as the acts of a majority of the community.”\textsuperscript{41}

This electoral debacle enfeebled the state Assembly. Yet while the Assembly struggled to establish itself, the Council of Safety continued to react to growing fears that Washington could not repel Howe’s army.\textsuperscript{42} Council of Safety President Thomas Wharton exclaimed, “The probability of this State being invaded renders it necessary for us to take effectual means for our

\textsuperscript{38} Gruber, 128-135; Mackesy, 90-91; Middlekauff, 350-354; Symonds, 29.
\textsuperscript{39} The confiscation of wagons and horses by the American army and the constant movement of troops and supplies also made traveling exceedingly difficult. “For the Pennsylvania Packet,” November 19, 1776, \textit{Pennsylvania Packet}; Alrich, 27; Brunhouse, 21.
\textsuperscript{40} Ousterhout, 152-155.
\textsuperscript{41} The Republicans won seats in Philadelphia and Bedford County, and well as the city of Philadelphia. “For the Pennsylvania Packet,” \textit{Pennsylvania Packet}, November 19, 1776; Ousterhout, 152-155; Rosswurm, 124-125.
\textsuperscript{42} While the fate of the Continental Army was in doubt, Congress also informed the Council of Safety that Congress’s ships were “so deployed that they cannot afford the necessary protection to the Trade of this State.” Yet they ordered Pennsylvania to use its limited amount of ships to protect all national and state interests. In Council of Safety, Philadelphia, November 18, 1776, \textit{Minutes of the Supreme Executive Council of Pennsylvania, From Its Organization to the Termination of the Revolution} 9 (Pennsylvania, 1852), 8-9.
Defense.” The Council instructed that all military and naval equipment be inspected, repaired, and prepared for battle. It then appointed additional officers to command the state militia. In the meantime, the militia continued to gather supplies, under Council orders, wherever they could find them. Then, on November 14, “Intelligence was rec’d by express that several hundred Transports had sailed from New York, & steered their Course to the Southward, & expected to be intended for this City.” This rumor proved false, but it was only the first of many that would incite fear in Philadelphia over the next two months.

In reality, Howe still pursued Washington in New York. Washington continued to regroup north of the British army at Castle Hill, while Howe pushed south along the Hudson River and assaulted Fort Washington. Cut off from the Continental army, the small contingent left at Fort Washington could not defend their position, and the fort fell to the British on November 16. Howe then moved on Fort Lee, but Nathanael Greene and his men managed to flee to Washington’s forces before the British arrived and took the fort. Now numbering fewer than four thousand troops suitable for combat, the Continental army initiated a full retreat toward Newark.

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46 The Council ordered Timothy Matlack to “take into his immediate Care the Blankets & other Clothing for our Army.” Minutes of the Council of Safety of Pennsylvania, Thomas Wharton, President, Philadelphia, November 13, 1776, Minutes of the Supreme Executive Council of Pennsylvania, 1-3; Ross wurm, 125-126.
48 The losses at Fort Washington had a significant impact, both on morale and militarily on the American army, which included sixty-seven killed, 335 wounded, 2800 captured. Christopher Marshall, Nov, 18, 1776 Diary of Christopher Marshall, 104; Philadelphia: A 300-Year History, Russell F. Weigley, ed. (New York, 1982), 333; Gruber, 128-135; Mackesy, 90-91; Middlekauff, 350-354; Symonds, 29.
49 Christopher Marshall, Nov. 18, 1776, Diary of Christopher Marshall, 104; Weigley, 333; Fischer, 113-114; Gruber, 128-135; Mackesy, 90-91; Middlekauff, 350-354; Symonds, 29.
For the next week the Continental army retreated toward Philadelphia with the British army at its heels.\(^{50}\) Joseph Reed, retreating with the American army, agonized over the potential destruction of his home when he wrote, “my heart melts within me at the thought of having that fine country desolated, for it is of little consequence which army passes. It is equally destructive to friend and foe.”\(^ {51}\) As both armies closed in on Pennsylvania, General Washington and the Continental Congress doubted whether Pennsylvania’s new government could govern the city. The combination of political infighting and Assemblymen fleeing Philadelphia to protect their homes and families in the countryside crippled the government’s attempts to convene. The Council of Safety still acted in its place, but the Council’s powers were ill-defined, since it was meant to be a temporary body. Yet without the Assembly convening to elect a Supreme Executive Council, the Council was the only body to answer Congress’s call and mobilize the militia.\(^ {52}\)

As more news arrived regarding Washington’s retreat, beating drums echoed through the city and the Council ordered all shops closed so that every person could assist in defending the city.\(^ {53}\) Militia dispersed through Philadelphia, removed and melted down city bells for ammunition, confiscated wagons, and drove supplies, prisoners, and livestock west toward Lancaster.\(^ {54}\) Lewis Nicola, an Irish-American residing in Philadelphia, obtained the position of Town Guard from the Council and took it upon himself to create a city guard, under the

\(^{50}\) Gruber, 128-135; Mackesy, 90-91; Middlekauff, 350-354; Symonds, 29.

\(^{51}\) Mr. Reed to Mrs. Reed, Camp near White Plains, November 6, 1776, *JRC*, 1:248-249.

\(^{52}\) Margaret Shippen, December 7, 1776, “Life of Margaret Shippen, Wife of Benedict Arnold,” *PMHB* 24, 3 (1900): 425; Foster, 86; Gruber, 128-135; Mackesy, 90-91; Middlekauff, 350-354; Rosswurm, 126-128.

\(^{53}\) The Council of Safety ordered on December 2 that “all the shops in this City be shut up, that the schools be broke up, and the inhabitants engaged solely in providing for the defence of this city at this time of extreme danger.” Council of Safety, December 2, 1776, *Minutes of the Supreme Executive Council*, 26.

\(^{54}\) “Notes and Queries, Revolutionary Items, Philadelphia,” *PMHB* 31, 1 (1907): 240.
assumption that “the Council will think a city guard necessary.” Nicola walked through the city drumming up support. Once he gathered a large crowd, he divided the city into three districts and assigned Philadelphians a district to patrol. Their job was to “take up all persons they find unlawfully employed or behaving in a riotous manner. . . [or] anything detrimental to the public.” One can assume that many of these men did not currently serve in the militia as Nicola notified them that they could receive arms and ammunition from the local barracks. But for men reluctant to join the militia, the direct threat from across the Delaware River provided sufficient motivation to assist in Philadelphia’s defense. Joseph Reed wrote that “the War [has been] brought to our own door.”

Despite these efforts, terror nevertheless encompassed the city. As Washington and his retreating army reached Princeton, Howe and eight thousand men were a mere hour’s march behind them. On December 8, Washington’s army entered Pennsylvania just ahead of Hessian mercenaries and the British army. That same day, Congress ordered Philadelphia placed under martial law. General Thomas Mifflin, now Quartermaster General under Congress, believed it important to “apprize the inhabitants of this city who wish to avoid the insults and oppressions of a licentious soldiery, that they prepare for removing their wives and children and valuable

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56 Lewis Nicola to the Secretary of the Council of Safety, Philadelphia, December 4, 1776, Pennsylvania Archives, VI:90-91.
58 Again Howe pursued cautiously and Washington’s forces successfully fled across the Delaware into Pennsylvania on December 8. Fischer, 136-138; Mackesy, 89-91; Symond, 31.
59 News also arrived in Philadelphia that the British landed in Rhode Island on December 7. Mackesy, 93.
effects, on a short warning, to some place of security.” With warnings from both the Council and Congress, Philadelphians began fleeing the city.

Unfortunately, this exodus commenced just when the Council of Safety ordered the impressment of wagons and ferries into the service of the state, often without the permission of the owners who needed them to flee the city. People jammed the streets and docks at the same time that the army and militia attempted to organize men and supplies to confront the approaching British army. Chaos ensued. Owners of wagons and ferries struggled over the decision whether willingly to turn over their property to the militia or to assist family and friends, or strangers offering large sums of money, in fleeing the city. One perplexed gentleman wrote the Council days later that he responded to the call for wagons, but ran into difficulties.

I have ‘greeable to the order of Council, sent a great number of wagons to Philadelphia for the Army, but find some of them Returning with furniture and poor distressed inhabitants, which I cannot prevent. I am on the same Service, but shall be glad of your further directions by my son.

Philadelphians who derided frontier refugees during the Seven Years’ War now fled into the countryside hoping for assistance from those very persons. Paine later recalled in the “American Crisis,” “‘Tis surprising to see how rapidly a panic will sometimes run through a country.”

Fleeing alongside terrified Philadelphians were the members of Congress. Washington wrote on December 10, “I tremble for Philadelphia. Nothing in my opinion, . . . can save it.”

The exodus of governmental officials only further crippled the efforts to defend the city; only the

60 Weigley, 333.
63 “The American Crisis, No. 1,” Pennsylvania Packet, December 27, 1776.
Council of Safety remained to do the job. Congress’s abandonment of the people “struct a damp on ye Spirits of many, & done much hurt at this time…. [The] Council of Safety will not follow the example….they must do their duty. All eyes are upon them, as they are ye only body to whom ye people can look up.”65 One frustrated city resident wrote to the Pennsylvania Evening Post suggesting the selection of a “Dictator . . . appointed for three or six months, with the full powers to exert the strength of the state in any way he should think proper against our enemies.”66 The writer understood the dangers of such an action, but he did not see an alternative with the current state of the government.67

Congress’s last act, before abandoning the city, was to order Washington to take full control of Philadelphia.68 On December 12, 1776, Major-General Israel Putnam and the Continental Army arrived and he immediately initiated measures to fortify Philadelphia. Putnam maintained martial law and ordered all Philadelphians to be off the street by ten o’clock at night or face arrest and confinement.69 Putnam issued a declaration for “all able bodied men” to meet outside the Statehouse the next day with their firearms in preparation to patrol and defend the city.70 He also proclaimed that “every person to go . . . & assist in entrenching the city. If they did not, their effects were to be seized.”71 The general stated that “no person shall remain in this city an idle spectator of the present contest.”72

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68 Congress reconvened in Baltimore on December 20 and did not return to Philadelphia until March 5, 1777. Aldrich, 30; Rosswurm, 127-130; Weigley, 129.
69 Sarah Fisher, Philadelphia, December 12, 1776, PMHB, 416; Major-General Israel Putnam, Pennsylvania Evening Post, December 19, 1776; Aldrich, 30; Rosswurm, 127-130; Weigley, 129.
70 Deputy Adjutant-General Samuel Griffin, Pennsylvania Evening Post, December 19, 1776.
71 Despite these orders, “there were few people [who] obeyed the summons.” Sarah Fisher, Philadelphia, December 12, 1776, PMHB, 416; Major-General Israel Putnam, Pennsylvania Evening Post, December 19, 1776.
72 Deputy Adjutant-General Samuel Griffin, Pennsylvania Evening Post, December 19, 1776.
Yet rumors swirled through the city that it was the “design and wish of the officers and men in the Continental army, to burn and destroy the city of Philadelphia” in order to deny the British their prize. Putnam hoped to avoid another chaotic exodus of people and responded that General Washington ordered him to “secure and protect the city of Philadelphia against all invaders and enemies.” Anyone attempting to spread these rumors or found executing such a plan would “without ceremony, [be] punish[ed] capitally.”\(^73\) At the same time, the Council of Safety attempted to retain its control, however illegitimate. It promised to “give Major General Putnam all the Assistance in our Power” and demanded that all men not serving in the militia assist in the raising of defenses.\(^74\) Those refusing to contribute would have their “Goods and Chattels [sold] . . . to the amount of such Sum as shall induce another person to perform the work in their Stead.”\(^75\) While the Council used its control over the militia to assist the occupying army, those members of the Assembly who remained in town were unable to do more than provide moral support.\(^76\)

As the Council and American forces prepared for an attack, General Howe dismissed the idea to invade Pennsylvania in mid-December. His army had lost the momentum at the Delaware River and Howe decided to put his army into winter quarters on December 14. Howe fortified the towns of Brunswick, Princeton, and Burlington, and dispersed the remaining men into seven camps along the Delaware and Hackensack River. The British army had secured most


\(^{76}\) The Assembly, unable to hold a quorum after its third day in session, when only thirty-six of the seventy-two members showed up at the State House, was essentially powerless. During the December crisis, the Assembly failed to reach a quorum. Unable to establish the Supreme Executive Council or pass legislation to flesh out the government, it merely met occasionally and granted approval to the Council’s defensive measures. Pennsylvania General Assembly, Thursday, November 28, 1776, Saturday, November 30, 1776, *Journals and Proceedings of the General Assembly of the Common-Wealth of Pennsylvania* (Pennsylvania, 1777), EAI, 2, 6; Ousterhout, 153.
of New Jersey for the winter, but the dispersal of troops provided Washington an opportunity to
regroup and counterattack. As the Continental Army attempted to recover, Washington took
advantage of this situation by striking at Hessian positions at Trenton and Princeton on
Christmas Day and January 3. These minor victories did not eliminate the British threat, but it
did temporarily heighten morale in the American army.\(^77\)

Yet Washington’s victories only brought a brief relief to the stressful situation for
Philadelphians.\(^78\) The arrival of Major-General Putnam and the American army provided
Philadelphians with their first direct experience of an occupying army.\(^79\) As the fear of an
immediate invasion faded in mid-December, the long-term impact of an occupying American
army in Philadelphia became more apparent. Throughout December and early January, the army
was a constant presence in the city.\(^80\) Troops had left for the attacks on Princeton and Trenton,
and Washington retired to northern New Jersey with most of his army for the winter, but
Continental troops and local militia still overwhelmed the city.\(^81\) Christopher Marshall observed

\(^77\) The American suffered four dead and eight wounded at Trenton, but killed twenty-two Hessians and, more
importantly, captured 918 men. The victory at Princeton cost the American twenty dead and twenty-three wounded,
but the British suffered eighty-six casualties and 323 captured. For the Americans, these small victories proved
more critical for morale than their military significance. Washington experienced a brief surge in enlistments
following these victories, and small attacks continued against British forces for the next several weeks. The British
and Hessians cast blame amongst one another and morale dropped as they realized that the campaign was not near
its end. James Allen, January 25, 1777, \textit{PMHB}, 190; Fischer, 240-251, 324-340; Thomas J. McGuire, \textit{The
Philadelphia Campaign, Brandywine and the Fall of Philadelphia} 1 (Pennsylvania, 2006), 6; Fischer, 346-348;
Gruber, 148-149; Symonds, 31, 33.

\(^78\) Fischer, 344-345; McGuire, 6.

\(^79\) The view toward a standing army always had been a point of contention in British society. The situation in
Philadelphia was different in that General Washington sought to protect the city from British aggression, but the
residents still felt trepidation at its presence. Demophilus, “The Genuine Principles of the Ancient Saxon, or English
Constitution: Carefully Collected from the Best Authorities; With Some Observations, on Their Peculiar Fitness, for

\(^80\) A number of troops departed the city to participate in Washington’s December attacks, but the army still proved

\(^81\) Washington headquartered in Morristown that winter, having lost approximately ninety percent of his troops from
death, injury, disease, or desertion. McGuire, 10.
that the city could not get a moment of relief. He noted that even when a contingent of troops left the city on January 5, fourteen hundred militia entered the city a few days later.\footnote{Christopher Marshall, Philadelphia, January 5, 1777, January 18, 1777, \textit{Diary of Christopher Marshall}, 111, 118; McGuire, 10.}

As Putnam’s defensive mission transformed into one of logistics, he condemned citizens attempting to hide supplies or refusing to exchange goods for the increasingly valueless continental currency. He declared, “in future, should any of the inhabitants be so lost to public virtue and the welfare of their country, as to presume to refuse the currency of the American States in payment . . . the goods shall be forfeited, and the person or persons so refusing, committed to close confinement.”\footnote{Christopher Marshall, December 25, 1776, \textit{Diary of Christopher Marshall}, 109; Barrack Master General, \textit{Pennsylvania Evening Post}, December 24, 1776; Major-General Israel Putnam, \textit{Pennsylvania Evening Post}, December 19, 1776.} As supply demands grew, the theft of horses and other livestock became more common. During the extremely cold December, the illegal seizing of firewood threatened the lives of families throughout the city.\footnote{Among the much needed supplies was wood. Putnam and the Council of Safety required that citizens sell their wood in exchange for the increasingly valueless Continental currency. Citizens “so lost to all sense of feeling and humanity” would face confiscation and their labor requisitioned to chop wood for the nation’s army. Even though citizens cut wood for the army, any attempts to cut wood for themselves without the army’s permission would be “severely punished.” Christopher Marshall, December 25, 1776, \textit{Diary of Christopher Marshall}, 109; Barrack Master General, \textit{Pennsylvania Evening Post}, December 24, 1776; Major-General Israel Putnam, \textit{Pennsylvania Evening Post}, December 19, 1776.} Even more insidious were the soldiers who extorted money from men to allow their homes and shops to remain unscathed.\footnote{“Announcement,” \textit{Pennsylvania Evening Post}, January 21, 1777; George Winthrop Geib, \textit{A History of Philadelphia, 1776-1789} (PhD diss., University of Wisconsin, 1969), 55.}

The situation became so bad that Putnam and the Council sent orders to the city guard,

\begin{quote}
Wereas, Complaint has been made to the Honorable Council of Safety that some persons with arms have gone about the Town in the Night, particularly in the Middle District, & under pretense of getting men to mount guard, have extorted money from some of the Inhabitants . . . .Ordered, that no person presume to go about with arms after Sunset, & all the Inhabitants are requested to give notice to the Town Major of such as have already or may hereafter take money on that pretence.\footnote{Copy of Orders Issues to the City Guard, Philadelphia, December 16, 1776, \textit{Pennsylvania Archives}, VI:123-124.}
\end{quote}
Putnam attempted to curb the illegal confiscation of property and warned his men and the local militia that “all officers and soldiers, both continentals as well as militia, are at their peril strictly forbid[den] to meddle with any fence boards, or other fuel whatsoever being private property.”87

Months later, Washington still agonized over this problem, stating, “Notwithstanding all the cautions . . . to prevent our own army from plundering our own friends and fellow citizens . . . that so wicked, infamous and cruel a practice is still continued. . . . We complain of the cruelty and barbarity of our enemies; but does it equal ours?”88

Another problem brought by the American army was disease.89 Sick and wounded soldiers had streamed into the city as American forces battled the British army north of Philadelphia. Accompanying the soldiers were roughly seven hundred Hessian prisoners. In addition to the soldiers, refugees traveled south from occupied zones to Philadelphia and sought protection by the American army. Philadelphians already struggling to meet supply demands of the army and militia had little tolerance for outsiders requesting relief. Samuel Curwen, presumably referring to New Yorkers fleeing the British presence, observed that “the inhabitants are displeased that the New Englanders make it their city of refuge.”90

The Council of Safety and American army attempted to gather supplies to meet the refugee crisis and minimize the spread of illness, but they were limited in their ability to organize

87 “Declaration,” Pennsylvania Evening Post, January 21, 1777; McGuire, 16-17.
Vacant buildings were turned into makeshift hospitals and lodging, but many of the wounded and refugees could not find adequate housing and provisions. Sick and wounded men wandered the streets seeking help from whoever might provide it. Death from disease was not uncommon during a Philadelphia winter. The average yearly deaths from disease during the war approximated 750 in Philadelphia. But during the 1776-1777 winter that figure skyrocketed to over 2,000 deaths, primarily from smallpox and camp fever. Sarah Fisher, a Quaker neutral, worried, “there continues daily more sick coming in from all parts of the country, [and] that unless prevented by a kind Providence, there appears the greatest probability of the disorders spreading in such a manner as to make a real pestilence.” Her fears came to fruition as the situation further deteriorated into January 1777. She learned from a local doctor of an outbreak among the troops,

They have the true camp fever which is near akin to the plague. He says 15 or 20 frequently die of a day, that they bury 8 or 10 in a grave, & not above a foot underground. He thinks the disorder will spread & that the inhabitants are in great danger.

In fact, her husband later informed her that the graves were not shallow, but “they die[d] so fast” that the men could no longer dig individual graves, and resorted to digging large pits where they could stack the coffins.

While Philadelphians contended with the hardships of occupation and attempted to restore some semblance of normalcy in their lives, the Council of Safety and the militia

92 What made this season’s death rate exceptional was the sudden surge of people that crowded into limited living space. Furthermore, the arrival of half-starved, poorly clothed troops and refugees increased the likelihood of these individuals catching and spreading illnesses. Geib, 46; Weigley, 129.
93 Thomas and Sarah Fisher both remained neutral after the outbreak of war. Sarah Fisher, Philadelphia, December 29, 1776, PMHB, 422.
94 Sarah Fisher, Philadelphia, December 29, 1776, PMHB, 419.
95 Trenches were also dug along Walnut Street Prison to bury the dead. Sarah Fisher, Philadelphia, December 30, 1776, PMHB, 419-420; Weigley, 129.
continued to support the army and secure the city. The Council organized defenses for a possible spring invasion and instructed the militia to procure supplies from Philadelphians, whether they agreed or not.\textsuperscript{96} The unruly militia, coupled with an unelected Council demanding loyalty and obedience from the public, often entailed a more militaristic style of enforcement in the name of city-wide security. The state militia and “motivated” citizens arbitrarily arrested numerous Philadelphians, declaring them a threat to city safety, but failing to charge them with a crime. Joseph Stansbury wrote the Council from jail to complain of his unlawful detention.

\begin{quote}
I think myself cruelly treated in being confined to this Jail without the least shadow of Reason whatever. . . .Such arbitrary, unlawful, & unprecedented Proceedings as I suffer by; for if these are tolerated there will be no security to Rank or Honesty, nor difference left betwixt Freedom & the most abject Slavery.\textsuperscript{97}
\end{quote}

Stansbury had openly opposed independence and refused to serve in the militia, but he had taken no action against the government. Despite his imprisonment, no charges were ever filed against him.

The news of arbitrary arrests and harassment put Republican opposition in a precarious situation. John Dickinson, disgusted with the Constitutionalists’ actions, abandoned Philadelphia’s political scene and retired to New Jersey in early 1777.\textsuperscript{98} Joseph Galloway, already shunned by many for his loyalist ties and his threats leveled against Whigs earlier that year, slipped out of Philadelphia on a cold December night, crossed the Delaware, and joined

\textsuperscript{96} Additionally, the manners, profanity, and actions of the militia were seen as crude to the city’s inhabitants. For the most part, the Continental troops were simply an undisciplined inconvenience and drain on supplies. Rarely did Continental troops act violently toward Philadelphians. McGuire 14-16.


Howe’s army in New Brunswick. The former Speaker of the General Assembly before Independence, Galloway proved valuable to Howe. Howe used him as not only a guide to the land and people, but as a figurehead for Pennsylvania’s loyalist populations. Upon hearing the news, Philadelphians further vilified this “Lucifer of earth” in the press.

Gall’way has fled, and join’d the venal Howe,
To prove his baseness, see him cringe and bow;
A traitor to his country, and its laws;
A friend to tyrants, and their cursed cause.

For neutrals like James Allen, the uncertainty of his status with the government proved worrisome. Allen had supported the moderate Whig cause, but opposed independence. Now seeking to remain neutral, he avoided political debates and attempted to remain behind the scenes. Yet the Constitutionalist-controlled Council of Safety judged anyone who did not openly support the American cause as a Tory. Allen lamented, “A persecution of Tories, (under which name, is included every one disinclined to Independence tho’ ever so warm a friend to constitutional liberty . . .) began; houses were broken open, people imprison’d without any colour of authority by private persons, & as, was said a list of 200 disaffected persons made out, who were to be seized, imprisoned & sent off to North Carolina.”

Witnessing the increasingly hostile actions toward anyone not openly supporting the American cause, Allen and his family fled Philadelphia for their summer home in Northampton. Nevertheless, the war caught up with them. The Council of Safety learned that Allen’s brothers

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99 Galloway escaped an earlier plan to tar and feather him, and had learned that Council of Safety issued a warrant for his arrest. Joseph Galloway, The examination of Joseph Galloway, Esq. by a committee of the House of Commons, Thomas Balch, ed. (Chicago, 1855), 4; Ousterhout, 157-158.

100 Unknown, Philadelphia, January 5, 1777, Diary of the American Revolution from Newspapers and Original Documents, Frank Moore, ed. 1 (New York, 1860), 369-370; McGuire, 301; Ousterhout, 157-158.


102 James Allen, January 25, 1777, PMHB, 188-191; Weigley, 141.
joined Howe and the Council ordered the arrest and return of James Allen to Philadelphia. At seven in the morning on December 19, Allen awoke and found his home “surrounded by a Guard of Soldiers with fixed Bayonets.” These men presented Allen with the warrant and escorted him back to Philadelphia. When he was brought before the Council, Allen expressed his horror at the arbitrary nature of government in the city.

I drew a picture of the state of the province, the military persecutions, the invasions of private property, imprisonments & abuses, that fell to the share of those whose consciences would not let them join in the present measures. I particularized two of their own Ordinances authorizing field officers to invade & pillage our houses & imprison our persons on mere suspicion.

Council member Owen Biddle explained that the Council “received accounts of the unwillingness of the Militia of Northampton Count to march, that they knew [Allen’s] influence and property there, & were afraid [he was] the cause of it.” Biddle apologized for such “arbitrary measures,” but insisted that Allen’s removal from the county was necessary to restore militia compliance. The Council put Allen on parole and instructed him to remain within six miles of Philadelphia. Following his meeting, Allen wandered the streets of Philadelphia and noticed that the city “seemed almost deserted & resembled a Sunday in service time.”

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103 Allen’s father, judge William Allen, and his brothers John, Andrew, and William, all fled behind British lines and sought protection by Howe. John Allen had served on the Committee of Inspection, Andrew Allen had been a member of Pennsylvania’s Committee of Safety, and William Allen resigned from his position as a lieutenant-colonel in the Continental army. Unknown, Philadelphia, January 5, 1777, *Diary of the American Revolution*, 369-370.


106 Owen Biddle was a Constitutionalist merchant who supported non-importation in 1765 and served on numerous pre-Revolutionary committees. He later became appointed to the Council of Safety. James Allen, January 25, 1777, *PMHB*, 194.

107 Owen Biddle was a Constitutionalist merchant who supported non-importation in 1765 and served on numerous pre-Revolutionary committees. He later became appointed to the Council of Safety. James Allen, January 25, 1777, *PMHB*, 193-194.

But for Allen, the horrors were just beginning. A week after moving his family back to Philadelphia, his wife and children took a chariot to visit an old friend in town. They turned onto a street and encountered a random group of militia.\textsuperscript{109} What happened next angered Allen for the rest of his life.

Samson [the driver] endeavored to drive out of the Road, but was stopt by a hollow way. The soldiers beat him with their muskets, & pushed at him with their Bayonets, on which to defend himself he made use of his Whip. This so enraged them, that they pushed their Bayonets into the Chariot, broke the glass & pierced the chariot in 3 places; during the whole scene my wife begging to be let out & the children screaming; they also endeavored to overset it, while they were within it.\textsuperscript{110}

Allen found and confronted the patrol’s commander, Major Philip Boehm. In the ensuing verbal exchange, Boehm drew his sword on Allen. Shocked by this event, Allen and his family ignored the Council’s orders and retreated back to their summer home, where they were continuously harassed by the local militia. Interestingly enough, one day in February, Boehm approached Allen’s home with a group of militia. Now a colonel, Boehm informed Allen that he had no part in the attack on his family and that it was only his threats as the militia leader that kept the men from destroying Allen’s home.\textsuperscript{111} This exchange not only revealed the dangers of maintaining an armed force in Philadelphia with only limited oversight, but it also exposes an officer’s difficulties of keeping a constant vigilance on the militia who risked their lives while watching others refuse to provide them support.

As the new year began, Pennsylvania’s elected government still could not gather sufficiently to hold a quorum and its citizens continued to live under the rule of an unelected

\textsuperscript{109} Allen only refers to the men as “soldiers,” but considering Boehm’s later promotion within the militia, one can assume these men were city militia. James Allen, January 25, 1777, \textit{PMHB}, 188-191.
\textsuperscript{110} James Allen, January 25, 1777, \textit{PMHB}, 188-191.
\textsuperscript{111} James Allen, February 17, 1777, \textit{PMHB}, 281.
Council of Safety supported by the militia. For all matters involving the security and stability of the state, the people, Congress, and the military worked with a Council that was outside of the constitution’s framework. This was not the government the people sent their delegates to create. Sarah Fisher, living under this military rule and witnessing the seizure of her goods, cursed the Council of Safety’s actions as comparable to the “Spanish Inquisition . . . [and] a most extraordinary instance of arbitrary power . . . from weak & wicked men.”

For the Continental army and militia, the absence of a state government was equally frustrating. Putnam wrote to the Council of Safety stating that the Council must assume some type of sovereign authority in the state so that the people and militia recognized “that there is a Power that can & will detain them.” Colonel John Bull, in command of Philadelphia County’s militia, did not hide his disgust when he declared after a meeting, “We have left the Council without any Instructions and Whether we are to have any or Who shall give them, Congress, Council of Safety, or Assembly I will not undertake to say.” If the new constitution was to survive the war, it needed a functioning government.

The Constitutionalists recognized that if they failed to achieve a stable government under the current constitution, either Congress or the people would replace it with a more suitable one. Despite lacking enough members to hold a quorum, Constitutionalist assemblymen met at the State House on January 21 and passed the government’s first piece of legislation. It permitted assemblymen to fill the vacant seats left by the Republicans or members who fled to their

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113 Joseph Pennell, paymaster of the navy, expressed his frustration at seeking funding from the state government when he wrote, “We are in such a strange State with Respect to Government, that I am much at loss to know where to apply . . . but when I address myself to the President of the Council of Safety I presume I am in no Danger of going far wrong.” Joseph Pennell, A.C.G., to Council of Safety, York Town, January 21, 1777, *Pennsylvania Archives*, V:197-198.
countryside homes during the feared invasion. Next, the Assembly enacted legislation “to revive . . . the late laws of the province of Pennsylvania” in order to provide a governmental foundation. This act stated that every law passed by the colonial Assembly prior to its dissolution was now active, and would be so until the Assembly “repealed or altered” laws they deemed a violation of the current government. Finally, the Constitutionalists hoped to crush all public opposition to their nascent government by expanding the already vague treason law. Treasonous activities, punishable by death, now included “speaking or writing against our public defense, or . . . maliciously and advisedly endeavor[ing] to excite the people to resist the government of this commonwealth…..or shall stir up, excite or raise tumults, disorders or insurrections in the state.”

Republicans disgusted by this latest Constitutionalist attempt to eliminate political opposition simply refused to participate in the new elections. In doing so, they handed the Assembly to the Constitutionals. The resulting election was an overwhelming Constitutionalist victory and the Assembly finally convened on March 4. The Assembly

\[116\] The Assembly approved of an act that granted “the majority of such as do appear” the power to issue writs to a local sheriff or coroner “commanding him to cause an election” to replace the absent members. Absent members would also be fined if they did not take their seat within six days. “An Act to Enable a Smaller Number of the Members of Assembly Than a Quorum to Collect the Absent Members and Issue Writs for Filling Vacancies Occasioned by Neglect of Refusal,” January 21, 1777, The Statutes of Pennsylvania, 9, [http://www.palrb.us/statutesatlarge/17001799/1777/0/act/0736.pdf, accessed 26 June 2012], 28.

\[117\] With this act, the Assembly used the colonial government laws as a blueprint to create laws in the state. “An Act to Revive and Put in Force Such and So Much of the Late Laws of the Province of Pennsylvania as is Judged Necessary to be in Force in this Commonwealth and [to] Revive and Establish the Courts of Justice and for Other Purposes Therein Mentioned,” January 28, 1777, The Statutes of Pennsylvania, 29-33.

\[118\] “An Act to Revive and Put in Force Such and So Much of the Late Laws of the Province of Pennsylvania as is Judged Necessary to be in Force in this Commonwealth and [to] Revive and Establish the Courts of Justice and for Other Purposes Therein Mentioned,” January 28, 1777, The Statutes of Pennsylvania, 29-33.


\[120\] Foster, 86.

\[121\] Pennsylvania Assembly, Tuesday, March 4, 1777, Journals of the Assembly, 46-47; Foster, 86.
elected twelve members to the Supreme Executive Council, and these twelve men and the Assembly then chose Thomas Wharton and George Bryan as President and Vice President, respectively, of the Council.\textsuperscript{122} For the first time since the ratification of the state constitution, the government met in its entirety.

The Supreme Executive Council’s first objective was to eliminate the Council of Safety and assume control over the militia and war effort, which they did on March 13. To assist in this task, the Council created the Board of War and the Naval Board to take over the administration of military affairs.\textsuperscript{123} The Executive Council also established a judicial system for the state, as it had gone half a year without one.\textsuperscript{124} The Council offered the position of Chief Justice to Joseph Reed, who had resigned his military commission in January. However, Reed disliked the Constitutionalist’s pattern of political attacks and, after much consideration, he declined the position.\textsuperscript{125}

Despite finally organizing all parts of the state government, the Assembly and Supreme Executive Council adjourned on March 21 after news that the British were again preparing for a spring attack on Philadelphia. As before, several assemblymen and Council members retired to the backcountry to prepare their homes and families for a possible invasion. The Board of War and Naval Board continued to meet and organize defenses, but Pennsylvania was again without any governmental leadership at a time of crisis.\textsuperscript{126} Both Pennsylvanians and Congress were

\begin{itemize}
  \item \textsuperscript{122} Members of the Council were elected to three-year terms. The president and vice president were elected to a one-year term. Both Wharton and Bryan sided with the Constitutionalist faction, but Wharton’s ideas were more aligned with the moderate Whigs, while Bryan agreed with radical Whig philosophy. It was an additional benefit that both men resided in Philadelphia and was immediately available during a crisis. Pennsylvania Assembly, “To All People,” Tuesday, March 4, 1777, \textit{Journals of the Assembly}, 46; Foster, 86-87.
  \item \textsuperscript{123} Supreme Executive Council, March 4, 1777, \textit{Pennsylvania Archives}, V:252-253.
  \item \textsuperscript{125} George Washington to Colonel Joseph Reed, Middlebrook, May 29, 1777, \textit{JRC}, I:296.
  \item \textsuperscript{126} Ousterhout, 154.
\end{itemize}
outraged at the adjournment of the legislative and “executive” branches of the state government. James Allen wrote in his diary that the ruling body in Philadelphia was “truly ridiculous.”\textsuperscript{127}

Congress appointed a committee to meet President Thomas Wharton and those Executive Council members who remained in Philadelphia “concerning the authority which should be deemed eligible to be exercised during the recess of the council and assembly.”\textsuperscript{128} The committee reported to Congress that Pennsylvania’s state government was “incapable of any exertion adequate to the present crisis” and demanded that “every power should be called forth into action, which may conduce to the safety of this State, with which the liberties and prosperity of the whole are so intimately connected.”\textsuperscript{129} Attempting to stabilize the governmental crisis, Congress granted those Executive Council members in the city “every authority to promote the safety of the State, till such time as the legislative and executive authorities of the commonwealth of Pennsylvania can be convened.”\textsuperscript{130} Congress then appealed to “the good people of Pennsylvania, cheerfully to submit to the exertion of an authority which is indispensably essential to the preservation of the lives, liberties, and property of themselves, their families and posterity.”\textsuperscript{131}

As additional motivation for the government to convene, Congress hinted that it might once more put the city under military control to stabilize the situation.\textsuperscript{132} Under pressure from the people, Congress, and the British army, the Assembly and Supreme Executive Council reconvened on May 21. The Republicans immediately demanded that the Assembly call a new constitutional convention to reform the inadequate government. Vice President George Bryan,

\textsuperscript{127} James Allen, February 17, 1777, \textit{PMHB}, 281.
\textsuperscript{129} Congress, Tuesday, April 15, 1777, \textit{JCC}, 268-270; Ousterhout, 154-155.
\textsuperscript{130} Congress, Tuesday, April 15, 1777, \textit{JCC}, 268-270; Ousterhout, 154-155.
\textsuperscript{131} Congress, Tuesday, April 15, 1777, \textit{JCC}, 268-270; Ousterhout, 154-155.
\textsuperscript{132} Untitled, \textit{Newport Gazette}, April 24, 1777; Foster, 87.
whose position made him a figurehead for the Constitutionalists, refused their demands. Yet as newspaper wars escalated in the city over this topic, citizens on both sides questioned the reluctance of the government. Grudgingly, the Assembly and the Supreme Executive Council finally yielded and agreed to investigate the public’s view on the existing constitution. On June 11, the Council stated that its members were “sorry to find the present Constitution of this State so dissatisfactory to any of the well affected Inhabitants” and offered to take a “sense of the Majority of the Electors” in order to appease the people. This offering by the Council allowed “the People at large to declare themselves” and proclaim their support of or opposition to the constitution.

Unfortunately for Republicans, this opportunity was short-lived. On June 14, an alarm again sounded in Philadelphia as a “report in town that Howe moved last night, but which way or with what intentions we cannot hear.” Rumors also circulated that a British fleet lurked off of the coast. This time, the Assembly neither adjourned nor fled. Instead, the government as a whole attempted to defend the city for the first time. But in doing so, the Assembly introduced a new test oath to be taken not only by potential officeholders but by all Pennsylvanians. The

133 Pennsylvania Assembly, Wednesday, May 21, 1777, JCC, 58; Untitled, Pennsylvania Gazette, June 18, 1777; Ousterhout, 154.
134 President Thomas Wharton, The Supreme Executive Council of the said Commonwealth beg leave to represent, Philadelphia, June 11, 1777, Minutes of the Supreme Executive Council, 220.
135 Howe had moved his army toward Philadelphia in hopes of luring Washington, well entrenched in the hills to the northwest, out into battle. Following this failure, Howe fell back on June 19 in an apparent retreat, again hoping Washington could be lured out. This time Washington fell for the trick and moved to harass Howe’s withdrawal. On June 26, Howe turned and quickly attempted to cut off Washington’s escape route. Only the last minute recognition of Howe’s trap allowed Washington and his escape back into the hills. Sarah Fisher, Philadelphia, June 15 & 18, 1777, PMHB, 82, 414; Mackesy, 124-125.
136 James Allen, July 2 & July 30, 1777, PMHB, 284; Sarah Fisher, Philadelphia, August 1, 1777, PMHB, 445.
137 “I, ……, do swear (or affirm) that I renounce and refuse all allegiance to George the Third, King of Great Britain, his heirs and successors, and that I will be faithful and bear true allegiance to the commonwealth of Pennsylvania as a free and independent state, and that I will not at any time do or cause to be done any matter or thing which will be prejudicial or injurious to the freedom and independence thereof, as declared by Congress; and also that I will discover and make known to some on justice of the peace of the said state all treasons or traitorous conspiracies which I now know or hereafter shall know to be formed against or any of the United States of America.” An Act Obliging The Male White Inhabitants of This State to Give Assurances of Allegiance to the Same and for Other Purposes Therein Mentioned, June 18, 1777, The Statutes of Pennsylvania, 110-114.
oath would identify potential loyalists seeking to sow “the seeds of discord,” who could then be dealt with before they could offer potential aid to the British forces.  

If any white male over the age of eighteen refused to take the oath, he would be stripped of his personal liberties. He would be “incapable of holding any office or place of trust in this state, serving on juries, suing for any debts, electing or being elected, buying, selling or transferring any lands, tenements or hereditaments, and shall be disarmed.” Travel was forbidden for anyone who did not possess an oath certificate and any Pennsylvanian traveling without papers would “be suspected to be a spy” and taken before a justice of the peace. If the arrested individual still refused to take the oath, the court would “commit him to the common goal of the city or county, there to remain without bail or mainprise until he shall take and subscribe the oath.” Any forgery of these papers resulted in the individual being “whipped with any number of lashes not exceeding thirty-nine on his bare back well laid on.”

Republicans condemned the latest oath, as did most Pennsylvanians who were not directly tied to the Constitutionalist faction. Joseph Reed acknowledged that it was natural that “the opinions of men upon such subjects are so various, and in such agitated questions, there is such promptitude to censure.” But he feared the government could collapse under such extreme measures.

So far as an individual may be allowed to express his concern [toward government], I cannot but lament that the Constitution has not provided a more adequate and

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138 An Act Obliging The Male White Inhabitants of This State to Give Assurances of Allegiance to the Same and for Other Purposes Therein Mentioned, June 18, 1777, The Statutes of Pennsylvania, 110-114; Foster, 92; Ousterhout, 161.

139 An Act Obliging The Male White Inhabitants of This State to Give Assurances of Allegiance to the Same and for Other Purposes Therein Mentioned, June 18, 1777, The Statutes of Pennsylvania, 110-114.

140 An Act Obliging The Male White Inhabitants of This State to Give Assurances of Allegiance to the Same and for Other Purposes Therein Mentioned, June 18, 1777, The Statutes of Pennsylvania, 110-114; Foster, 92; Ousterhout, 161.

earlier mode of improving what is right, and amending what is wrong. If there be any radical weakness of authority processing from the Constitution, if, in any respects, it opposes the genius, temper, or habits of the governed, I fear, unless a remedy can be provided, in less than seven years, Government will sink into a spiritless languor, or expire in a sudden convulsion.\

If the government refused to hear political opposition and address the people’s concerns, Reed feared it might not survive long enough to win the war.

The test oath was passed just a week after the Council’s announcement to survey public opinion regarding the constitution. One must wonder how many people refused to criticize the constitution out of fear that the Council was “getting the People at large to declare themselves.” Not surprisingly, a week later the government declared that more individuals supported the constitution than opposed it. James Allen, recovering from months of harassment by the government, commented on the Constitutionalists, “They are indeed a wretched set. This convulsion had indeed brought all the dregs to the Top.”\

As Philadelphians agonized through an unusually warm summer, they also suffered from constant political strong-arming and rumors regarding Howe’s destination. Yet on August 25, 1777, the military situation overwhelmed all political debate or any possible compromise. After forty-seven days at sea, Howe confirmed Philadelphians’ fears by entering Chesapeake Bay and landing at the Head of Elk. News of the landing and the army’s approach toward

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144 Fed up with the senseless rumors on the location of the British army, John Adams exclaimed that citizens “may as well imagine them [British] round Cape Horn into the South Sea to land at California, and march across the Continent to attack our back settlements.” John Adams to Abigail Adams, Philadelphia, July 30, 1777, LDC, 104-105.
Philadelphia sent a new wave of terror through the city. Wharton, Bryan, and the Executive Council essentially transformed the city into a military state, demanding that citizens provide “guns, wagons, and blankets” for the militia and help defend the city. The Council even approved the removal of metal spigots so that they could be melted down into ammunition. Militia units organized and set out to coordinate with the army on how to best deflect the British assault. Even Joseph Reed volunteered again to serve in the army when news arrived of Howe’s approach.

In an attempt to secure the city, Congress ordered the Council to “remove from the city ‘disaffected’ persons inimical to the cause of America.” The Supreme Executive Council approved the measure and willfully followed their instructions. Wharton ordered the arrests of forty-one men and two days later George Bryan oversaw the deputies disperse through the city and round up the listed men. On the morning of September 2, Sarah Fisher, a resident of Philadelphia, witnessed the arrest of her husband and other “inhabitants whom they suspected of Toryism, & without any regular warrant or any written paper mention a crime, or telling them of it in any way, committed them to the confinement.” After the arrests, each man’s home was searched, but the deputies discovered no evidence of treason. The Council informed the captives

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146 Foster, 88-89.
147 McGuire, 128.
149 Joseph Reed joined as a volunteer among the Pennsylvania troops in Washington’s army. Mr. Reed to Mr. Pettit, Philadelphia, September 14, 1777, JRC, I:311, 314; Reed, JRC, I:304.
150 Resolutions of Congress, 1777, Philadelphia, August 26, 1777, Pennsylvania Archives, V:551-552; Foster, 88-89; Ousterhout, 166.
152 These forty-men, including twenty Quakers and Sarah Fisher’s husband, were held at the local freemason’s lodge. Sarah Fisher, Philadelphia, September 2, 1777, PMHB, 444; Foster, 89.
that they would be freed if they simply swore the oath to the state, which several did.\textsuperscript{153} But the rest remained under arrest with no charges filed against them and denied \textit{habeas corpus}. The families of the arrested sent a remonstrance to the Council and distributed copies throughout the city, but to no avail.\textsuperscript{154} The government deemed any man not openly supporting the city’s defense as a threat to Philadelphia’s security.\textsuperscript{155}

As the British army neared the city and Washington moved to defend it in early September, the state government prepared to evacuate.\textsuperscript{156} Measures were put in place to organize the militia, remove livestock, and requisition wagons and supplies. The Council ordered all political prisoners to be relocated three hundred miles away to Augusta County, Virginia, so that they would not fall into enemy hands.\textsuperscript{157} Under pressure from the people and after reading the remonstrance by the arrested men, Congress reconsidered the arbitrary arrests and advised the Council “to hear what the said remonstrants can allege to remove the suspicions of their being disaffected or dangerous . . . and act therein as the said council judge most conducive to the public safety.”\textsuperscript{158} Yet when Congress suggested a course of action that conflicted with the Supreme Executive Council’s goals, the Council sidestepped the issue and stated that a meeting “can answer no good purpose. . . [and] in the midst of the present load of important business before the Council . . . they have not leisure to undertake it.”\textsuperscript{159}

\begin{footnotes}
\item[154] Sarah Fisher, Philadelphia, September 6, 1777, \textit{PMHB}, 446.
\item[155] Foster, 89; McGuire, 324-327; Ousterhout, 166-168.
\item[156] James Allen, July 30, 1777, \textit{PMHB}, 286-289.
\end{footnotes}
Chief Justice Thomas McKean refused to allow such a gross violation of rights under his watch.\textsuperscript{160} As the Council loaded the men into wagons, McKean issued writs of \textit{habeas corpus} for all political prisoners, and demanded their release otherwise.\textsuperscript{161} In a letter to the Council, McKean stressed,

\begin{quote}
I am informed that some of the Members of the Congress are dissatisfied with my allowing, as Chief Justice of this State, writs of habeas corpus for twenty persons confined in the Free-masons Lodge in Philadelphia. Next to the approbation of a good conscience I esteem the good opinion of good men, and of my friends in particular. . . . The habeas corpus Act forms a part of the Code of the Pennsylvania laws, and always had justly been esteemed the palladium of liberty.\textsuperscript{162}
\end{quote}

McKean ended his letter, perhaps fearing the Constitutionalists’ punitive responses to all opposition, by stating, “The Die is cast, I trust we ‘shall throw sixes.’ May the Almighty give the Congress … general wisdom, fortitude, and perseverance, and teach the fingers of our army to fight. Our cause is good, our army in health & spirits, and more numerous than that of the enemy.”\textsuperscript{163}

The Council quickly negated McKean’s power by directing the Assembly to pass an act that denied the men \textit{habeas corpus}. The Council informed the captives’ escort that “the Assembly has put the matter out of debate . . . & indemnify the Council & all acting under them” in the cases of the arrests.\textsuperscript{164} In effect, the Assembly denied these men a cherished English right, granted the Council immunity for all actions during the current military crisis, and guaranteed it protection from any future public backlash. Thus the arrested men “were dragged into the

\begin{footnotes}
\item[160] The Council appointed Thomas McKean to the position of Chief Justice after Reed declined the spot. Thomas McKean, Letter, Addressee Unknown, Sept 19, 1777, Box 1, Folder 9, \textit{Thomas McKean Papers, 1734-1892}, Collection 405, 13 boxes, 2.6 lin. Feet, \textit{HSP}.
\item[161] Thomas McKean, Letter, Addressee Unknown, Sept 19, 1777, \textit{HSP}.
\item[162] Thomas McKean, Letter, Addressee Unknown, Sept 19, 1777, \textit{HSP}.
\item[163] McKean’s motivation to appear supportive of the government could also be attributed to the Council’s power to remove judges without outside approval. Thomas McKean, Letter, Addressee Unknown, Sept 19, 1777, \textit{HSP}.
\end{footnotes}
wagons by force by soldiers employed for that purpose, & drove off surrounded by guards & a mob.\textsuperscript{165} The prisoners, with no options left, sat helplessly as they were shipped off to Virginia. Most would not see freedom for seven months.\textsuperscript{166}

As the British approached the city, the Assembly approved an act that gave the Constitutionalist-controlled Supreme Executive Council nearly unlimited power to direct the crisis. The act stated that Council could assume undeclared powers to defend the state when the government could not “in the ordinary course of the law sufficiently provide for its security.”\textsuperscript{167} These powers included the arrest of any person suspected of writing or speaking against the government or “doing any other thing to subvert the good order.”\textsuperscript{168} The Council also gained the power to seize personal papers without justification and relocate subjects outside the state where they could not disrupt security. In a move that the Constitutionists’ opponents could only see as cynical, the act would expire with the sitting of the next representative body.\textsuperscript{169}

Despite governmental efforts to secure the city, the fate of Philadelphia rested in the hands of the armies facing off to the west at Brandywine Creek.\textsuperscript{170} Philadelphia’s primary defenses protected from an eastern attack and little consideration had gone into western defenses.

Washington deployed his forces east of Brandywine Creek, which provided the best obstacle to

\textsuperscript{165} Sarah Fisher, Philadelphia, September 13, 1777, \textit{PMHB}, 449.
\textsuperscript{166} Foster, 90; Ousterhout, 165-167; Weigley, 139-140.
\textsuperscript{167} An Act to Empower the Supreme Executive Council of this Commonwealth to Provide for the Security Thereof in Special Cases Where No Provision is Already Made By Law, September 6, 1777, \textit{The Statutes at Large of Pennsylvania}, 138-140.
\textsuperscript{168} An Act to Empower the Supreme Executive Council of this Commonwealth to Provide for the Security Thereof in Special Cases Where No Provision is Already Made By Law, September 6, 1777, \textit{The Statutes at Large of Pennsylvania}, 138-140.
\textsuperscript{169} To ensure the Council members’ protection from any future charges against their actions, the act stated that all government officials were “hereby fully and absolutely indemnified and saved harmless of and from all process, suits and actions that shall or may be hereafter sued, commenced, prosecuted or brought against them.” An Act to Empower the Supreme Executive Council, \textit{The Statutes at Large of Pennsylvania}, 138-140; Foster, 90; Ousterhout, 165-167; Weigley, 139-140.
\textsuperscript{170} Howe commanded an army of 13,000 against Washington’s army of 8,000 Continentals and 3,000 militia. Washington suffered approximately 1,000 casualties. Gruber, 240-241; Gregory Knouff, \textit{The Soldiers’ Revolution: Pennsylvanians in Arms and the Forging of Early American Identity} (Pennsylvania, 2004), 119-125; Mackesy, 128-130; McGuire, 169-263; Middlekauff, 286-289; Symond, 53; Stephen Taaffe, \textit{The Philadelphia Campaign, 1777-1778} (Kansas, 2003), 68-70.
establish a defensive line. As Howe approached, numerous skirmishes occurred from August 28 through September 3. Howe then deployed his men and engaged Washington on September 11. Unfortunately, the Continental army had failed to guard the Trimble and Jeffrie fords to the north. General Cornwallis took advantage of this oversight, quietly crossed the Brandywine, and attacked Washington’s north flank. Unable to recover from this maneuver, Washington called up Nathanael Greene’s division, providing the army ample time to fall back.\footnote{Eldridge Gerry to James Warren, Philadelphia, September 17, 1777, \textit{LDC}, 683-684; Gruber, 240-241; Knouff, 119-125; Mackesy, 126-129; McGuire, 169-263; Middlekauff, 286-289; Symond, 53; Taaffe, 68-70.}

The sounds of war echoed throughout Philadelphia and citizens observed smoke on the horizon.\footnote{Thomas J. McGuire, \textit{The Philadelphia Campaign: Germantown and the Road to Valley Forge} 2 (Pennsylvania, 2007), 5.} Henry Marchant reported that, “It began a little before Nine in the Morning with a heavy Cannonade, which was very distinctly heard in Our State House yard about 30 miles from the Place of Action. It lasted till dusk; and tho' we were obliged to leave the Enemy Masters of the Field.”\footnote{Henry Marchant to The Honorable The Governor & Company, State of Rhode Island, Philadelphia September 17, 1777, \textit{LDC}, 683-684.} As the terrifying noise of a distant battle lessened, hundreds of battle-weary troops appeared on the outskirts of Philadelphia.\footnote{McGuire, \textit{Germantown and the Road to Valley Forge}, 4.} The wounded sought refuge in the city and deserters scattered to hide among the people. The remaining troops re-formed and marched out of the city to the northwest. Howe then lured the remains of the Continental army away from the city, crossed the Schuylkill River, and put the British army between the American army and Philadelphia.\footnote{Eldridge Gerry to James Warren, Philadelphia, September 17, 1777, \textit{LDC}, 683-684; Gruber, 240-241; Knouff, 119-125; Mackesy, 126-129; McGuire, \textit{Brandywine and the Fall of Philadelphia}, 169-263; Middlekauff, 286-289; Symond, 53; Taaffe, 68-70.}

On the night of September 18, Sarah Fisher reported that

\begin{quote}
The city was alarmed about two o’clock with a great knocking at people’s doors & desiring them to get up, that the English had crossed the Swedes ford at 11 o’clock &\end{quote}
would presently be in the city . . . wagons rattling, horses
galloping, women running, children crying, delegates flying,
& altogether the greatest consternation, fright & terror that
can be imagined . . . [false alarm] . . . Thus the guilty fly when
none pursue.176

Another witness described how “Congress & the city of Philadelphia were alarmed at midnight
with an account that Howe had crossed the River . . . in consequence of which the Congress, all
the publick boards, Officers, & all the Whigs in general left the City at midnight, in the utmost
consternation.”177 This initial report proved false, but a week later the approach of the British
army to the city became a reality. Both the state government and Congress fled toward
Lancaster, and Washington’s army was unable to defend the city. The result was chaos in the
streets with people “flying one way & some another as if not knowing where to go, or what to
do.”178 James Allen remembered that “panicked citizens and wounded soldiers converged onto
the streets” seeking some form of escape.179 Robert Morton, a Philadelphia loyalist, witnessed
the bedlam and complained, “Thus we have seen the men from whom we . . . still expected
protection, leave us to fall into the hands of (by their accounts) a barbarous, cruel, and
unrelenting enemy.”180

As the British neared the city, Joseph Reed and a group of men hid at his house near the
Schuylkill River to scout the army’s line of attack.181 But with Washington’s army retreating
eastward, nothing could protect George Bryan and the Pennsylvania government fleeing west
toward Lancaster. Joseph Reed watched helplessly as the British army entered the city. Serving

176 Sarah Fisher, Philadelphia, September 21, 1777, PMHB, 449.
177 James Allen, October 1, 1777, PMHB, 290.
179 James Allen, October 1, 1777, PMHB, 290.
180 Robert Morton, “The Diary of Robert Morton, Kept in Philadelphia While That City was Occupied by the British
Army in 1777,” PMHB 1, 1 (1877): 4; McGuire, Germantown and the Road to Valley Forge, 5.
181 Reed reported, “It is quite uncertain which way the progress of the British army may point. Upon their usual plan
of movement they will cross . . . the Schuykill somewhere near my house. In which case I shall be very
dangerously situated. “Mr. Reed to Mr. Pettit, Philadelphia, September 14, 1777, JRC, I:311, 314.
as a guide for the British army was Joseph Galloway, who proudly accompanied the British army into Philadelphia on September 26, 1777 to restore the imperial government.\textsuperscript{182}

The violence and uncertainty of war provided the trigger to overthrow Pennsylvania’s colonial rule, but it was now the presence of dueling wartime belligerents that compromised the Constitutionalists’ ability to implement a new government. Despite the Constitutionalists’ best efforts to unite the populace behind their leadership and enact security measures to defend the city, the government could not prevent a superior military force from capturing Philadelphia. Defeated and demoralized, the state government fled into the countryside. Unable to retake the city without the support of the American army, the government attempted to regroup and reassert its control over the unoccupied zones of Pennsylvania.

Yet the government was a shell of its former self without Philadelphia. No matter what powers it now assumed in Lancaster or what orders it gave to area militias, the government was seen by many as an inept body that failed to protect the people and now hid from the British army. Only a concerted effort by George Washington and the Continental Army could remove the British army from Philadelphia, which many considered unlikely. Realizing that Philadelphia might remain in British hands for the remainder of the war, Pennsylvanians pondered the fate of their new government and the possibility of a return into the British Empire.

\textsuperscript{182} Galloway wished for the colonies to remain in the British Empire, but he also possessed property in Pennsylvania that he wished to reclaim. David Evans, “Excerpts from the Day-Book of David Evans, Cabinet-Maker, Philadelphia, 1774-1811,” \textit{PMHB} 27, 1 (1904): 49. Gruber, 242; McGuire, 323-327; Middlekauff, 289.
On the morning of September 26, 1777, Sarah Fisher, a Quaker neutral, woke to find Philadelphia in silence.³ She went about her morning routine without hearing the typical bustle of militia and troops that filled the city during the past year. Just before lunch, she heard the sound of distant music and went outside to determine its origins. As Philadelphians gathered outside, word quickly spread that the British army was entering the city. Philadelphians, even those still loyal to the crown, feared the British army would plunder the city, burn it down, and leave.⁴

Surprisingly to many, it was not the chaotic and destructive entrance that Pennsylvanian officials had warned citizens to expect, but a slow and steady march in the morning sun.⁵ As the army turned onto her street, Fisher noticed Enoch Story and Phineas Bond, two Philadelphians known to her, guiding approximately two hundred light horse through the city.⁶ In contrast to

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¹ General Greene to Mr. Reed, Ramapaugh, June 29, 1780, William Bradford Reed, ed., Life and Correspondence of Joseph Reed 2 vols. (Philadelphia, 1847), I:216-218 [referred to hereafter as JRC].
² General Greene to Mr. Reed, Ramapaugh, June 29, 1780, JRC, 216-218.
³ Sarah Logan belonged to one of Philadelphia’s wealthiest families, and married Thomas Fisher, who was a wealthy merchant and ship-owner, in 1772. Sarah Fisher, “‘A Diary of Trifling Occurrences,’ Philadelphia, 1776-1778,” The Pennsylvania Magazine of History and Biography 82, 4 (October, 1958): 411 [referred to hereafter as PMHB].
⁵ Sarah Fisher, Philadelphia, September 26, 1777, PMHB, 450; Robert Morton, Philadelphia, September 26, 1777, PMHB, 7.
⁶ The troops consisted of two English and two Hessian battalions. William Allen, father of James Allen, also entered with the British army. Adjutant General Major Baurmeister, Philadelphia, September 26, 1777, Revolution
the filthy and malnourished American troops who had passed through the city the week before, Fisher noticed the British soldiers’ “clean dress and their bright swords glittering in the sun.” Following the horses was an ensemble playing “God Save Great George Our King.” As the fife and drum music peaked, General Cornwallis appeared at the head of the army, with Joseph Galloway riding alongside him. Next, cannons rumbled down the street behind the army. Following the British army, the more jovial and relaxed Hessians approached with “a large band of music.” Trailing the Hessian forces was a collection of formerly exiled Philadelphians, “baggage wagons, Hessian women . . . horses, cows, goats, and asses.”

General Cornwallis, Joseph Galloway, and three thousand British troops entered Philadelphia “in earnest” to occupy the city. Gone was the state government that had promised to protect the city from precisely this catastrophe. Also absent were Congress, the militia, and the American army. Many Whig supporters, as well as individuals fearing devastation by the British army, had dispersed into the hinterlands. Loyalists, neutrals, and people who did not have the means to relocate remained in Philadelphia. Those who remained had already endured a year of chaos as the new American government and its army struggled to survive in

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7 The artillery brought by the British and Hessian forces consisted of six 12-pound guns and four howitzers. Adjutant General Major Baurmeister, Philadelphia, September 26, 1777, Revolution in America, 117; Sarah Fisher, Philadelphia, September 26, 1777, PMHB, 450; Captain Friedrich von Muenchhausen, September 26, 1777, At General Howe’s Side, 1776-1778: A Diary of General William Howe’s aide de camp, Captain Friedrich von Muenchhausen, Ernst Kipping, trans. (New Jersey, 1974), 36.

8 Sarah Fisher, Philadelphia, September 26, 1777, PMHB, 450; Robert Morton, Philadelphia, September 26, 1777, PMHB, 7.

Philadelphia. Now they witnessed the arrival of a superior military force and the return of the
government that their leaders had cast aside.\textsuperscript{10} Was the Revolution all but over?

Sixty miles west in the town of Lancaster, the Pennsylvania government and the
Continental Congress licked their wounds and attempted to recover from their retreat into
Pennsylvania’s frontier. Members of these organizations hoped that the Continental army would
quickly retake Philadelphia and allow the government to return to the city. In the meantime,
Pennsylvania’s leaders cast blame for their failures on the loyalists’ opposition. If provided the
opportunity, the Constitutionalists promised to punish the disloyal and to reassert their power in
Philadelphia.\textsuperscript{11}

For both the British army (the hand of the Crown) and the Pennsylvania government,
military strength proved the ultimate security and shaped political responses in war-torn
Philadelphia.\textsuperscript{12} In Philadelphia, the strength of the British army and General William Howe’s
dual role as commander of the army and as peacemaker shaped city politics during the British
occupation.\textsuperscript{13} The British army was the military arm of the Crown, and its strength ensured that
no challenges to the newly installed loyalist government occurred during the occupation. This
governmental and military security also allowed Howe to take a more benign policy toward its
inhabitants as he attempted to reincorporate the city into the British Empire. He did not force

\textsuperscript{10} The British and Hessian forces entered Philadelphia to the sounds of cheering. Galloway recalled, “No Roman
General ever received from the citizens of Rome greater acclamations than the noble General did on this occasion
from the loyal citizens of Philadelphia.” Joseph Galloway, \textit{Letters to a Nobleman, on the Conduct of the War in the
Middle Colonies} (London, 1780), Internet Archive, [http://archive.org/stream/letterstonoblema00gall#page/n9/mode/2up, accessed 14 August, 2012], 77.
\textsuperscript{11} James Allen, October 1, 1777, “Diary of James Allen,” \textit{PMHB} 9, 2 (July, 1885): 290; Thomas J. McGuire, \textit{The
Philadelphia Campaign, Brandywine and the Fall of Philadelphia 1} (Pennsylvania, 2006), 298-300; \textit{Philadelphia: A
300-Year History}, Weigley, Russell, ed. (New York, 1982), 133-134; Stephen Taaffe, \textit{The Philadelphia Campaign,
1777-1778} (Kansas, 2003), 87-89.
\textsuperscript{12} Captain Friedrich von Muenchhausen, February 8, 1778, \textit{At General Howe’s Side}, 48; Joseph Galloway, \textit{Letters
to a Nobleman}, 87-88; Mr. Reed to Mr. Pettit, October 22, 1777, \textit{JRC}, I:322; John Bayard To McKean, February
28, 1778, \textit{Thomas McKeen Papers, 1734-1892}, Box 1, Folder 10, Historical Society of Pennsylvania; George
\textsuperscript{13} Howe sought to both suppress an internal British rebellion and reincorporate Pennsylvania, and the remaining
political compliance by Philadelphians or demand their military service, and he forbade the harassment of all inhabitants, whether loyalist, patriot, or neutral.\footnote{Howe promised this benevolent policy to political opposition as long as they remained inactive in the war. Despite his assurances, it was impossible to stop all transgressions by the British and Hessians against Pennsylvanians. Gruber, 303, 354-355.} The only question for those accepting British rule was whether the redcoats would remain in Philadelphia, or eventually abandon the city and allow the return of the former Pennsylvania government. As it turned out, the British army did eventually leave the city. It did so not because of any threat from the American army or an internal uprising, but because France’s entry into the war in early 1778 forced the British to alter their strategy.

Conversely, the displaced Constitutionalist-controlled government operated in a state of constant threat. Politically fragile and without a superior army, Constitutionalis
ts demanded the people’s unified support to ensure the state’s security. The British military occupation exacerbated the Constitutionalist tendency to discount neutrality as a legitimate position and to label everyone as friend or enemy. During their exile in Lancaster, the Constitutionalis
ts attempted to compensate for their political weakness by increasing their governmental powers to levels never before seen in the colony or state. The displaced government then used local militia to force the compliance of the people and neutralize anyone they saw as responsible for the loss of Philadelphia.\footnote{Mr. Reed to Mrs. Reed, Camp near White Plains, November 6, 1776, JRC, I:248-249; Alexander Graydon, Memoirs of a Life, Chiefly Passed in Pennsylvania, Within the Last Sixty Years; With Occasional Remarks Upon the General Occurrences, Character and Spirit of That Eventful Period (Pennsylvania, 1811), 299-301; McGuire, Brandywine and the Fall of Philadelphia, 129.}

This aggressive policy only intensified upon the government’s return to Philadelphia. When the British army relocated to New York in June 1778, they took with them the governmental stability and military support of the British Empire. Filling the void in Philadelphia was a government that had struggled since its onset to meet and establish its
authority. Using the occupation as evidence, Constitutionalists exploited the already existing anger, distrust, and insecurity of returning Philadelphians to extinguish all political threats in the city. Pennsylvania’s government also aggressively attacked Congress’s decision to appoint a military governor to ensure stability during the political transition. Despite the state government’s ineptitude in confronting the British threat during Howe’s Philadelphia campaign, the appointment of a military governor humiliated the civil government and prompted its zealous demonstration that it was the true authority in the city and state.\textsuperscript{16}

The strength of the British army was undeniable as it entered Philadelphia.\textsuperscript{17} Howe remained in Germantown to assess Washington’s strategy, but Cornwallis’s forces moved swiftly to secure the city.\textsuperscript{18} The British army immediately began the process of securing and mapping out the city for Howe. Soldiers secured buildings to house the troops, distributed supplies, and erected batteries along the Delaware and in outlying areas around the city.\textsuperscript{19} Although Philadelphians feared the repercussions of an occupying army in their city, the construction of fortifications and the quartering of troops reassured them that the British army did not plan to burn the city.\textsuperscript{20} Philadelphia newspapers, pandering to their new occupying force, attempted to ease the fears of a British presence.


\textsuperscript{17} \cite{Galloway1777}.


\textsuperscript{19} British troops garrisoned in Philadelphia’s barracks, abandoned buildings, or large loyalist dwellings who accepted the soldiers. Joseph Galloway, \textit{Letters to a Nobleman}, 77; Geib, 78-79.

The fine appearance of the soldiery, the strictness of their discipline, the politeness of the officers, and the orderly behavior of the whole body immediately dispelled every apprehension of the inhabitants, kindled joy in the countenances of the well affected, and gave the most convincing refutation of the scandalous falsehoods which evil and designing men had been long spreading to terrify the peaceable and innocent.  

For many city residents, especially loyalists and neutrals, the British army provided a reprieve from an aggressive, yet largely absent, state government. Robert Morton, a young Quaker loyalist, commented that the British army freed the city, which had been “too long under the yoke of arbitrary power.”

Howe arrived in Philadelphia on September 28 and was shocked that so many Philadelphians had abandoned the city instead of accepting a general pardon and rejoining the British. A Hessian officer commented that the city was “sparsely populated, because many inhabitants left with the enemy army.” The prospect of an occupying army still was disconcerting to many city residents, but Howe and his staff saw it as their responsibility to reestablish a stable British government structure and dispel a decade of accusations against the

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21 Benjamin Towne published the *Pennsylvania Evening Post* throughout the war. Initially supporting the new Pennsylvania government, he quickly shifted his support behind the British occupying force and continued to publish during the occupation. Once the British left the city, Towne again switched his allegiance and once again supported Pennsylvania’s government. The *Pennsylvania Ledger* was published by loyalist James Humphreys. Despite his attempts to remain objective, he fled Philadelphia in November, 1776. Upon learning that the British army was marching on Philadelphia, Humphrey returned to the city, awaited their arrival, and began published the *Ledger* during the occupation. “Philadelphia,” *Pennsylvania Evening Post*, October 11, 1777; “Philadelphia,” *Pennsylvania Ledger*, October 10, 1777; Thomas Allen, *Tories: Fighting for the King in America’s First Civil War* (New York, 2010), 241; Isaiah Thomas, *The History of Printing in America* (New York, 1874), 439-441.


23 Robert Morton was the son of a Philadelphian merchant, and writings indicate that he supported the loyalist cause. Robert Morton, Philadelphia, September 26, 1777, *PMHB*, 8; Fisher, “Social Life in Philadelphia,” 238.


Howe reminded his troops repeatedly on their march toward Philadelphia that the men and women they encountered were British subjects, and deserved treatment as such. Upon his arrival, Howe offered a pardon to all inhabitants who would swear an oath to the King.

Sir William Howe, regretting the calamities to which many of his Majesty’s faithful subjects are still exposed by the continuance of the rebellion, and no less desirous of protecting the innocent….assure the peaceable inhabitants of the province of Pennsylvania…..that in order to remove any groundless apprehensions which may have been raised of their suffering by depredations of the army under his command, he hath issued the strictest orders to the troops for the preservation of regularity and good discipline, and has signified the most exemplary punishment shall be inflicted upon those who shall dare to plunder property, or molest the persons of any of his Majesty’s well-disposed subjects. Security and protection are likewise extended to all persons. . . .Sir William Howe doth therefore promise a free and general pardon to all such officers and private men as shall voluntarily come and surrender themselves.

Thus Howe did not persecute the inhabitants or allow deliberate destruction in the city. Howe’s policy of leaving peaceful residents alone allowed for the possibility that many of those residents were neutrals.

Once the British army occupied Philadelphia, Howe pursued a lenient policy precisely to “divide and conquer” the Americans, cementing the allegiance of loyalists and possibly of moderates and neutrals as well. He encouraged all Philadelphians to swear loyalty to the King,
but did not hunt down those who refused to openly declare allegiance. Pennsylvania’s earlier loyalty oath by the Constitutionalists had focused less on loyalty and more on establishing the government’s legitimacy. Constitutionalists had also used the oath to punish their political opponents, despite their common allegiance to the Revolution. With an army at his command, Howe felt confident of his control of the city, and thus saw no need to alienate its residents by forcing the loyalty oath on reluctant inhabitants. Unlike under Pennsylvania’s state government, Howe even allowed the Quakers to meet free from political scorn. Persons outside Philadelphia who supported the British were welcome to enter the city.  

Despite Howe’s attempts to keep the peace, the initial political instability associated with the occupation induced men to pursue acts of violence for personal gain. Howe had underestimated the depth of Philadelphia’s political divisions and bitter Philadelphian loyalists attempted to avenge their earlier mistreatment by the Whigs. On September 29, angry Philadelphian loyalists marched through the city and imprisoned men sympathetic to the American cause. The British army, seeking to reincorporate the population into the empire, quickly questioned and released the vast majority of the hundreds arrested. But the soldiers were unable to stop all aggression as complaints continued of accused Whig supporters “injured in their property by disorderly persons . . . [to] the great distress of the inhabitants.” In an effort to curb these abuses, Howe ordered patrols and arrested anyone who violated Philadelphians’ liberties.  

33 Adjutant General Major Baumier referred, “Everything remained quiet in Philadelphia, several inhabitants were arrested because they had aroused suspicion of being well disposed toward the enemy.” Adjutant General Major Baumier, Philadelphia, October 4, 1777, Revolution in America, 122; Elizabeth Drinker, Philadelphia, September 29, 1777, The Diary of Elizabeth Drinker, 237.  
34 “Proclamation,” Pennsylvania Evening Post, November 8, 1777.  
35 “Proclamation,” Pennsylvania Evening Post, November 8, 1777.
A select few British soldiers even sought to capitalize on the early transitional confusion. One soldier, apparently not concerned with political allegiances, broke down the door of loyalist Robert Morton and ransacked his house. Morton notified the commanding officer, and the soldier received four hundred lashes.\(^{36}\) In another instance, Howe ordered the execution of a soldier who plundered a woman’s home.\(^{37}\) Despite these early isolated episodes of violence, Howe sought to reassure Philadelphians that imperial order had been restored and to rebut “the scandalous falsehoods which evil and designing men had been long spreading to terrify the peaceable and innocent.”\(^{38}\)

As Howe endeavored to stabilize the situation, the American army attacked in hopes of retaking the city.\(^{39}\) On October 4, Washington attempted to retake Philadelphia by first attacking nearby Germantown.\(^{40}\) Howe had brought troops to secure Philadelphia, but many of his soldiers remained in Germantown to determine Washington’s next move and possibly strike a decisive blow against the regrouping American forces. This offensive posture meant that Howe did not entrench his troops in and around Germantown. Washington mistook this tactic as an opportunity to retake Philadelphia and, for the first time, directly attacked the British army.\(^{41}\) He divided his 8,000 troops and 3,000 militiamen into four groups and attempted a coordinated night

\(^{39}\) Elizabeth Drinker, Philadelphia, September 27, 1777, October 4, 1777, October 6, 1777, October 9, 1777, October 13, 1777, \textit{The Diary of Elizabeth Drinker}, 236, 240, 241, 243; Robert Morton, September 27, 1777, \textit{PMHB}, 9.
\(^{41}\) McGuire, \textit{Germantown and the Roads to Valley Forge}, 43-127; Symonds, 57; Taaffe, 101-103.
attack. The result was a debacle. British forces initially retreated in surprise, but the complications and timing of an attack after an all-night march resulted in confusion.

The darkness, fog, and chaos of fighting hindered each independently acting part of the American forces. In one instance, a drunk General Adam Stephen ordered his troops to open fire on a group of men, only to discover later that they were under the command of fellow American General Anthony Wayne. Amidst this bedlam, the British regrouped, counterattacked, and routed the Continental army. The battle demonstrated to Philadelphians that the British occupying force would retain firm control on the city. Joseph Galloway boasted that Howe could have defended Philadelphia against “any force which could have been brought against it.”

As the likelihood of additional American attacks waned in the fall, the two armies entered winter quarters and “a perfect tranquility . . . prevailed in the city.” To assist with reestablishing a British government and dispel notions that the city was merely a military conquest, Howe appointed Joseph Galloway to run Philadelphia as Superintendent General of the Police and Superintendent of Imports and Exports, essentially a nonmilitary governor. Galloway was a prominent American and Howe hoped that putting Philadelphia’s government under a Philadelphian would be seen as a conciliatory gesture to the people. But Howe’s choice

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43 The continued lack of communication between American troops meant that some retreated while others continued to advance. The Continental army and local militia lost 673 men and had another 400 captured. Symonds, 57; McGuire, *Germantown and the Roads to Valley Forge*, 43-127; Taaffe, 101-103.
44 McGuire, *Germantown and the Roads to Valley Forge*, 132-134; Symonds, 57; Taaffe, 104-105.
also had a more practical application since Galloway had served in the General Assembly and knew the city and people.

For Galloway, this was his chance to restore British civilian government to Pennsylvania—the government he had fought to retain two years earlier.\(^{48}\) He wrote,

> When I returned to Philadelphia, the numerous Inhabitants who remained there, almost unanimously concur’d in their applications to me, to know whether they were to be Governed by military Law, or restored to their Civil Rights . . . To convince them that G. Britain meant to do what was right, I prevailed on the General to establish a Civil Police in that City. The offer of such a System of Polity to the People of America I have always thought should have attended the British Arms from the Beginning . . . and even at this time, it must be productive of the most beneficial Consequences, by removing all Fears and Jealousies from the minds of the People.\(^{49}\)

Despite the likely desire for revenge after his disgraceful exodus the previous winter, Galloway took no such action. Even if he had, most of his political enemies had fled, and more importantly Howe would not have permitted such actions. If Howe was going to convince the city that returning to the Empire was the best option, he could not have a governor of that empire violating British rights. But moreover, Galloway truly believed that the combination of the Constitutionalists’ “superlative and excessive tyranny” and “the distresses [Philadelphians] have felt by the ravages of war” had convinced the vast majority of the benefits of returning to the security of the British Empire.\(^{50}\) If Galloway could reintegrate the city into the empire, he could then observe the British army flush out his enemies to the west.

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\(^{48}\) Coleman, 278-279.

\(^{49}\) Galloway to Germain, March 18, 1779, Stopford-Sackville MSS, William L. Clements Library, found in Coleman, 280.

\(^{50}\) Joseph Galloway later estimated that four-fifths of the population sought to return to the British Empire. Galloway, The Examination of Joseph Galloway, 141.
Galloway first sought to reestablish Philadelphia as a major port of trade within the empire. Galloway regulated city trade to prevent shortages and limited the distribution of such goods as rum, molasses, salt, and medicines. He also regulated imports and exports as the city reopened to imperial trade, and trade quickly surged to levels not seen since before the war. The influx of hard currency meant that existing loyalist shops reopened and new shops sprang up throughout the city as British and Scottish merchants arrived to deal their goods. Christopher Marshall, exiled in Lancaster with the state government, reacted in shock over “news is that there are now in Philadelphia one hundred and twenty-one new stores.” To encourage local commerce, Howe even sent out patrols to protect men and women bringing grain and supplies from the countryside into Philadelphia, despite the threat that these individuals could be spies. Many in the British army commended those “devoted to the cause of their Sovereign, at every risk, . . . daily supplying the army, navy, and loyal inhabitants within the lines, with every necessary and luxury that the country afforded.”

Galloway also assigned government positions to prominent loyalists who remained in the city. This governing body continued to improve the day-to-day lives of Philadelphians. It confronted sanitation problems and ordered Philadelphians to sweep walkways and clean private

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51 Initially, the American forces blocked the entrance to the Delaware and attempted to cut off the city. As a result, the first two months of the occupation brought minor food shortages. During this time, Howe relied on existing supplies, supplies brought in by Pennsylvanians from the countryside, and scavenging expeditions outside the city to meet his needs. Yet once trade reopened, goods flooded into the city. Robert Proud, Philadelphia, December 1, 1777, “Letters of Robert Proud,” *PMHB* 34, 1 (1910): 62; Captain Friedrich von Muenchhausen, December 12, 1777, *At General Howe’s Side*, 46; Gruber, 258, 265.
54 One officer wrote, “The rebels have at all times, small parties on all the roads that lead to us. They seize the peasants who take all sorts of food to the market for the sake of profit. We send out daily, small and sometimes strong commands against the enemy parties in support of the peasants who bring in food (although many of them are surely spies).” Captain Friedrich von Muenchhausen, March 18, 1778, *At General Howe’s Side*, 49; Geib, 76-78.
56 Joseph Galloway appointed Samuel Shoemaker, John Potts, and Daniel Cox as magistrates. John Smith became Deputy of the Port and Enoch Story the Inspector of Prohibited Articles. Ousterhout, 174; Siebert, 44.
lands. A night watch was created to patrol the city and ensure security. The almshouse reopened to provide relief, often donating flour and foodstuffs to the destitute. Howe approved a lottery and the profits went to the betterment of the city. The army organized sporting events that included cricket, horse racing, cock fighting, and foot races. The army even reopened playhouses and put on shows such as “Henry IV” and “The Deuce is in Him,” much to the dismay of the Quakers who protested the theater was “home of [the] devil.”

But Galloway was also responsible for local military matters in the city. He raised two companies of loyalist militia volunteers. Galloway also hired perhaps as many as eighty spies to keep him informed of the movements and plans of the American army and Pennsylvania government, as well as what spies the Americans inserted into Philadelphia. Enemy spies abounded and it was Galloway’s responsibility to not only flush out American spies, but to prevent information and goods from leaving Philadelphia and reaching Washington’s army in winter quarters twenty miles north. Galloway, under Howe’s orders, disarmed men who “were found in actual rebellion” and defied the British military presence, but he conducted no arbitrary arrests of these men.

Thanks to the presence of the British army, Galloway could implement his government with no fear from internal or external threats. Howe possessed sufficient troops to defend the city from both dangers, and therefore did not demand militia service from Philadelphians. Unlike the

58 Members of the nights watch included George Roberts, James Reynolds, James Sparks, Joseph Stansbury, John Hart, Francis Jeyes, Josiah Hewes, John Morton, Jacob Barge, Thomas Morris, and Thomas Canby. Ousterhout, 174; Siebert, 44.
59 The value of British currency allowed the army to more easily obtain goods and provide relief for the city’s poor. “Managers of the Lottery,” Pennsylvania Packet, January 11, 1777.
61 Captain Friedrich von Muenchhausen, January 21, 1778, At General Howe’s Side, 47; Geib, 82; Fisher, “Social Life in Philadelphia During the British Occupation,” 249.
63 Coleman, 288.
65 Galloway also did not have to contend with a rival political factions in the city.
Associators who had operated under constant food and manpower shortages in the city from 1775-1777, Philadelphians under British rule were not bullied and harassed to serve in the militia. Furthermore, once the British established themselves in the city and restored trade, local military bodies did not worry about supplies. Galloway reported that the city’s army and militia “did not want of fresh provisions of all kinds whilst they remained at Philadelphia.”

In essence, the British army provided the governmental stability and security absent in Pennsylvania’s government during the past year.

Yet Robert Morton accurately predicted the “dreadful consequences of an army however friendly.” Over time, Philadelphians grew resentful of the British army’s continued occupation. Howe continued efforts to minimize the effect of an occupying army, but it was impossible. As time passed, British transgressions naturally occurred. Morton witnessed British troops taking hay from his mother’s pasture and providing no receipt. He noted that Philadelphians were particularly displeased with the Hessians, who were usually unable to communicate or give receipts when confiscating goods. Morton predicted that “the ravages and wanton destruction of the soldiery will, I think, soon become irksome to the inhabitants.”

Obtaining supplies from the populace likewise became less popular as time passed. For example, Howe initially attempted to lessen the supply burden on Philadelphians by declaring the taking of wood or cutting of trees by British soldiers without authorization a criminal offense.

66 Galloway, The Examination of Joseph Galloway, 27.
70 Robert Morton, Philadelphia, October 21-23, 1777, PMHB, 22.
71 Families lost much needed vegetables as the British increasingly confiscated goods and destroyed land and property, both intentionally and unintentionally.” Robert Morton, Philadelphia, October 21-23, 1777, PMHB, 22-23.
Any soldiers caught in the act of plunder faced lashes or execution. Howe even allocated areas north of Philadelphia open for personal woodcutting. Yet British forces were as diligent as the Continental army in punishing those who hid or refused to sell materials that the soldiers needed. The British were less likely to seize materials, partly because they possessed sufficient currency to purchase them, but also because their policy was to avoid alienating Philadelphians. But even the occasional occurrence of seizing goods cast the British in a negative light.

Despite these tensions between the inhabitants and soldiers, by the spring of 1778 the city functioned fairly well. Yet many Philadelphians worried that the British army would eventually leave and the returning Pennsylvania government would punish those who supported the British. Such fears were justified, for rumors began circulating in May that the British army was preparing to leave Philadelphia. In early March, France informed Britain that it formally recognized the United States of America, and had signed a treaty with the United States wherein the two nations promised to defend each other in a time of war and conduct commerce. This, in essence, was a declaration of war against Britain.

The expansion of the war to include France forced the British government to reorganize its military priorities. The North ministry ordered British ships to be diverted to England to protect the channel from invasion. Lord North also sent additional forces to the Caribbean to protect British sugar islands and attempt to defeat French interests there. In the greater scope of

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73 The British army issued declarations in the city’s newspapers stating that goods taken would be paid for by the British army. Howe did send soldiers out on plunder raids to the country side, but this effort actually benefited the people of Philadelphia who were under his protection. Geib, 76-78; Gruber, 303, 287; Fisher, “Social Life in Philadelphia,” 239.
75 France formally recognized the United States on February 6, 1778, and began a military buildup for the conflict with Britain. Gruber, 280-281; Piers Mackesy, *The War for America, 1775-1783* (Nebraska, 1964), 208-210.
76 Mackesy, 208-210; Gruber, 303, 280.
77 Frederick North was Prime Minister of Great Britain from 1770-1782. Mackesy, 208-210; Gruber, 303, 354-355.
a global war, Philadelphia became largely insignificant. Britain could not devote nearly as many resources to control a single American city. The British government also criticized Howe’s inability to destroy the Continental Army during his campaign and ordered his return to Britain. In response, North ordered General Henry Clinton to assume control of Philadelphia, which he did on May 24, 1778, and consolidate his forces in New York.

During the last week in May, Philadelphians noticed the British army loading ships with military equipment and goods. One Hessian commented that “Philadelphia at present greatly resembles a fair during the last week of business.” Unable to hide his intentions, Clinton informed English merchants that the army planned to evacuate Philadelphia, spurring them also to pack their wares and depart for other ports within the empire. As the merchants and goods left the city, prices skyrocketed. Citizens who supported the British occupation, or served in government, now feared Constitutionalist reprisal and faced a difficult choice. They could stay and try to retain their property and livelihoods, or depart and potentially face serious economic losses. Upon the recommendation of Clinton, Joseph Galloway and his daughter left Philadelphia and sailed to England. Grace Galloway, his wife, remained behind in hopes of protecting the family’s property. Galloway claimed,

I came away from Philadelphia, knowing that my life would be taken if I staid; but I had no expectation of saving that property which I held in my own right. Mrs. Galloway’s estate was very considerable . . . and she staid under an expectation, from some words in the law, that she might retain her own estate even during

78 Mackesy, 208-210; Gruber, 303, 354-355.
80 Clinton arrived on May 7, 1778. Siebert, 51.
my life, and at least after my death; and for that purpose only she remained behind.\textsuperscript{84}

Over the next several days and nights, British troops departed the city.\textsuperscript{85} When Philadelphians awoke on June 18, “not one Red Coat [was] to be seen in Town; and the encampment . . . vanished.”\textsuperscript{86}

So long as it was unable to remove the British from Philadelphia, Pennsylvania’s government-in-exile attempted to maintain the allegiance of the people and reestablish some semblance of power in Lancaster during the fall and winter of 1777-1778.\textsuperscript{87} Realizing that the proximity of the British army could hinder future quorums by the Constitutionalist-controlled Assembly, its present members convened on October 11 to assure the continuation of government. As during the earlier threats of invasion, the British military presence in Pennsylvania meant that numerous Assemblymen did not reconvene. Many remained with their families in case the British army marched into the countryside and others simply could not reach Lancaster. In response, the Assembly approved an act to lower the number needed to hold a quorum and the power to replace absent members since “the present invasion and various movements of the enemy may render [a quorum] impracticable.”\textsuperscript{88}

\textsuperscript{84} Galloway, \textit{The Examination of Joseph Galloway}, 84.
\textsuperscript{86} General Clinton moved the British army northeast toward New York. Elizabeth Drinker, Philadelphia, June 18, 1778, \textit{The Diary of Elizabeth Drinker}, 311; Gruber, 280-282; Taaffe, 195-196.
\textsuperscript{87} The Continental Congress met one day in Lancaster, and then relocated to York, Pennsylvania. An Act for Constituting a Council of Safety and Vesting the Same with the Powers Therein Mentioned, October 13, 1777, \textit{The Statutes of Pennsylvania}, 9, [http://www.palrb.us/statutesatlarge/17001799/1777/0/act/0736.pdf, accessed 13 August 2012], 159-151; Foster, 97.
\textsuperscript{88} A Supplement to an Act, Entitled “An Act to Enable a Smaller Number of the Members of the Assembly Than a Quorum to Collect the Absent Members, and Issue Writs for Filling Vacancies Occasioned by Neglect or Refusal,” October 11, 1777, \textit{The Statutes of Pennsylvania}, 13-14.
Because of the uncertainty of meeting during the invasion, the Assembly also created a new Council of Safety to quickly respond to the unpredictable crisis. This Council of Safety included all members of the Executive Council and twelve others who possessed the Full power to promote and provide for the preservation of the commonwealth by such regulations and ordinances as to them shall seem necessary, and to proceed against, seize, detain, imprison, punish, either capitally or otherwise as the case may require, in a summary mode either by themselves or others by them to be appointed for that purpose, all persons who shall disobey or transgress the same or the laws of this state heretofore made for the purpose of restraining or punishing traitors or others who from their general conduct or conversation may be deemed inimical to the common cause of liberty and the United States of North America.

The President of the Executive Council and six men could meet and enact any wartime measures that they saw fit. In addition, the Assembly passed new test oath that directed the Council to further punish men refusing to swear their allegiance to the Pennsylvanian government.

The Assembly justified placing near absolute power in an unelected Council by rationalizing that “in times of such danger and confusion the ordinary powers of government cannot be regularly administered. . . . it hath become necessary . . . to vest fit persons with

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89 The Assembly created this Council in order for the Supreme Executive Council to direct the war effort until the Assembly reconvened in December. Yet it also gave the Supreme Executive Council the power to renew the Council of Safety, if it saw fit. The Council would exist until December 6, 1777, at such time the Supreme Executive Council stated that the war had stabilized enough for the Executive Council to reassume control over the war effort. An Act for Constituting a Council of Safety and Vesting the Same with the Powers Therein Mentioned, October 13, 1777, *The Statutes of Pennsylvania*, 159-151; Foster, 97-98.


summary and adequate powers to punish offenders and restrain abuses." To protect these men from future repercussions when the crisis abated, no Council members would “at any time hereafter be liable to any suit, action or prosecution for anything done in pursuance of this act.”

In essence, the Assembly approved an extralegal organization to operate the war as they saw fit and then granted them immunity from their actions.

Yet the previous political resistance to the creation of a Council of Safety and its assumption of excessive powers was absent in Lancaster because the British capture of Philadelphia redefined the political animosities between Constitutionalists and Republicans. Both factions had sought a state constitution that best represented their ideals of the Revolution, but these differences were meaningless as long as there was a British army in Pennsylvania. As fear gripped Pennsylvanians and the government scrambled to recover, Republican opposition to the government vanished. Many were scattered after the British invasion and, not being members of the Assembly, they had little reason to relocate to Lancaster. Others feared the repercussions of speaking out against their government during the time of crisis. In fact, several Republicans shifted their views to line up more closely with the Constitutionalists. Men such as John Bayard, Thomas McKean, and Joseph Reed decided that if Pennsylvania were to survive the war, it must be under the current constitution. They still did not fully support the document, but winning the war superseded minor political squabbles. Consequently, the Constitutionalists acted unopposed for the first time during the British occupation.

Yet without a means to enforce its policies, the Constitutionalist government was essentially powerless. As in Philadelphia, the government depended on the support of local

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93 An Act for Constituting a Council of Safety and Vesting the Same with the Powers Therein Mentioned, October 13, 1777, The Statutes of Pennsylvania, 159-151.
94 An Act for Constituting a Council of Safety and Vesting the Same with the Powers Therein Mentioned, October 13, 1777, The Statutes of Pennsylvania, 159-151.
95 John Bayard opposed the 1776 constitution and even led the meeting in October and November 1776 calling for a new constitutional convention. G. S. Rowe, “John Bubenheim Bayard,” ANB, 1.
militia to enforce its policies and ensure allegiance. These militia patrolled the countryside seeking out anyone deemed disaffected. Immediately after the loss of Philadelphia, the militia ran loose throughout the countryside in a state of panic. Local militia terrorized inhabitants, especially those targeted as loyalist sympathizers.\textsuperscript{96} Writing to Executive Council President Thomas Wharton, Joseph Reed acknowledged that “the seizure of the estates of those who join the enemy is highly necessary,” but vehemently warned that “the burning of the houses of those who act vigorously in the militia, . . . is attended with the most ruinous consequences, and ought to be prevented by all possible means.”\textsuperscript{97} Chief Justice Thomas McKean worried that “We are all going to the Vengeance I cannot see what will save us.”\textsuperscript{98}

In absence of a strong military force behind its actions, the state government also used rumor to criticize the British occupation and garner local support. Rumors, whether true or not, spread throughout Lancaster and the countryside, publicizing the devastation the British army brought upon Philadelphia and its citizens. Stories circulated of the dastardly treatment of Philadelphians and how the British government continuously harassed them and confiscated their goods.\textsuperscript{99} Overlooking the Continental army’s determination to prevent supplies from reaching the city, Christopher Marshall noted that “the poor inhabitants of Philadelphia are in a dreadful situation for the want of provisions and firewood.”\textsuperscript{100} Another account attacked Galloway’s government and alleged that Philadelphian loyalists were “carrying matters against the Whigs with a high hand. . . .They go about in small parties and take up the most active whom they carry

\textsuperscript{96} Joseph Reed to President Wharton, October 27, 1777, \textit{JRC}, I:322.
\textsuperscript{97} Joseph Reed to President Wharton, Head-quarters, October 30, 1777, \textit{JRC}, I:332-333.
\textsuperscript{98} Thomas McKean to Samuel Patterson, January 8, 1778, \textit{HSP}.
\textsuperscript{99} “The accounts from Philadelphia are very distressing, on the many exercises the Whig inhabitants have to encounter with, being much pinched for woods and provisions, besides the inhuman behavior of the Tory crew in that City.” Christopher Marshall, November 10, 1777, \textit{Diary of Christopher Marshall}, 142-143; Foster, 98-99; Ousterhout, 168-171.
\textsuperscript{100} Christopher Marshall, November 2, 1777, \textit{Diary of Christopher Marshall}, 141.
into town and deliver them up to our enemies, where they are treated with the greatest insult and cruelty.”

When the news of French intervention on the side of the Americans reached Lancaster in March 1778, it carried with it a military solution to the occupation and the possibility that the Constitutionalist government could reclaim Philadelphia and reassert its power. Rumors circulated that the British army was planning to leave Philadelphia and redeploy, prompting the state government to prepare for a return to the city. Vital to its security once in the city would be distinguishing between friend and foe. In preparation for the government’s possible return to Philadelphia, the Assembly passed a bill in March that identified thirteen men as British collaborators and approved measures to confiscate their property. This first list included Joseph Galloway and primarily men who worked under Galloway in occupied Philadelphia. These men could surrender to the state government before April 21 and be tried on the charge of treason, or refuse and be arrested for high treason with no trial and executed.

The idea of confiscating loyalist property was introduced into Pennsylvania politics the previous summer, but many saw the measure as too extreme and property was never seized. Now that the war had taken Philadelphia from them, the Constitutionalists encountered little opposition to the seizures. Congress even supported the idea of seizures once it realized that it would help raise money in Pennsylvania, money that could then go to Congress to fight the war. In early May, the Supreme Executive Council took this a step further and added fifty-seven more names to the list and pushed the surrender date back to June 25. By the time the Pennsylvania

101 John Bayard To McKea, February 28, 1778, HSP.
103 The list also included the names of James Allen’s brothers and father (Andrew, John, and William), James Rankin, John Biddle, and Reynold Keen. Ousterhout, 173.
government reentered the city, 345 names appeared on the list of traitors.\textsuperscript{105} The Constitutionalists clearly looked forward to reentering Philadelphia and wreaking vengeance on those who had supported the British occupation.

Congress and Washington worried about how returning refugees would treat those Philadelphians who had stayed in the city during British occupation and if they might plunder the city’s supplies. Excessive violence and a mini-civil war would only hamper the delicate task of reasserting American control of the city. Moreover, both Congress and the army hoped to collect the much needed supplies abandoned by the British when they left.\textsuperscript{106} This could not happen if civilian violence spread throughout the city, and everyone knew that the state government had failed miserably to project its power the last time it sat in Philadelphia.

Discussions in Congress about what to do ranged from confining loyalists to their homes to mass executions.\textsuperscript{107} Joseph Reed, who condemned the political attacks of the Constitutionalists against their fellow patriots, saw no reason to protect loyalists in Philadelphia. Now serving in Congress, he proposed that after the evacuation of the city, the state government should arrest and hang five hundred random loyalists in order to make a statement about its resumption of power.\textsuperscript{108} After an increasingly polarized debate, Congress passed a resolution on April 23, 1778 that recommended to the state legislatures that

> Whereas persuasion and influence, the example of the deluded and wicked, the fear of danger, or the calamities of war, may have induced some of the subjects of these states to join, aid or abet the British forces in America, and though now desirous of returning to their duty, and anxiously wishing to be received and re-united to their

\textsuperscript{105} By the end of 1778, 410 names would appear on such lists. Others were accused, but never formally charged. A Proclamation by the Supreme Executive Council, \textit{Pennsylvania Packet}, June 17, 1778; Ousterhout, 173, 186, 288.
\textsuperscript{106} Martin, 408-409; Maxey, 25.
\textsuperscript{107} Congressman Governor Morris of New York thought all citizens should be confined to their houses and forced to pay a collective tribute of £100,000 to the American cause. Martin, 408-409.
\textsuperscript{108} Reed was elected to Congress in 1778. Martin, 408-409.
country, they may be deterred by the fear of punishment; and whereas the people of these states are ever more ready to reclaim than to abandon, to mitigate than to increase the horrors of war; to pardon than to punish offenders: Resolved, That it be recommended to the legislatures of the several states to pass laws... offering pardon... and it is recommended to the good and faithful citizens of these states to receive such returning penitents with compassion and mercy, and to forgive and bury in oblivion their past failings and transgressions.109

Congress was especially worried about retaliatory actions in Philadelphia. It reinforced its intentions on June 4, stating “that should the city of Philadelphia be evacuated by the enemy, it will be expedient and proper for the Commander in Chief to take effectual care that no insult, plunder, or injury of any kind, may be offered to the inhabitants of the said city”110 To enforce this policy, Congress declared that “the General [Washington] be directed to take early and proper care to prevent the removal, transfer, or sale of any goods, wares, or merchandize, in possession of the inhabitants of the said city, until the property of the same shall be ascertained by a Joint Committee.”111 Washington ordered Benedict Arnold, still injured from the Battle of Saratoga and unable to fully serve in a military capacity, to assume military control of the city upon the British departure.112

While the state and national government argued over how to manage Philadelphia, the British abandoned the city to defend the empire against a greater foe. On June 18, Philadelphia again seemed quiet and empty to its inhabitants. The constant breaking down and shipping out of equipment and supplies was absent. Then, the sounds of horses galloping through the city and the shouting of men broke the silence. Many were surprised to see it was the American Light-

110 Congress, Thursday, June, 1778, Journals of the Continental Congress, 570.
111 Congress, Thursday, June, 1778, Journals of the Continental Congress, 571.
Horse racing up and down the city streets attempting to secure the city. Shortly thereafter, American troops entered the city. Elizabeth Drinker worried, “The English have in reality left us – and the other party took possession, again they have been coming in all day.” It was not a peaceful entry accompanied by music such as that of the British more than a year earlier. This appeared to be a more hasty entry as Arnold sought to secure the city before a possible civil war broke out amongst Philadelphians.

As the news of Britain’s withdrawal from Philadelphia filtered into the countryside, families flooded back into the city to assess the damage and restart their lives. Women and children, wagons, horses, cattle, and supplies clogged the already busy roads filled with the militia and army units redeploying. Noticeably absent among the refugees were men, many of whom had either remained in the city to protect their businesses or were serving in the government or militia. Many new arrivals noticed that the city was in ruins. Although the American forces had caused a significant portion of the destruction during their occupation and evacuation, the reinstalled government blamed the British army and its supporters.

The return of the Constitutionalists to Philadelphia in June, 1778, reestablished a government that still struggled for popular recognition. In the eyes of the people, the Assembly

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113 General Clinton moved the British army northeast toward New York. Elizabeth Drinker, Philadelphia, June 18, 1778, The Diary of Elizabeth Drinker, 311.
114 Elizabeth Drinker, Philadelphia, June 19, 1778, The Diary of Elizabeth Drinker, 312.
116 General Washington to Vice President Bryan, Headquarters, June 18, 1778, Pennsylvania Archives, Samuel Hazard, ed. 6 (Pennsylvania, 1853), 604; Christopher Marshall, July 16, 1778, Diary of Christopher Marshall, 192.
117 Christopher Marshall recalled, “Yesterday we met with many persons and their families moving into Philadelphia; the same today, with a great number of women, children, cattle and horses (but few men).” Christopher Marshall, July 16, 1778, Diary of Christopher Marshall, 192.
118 “[The] beautiful place (near barracks) now nothing but wanton desolation and destruction, that struck me with horror and detestation of the promoters and executors of such horrid deeds.” Christopher Marshall, June 25, 1778, Diary of Christopher Marshall, 16; Major John Andre, September 26, 1777, Major Andre’s Journal, 73-75.
119 Ousterhout, 224.
and Council had failed to convene during the threat of invasion during the winter of 1776-1777, and then had spent the last nine months powerless in the countryside. Now was the Constitutionalists’ chance to reassert their power and demonstrate their capabilities of securing war torn Pennsylvania. Additionally, the Republican faction still remained relatively quiet during the reoccupation of Philadelphia. For Philadelphians returning to their damaged city, tensions ran high and many supported the government’s plan to seek out those responsible for the destruction. For Republican leaders it would be political suicide to speak out against the government during such a fragile and intense time. Without the balancing presence of the Republicans over the issue of wartime measures, the Constitutionalists believed they were free to establish their power and exact retribution from loyalists.

Yet as Pennsylvania’s government relocated to Philadelphia, the American army again compromised the Constitutionalists’ power. Benedict Arnold’s position as military governor presented a direct threat to Pennsylvania’s government. Washington instructed Arnold to “prevent the disorder and confusion naturally arising from want of government.” The Assembly and Executive Council still met, but any matters involving the war or citywide security were overseen by Arnold. This policy directly conflicted with the Constitutionalists’ goals of punishing loyalist sympathizers, who many in the faction believed were the reason the British succeeded in the first place. Even more blatant than the infringement upon the government’s powers, the appointment of a military governor declared to the Supreme Executive

120 Ousterhout, 186-187.
121 Following the sudden death of Thomas Wharton, President of the Supreme Executive Council, Vice President George Bryan assumed the top position in the Council. Thomas Wharton died on May 22 of “an inflammation, it’s said, in his head” and was buried with military honors at the local Lutheran church. Christopher Marshall, May 23, 25, 1778, & June 17, 1778, Diary of Christopher Marshall, 183, 187; Foster, 98.
Council, as well as all Philadelphians, that Congress and the army judged Pennsylvania’s
government incapable of managing the government during a time of war.\footnote{123}

As one of his first actions, Arnold had ordered the press to print the following
proclamation,

> In order to protect the persons and property of the inhabitants
> of this city from insult and injury, to secure the public and
> private stores, which the enemy may have left in the city, and
> to prevent the disorder and confusion naturally arising from
> want of government, his Excellency General Washington, in
> compliance with the following resolution of Congress, has
> thought proper to establish military law in this city and suburbs,
> until the civil authority of the state can resume the government
> thereof.\footnote{124}

Upon orders from Washington and Congress to avoid looting and secure all abandoned British
goods for the army, Arnold ordered all shops closed until he could assess the situation in
Philadelphia.\footnote{125} Additionally, Arnold assumed he controlled the local militia, as he did in battle,
and instructed the militiamen to assist in securing the city and maintaining order. The Executive
Council fumed at the prospect of Arnold seizing local militia control from the state, especially
considering the militia provided the government with the ability to enforce its policy.\footnote{126}

Moreover, Arnold intervened in the Council’s aggressive actions against all suspected
loyalists in the city.\footnote{127} Upon its return, the government initiated a witch hunt within Philadelphia
to weed out individuals who had supported or profited from the British occupation.\footnote{128} Included

\footnote{123} Foster, 98, 184-186; Ousterhout, 184-186.
\footnote{124} "A Proclamation," Honorable Benedict Arnold, Commander in Chief of the Forces of the United States of
American in the City of Philadelphia, June 19, 1778, EAI, 1.
\footnote{125} Wallace, 59.
\footnote{126} This issue remained until Congress stepped in and stated those local militias were under the authority of the
Supreme Executive Council. Arnold then proceeded to forward Washington’s orders directly to the Council.
General Benedict Arnold to Timothy Matlack, Philadelphia, August 18, 1778, Pennsylvania Archives, 706.
\footnote{127} Martin, 427-428.
\footnote{128} Upon the return of the Pennsylvania government, James Allen worried, “In the midst of this scene of politics &
triumphs of Independency, I have had my share of distress. . . .As to myself I also took the Oath, but to my surprise
am called upon in a proclamation of the executive Council to surrender myself & stand a trial for high Treason. . .
.My health is much impaired; & I am so reduced that my acquaintance do not readily recognize me.” James Allen
in this pursuit were all those who remained in Philadelphia, no matter if they were neutral or had been unable to leave.\textsuperscript{129} Constitutionalists and men who suffered under the occupation convened throughout the summer to determine the allegiance of Philadelphians, based merely on rumors and assumptions made by those gathered. Newspapers warned,

\begin{quote}
A Hint to the traitors and those Tories who have taken an active part with the enemy, during their stay in this city. You are desired, before it is too late, to lower your heads, and not stare down your betters with angry faces. For you may be assured the day of trial is close at hand when you shall be called upon, to answer for your impertinence to the Whigs, and your treachery to this country.\textsuperscript{130}
\end{quote}

William Bradford, a former Colonel in the Philadelphia militia who was injured at the Battle of Princeton, returned to Philadelphia.\textsuperscript{131} Now unable to serve, Bradford created a Patriotic Association that met at schools and coffee houses to ensure the thoroughness of the hunts.\textsuperscript{132} This group of 186 men included Constitutionalists Thomas Paine and Cadwalader Dickinson, along with men like Joseph Reed whose political views shifted more toward the Constitutionalists after the occupation.\textsuperscript{133} These men met throughout the summer, harassed suspected British sympathizers, arbitrarily arrested men and brought them before the government. Benjamin Rush commented, “Our city has undergone some purification, but it still resembles too much the ark which preserved not only the clean but unclean animals from the

\begin{footnotesize}
\textsuperscript{129} Martin, 427-428. \\
\textsuperscript{130} Untitled, \textit{Pennsylvania Evening Post}, July 16, 1778, found in Maxey, 27. \\
\textsuperscript{131} William Bradford was the owner of the Pennsylvania Journal, which published pro-Whig writings. Bradford later became a printer for Congress. Dennis Barone, “William Bradford,” \textit{ANB}, 1. \\
\textsuperscript{132} Maxey, 40. \\
\end{footnotesize}
deluge which overwhelmed the old world.” Republicans, including Robert Morris and James Wilson, did not support the Association’s actions, but remained inconspicuous.

Yet Arnold’s orders from Washington and Congress were to prevent widespread retaliation against Philadelphians. The army needed the city to provide supplies and stability. Washington and Arnold did not rely on popular support of Philadelphians to retain their power, and much like the British army simply required compliance and not an open declaration of allegiance. Therefore, Arnold fought against arbitrary arrests and the unrelenting quest for revenge by the Supreme Executive Council. In one incident, Arnold intervened in the execution of Frederick Verner, a Philadelphian whom the Council charged as a spy and guide for the British army during the occupation. Arnold wrote “as the evidence do not appear to me sufficiently full and clear to touch the life of a citizen, I have suspended the sentence until the pleasure of Congress is known.” The Council seethed at the army intervening in its attempts to not only convey its power, but to seek revenge against those who threatened governmental and personal security.

Congress did intervene at times to ease tensions and to clarify the political powers of both Arnold and the state. In one case, the Council condemned Arnold’s issuing of passes to individuals deemed to be loyalist sympathizers by the state government. This tension peaked when Arnold allowed Hannah Levy, the niece of a known loyalist, to travel to New York City to collect on an outstanding debt. The Supreme Executive Council cried that such passes must have state approval. In response, Congress declared that both Arnold and the Council must approve any future passes for individuals going into enemy occupied territory. To Congress, the

136 Congress eventually agreed that such power resided in the Supreme Executive Council. Extract of a letter from General Arnold, Philadelphia, August 15, 1778, Pennsylvania Archives, 705.
decision sought to smooth out the gray area between military and civilian powers in the state, but it only encouraged the state government’s desire to remove military power from their city.\textsuperscript{138}

Seeking both to demonstrate its power to the people and to seek revenge against loyalists who threatened the very security of Pennsylvania and its citizens, the Constitutionalist-controlled Executive Council singled out two Philadelphians, Abraham Carlisle and John Roberts, to serve these goals. Abraham Carlisle served under Joseph Galloway during the occupation, who “positively advised him to leave the city, because [Galloway] knew he would not be safe.”\textsuperscript{139} His guilt was evident and most assumed he would be found guilty and then pardoned by the Assembly, as was the practice throughout the states involving civilian treason convictions.\textsuperscript{140}

It was the trial of John Roberts that divided the city over the use of the Executive Council’s power. John Roberts was an elderly Quaker miller of some prominence in Philadelphia. He was also listed on the Council’s May list of traitors and accused of assisting British troops in scavenging for supplies, which resulted in the destruction of property.\textsuperscript{141} Declaring his innocence, John Roberts immediately took it upon himself to clear his name.\textsuperscript{142} Answering the summons of the Supreme Executive Council, Roberts appeared before a justice of the peace the day after the British vacated Philadelphia and proclaimed his loyalty to the state government. He asked for a trial at the earliest convenience to clear his name. After initially

\textsuperscript{138} Randall, 435.
\textsuperscript{139} Galloway later stated to the House of Commons that he knew of the execution of John Roberts, but that Roberts “never consulted me” on matters. Galloway, \textit{The Examination of Joseph Galloway}, 85.
\textsuperscript{140} Galloway, \textit{The Examination of Joseph Galloway}, 85.
\textsuperscript{141} Memorial of Philadelphia and Chester Counties, in Behalf of John Roberts, \textit{Pennsylvania Archives}, 29; David Maxey recently published an in-depth examination of the John Roberts trial. Maxey, 27.
\textsuperscript{142} Roberts was nearly sixty and fled to Philadelphia after men threatened his life. Lewis Burd Walker, “Life of Margaret Shippen, Wife of Benedict Arnold,” \textit{PMHB} 25, 1 (1901), 21.
being released by the court, a warrant was issued for his arrest less than a month later and his trial began on September 30.\footnote{Hearings began on August 20, with forty-five bills sent before the Grand Jury, and twenty-three seeing a trial. Reed, 34; Bradley Chapin, “Colonial and Revolutionary Origins of the American Law of Treason,” \textit{The William and Mary Quarterly} Third Series, 17, 1 (January, 1960): 13 [referred to hereafter as \textit{WMQ}]; Maxey, 27.}

John Roberts’s trial lasted just two days.\footnote{Chief Justice Thomas McKean served as judge, defense attorneys were James Wilson, George Ross, William Lewis, Elias Boudinot, at prosecuting attorneys were Jonathan Sergeant and Joseph Reed. The Supreme Executive Council wrote to Reed stating “that you can render the state more essential service in the important trials now coming. . . .You will easily see that authority here have in view the important trials of traitors.” Council to Joseph Reed, Philadelphia, August 21, 1778, \textit{Pennsylvania Archives}, 712; Maxey, 42-43.} The prime witness, Mary Smith, claimed that she spotted Roberts with British troops who plundered her land and assaulted her. Roberts stood by and refused to stop the British troops. Smith also accused Roberts of refusing to help her free her son in Philadelphia.\footnote{Maxey provides an in-depth examination of the prosecution’s witnesses, but the reliability of most was questionable. Maxey, 42-43.} Cross-examination challenged the veracity of her story and left most witnesses assuming that it was an exaggerated account. Other witnesses charged Roberts with “examining people” from a distance and not helping patriots enough inside the city. In most cases, cross-examination found the witnesses’ credibility lacking.\footnote{William Young to Supreme Executive Council, Philadelphia, Philadelphia, October 21, 1778, Petition of William Young, and company, in Favor of John Roberts, \textit{Pennsylvania Archives}, 38; Maxey, 42-43.} Defense witnesses claimed that Roberts, upon learning of the captured and sick American troops in the jail, “gave himself great Troubles, did do all he could do for them and got them Released out of Goal . . . and so had he saved their lives.”\footnote{William Young to Supreme Executive Council, Philadelphia, Philadelphia, October 21, 1778, Petition of William Young, and company, in Favor of John Roberts, \textit{Pennsylvania Archives}, 38; Thomas Franklin to Supreme Executive Council, Philadelphia, October 27, 1778, William Young to Supreme Executive Council, Philadelphia, Philadelphia, October 21, 1778, \textit{Pennsylvania Archives}, 42.} Questioning the assortment of vague accusations, George Ross, a lawyer representing Roberts, declared that “being barely seen in Philadelphia or with the British army is not treason, he ought to have been concerned in some act of hostility.” More importantly,
Ross stressed that these accusations did not warrant a death sentence. Yet Roberts was found guilty and sentenced to death.\textsuperscript{149}

The jury, defense, and prosecution acknowledged that the government had made its point, but now it was time to exercise compassion towards John Roberts. If the execution could be postponed until the Assembly convened, a pardon would likely be issued to spare Roberts’s life, as was common in civilian treason trials during the war.\textsuperscript{150} The jury pleaded,

That is appears to us that the said John Roberts was under the influence of fear, when he took the imprudent step of leaving his family and coming to reside among the enemy, while they had possession of this City…...the evidence before us was of a very complicated nature, and some parts of it not reconcilable with his general conduct……it is the glory of every wise State, that the doors of mercy should be kept open, and ours has made ample provision in this case….that your honors would be pleased to join us, and recommend this our petition, to the Supreme Executive Council, that the penal part of the said John Robert’s sentence may be suspended till the Assembly can take his Case into consideration, for the exercise of that mercy which the Constitution hath lodged in their power.\textsuperscript{151}

Chief Justice Thomas McKean, who read the guilty verdict, appealed to the decency of the Supreme Executive Council to delay the execution.\textsuperscript{152} Even Joseph Reed, the prosecuting attorney and the man who suggested hanging five hundred loyalists upon the government’s return, suggested a delay in the execution until the Assembly met.\textsuperscript{153}

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Ambition, avarice, craft & dissolute Manners of our Whigs than we have from a host of Governor Robinsons, Dr. Berkenhouts, Hutchinsons or Galloways.” Benjamin Rush to Reverend Gordon, October 27, 1778, \textit{PMHB}, 29, 21-22; Maxey, 49.
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\textsuperscript{149} It was his alleged presence during British foraging expedition and assault of Smith that resulted in a guilty verdict. Maxey, 46-48.
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\textsuperscript{150} Throughout the other twelve states, civilian death sentences for this type of treason rarely resulted in death and usually were reduced to a lesser charge or pardon. Maxey, 68
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\textsuperscript{151} Walker, \textit{PMHB}, 22-23.
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\textsuperscript{152} Thomas McKean and John Evans to the Supreme Executive Council, October 18, 1778, \textit{Pennsylvania Archives}, 24-25
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\textsuperscript{153} Maxey, 68; Walker, \textit{PMHB}, 24.
As the day of execution approached, petitions flooded the Supreme Executive Council in an attempt to save Roberts’s life. Local soldiers presented a petition that stated that Roberts helped save their lives during their capture and detainment in Philadelphia. Philadelphia ministers of various denominations pleaded to the Council “hoping that, if possible, the Foundation of our civil Liberty may be firmly established without the Blood of Fellow citizens.” The longest petition contained over a thousand signatures, including those of forty-two military officers, leading members of the city, and signers of the Declaration of Independence, all of whom requested a stay of execution. Clarifying their political standing, the signers of the petition declared “that [the] Petitioners were all of them Real Whigs and True friends of their country, and to their Dearly Independent Liberty.”

Arnold likewise opposed the execution of John Roberts, but by then Congress determined that the Supreme Executive Council determined the fate of local traitors and that Arnold could not interfere. Unable to act in an official capacity, Arnold held a ball the night before the execution in support of all men falsely accused or condemned of treason after the occupation. On November 4, Roberts and Carlisle “were marched through the streets with nooses around their necks” and “Hang'd on the Commons.” By the end of 1778, the government had accused 410 men of treason, tried over forty cases, and executed two Philadelphians. This was more

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157 The phrase “Real Whigs” merely stresses their Whig allegiance and in no way was a condemnation of the Constitutionalists-controlled Council. William Young to Supreme Executive Council, Philadelphia, Philadelphia, October 21, 1778, Petition of William Young, and company, in Favor of John Roberts, *Pennsylvania Archives*, 38.
159 Ousterhout, 287-288.
than merely an act of revenge by the Executive Council. It was a public statement and warning to all people who threatened Pennsylvania’s government.\textsuperscript{160}

In addition to the trials, in August the Constitutionalist government initiated land seizures against loyalists, including Grace Galloway.\textsuperscript{161} Grace Galloway had remained under the assumption that with Joseph Galloway gone, she retained control over her property. Yet the Council informed her that “when a lady marries, . . . the use and profits of the real estate belonging to her rests in her husband for and during their joint lives.”\textsuperscript{162} Since Joseph Galloway was still alive and refused to return and face trial, his property “may be seised.”\textsuperscript{163} Refusing to recognize the Council’s decision, Grace Galloway locked herself in her home and refused anyone entry. She wrote,

I must shut my doors and windows and if they wou’d come to let them Make a forcible Entry. Accordingly I did so and a little after 10 o’clock they Knocked Violently at the door three times. The Third time I sent Nurse and call’d out myself to tell them I was in possession of my own House and wou’d keep so and that they shou’d gain No admittance. Hereupon which they went round in ye yard and Try’d every door but cou’d None Open. Then they went to the Kitchen door and with a scrubbing brush which they broke to pieces they forced that open, we Women standing in ye Entry in ye Dark. . . .When they came in I had ye windows open’d they look’d very Mad. . . .I told them Nothing but force shou’d get me out of My house. Smith said they knew how to Manage that and that they wou’d throw my cloaths in ye street.\textsuperscript{164}

\textsuperscript{160} Despite a time of war, state governments strove to maintain separation between civilian and military treason trials. The military did not tolerate treason from its soldiers and the execution for such actions was swift and unquestioned. Chapin, 9-15; Charles Royster, “‘The Nature of Treason:’ Revolutionary Virtue and American Reactions to Benedict Arnold,” \textit{WMQ} 36, 2 (April, 1979): 182-184; Maxey, 68; Henry J. Young, “Treason and Its Punishment in Revolutionary Pennsylvania,” \textit{PMHB} 90, 3 (July, 1966): 296, 312-313.

\textsuperscript{161} Grace Galloway remained behind to protect her five-thousand acre manor in Bucks County. Randall, 428-429


\textsuperscript{163} George Bryan and Council to Mrs. Galloway, Philadelphia, August 3, 1778, \textit{PMHB}, 45-46.

\textsuperscript{164} Grace Galloway, Philadelphia, August 20, 1778, \textit{PMHB}, 51-53.
The men then removed Galloway from her home. She later sued the men for forcible entry, but to no avail. Throughout the city, similar situations unfolded as the government seized loyalist property and loyalist wives who remained behind to protect their family’s property were thrown onto the streets. In total, 121 persons lost their property to the Pennsylvania government. The government then sold the property at auction and collected the profits.  

The Assembly and Executive Council next went after Arnold. Unable to contest Arnold’s power in the city, since both Congress and Washington supported him, Pennsylvania’s government attempted to weaken the reputation of the hero of Saratoga in the mind of the public. Constitutionalists attacked Arnold at every opportunity during the fall and winter of 1778-1779 and used slander and vague allegations to undermine his authority. They gained a new ally in this endeavor, Joseph Reed.  

Before the British occupation, Reed had avoided serving in the struggling state government and often condemned its excessive measures to obtain unanimous support. Yet after the British captured Philadelphia, Reed changed his view toward the government.

The President’s chair was in my offer all last summer, but neither ambition nor interest inclined me to accept it; but I now plainly see there is a settled fixed [loyalist] system to subvert the Whig interest; and that in a very little time the very name will be reproachful, if there are not very spirited exertions.  

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165 Council to Governor Livingston, Philadelphia, August 31, 1778, Pennsylvania Archives, 728; Osterhout, 286-287; Randall, 428-429.  
166 Foster, 101-102; Martin, 426-428; Reed, 26-27, 48; Weigley, 143-145.  
167 Joseph Reed to Nathanael Greene, Philadelphia, November 5, 1778, JRC, II:37.
He briefly served in Congress in 1778 and then sought the position of President of the Supreme Executive Council, which he won in October, 1778. This was not a condemnation of George Bryan, who again was elected as Vice President, but members of the Assembly and Council hoped Reed’s prior association with the Republican faction would ease the potential for renewed political attacks against the government.  

Under Reed’s leadership, the state government attacked Arnold’s questionable actions involving military commands and personal activities. The Constitutionals went straight to the heart of the general’s popularity: his reputation as a patriot and a military leader. While Arnold’s popularity had diminished in Philadelphia in the past months, many within the city still saw him as the hero of Saratoga. Likewise, Arnold retained support in Congress and in the American army. Nonetheless, Philadelphia newspapers circulated criticism of Arnold hosting parties for the enemy and alleged that he sympathized with their plight. These stories were not simply published in Philadelphia, but the government spread the news throughout other states as well.

The Constitutionals’ anger only grew when Arnold began courting Peggy Shippen during the winter. The Shippen family was reputed to have loyalist tendencies. Peggy’s father, Edward Shippen, belonged to a prominent Philadelphia family who retained friends within the British Empire, as did many merchants. Such a neutral stance became suspect during the war, however, and aroused the suspicions of Constitutionals in the city. In their newspaper attacks against Arnold, officials failed to mention that Edward Shippen also retained

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168 Reed had also served in the military under George Washington. Foster, 101-102; Martin, 426-428; Weigley, 143-145.

169 Randall, 434-435.

170 Martin, 427; Barry Wilson, Benedict Arnold: A Traitor in Our Midst (Montreal, 2001), 150-151.

171 Additionally, the government frowned upon Peggy Shippen hosting gatherings that included British soldiers during the occupation. Wilson, 150.
friends within patriot circles, concentrating instead on his British connections. In fact, Shippen was friends with George Washington and Shippen’s cousin served in the American army.172

Nevertheless, rumors about Arnold’s personal life could not eliminate him as a political rival. The attacks on his character, or alleged disrespect toward the state government, would not convict Arnold in a court of law. Nor would Washington respond to baseless accusations about one of his leading generals exerting military authority during a time of war. Pennsylvania’s government needed a more concrete charge and, therefore, concentrated on his questionable decisions during his reign as military governor.

When Arnold and his forces arrived to reclaim the city, he authorized the release of the Charming Nancy from Philadelphia harbor, although Pennsylvania authorities had seized the vessel under the suspicion that its owners supported the loyalist cause. Yet as city officials were en route to unload its goods, the British navy attacked the Charming Nancy and forced it to flee into Egg Harbor in southeast New Jersey. Arnold ordered wagons in Philadelphia to ride out and unload the ship’s cargo.173 These seemingly inconsequential actions of a general attempting to rescue the ship’s cargo, especially considering the local shortages, contained one problem: Arnold owned a significant percentage of the cargo.174

The Council charged that Arnold had closed Philadelphia’s shops upon his arrival to create a shortage and escalate prices. Then he commandeered wagons from “persons . . . deemed disaffected to the interests and independence of America” to rescue his goods.175 Once the goods arrived in the city, Arnold arranged for their sale at inflated prices and thus reaped

172 Despite these loyalist accusations, after the war ended Edward Shippen remained in Philadelphia and became chief justice in Pennsylvania. Wilson, 150.
173 Arnold ordered twelve wagons dispatched to unload “guns, linen, woolens, glass, sugar, tea, and nails.” Wilson, 150-152.
174 Wilson, 152.
175 Extracts from the Minutes of the Supreme Executive Council, Philadelphia, February 3, 1779, EAI, 683-685; Proceedings of the Supreme Executive Council of the State of Pennsylvania In the Case of Major General Arnold, Philadelphia, February 26, 1779, EAI, 709; Martin, 4.
considerable profit. Therefore on 3 February 1779, the Executive Council filed eight charges against the military governor for his profiteering actions.\textsuperscript{176} Arnold’s actions in this case had certainly been questionable, but the main impetus behind the Council’s action was to remove what it saw as a rival figure in Pennsylvania politics. The Council charged Arnold with abusing privileges and profiting from his position when the American army reoccupied Philadelphia.\textsuperscript{177} He had released a ship legitimately seized by Pennsylvania’s government and then confiscated Pennsylvania property without consulting the civil authorities.\textsuperscript{178}

The first charge listed by the Council stated that Arnold “hath been in many respects oppressive to the faithful subjects of this State…highly discouraging to those who have manifested their attachment to the liberties and interests of America, and disrespectful to the Supreme Executive Authority of the State.”\textsuperscript{179} The Council also accused Arnold of issuing orders to the local militia, treating it as if it were under his military control in the field of battle. The Constitutionalists insisted that the militia was under government control when not deployed to serve alongside the army.\textsuperscript{180}

In a telling omission, the Supreme Executive Council did not attack other officers who performed similar actions or stretched the limits of their power. The Council rarely intruded into military affairs unless there was a direct threat to the city or state. The accusations against Arnold, however, escalated to the point where a rumor arose in February, 1779 stating the “news


\textsuperscript{179} Extracts from the Minutes of the Supreme Executive Council, Philadelphia, February 3, 1779, \textit{EAI}, 683-685.

\textsuperscript{180} Extracts from the Minutes of the Supreme Executive Council, Philadelphia, February 3, 1779, \textit{EAI}, 683-685.
of the day is that General Arnold has left Philadelphia, and gone over to the English.”181 The hero of Saratoga would indeed turn traitor, but not for another year. At this time, most Americans celebrated Arnold for his military service; only the Constitutionalists in Pennsylvania seemed determined to destroy his reputation.182

Arnold was humiliated by such accusations. He deemed the Council’s actions as especially “cruel and malicious” since that body had “ordered copies of the charges to be printed and dispersed through the several states, for the purpose of prejudicing the minds of the public against me, while the matter is in suspense.”183 On March 8, 1779, Council President Reed complained directly to the Board of War, going so far as to suggest that the government might issue a resolve “against calling out any Militia while General Arnold continues in Command in this State.”184 Publicly humiliated and facing a revolt by the Supreme Executive Council, Arnold resigned as military governor eleven days later.185

Once Arnold resigned, the Council and Assembly were again in sole charge of the city. The British army had abandoned Philadelphia and the American army withdrew its direct military control from the city. Yet now the Constitutionalist-controlled government had responsibilities to fulfill, and no one else to blame if they mishandled the severe challenges that remained. Despite the departure of the British army from Pennsylvania, the war had taken its toll on the state and the demands of the war would still be felt in Philadelphia. As the months passed and some people criticized the gross use of power in the execution of Roberts, the Republican

181 Arnold did not turn traitor until September 1780, nineteen months later. Christopher Marshall, February 8, 1779, *Diary of Christopher Marshall*, 212; Wallace, 61-62; Wilson, 152-155.
185 The army did not assign a new military-governor because the Pennsylvania government was now seen as stable enough to manage the war. Washington personally opposed the attacks on Arnold, but permitted a court martial to determine the true nature of the accusations. Randall, 448-449; Wallace, 61-62.
faction reasserted itself onto the political stage. The political infighting that had vanished in the
wake of the British occupation slowly returned as Republicans again rose to confront excessive
powers under what they saw as a flawed constitution. It was now up to the Constitutionalist-
controlled government to successfully navigate these internal political threats and consolidate its
claims to legitimacy.
Chapter 5:
“Hunger Will Break Through Stone Walls”
Political Responses to War Driven Flour Shortages

“Hear this and tremble, . . . Hunger will break through stone walls, and the resentment excited by it may end in your destruction.”¹

On October 4, 1779, George Washington wrote to Joseph Reed, President of the Supreme Executive Council, pleading for troops and, more importantly, supplies. Washington beseeched Reed to “mak[e] every exertion to promote the supplies of the army in provisions, particularly in the article of flour. . . .Our prospects with respect to flour are to the last degree [alarming]; we are already distressed . . . [and] we expect to be obliged to disband the troops for want of subsistence, unless the utmost care and energy of the different Legislatures are exerted.”² The Continental Army, the only defense between Philadelphia and the British army, struggled to maintain cohesion amidst the continued shortages and as it prepared to enter its fifth winter quarters.³

Washington was hardly exaggerating in his pleas. As the nine thousand soldiers entered Morristown, a town of just over eight thousand residents, the army struggled to survive a winter direr than the previous one at Valley Forge. Dr. James Thacher, an army surgeon, wrote in dismay,

We are frequently for six or eight days entirely without bread. The consequence is that the soldiers are so enfeebled from hunger and cold, as to be almost unable to perform

² George Washington to President Reed, West Point, October 4, 1779, William Bradford Reed, ed., Life and Correspondence of Joseph Reed 2 vols. (Philadelphia, 1847), II:179-181 [referred to hereafter as JRC].
their military duty. . . . I hardly thought it possible, at one period, that we should be able to keep it together. . . . The soldiers eat every kind of horse food but hay. Buckwheat, common wheat, rye, and Indian corn, composed the meal which made their bread. As an army, they bore it with the most heroic patience, but sufferings like these . . . will produce frequent desertion in all armies; and so it happened with us, though it did not excite a single mutiny.4

In fact, the upcoming winter of 1779-1780 would be the worst in centuries. The rivers and harbors in the northeast froze over and Philadelphia’s high temperature only got above freezing for one day. For the men in Morristown, the absence of sufficient food, blankets, and supplies only exacerbated the situation. Washington feared that if his men were not properly supplied, further desertions and mutinies among his troops and the state militias might cripple the American army’s fighting capability.5

Unbeknownst to Washington, tensions peaked on that very day in Philadelphia over similar shortages. As the city’s inhabitants experienced the first signs of what promised to be a severe winter, anxiety regarding a lack of flour and supplies spread throughout Philadelphia.6 Citizens continued to witness the exodus of the city’s limited supplies to the American army and Philadelphia militias to the north. At the same time, Philadelphians struggled to obtain their own flour as rumors of greater upcoming shortages spread through the city. Grace Galloway, struggling in Philadelphia after the confiscation of her home often could “only eat gruel or some such thing.”7 Others ventured into the countryside hoping to obtain much needed flour for their families. Likewise, the large number of militiamen presently in the city discussed the

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4 Dr. James Thacher, January 1, 1780, Military Journal, 1.
5 Dr. James Thacher, January 1, 1780, Military Journal, 1.
6 Timothy Matlack, who served as Secretary of the Supreme Executive Council, was astonished when his “ink now freezes in my pen within five feet of the fire in my parlour, at 4 o’clock in the afternoon.” Timothy Matlack, found in Raphael, “American’s Worst Winter Ever,” 1.
possibilities of not obtaining enough flour for themselves and their families during wintertime. Many Philadelphians whispered that if the state government proved unable to deal with the continued shortages, the people might need to take matters into their own hands.\textsuperscript{8}

These were not struggles between Americans and the British. This internal political discontent stemmed from a war driven flour shortage in Philadelphia that reached its height in 1779. Historians have previously argued that the 1779 unrest in Philadelphia was a product of class or economic conflict that centered on the unequal distribution of food and the resulting escalation in prices.\textsuperscript{9} The resulting political factionalism indeed reflects the kinds of ethnic and class tensions addressed by historians, but it is important to take account of the larger context of the wartime situation. The wartime food crisis did exacerbate social tensions, but it also undermined the tenuous position of the Constitutionalist government. Adding this new contextual layer to an assessment of the 1779 crisis illustrates how, despite their uncontested control of the city, the power and legitimacy of the Constitutionalist-controlled Supreme Executive Council and Assembly could be undermined by war-induced problems that they could

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\textsuperscript{8} Militia to Committee of Prices, Philadelphia, June 28, 1779. \textit{JRC}, II:148.
\textsuperscript{9} Historians often point to the dramatic increase in paper money, the implementation of price controls, and hoarding merchants as the cause for the unrest in Philadelphia in 1779. Steven Rosswurm interprets these events as the militia reacting to their ignored class grievances and the unequal distribution of goods to lower classes. The militia, largely composed of poor artisans, had assumed a disproportionate amount of the city’s defense during the war. Yet they struggled to receive the necessary goods for them and their families, and responded with violence against a perceived supporter of the merchant class and Tories. John Alexander likewise concludes that economic grievances by the militia instigated this event. Eric Foner contends “The immediate issues agitating Pennsylvania . . . in the turbulent year of 1779 arose from the tremendous rise in prices caused by massive congressional printing of money and from the efforts of certain merchants to realize windfall profits.” Foner also argues that “the actual cause of rising prices is less important than the popular reaction to inflation.” John K. Alexander, “The Fort Wilson Incident of 1779: A Case Study of the Revolutionary Crowd,” \textit{The William and Mary Quarterly} Third Series, 31, 4 (October, 1974): 589-612; Eric Foner, \textit{Tom Paine and Revolutionary America} (New York, 1976), 145; Steven Rosswurm, \textit{Arms, Country, and Class: The Philadelphia Militia and “Lower Sort” during the American Revolution} (New Jersey, 1987).
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not control. The Constitutionalists’ response therefore reflected less an engagement with class politics than an effort to retain power in the face of wartime challenges.\textsuperscript{10}

Examining the shortage of flour in 1779 reveals how the wartime food crisis threatened to expose the government as powerless to protect the public’s best interest.\textsuperscript{11} Without the support of the people, and especially the militia that provided the armed enforcement of governmental policies, the Constitutionalists’ grip on power could collapse. Unable to increase the food supply itself, the state government implemented price controls to make the city’s limited flour supplies more readily available. More importantly, Constitutionalists adopted a diversionary policy, initiating political attacks against their Republican rivals with the purpose of redirecting blame for the city’s misfortunes. This political strategy succeeded in diverting blame from the Constitutionalist faction, but culminated in an act of violence that threatened to tear the city, and government, apart.

Early in the war, Philadelphians had experienced a series of shortages as trade ceased with the British Empire and the British navy hindered trade with other nations. These initial scarcities primarily involved goods from the West Indies and various tropical producers: chocolate, rum, molasses, pepper, coffee, and sugar. For instance, in the first two years of the fighting, chocolate rose from 18.5 to 181.5 pence per pound and coffee prices increased from

\textsuperscript{10} The city’s inhabitants looked to the state government to ensure the necessary commodities for men and their families to survive. Yet many questioned if the government could ensure Philadelphian’s safety (militarily, economically, and supplies) after the government’s failure to repel the British occupation and protect its citizens’ interests and rights.

\textsuperscript{11} Flour was, and had been, critical as a food source for people of the European colonies, as well as European nations. Several key events and uprisings in European history can be attributed to grain and flour shortages. Additionally, grain and flour were the backbone of Pennsylvania’s economy and growth through the eighteenth century. Anne Bezanson states that “during the entire colonial period, wheat, flour, and bread held a predominant place over all other commodities in the trade and growth of Pennsylvania. Anne Bezanson, \textit{Prices and Inflation During the American Revolution: Pennsylvania, 1770-1790} (Pennsylvania, 1951), 73.
9.50 to 139.5 pence per pound.\textsuperscript{12} Yet these items were nonessential goods.\textsuperscript{13} Prices rose in response to the shortages and obviously aggravated Philadelphians accustomed to consuming these products, but an inability to pay such high prices did not threaten their day-to-day existence.\textsuperscript{14}

In contrast, the price of essential goods, primarily grain and flour, remained relatively stable in Philadelphia and Pennsylvania during the early years of the war.\textsuperscript{15} Colonial Pennsylvania grew vast quantities of wheat, and exported large amounts each year. The colony possessed ample stockpiles of grain and had enjoyed abundant harvests in the early 1770s. Even so, temporary price fluctuations were not uncommon for grain and flour. Prices plummeted during a brief depression in 1769, escalated to an all-time high in 1772, and settled back to normal in the years before the war. Once the war commenced, the Continental army and militia demanded supplies and occasionally hindered transport of grain to Philadelphia, but feeding the military merely drained existing stockpiles. Food riots took place in other states during these early years, but Pennsylvania avoided this peril.\textsuperscript{16} In fact, many sellers commented on how flour was “very plenty” in the state.\textsuperscript{17}

\textsuperscript{12} Bezanson, 344.
\textsuperscript{14} Mobility, “A Hint,” \textit{Pennsylvania Packet}, December 10, 1778; Foner, 161.
\textsuperscript{15} Colonial Pennsylvania produced three types of flour. Pennsylvanians produced and exported superfine flour overseas, and used middling and common flour for local trade and personal use. Bezanson, 73, 83.
\textsuperscript{16} Such a riot occurred in Providence, Rhode Island during May and June of 1775, when a crowd illegally seized flour. Both Massachusetts and New York experienced such riots in 1776 and 1777 when mobs stole flour and foodstuffs from merchants and warehouses. In all, more than thirty food riots took place in the United States between 1776 and 1779. These riots primarily arose from the scarcity, or feared scarcity, of foodstuffs. Bezanson, 73; Barbara Clark Smith, “Food Rioters and the American Revolution,” \textit{The William and Mary Quarterly} Third Series, 51. 1 (January, 1994): 3, 35-36.
\textsuperscript{17} Reynell and Coates to Stephen Hooper, April 29, 1776, Newburyport, found in Bezanson, 73.
From 1775-1777, the government responded to shortages of various goods and price increases whenever such problems compromised the war effort. Such threats early in the war primarily involved counterfeiting and military supplies.\textsuperscript{18} Congress and Pennsylvania’s government deemed solving these issues to be critical to the survival of the nation and state. Counterfeiting was a treasonous crime that became a serious threat to governmental stability during the initial distribution of the continental currency. Supplying the Continental Army was an even greater concern, and both state and national governments appealed to the common good of the people to assist in fighting the war.\textsuperscript{19} Pennsylvania possessed sufficient food supplies at this time, and the state government’s initial dilemma centered on how to obtain some of these supplies from the people without alienating public opinion. Yet both governments took little interest in the shortages or price escalation of nonessential goods from the West Indies. Counterfeiting and a starving army could result in the downfall of government; the increased price of chocolate could not.\textsuperscript{20}

But as the war dragged on, more serious food shortages appeared, and state authorities turned to price controls to keep the limited supplies affordable. In Philadelphia, public meetings and newspapers attacked price controls in ideological terms of liberty and virtue, and not as a threat to the people’s economic well-being.\textsuperscript{21} Many opponents thought the very idea of price controls or government intervention in the economy exceeded the government’s powers and threatened the liberties of its citizens. Joseph Reed, serving as President of the Supreme

\textsuperscript{18} Additionally, there was a great need for manufactured goods because of the mercantilist structure of the British Empire. “In Congress,” \textit{Pennsylvania Evening Post}, May 2, 1776; To the Committee of Inspection of the City and Liberties of Philadelphia, \textit{Pennsylvania Evening Post}, April 4, 1776.

\textsuperscript{19} The people could demonstrate this good will by selling needed supplies to the army for a reasonable price and not hiding goods. Smith, “Food Rioters and the American Revolution,” 3, 35-36; Bezanson, 74.


\textsuperscript{21} Foner, 145.
Executive Council in the autumn of 1779, believed it was the right of Americans to sell goods at whatever price they could get.\footnote{George Bryan, leading Constitutionalists, served as Vice President. Joseph Reed to Nathanael Greene, October, 1779, \textit{JRC}, II:139-140.}

I viewed [price controls] as impractical from the beginning . . . The commerce of mankind must be free, or almost all kinds of intercourse will cease. Regulation . . . creates universal discontent. Men value themselves not less upon the privilege of exercising their industry in trade than on the gains they derive from it.....There is a pride in every class of people in displaying their ingenuity in their transactions; to be deprived of this makes them restless and uneasy.\footnote{Joseph Reed to Nathanael Greene, October, 1779, \textit{JRC}, II:139-140.}

Denying people this right would result in outrage against government. Reed hoped, however, that the sellers, ranging from merchants to farmers, would demonstrate their virtue by keeping prices reasonable during a time of war.\footnote{Joseph Reed to Nathanael Greene, October, 1779, \textit{JRC}, II:139-140.}

These debates over governmental price controls ceased when the British occupied Philadelphia. As discussed in the previous chapter, the British army sealed off Philadelphia from the rest of the state, a policy that included depriving the city of grain supplies. Temporarily reintegrated into the British Empire, Philadelphia survived largely on imperial trade and foodstuffs.\footnote{Adjutant General Major Baumreister, Adjutant General for the Hessian Army in North America, commented that “the city market is full of fresh meat, all kinds of fowl, and root vegetables. The residents of the city lack nothing except flour and firewood.” Adjutant General Major Baumreister, Philadelphia, December 28, 1777, \textit{Revolution in American: Confidential Letters and Journals, 1776-1784, of Adjutant General Major Baumreister of the Hessian Forces}, Bernard Uhlinendorf, trans. (New Jersey, 1957), 149-150.} This allowed for an abundance of certain items, but flour imports did not meet prewar levels and the city’s surplus slowly shrunk during the occupation.\footnote{The decline in flour in Philadelphia became noticeable in the city, but it never reached critical levels. Adjutant General Major Baumreister, Philadelphia, December 28, 1777, \textit{Revolution in American}, 149-150; Robert Proud, Philadelphia, January 10, 1778, “The Letters of Robert Proud,” \textit{PMHB} 34, 1 (1910): 70.}

Concurrently, the presence of the battling British and American armies in the Pennsylvania countryside destroyed crops, increased the consumption of available wheat, and hindered harvesting. What little grain
Pennsylvanians threshed in the harvests of 1777-78 rarely made it to Philadelphia.27 Robert Proud, a Philadelphia schoolmaster and historian who supported the loyalist cause, blamed the American forces instead of the British occupation, exclaiming that “The Vigilance of the Rebel Party by Means of the Country Militia, supported by Washington’s Army has on every Side distressed the Inhabitants of this City to a high Degree, by preventing Provisions coming in from the Country.”28

Flour supplies became even scarcer when the British departed Philadelphia. The British army took most of the remaining flour during its withdrawal to the northeast and the supplies that remained were quickly seized by the American army. Philadelphians hoped that opening trade with the Pennsylvania countryside would allow an influx of grain, but wartime effects hindered the transportation of wheat into the city.29

Flour especially is said to be very plentiful in the Country, but not to be got into the City at present. . . Dry Goods in all probability will be very low . . . by the Produce of the Country cut off, or destroyed by the War.30

As a result, Philadelphians sometimes traveled to the countryside to purchase flour, where prices were dramatically cheaper.31 The effects of the Philadelphia campaign and the British occupation had not only lessened the quantity of wheat and flour, but also hindered farmers’ efforts and willingness to transport grain supplies to Philadelphia.

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28 Robert Proud, Philadelphia, January 10, 1778, PMHB, 70.
31 Elizabeth Drinker was a Quaker who resided in Philadelphia during the American Revolution. Mrs. Henry Drinker, November 12, 1777, “Journal of Mrs. Henry Drinker,” PMHB, 13, 3 (October, 1889): 301; Bezanson, 84.
As the war continued into a fourth year, Philadelphians experienced even more severe shortages of essential goods, primarily flour. The wartime requirements of armies and civilians alike had exhausted Philadelphia’s surplus and obtaining much-needed flour for the city proved increasingly difficult. Military demands hampered efforts to bring crops, such as wheat, from the outlying communities into the city. Little grain could be harvested in the countryside because of the shortage of manpower and instead was left to rot in the fields. The limited amount of grain that was threshed could not easily be delivered to the city since the army had commandeered the majority of men and wagons in the state.\textsuperscript{32}

As a result, prices that remained relatively stable from 1775 through the British occupation--around twelve shillings a bushel--began a steep climb at precisely the moment when the Constitutionalist government reasserted its power in Philadelphia in 1778.\textsuperscript{33} In just the first month after the government returned to Philadelphia, the price of common flour jumped from £1.60 to £2.48 per hundredweight. It then surged to £4.69 by October and ended the year at no less than £7.56 pound per hundredweight—more than a fourfold rise.\textsuperscript{34} In a normal year, the government and sellers could have staved off the price increases associated with a flour shortage by drawing on surplus supplies. This was how the city had successfully managed the decrease in grain during the first years of war. But with their surplus drained and many citizens doubtful that the state could produce enough wheat to supply the people, fears increased that starvation lay in the near future.\textsuperscript{35} Robert Morris had warned a year earlier in 1777 that flour “will be very scarce

\textsuperscript{33} Bezanson, 20; Foner, 16, 83, 161; Doerflinger,203; Reed, 138.
\textsuperscript{34} By May 1779, the price surpassed 18.0 pound per hundredweight and reached 83.4 pound per hundredweight by the end of 1779. Bezanson, 336.
\textsuperscript{35} Congress felt confident that the shortages would lift once the people harvested the fall crop. Yet others worried that a combination of the war and the lack of men to thresh the fields would continue the shortages. John Jay, President of Congress, to Rawlins Lowndes, December 18, 1778, \textit{Letters}, 3, 541, found in Bezanson, 87-88; Mobility, “A Hint,” December 10, 1778, \textit{Pennsylvania Packet}.  

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in America. Our last Crop of wheat was the worst ever known and the Consumption [of wheat] of our Army with the destruction [of crops] made by both Armies is immense.”  

By 1778, the disruptions of war had already strained many Philadelphians to the breaking point. The poor continued to suffer, but after years of uncertain work, political instability, and seizing of citizens’ goods by the government, men and women of various social standings and political persuasions in the city now struggled to meet their most basic needs. The loyalist Grace Galloway blamed government measures, complaining that “Nobody will have me to their houses & their [sic] is hardly any flour, salt, or Coffey Tea or sugar spirits or wine to be got in ye town owing to ye regulation of ye mobbing Comm[un]ity. . . . I know not what will become of Us.”

An anonymous newspaper writer published “A Hint” directed at the Constitutionalist government.

We can live without sugar, coffee, molasses and rum- but we cannot live without bread - - - Hunger will break through stone walls, and the resentment excited by it may end in your destruction.

The state government needed no convincing of the dangers of a populace upset by the shortages and escalating prices. Whether people would actually starve or not, the political impact would be the same. No matter a person’s gender or political affiliation in the city (man, woman, patriot, loyalist, or neutral), the fear of starvation would unite all against those held

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37 Barbara Clark Smith asserts that “the social and political upheaval caused by the war, occupation, and military demands blurred the line between class. Men and families once considered stable or well-off now suffered as their livelihoods were ruined and their inability to obtain needed goods.” Smith, “Food Rioters and the American Revolution,” 16.


responsible for the crisis. Predictably, as shortages worsened and prices increased throughout 1778, Philadelphians blamed their newly reinstalled state government. A letter published in the Connecticut Courant by “A Farmer,” and distributed in Philadelphia, reminded the government of its duty to protect the poor from both political and economic “oppression.” As a consequence of the ongoing war, the ranks of unfortunate people needing such protection now encompassed a far greater number of Philadelphians.

Making matters even worse, Congress and the army continued to demand supplies from the city and state for the prosecution of that seemingly endless war. Often times, civilians ranked third in priority behind the army and militia. In the eyes of the national government, there would be nothing to defend if the American military ceased to exist. Yet caught between the demands of the military and those of the civilian population was the state government, which attempted to strike a balance to feed both the soldiers and city inhabitants without either rising up against its rule. Congress did acknowledge the increasing seriousness of flour shortages, but hoped the situation would remain stable until the states could harvest next year’s crop. John Jay stated that “Pennsylvania [has] been so much embarrassed and injured by military operations, as to afford at present but a small proportion of their usual supplies. The crops now in the ground indeed are great and promise plenty the next season.”

As flour supplies shrank and prices skyrocketed in the latter half of 1778, the Constitutionalists also faced growing condemnation from the Republican faction. Seeing an

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40 The government also feared that the British would whisper in the ears of troops and citizens and promised food and stability. President Reed to Board of War, Philadelphia, March 8, 1779, Pennsylvania Archives 138 vols. (Philadelphia, 1853), VII:230; Bezanson, 87-88; Foner, 146; Smith, “Food Rioters and the American Revolution,” 8-9, 16.
41 Foner, 146; Smith, “Food Rioters and the American Revolution,” 8-9, 16.
42 “A Farmer,” Connecticut Courant, February 16, 1778, found in Smith, “Food Rioters and the American Revolution,” 8-9, 16.
43 President Reed to Board of War, Philadelphia, March 8, 1779, Pennsylvania Archives, VII:230; Colonel Clement Biddle to Colonel Chas. Pettit, White Plains, September 6, 1778, Pennsylvania Archives, VII:788.
44 John Jay, President of Congress, to Rawlins Lowndes, December 18, 1778, found in Bezanson, 87-88.
opportunity to strike at the Constitutionalists after their oppressive fall treason trials and their continued inability to deal with food shortages, the Republicans took advantage of the wartime crisis to recommit themselves to replacing the existing state constitution. Their timing was no accident. In November, 1778, as winter approached and rumors of food shortages arose in Philadelphia, the Republicans presented a petition to the state government calling for the formation of a constitutional convention to draft a new government. The Constitutionalists, under increasing political pressure to solve the city’s food and price issues, agreed to “take the sense of the people.” They hoped for enough popular support for their own policies to end the debate over a new constitution and embarrass their Republican adversaries.

To garner support for their challenge to the government, the Republicans created the Republican Society in February, 1779. Their platform stated that the current constitution allowed the Constitutionalists to introduce a “jubilee of tyranny” into Philadelphia under the guise of wartime security measures and then defend their actions as necessary to win the war. Mere days after the creation of the Republican Society, the Constitutionalists responded with the creation of their own Constitutional Society. Unlike the Republican Society’s listing of violations of inhabitants’ rights and proposed changes to government, the Constitutional Society simply asserted its support for the 1776 Constitution and the retention of the Test Acts. Its members also reiterated their belief that the political turmoil involved with writing a new state

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48 Foster, 119; Ousterhout, 202.
50 Foster, 122; Ousterhout, 202.
constitution would divide the people and take attention away from the true threat to all Pennsylvanians—the British army a few days’ march from the city.\textsuperscript{51} The two societies exchanged verbal blows throughout February, but the Republican efforts were to no avail. On February 27, 1779, the Constitutionalist-controlled Assembly claimed it received a sufficient number of petitions “from a considerable and respectable number of inhabitants” supporting the current constitution and the Assembly rescinded the Republican petition.\textsuperscript{52}

But the Constitutionalis could not so easily stave off all challenges to their power posed by the war-induced food shortages.\textsuperscript{53} And yet, focused as they were on the immediate economic problems posed by the war, the Constitutionalis still had to counter the persistent Republican challenge to their power, which hardly diminished after the failure to call a new constitutional convention. Taking advantage of the atmosphere of crisis in the city, the Constitutionalis responded in two ways: they created a committee that could act beyond the normal powers of government to implement price controls, and they attempted to shift the blame connected with food shortages and price inflation away from themselves by targeting their political rivals.

Throughout the winter of 1778-1779, the Assembly had passed numerous measures to address the food shortages and prevent a public uprising in Philadelphia against the government. One of these acts prohibited the exportation of flour from the state and also outlawed the distilling of whiskey from grain. This policy, however, hurt inhabitants in frontier communities—key supporters of the Constitutionalis—who shipped whiskey and grain to eastern markets. Constitutionalis felt they had no alternative but to risk damaging their popularity among

\textsuperscript{51} Ousterhout, 202.
\textsuperscript{53} Amid the chaos and fear mongering following the British occupation, the Constitutionalis retained control over the Assembly and Supreme Executive Council in the 1778 election. Foner, 163.
frontier residents because it was a political “necessity” to avoid a backlash by Philadelphians.\textsuperscript{54}  
The government encouraged frontier farmers instead to bring flour to Philadelphia and sell it at a reasonable (that is, controlled) price. Individuals who did so would be rewarded by being allowed to sell their product at a slightly higher price. Ludwig Karcher, one farmer who complied with the government’s wishes, arrived in Philadelphia, advertising that he possessed “a few barrels of fresh flour, from Lancaster County. Those poor people, who cannot afford to purchase a barrel, shall be accommodated with half a hundred weight at the same price.”\textsuperscript{55}  
This government policy aimed not only to persuade country farmers to bring flour into Philadelphia, but also to replenish exhausted stockpiles and avert the feared shortages.\textsuperscript{56}  

Despite these legislative efforts, the prolongation and, indeed, expansion of the war after the French alliance undercut this governmental solution to the flour shortage. When the French navy arrived in April and May, its officers demanded flour from Pennsylvania for their squadrons, exacerbating the local situation.\textsuperscript{57}  
Tensions escalated to the point where, on May 25, 1779, the Constitutionalists feared an outbreak of violence from hungry Philadelphians.\textsuperscript{58}  
Need ing to quell these fears by any means necessary, the Constitutionalists held a public meeting to appease Philadelphians. Daniel Roberdeau, Constitutionalist supporter and member of the Continental Congress, presided over the public meeting as he had done in the past for the faction.\textsuperscript{59}  
The Constitutionalist-dominated meeting advocated creating a Committee of Pricing

\textsuperscript{54} “An Act in prohibit the exportation of provisions from the State of Pennsylvania for a limited time,” Pennsylvania Packet, December 24, 1778; “A Supplement to An Act ‘An Act to prohibit for a limited time the making of Whiskey and other spirits from wheat, rye or any other sort of grain, or from any meal or flour,’” Pennsylvania Packet, February 2, 1779.  
\textsuperscript{55} “To Be Sold By Ludwing Karcher,” Pennsylvania Packet, January 16, 1779.  
\textsuperscript{56} By 1779, rumors continued to spread, but merchants and sellers of flour also acknowledged the shortages in flour throughout the city. Alexander, 593; Bezanson, 88.  
\textsuperscript{57} Bezanson, 89.  
\textsuperscript{58} The Constitutional Society met on May 22 and decided to organize the May 25 meeting. Ousterhout, 203.  
\textsuperscript{59} Daniel Roberdeau was a Constitutionalist orator and served as brigadier-general of the militia. He also served in the Continental Congress from 1777-1779. Foner, 166; Foster, 103.
to more forcefully implement the government’s price control policy and to seek out those who resisted this strategy. This body would likewise receive the support of the Assembly, but would remain outside of the government. In the minds of Constitutionalists’ leaders, it was better to allow a temporary body to assume greater powers, which could then be removed at the end of the crisis, than to grant such controls to the government.

The creation of this committee revived memories of the abusive actions perpetrated by similarly organized pre-Revolutionary committees. More notably, the Committee of Pricing allowed the Constitutionalists to address the problem of food shortages while slandering their political opponents. At the meeting held outside of the State House, Roberdeau explained the government’s decision to take such an extreme step.

It is with pleasure I meet you my Fellow Citizens, to consider and determine upon measures for our mutual and public happiness. A beneficial God has hitherto blessed us with success, and carried us through a four years war with as few misfortunes as could possibly be expected. . . . The dangers we are now exposed to arise from evils created among ourselves….[forestallers] sucking the blood from the country…. Some worthy citizens who have the success of our glorious cause at heart, have undertaken to form a plan for regularly reducing the price of goods and provisions…at some future meeting. For my own part, Gentlemen, I shall joyful assist in any judicious measures for the public happiness, and have no doubt but you will do the same.

60 Those present nominated individuals to serve on the committee, which did include Constitutionalists serving in the Assembly. Constitutionalists attending the meeting and selected to the committee included Timothy Matlack, Thomas Paine, Charles Peale (head of the Constitutional Society), David Rittenhouse, and William Bradford. “Philadelphia,” Pennsylvania Packet, May 27, 1779.
61 The Address of the Committee of the City and Liberties of Philadelphia, William Bradford, Chairman, to Their Fellow Citizens Throughout the United States, Philadelphia, Pennsylvania Evening Post, June 29, 1779; Bezanson, 89; Foster, 102-103; Reed, 140.
62 Foner, 166; Foster, 103.
Roberdeau then announced that the committee would “enquire of Mr. Robert Morris, or others” as to whether they were engaging in practices whereby they enriched themselves at the expense of hungry Philadelphians.64

The Constitutionalists directed their attacks at key Republican leaders, primarily Robert Morris and James Wilson. Both men supported the Whig cause during the prerevolutionary crisis and signed the Declaration of Independence. Yet Morris and Wilson were both merchants who opposed the current state constitution and were accused by opponents of impeding the war-effort, and even of being loyalist sympathizers.65 In Robert Morris’s case, the Constitutionalists sought to take his Assembly seat in the upcoming fall elections.66 James Wilson drew ire from the Constitutionalists not only for his opposition to their policies, but because he had defended many of the men accused of being loyalists the previous fall, alleging that the government had exceeded its powers with the arbitrary arrests and trials of Philadelphians. In total, Wilson had defended thirty-three alleged loyalists up through 1779, and many were acquitted of their charges.67 Targeting these Morris and Wilson, along with other Republican merchants, as forestallers allowed the Constitutionalists to discredit their political opponents and, at the same time, identify culprits responsible for the shortages in the city, culprits who were not in the state government.68

64 “At a General Meeting of the Citizens of Philadelphia,” Pennsylvania Packet, May 27, 1779; Foner, 166.
65 Bezanson, 247; Ousterhout, 203; Foner, 166-167; Reed, 146; Richard Ryerson, The Revolution is Now Begun: The Radical Committees of Philadelphia, 1765-1776 (Pennsylvania, 1978), 243.
66 Despite the failure by the Republicans to replace the current constitution, Robert Morris worked within the Assembly to restore the checks and balances between the Assembly, Supreme Executive Council, and the judiciary. Ousterhout, 203; Reed, 146; Ryerson, 243; Watson, 251-255.
67 Reed, 151-154.
68 In reality, there was no evidence of massive forestalling by Philadelphian merchants and merchant resistance to price controls is not evidence that they hoarded goods. Investigations by Congress and the Committee of Pricing against Robert Morris never found evidence of hoarding or forestalling. Rosswurm suggests forestalling by numerous merchants, but cites a single instance from Christopher Marshall’s diary where a thousand bushels of wheat were seized in a mill near Germantown. Other historians speculate that the limited forestalling by a few select merchants was not enough to impact the increasing scarcity of flour. Doerflinger writes that “neither these probes nor scrutiny by modern historians has uncovered more than a handful of cases of outright malfeasance.” It is
Roberdeau continued his speech by describing a system whereby any accuser could present evidence of forestalling in person or in writing before a member of the committee “at the court house from nine to twelve every day (Sundays excepted).” The accused would be summoned to the Coffee-House, and not the State House, where they would answer to the charges. If determined guilty by the committee, the punishment could result in the confiscation of goods and confinement. The committee also warned that “in the present time of general suffering and resentment, it may happen that innocent persons may, by mistake, be exposed to the unmerited censure of their fellow citizens, while those who truly deserve it escape.”

The Constitutionalists realized that the current animosities in the city would likely result in Philadelphians accusing men based simply on anger, revenge, or rumor. But the committee believed it could sift through the accusations and target those individuals who compromised the city’s wellbeing, at least in the minds of the Constitutionalists. In a single speech, the Constitutionalists shifted blame away from the government’s powerlessness and toward political opponents held responsible—legitimately or not—for the flour shortage.

Having challenged the Constitutionalists’ political opposition, the committee then turned to the economic crisis, assuming powers to distribute what little flour there was in the city. It also quite likely that supplies arriving in the city were either in the position of, or quickly sent to, the American army. To Philadelphians, they simply saw flour entering the city and never reaching the market. Christopher Marshall, May 28, 1779, *The Diary of Christopher Marshall*, 218; Doerflinger, 210-211, 239-241; Foster, 103; Rosswurm, 184.

69 William Henry, Chairman, Committee Room, *Pennsylvania Evening Post*, June 2, 1779; Reed, 145-146.

70 William Henry, Chairman, Committee Room, *Pennsylvania Evening Post*, June 2, 1779; Reed, 145-146.

71 The committee declared that “That is it the opinion of this Meeting that no person, who by sufficient testimony can be proved inimical to the interest and independence of the United States, be suffered to remain among us, and that the Committee be directed to take measures for carrying this resolution into execution.” At a General Meeting of the Citizens of Philadelphia, *Pennsylvania Packet*, May 27, 1779; William Henry, Chairman, Committee Room, *Pennsylvania Evening Post*, June 2, 1779.

72 At the same time, John Jay wrote regarding the current crisis, that “As the harvests of this year, which by the divine goodness promise to be plentiful, will soon be gathered……We are persuaded you will use all possible care to make the promotion of the general welfare interfere as little as may be with the ease and comfort of individuals; but though the raising these sums should press heavily on some of our constituents, yet the obligation we feel to your venerable clergy, the truly helpless widows and orphans, your most gallant, generous, meritorious officers and soldiers…” To the Inhabitants of the United States of America, John Jay, *Pennsylvania Evening Post*, May 29, 1779.
initially stated that the price of flour on May 1 would remain constant until July.\footnote{Reed, 144.} The members then traveled throughout Philadelphia, with militia support, and surveyed all sellers of flour. They imposed price restrictions on these merchants and advised them to give no more than one barrel per family “to such only who shall declare they have not one barrel in their possession.”\footnote{William Henry, Chairman, In Committee, \textit{Pennsylvania Packet}, June 2, 1779.} The price restrictions were to prevent price gouging, but the limiting of flour to families reveals the government’s true concern about equitable distribution of scanty supplies. The committee sought to stretch out what meager supplies the city possessed for as long as possible. Merchants who sold smaller amounts to individuals, thereby extending the number of people supplied, were permitted to sell their flour at a slightly increased price. The Committee lastly advised poor families to join together in purchasing a barrel of flour and dividing it equally.\footnote{William Henry, Chairman, In Committee, \textit{Pennsylvania Packet}, June 2, 1779.} The Constitutionalists defended this extraordinary committee authority by arguing that the “Public delegate[ed] their powers” and the committee served the best interest of the people.\footnote{Joseph Reed, whose primary concern was the survival of the government in order to fight the war, had previously opposed price control measures. However, the government’s inability to curb food shortages and the resulting escalation in prices left him with few options. Reed therefore supported the Constitutionalists’ price control efforts in May, but neither Reed nor George Bryan sat on the Committee of Pricing. “At a General Meeting of the Citizens of Philadelphia,” \textit{Pennsylvania Packet}, May 27, 1779; Alexander, 593; Bezanson, 88; Foster, 103.}

Less well-known were the committee’s efforts to obtain substantial quantities of grain and flour for the city. The committee’s first declaration was an appeal for citizens to limit their purchases of flour.\footnote{“At a General Meeting of the Citizens of Philadelphia,” \textit{Pennsylvania Packet}, May 27, 1779.} But it also, “in the present time of general suffering and resentment,” seized wheat shipments heading down the Delaware River and returned them to the city. Committee members likewise turned back wagons leaving the city with goods for other markets.\footnote{William Henry, Chairman, Committee Room, \textit{Pennsylvania Evening Post}, June 2, 1779.} The Constitutionalists claimed that the flour and wheat were hidden by profiteers in

\begin{footnotes}
\item Reed, 144.
\item Joseph Reed, whose primary concern was the survival of the government in order to fight the war, had previously opposed price control measures. However, the government’s inability to curb food shortages and the resulting escalation in prices left him with few options. Reed therefore supported the Constitutionalists’ price control efforts in May, but neither Reed nor George Bryan sat on the Committee of Pricing. “At a General Meeting of the Citizens of Philadelphia,” \textit{Pennsylvania Packet}, May 27, 1779; Alexander, 593; Bezanson, 88; Foster, 103.
\item William Henry, Chairman, Committee Room, \textit{Pennsylvania Evening Post}, June 2, 1779.
\end{footnotes}
the city and the committee defended their actions as necessary to alleviate the suffering of Philadelphians.\(^79\)

The committee’s actions and attacks on political opponents increased turmoil in the city. Supporters of both the Constitutionalists and Republicans clashed, sometimes violently, over the government’s attempts to gain control of the situation. Throughout the summer of 1779, Republicans threatened by the actions of what they regarded as an illegitimate committee spoke out against the government. Republicans responded to the false accusations by stating, “Assertions, suspicions, and partial accounts of facts, with some high coloring, may be sufficient at certain times to prejudice the minds of well-meaning and honest people.”\(^80\) Yet Republican merchants, such as Robert Morris, found themselves in a difficult situation. They did not believe that price controls were economically or politically beneficial, but many city residents condemned merchant resistance as merely an effort to protect their businesses.\(^81\) Recognizing this fact, John Cadwalader, a general in the Philadelphia militia but also a Republican supporter, reported in a newspaper how Constitutionalist opponents had frustrated his attempt to address the public on the matter.\(^82\)

When an attempt is made to break down or even to weaken one single barrier of our liberty, it ought to be opposed with spirit by every honest man. At the late Town-Meeting, on the 27\(^{th}\) instant, I was prevented by the riotous behavior of a number of men, armed with clubs, from speaking my sentiments upon a subject of the utmost important to the peace, happiness and freedom of this city; and which may, eventually affect the safety of the states. . . . I am not, directly or indirectly, engaged in any kind of trade; I am a private citizen, and live upon the income of my estate. The regulations proposed in the association cannot affect

\(^79\) Some small-scale hoarding likely occurred in the city by a few individuals, but not enough to significantly impact the shortages. “At a General Meeting of the Citizens of Philadelphia,” Pennsylvania Packet, May 27, 1779.

\(^80\) Philadelphia, Pennsylvania Packet, July 30, 1779.

\(^81\) Foner, 169-172.

\(^82\) General John Cadwalader was a hero from the Battle of Trenton, but his current support of Republican beliefs drew anger from Philadelphian Constitutionals. Smith, “The Attack of Fort Wilson,” 180.
I have no other motive in giving my opinion, than to convince my fellow citizens, that the regulations proposed must, inevitably, produce immediate ruin to the merchants and mechanics; and a scarcity, if not a want of every necessary of life, to the whole city.....an attempt to enforce obedience will produce a civil war.....A plentiful harvest has filled the country with an abundance of these articles; and a market would bring such quantities to this city, that there would be no want of these necessities in future.  

At one point, a mob raided the home of Whitehead Humphreys, a member of the Republican Society who spoke out against price controls, and knocked his sister to the ground. Such actions demonstrated the success of the Constitutionalists in instigating crowds against Republicans and their supporters. Many Philadelphians believed that any person opposing the Constitutionalists’ efforts at price controls to solve the food shortages threatened the city’s stability.

Cadwalader’s speech also reveals a significant problem that the Constitutionalists did not address: the extent to which Pennsylvania’s farmers could be held responsible for flour shortages. Many obviously could not produce grain because of their military service or the destruction of their farms, but others simply refused to thresh their grain. The reason for this seemingly odd behavior in 1779 was a combination of the military presence and the Constitutionalists’ responses to the food shortages. The Continental army and state militia continued to seize grain from farmers and pay a very low price with increasingly devalued currency. At the same time, the Constitutionalists likewise prescribed low prices for grain. The consequence was that farmers would likely lose money for the effort of growing and threshing their wheat crops. Yet in Philadelphia, the Constitutionalists—conscious of their need for

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political support in the countryside--directed their anger at their political opposition and not the farmers.\textsuperscript{85}

In a June speech, one member of the Constitutionalist Committee of Pricing addressed the public to answer the accusations that it had assumed excessive powers and was violating Philadelphians’ liberties.\textsuperscript{86} William Bradford, a former Colonel in the Philadelphia militia, insisted that the government was not at fault for the shortages and price increases.\textsuperscript{87} Such problems were, in fact, the product of “the ingenuity of men in the invention of new crimes . . . the selfish, and disaffected.” He argued that the government could not respond quickly enough against men who sought to circumvent the law. Bradford exclaimed, “There are offences against a society which are not in all case offences against law. . . .We cannot construct laws that will reach all cases, and therefore we maintain the right, as well as the necessity, of holding every man accountable to the community.” The only means of dealing with these internal threats was to “render the revival of committees, during the present war, not only a convenient but a necessary appendage to civil government.”\textsuperscript{88}

Bradford proclaimed that it was safer to allow temporary committees to take measures beyond the normal powers of government rather than to grant such authority to the state.

\begin{quote}
To blend such a power with the constitutional authority of the state would, according to our idea of liberty and conception of things, be unwise and unsafe; because being once incorporated therewith, the separation might afterwards be difficult, and that which was originally admitted as a temporary convenience, justified by necessity, might in time establish itself into a perpetual evil, and be claimed as a matter of right. The exertions which are sometimes necessary to be made by the inhabitants of an invaded
\end{quote}

\textsuperscript{87} William Bradford resigned from the militia after being wounded at the Battle of Princeton.
\textsuperscript{88} The Address of the Committee of the City and Liberties of Philadelphia, William Bradford, Chairman, to Their Fellow Citizens Throughout the United States, Philadelphia, \textit{Pennsylvania Evening Post}, June 29, 1779.
country, for their own preservation and defense, are frequently of such a peculiar and extraordinary quality, that as they ought not to become the rule of legal government in times of peace, should not be mixed therewith in times of war; for that which in the community may be the spirit of liberty, introduced into the laws would become its destroyer. 89

The Constitutionalists argued that the “temporary evils” of such committees could be removed after the existing crisis, leaving the “civil government, undisturbed and untempted” and allowed to continue in “its original channel.” 90

The Constitutionalists continued to blame others simply because they could not alter the core problem of flour shortages. Their situation grew even more precarious when the militia, the armed enforcer of government policy whose members initially supported price control measures, started to view the Constitutionalist-led Assembly as an inept body unable to deal with food shortages and Republican violations. Militia stationed at Fort Mifflin met in Philadelphia on June 28 and did agree to support the activities of the Committee of Pricing. 91 But the militia also warned the committee that

Notwithstanding we are convinced much good has arisen from your resolves, and are well assured your proceedings are attended with many difficulties, and require the most indefatigable attention and vigilance, yet we are very sorry to observe that designing and interested persons [perceived forestallers] endeavor, by every means, to elude your judicious intentions, and that something more poignant and striking must at length bring them to reason. We have arms in our hands and know the use of them. If by reason of the obstinacy and perserverence of individuals, your Committee find themselves inadequate to the task, our drum shall beat to arms. 92

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89 The Address of the Committee of the City and Liberties of Philadelphia, William Bradford, Chairman, to Their Fellow Citizens Throughout the United States, Philadelphia, Pennsylvania Evening Post, June 29, 1779.
90 The Address of the Committee of the City and Liberties of Philadelphia, William Bradford, Chairman, to Their Fellow Citizens Throughout the United States, Philadelphia, Pennsylvania Evening Post, June 29, 1779.
91 Militia to Committee of Prices, Philadelphia, June 28, 1779, JRC, II:148; Alexander, 594-595.
92 Militia to Committee of Prices, Philadelphia, June 28, 1779, JRC, II:148.
The state government could hardly ignore such a direct challenge. The militiamen, upon whom the government relied for enforcement of its policies, were threatening to take matters into their own hands—by force if necessary—to solve food problems if the government failed. Constitutionalists now faced possible insurrection as well as food shortages. They could not allow the local militia to make good on its threats. Such action would destroy the government’s credibility and quite possibly result in a civil war within the city.  

These multiple war-triggered anxieties converged in Philadelphia in late September 1779. Food shortages persisted and price controls failed to maintain, much less lower, flour prices as winter approached. In response to scarcities and the fears of even greater shortages during the upcoming winter, already inordinately high flour prices surged from £18.0 per hundredweight in late August to £48.4 per hundredweight by the first of October. A warning printed on September 25 in the *Pennsylvania Packet* observed,

> The natural and obvious result from this state of the case is, that the harvest of the present year, will not supply the inhabitants. A conclusion truly alarming, and which will not admit of reasoning or explaining away. Nor this

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94 The government continued to seize, or pay with devalued currency, a significant portion of grain from farmers. In response, many farmers did not bother to thresh their grain at the risk of taking a loss. Many who threshed their grain held onto it until prices recovered. The government issued order for farmers to thresh their grain in the countryside, but many were unable to or refused to listen to the government. For the Pennsylvania Packet, *Pennsylvania Packet*, August 7, 1779; A Citizen of Philadelphia to the Pennsylvania Packet, *Pennsylvania Packet*, September 16, 1779.
95 Prices are listed in Continental Currency. Bezanson, 83, 91, 336.
happened from a failure of the usual produce of our cultivated lands; but from the common and fatal effects of war... A famine in America is irrevocable death to the people. It is too serious to be trifled with. There is nothing in the universe we can barter for, which is an equivalent for bread... My own life and the lives of thousands are at stake.  

Many in the city wondered if they would be able to feed themselves and their families through the winter.

In this atmosphere of heightened tension, the state government struggled to meet both the demands of the military forces and Philadelphia’s population. Congress, George Washington, and the local Board of War increasingly begged Reed throughout September for flour, stating that “the daily consumption of Flour for the support of our Army is very great, and our Magazines quite exhausted.” Reed, in turn, pleaded with Washington and other military officials to consider the dire situation in Philadelphia.

The scarcity of Flour & Demand on us was very unexpected, & I am sure will be so to your Excellency after you have perused the enclosed Letter... If it had not been for the Prizes, our Situation at this Time would have been truly alarming. The Bread we now eat is of musty English Flour, which formerly would have been given to our Cattle.

Despite Reed’s attempts to respond to the military requests, finding sufficient flour for the city and troops proved futile. Farmers refused to thresh what grain they had and the disruptions of war hindered all other efforts to get sufficient flour into the city.

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97 It did not help that information from the countryside over grain and flour supplies was inconsistent. News of incoming flour to the city often turned out to be misinformation or the flour was redirected to the army. President Reed to Mr. Holker, September 7, 1779, Pennsylvania Archives, VII:683-684.
98 Ephraim Blaine served as the Commissary of Purchases for the Northern Department of the Continental Army. Ephraim Blaine to President Reed, Philadelphia, September 22, 1779, Pennsylvania Archives, VII:707.
100 Reed wrote these purchases that “it is with great Concern I was informed you could not procure Flour for the State Use.” President Reed to Purchasers of Flour, Philadelphia, September 8, 1779, Pennsylvania Archives, VII:692-693.
101 Another letter to Reed stated, “As to the present Times it is difficult to procure Wheat, the old being mostly exhausted and the new not yet threshed, and if it were the Farmers are unwilling to part with the same for the limited
As a consequence, the Committee of Pricing faced increasing resistance in the city. Along with Republicans and merchants, artisans now joined the ranks of the opposition as the committee and government failed to stabilize the economy.\(^\text{102}\) If the committee persisted with these price controls despite opposition, it risked making the public see it as an arbitrary political body with no useful purpose. When the Committee of Pricing dissolved itself in September 1779, it confirmed the government’s inability to address pressing economic problems. Many city residents, including militia members, grumbled that the people themselves might have to do the job.\(^\text{103}\)

Meanwhile, outside of Philadelphia, detachments of the British army in Newport and New York City prepared to move into the southern colonies in September and October.\(^\text{104}\) General Henry Clinton redeployed the Newport garrison to New York as additional troops arrived from England.\(^\text{105}\) Rumors soon reached Philadelphia of British troops in New York City packing supplies and loading ships. Some hopeful Philadelphians speculated that the British were preparing to retreat, but most feared that the British army might again attack Philadelphia. The city appeared divided and weak and, just as the Constitutionalists had warned in 1776-1777, such a situation opened Philadelphia to invasion. Fear gripped the city and many begun to believe this lack of unity might result in another British occupation.\(^\text{106}\)

With worries about invasion compounding the local crisis, the Constitutionalists escalated their Republican attacks immediately prior to the October 1779 assembly election. The

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\(^{102}\) Price. . . I presume nothing will induce the Farmers sooner to thresh & sell their Wheat.” Colonel Marsteller to President Reed, Lebanon, September 26, 1779, *Pennsylvania Archives*, VII:716-717.

\(^{103}\) Tanners, curriers, and cordwainers opposed regulations by the Committee of Pricing that affected their businesses. Rosswurm, 188.

\(^{104}\) Foster, 103.

\(^{105}\) The British, in fact, were preparing for an invasion of South Carolina, which would leave New York on December 26, 1779. Piers Mackesy, *The War for America, 1775-1783* (Nebraska, 1964), 340.

\(^{106}\) In total, Clinton had close to 25,000 men in New York. Mackesy, 340.

\(^{106}\) Reed, 140, 162.
government continued to blame the Republicans for the high prices and food shortages. The Constitutionalists also trumpeted that a Republican victory in the election could result in another British invasion because a governmental changeover would create disorder in the city. Some in the government even accused Republicans of supporting British interests in hopes of their return.107

Joseph Reed, observing the growing calamity, condemned anyone found hoarding supplies and compromising the war effort, but he remained largely outside the political mudslinging between the two factions. His goal, yet again, was the survival of the government.108 He sided with the Constitutionalists because after the occupation he realized that the current state constitution was the best way to prosecute the war. He did not, however, condone the Constitutionalists’ excessive attacks against the public and their political enemies. He served as President of the Supreme Executive Council simply because he believed the state needed him.109 In the weeks leading up to the election, he wrote to the Assembly,

In a few weeks the good People of Pennsylvania will have an Opportunity of expressing their Sense of my Services and Conduct. If one more acceptable shall meet with their Favour I shall with Pleasure return to that Station from whence there Confidence raised me, but I will not abandon them on account of any private Considerations.110

He essentially ignored the upcoming election, turning instead to address the demands on the state and government, while the Constitutionalists continued their vicious political attacks against

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107 Foster, 102; Reed, 140, 162.
108 Historians have presented Reed as both a radical Constitutionalist and as an ineffective Republican leader. He has both been condemned for escalating the situation and encouraging the Fort Wilson Riot and, by others, criticized for lacking effort in the pursuance of Republicans violating price controls. I believe it was a fine line that Reed walked between the two factions as he pursued the best course for the state, and his efforts result in these various historical interpretations. Foner, 174-175; Foster, 103-105.
109 President Reed to Speaker of Assembly, Philadelphia, September, 1779, Pennsylvania Archives, VII:712.
110 President Reed to Speaker of Assembly, Philadelphia, September, 1779, Pennsylvania Archives, VII:712.
opponents. In response, the people’s animosity toward the supposed culprits responsible for the state’s wartime problems, the Republicans, grew.

This animosity culminated in bloodshed among fellow patriots at the Fort Wilson Riot on October 4, 1779. That Monday morning, a group of militiamen and other Constitutionalist sympathizers met at the State House commons to “drive off from the city all disaffected persons and those who supported them.”\(^{111}\) By that evening, the crowd grew more rambunctious and people yelled insults at those “damn Tory” Republicans. As the sun set, approximately two hundred “militia and company” gave three cheers and commenced to march up and down the streets of Philadelphia to the beat of a drum, while cheering the constitution and hurling insults at anyone deemed a Republican supporter. They first marched to the homes of Joseph Reed and George Bryan, President and Vice President of the Supreme Executive Council, and gave three cheers in front of each house. Rumors spread that the crowd would next seek out Republicans to either arrest or attack.\(^{112}\)

Indeed, the marchers next sought out several men considered to have jeopardized the city and its citizens by their selfish actions.\(^{113}\) Samuel Rowland Fisher, a Quaker merchant currently under arrest and observing the crowd from the local jail, recalled,

They ransacked Joseph Wirt’s house to find him to no purpose, while some of them went to Mathew John’s near the Swedes Church & finding him stacking Hay, they ordered him down & marched him with them. They also took up Buckbridge Sims & Thomas Story, which four they marched separately to Burn’s Tavern on the Commons, from whence they were brought into the City under Guard.\(^{114}\)


Grace Galloway panicked as news spread of the crowd “taking up Tories.” One account stated that Benedict Arnold, currently in Philadelphia, attempted to disperse the crowd, but they stoned him until he fled. James Wilson, home with his pregnant wife, learned of the crowd and its members’ shouts to “‘Get Wilson!’” He quickly gathered his wife and children and hurried them from the house. As they left, other men arrived to support Wilson. Allen M’Lane, observing the passing spectacle from his porch, heard from a neighbor that there was “great apprehensions that several of our most respectable citizens, then assembled at Mr. Wilson’s house, would be massacred, as they were determined to defend themselves against the armed mob that had assembled on the Commons.”

What happened next varies with each account. The crowd approached Wilson’s house and the two groups exchanged insults and threats. Then someone fired a shot. Each side accused the other. Whether the shot was fired into the air or into the opposing group is not known. One eyewitness account said the crowd fired into Wilson’s house. Another said that one-armed Captain Robert Campbell stood at a third floor window shouting and fired his pistol

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116 Benedict Arnold was in Philadelphia for his court martial, which kept getting delayed from June until December, 1779, involving the accusations made by the Pennsylvania government. Watson, 426; John M. Coleman, Thomas McKean, Forgotten Leader of the Revolution (New Jersey, 1975), 236-237.
119 These men included Robert Morris, General Thomas Mifflin, who earlier that year resigned as Quartermaster General, Colonel Stephen Chambers, a member of the Supreme Executive Council and a militia officer, Captain Robert Campbell, a one-armed officer in the Continental army, and numerous other family, friends, and supporters of Wilson. They gathered and organized themselves on Second Street before proceeding to Wilson’s home. Smith, “The Attack of Fort Wilson,” 183.
120 Allen M’Lane served as a Captain in Lee’s Legion. Captain Allen M’Lane’s Journal, New York Historical Society, found in JRC, II:150-152.
into the marchers, whereupon they turned and opened fire.  

Whoever fired first, the scene quickly dissolved into chaos.

As both groups exchanged fire, many in the crowd scattered and fled from the scene. Captain Campbell was the first to fall, the only death inside Fort Wilson, the name later given to Wilson’s home, and several wounded men collapsed in the street.  

Witnesses reported that General Thomas Mifflin opened a second floor window to “harangue” the mob, only to duck for cover when men shot at him and shattered the window at which he stood.  

The Constitutionalist mob quickly charged the house and attempted to break down Wilson’s door. When they failed, men were sent to the arsenal for an artillery piece that was soon seen rolling toward Wilson’s house. Before the cannon arrived, two men found a sledge that was used to break down the door, but they were immediately shot dead. As the crowd attempted to enter the house, Colonel Stephen Chambers fired both of his pistols down the stairs and scattered the men, wounding one. The attackers, out of ammunition, pulled Chambers down the stairs “by his hair” and bayonetted him “with a dozen wounds,” yet he would survive.

By then, some men had notified Joseph Reed of the increasingly violent situation. Reed, bedridden with illness for many days, quickly arose and charged off on his horse toward Wilson’s house. Minutes later, he arrived waving a pistol in “citizen’s dress . . . and appeared as if he had just risen from bed.”  

He and two Baylor dragoons whom he encountered on his way shouted and moved among the crowd in an attempt to disperse the men, surely hoping that

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Reed’s presence would halt the gunfire.\textsuperscript{126} More light horse soon arrived as Reed restored order and the troops arrested men from both sides.\textsuperscript{127} These arrests were partially because of the death and violence that occurred, but also made in hopes of separating the two groups, putting the leaders under watch, and avoiding more bloodshed.\textsuperscript{128}

Yet the damage was done. Philadelphian patriots had opened fire on fellow patriots, resulting in seven men dead and fourteen injured.\textsuperscript{129} Benedict Arnold rode up in the aftermath, walked into Wilson’s house, brandished his pistols out an upper floor window, and exclaimed, “Your president has raised a mob, and now he cannot quell it.”\textsuperscript{130} Given the fact that Reed was home sick prior to the riot and that Arnold had no way of knowing what Reed had done that day, it is likely that Arnold was referring to the escalating political situation in the city over the past weeks.\textsuperscript{131} Remembering his bravado, Philadelphians chased Arnold through the streets two days later.\textsuperscript{132}

Although no one had planned on such violence, this episode testified to the dangers inherent in the Constitutionalists’ strategy of directing blame for food shortages and price escalations toward their Republican adversaries. The government nearly lost control of the situation as the people took matters into their own hands. Joseph Reed and Constitutionalists in

\textsuperscript{126} The identity of these dragoons is unknown, but some accounts state that Timothy Matlack arrived with Reed, while others state that Matlack was not present. Statement of Charles Wilson Peale, \textit{JRC}, II:423-426; Philip Hagner’s Narrative, \textit{JRC}, II:426-428; Foster, 104; Ousterhout, 205-206.

\textsuperscript{127} Reed and the light horse arrested twenty-seven men. Fisher recalls the upset nature of the militia and supporters who were imprisoned as “very noisy all night.” These men felt they were supporting the government, only to be arrested by those very men. Directing their anger at Joseph Reed, some even “threatened to shoot him” for his betrayal. Journal of Samuel Rowland Fisher, Philadelphia, October 7, 1779, \textit{PMHB}, 172; Smith, “The Attack of Fort Wilson,” 185; Grace Growden Galloway, \textit{Diary of Grace Growden Galloway}, Wednesday, October 4, 1779, \textit{PMHB}, 179.


\textsuperscript{129} Ousterhout, 205-206; Reed, 151-154.


\textsuperscript{132} Whereupon Arnold demanded that Congress supply him with protection while in Philadelphia. Robert L. Brunhouse, \textit{The Counter-Revolution in Pennsylvania, 1776-1790} (Pennsylvania, 1942), 76; Foster, 105-106.
government moved quickly to reassert their authority in the city, but did not condemn the actions of the assailants.\textsuperscript{133} The next day, “most of both parties,” including assemblymen, judges, and even clergy, met at the Supreme Court House to discuss how to avoid further bloodshed.\textsuperscript{134} Hearing rumors that Germantown’s militia might march to Philadelphia in support of their arrested brethren, Reed rode north and met with locals urging them to remain calm. Timothy Matlack wrote Chief Justice Thomas McKean that he was needed in the city “after a very great riot, which has been attended with bloodshed.”\textsuperscript{135}

Just days after the riot, as the government and courts proceeded to deal with the men accused of fighting, the yearly Assembly election took place. To the Constitutionalists’ delight, it was an overwhelming victory for their faction. Despite the people’s resistance to the Committee of Pricing and excessive measures, they saw the Constitutionalists as the surest way to protect the city as shortages increased and the British army in New York prepared to move to an unknown destination, possibly Philadelphia.

The Fort Wilson Riot had muzzled many Republican candidates in the crucial days before the election. James Wilson and the majority of men who defended Wilson’s home had fled from the city.\textsuperscript{136} Robert Morris refused to leave, but went into hiding in Philadelphia. He assured Wilson, who stayed at Morris’s house outside of the city, that he would keep in contact through one of Morris’s slaves.\textsuperscript{137}

\begin{footnotesize}
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\item[\textsuperscript{133}] The Assembly praised Reed’s actions at stopping the violence and gave him their support. They also stated that the Assembly would not cast blame and would leave it “to the judicial authority of the State to determine who were to blame in the late dangerous tumult.” Extract from the Minutes of the General Assembly of Pennsylvania, \textit{Pennsylvania Packet}, October 10, 1779.
\item[\textsuperscript{134}] Philip Hagner’s Narrative, \textit{JRC}, II:428; Reed, 152-153.
\item[\textsuperscript{135}] Timothy Matlack served as Secretary of the Supreme Executive Council. Secretary Matlack to Honorable Thomas McKean, Chief Justice, Philadelphia, October 4, 1779 at night, \textit{Pennsylvania Archives}, VII:732; Coleman, 236-237.
\item[\textsuperscript{136}] James Wilson did not return to Philadelphia until October 19, well after the local elections. Smith, “The Attack of Fort Wilson,” 186.
\item[\textsuperscript{137}] Morris even recommended that Wilson travel to New Jersey because of rumors that people were hunting for him in the countryside. Robert Morris, found in Smith, “The Attack of Fort Wilson,” 186.
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themselves taunted and threatened by crowds. Fearing further violence, it is likely many Republican supporters remained quietly at home and failed to turn out to vote. Robert Morris lost his seat, and the scattering of the Republican faction after the riot resulted in the Constitutionalists obtaining an overwhelming victory and their largest majority to date in the Assembly. Timothy Matlack wrote that the election revealed “a degree of harmony which affords a pleasing prospect of unanimity among us.”

While the riot temporarily benefitted the Constitutionalists, they still had problems to address. Later that week the Assembly met to combat food shortages. The city gathered one hundred barrels of flour, presumably meant to be shipped to the Continental Army, and distributed them instead to Philadelphians, “having a particular respect to the Families of such Militia Men as shall serve.” The Assembly also placed a new embargo on flour, preventing it from leaving the city. Perhaps it was the General Assembly responding to military demands, or maybe the representatives were looking to alleviate a threat (or, perhaps, both), but five days after the riot the Assembly ordered that “a Body of Militia should be immediately drawn forth into actual service to co-operate with the Continental Army against the common enemy.” Some believed that an excess number of militiamen in Philadelphia was partially responsible for

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138 Additionally, the earlier loyalty oaths were still in effect, and prevented many Republicans from voting. Foster, 104.
instigating the city’s inhabitants to riot, and perhaps reducing that number would diminish the threat of further violence.\textsuperscript{144}

In March 1780, the Constitutionalists sought to eliminate internal strife in the wake of their overwhelming victory in the 1779 election. To achieve this goal, the Constitutionalists swept the entire matter of the Fort Wilson Riot under the rug. The Assembly issued a full pardon for all persons responsible for the “breach of the public peace” and attributed the event to a “mutual misunderstanding.” Court trials for riot participants would only reawaken feelings of anger in both the Constitutionalist and Republican factions. The Constitutionalists realized that they had dodged a potential disaster in the wake of the riot and the faction believed that the matter was best forgotten.\textsuperscript{145}

The flour shortages would not end overnight. The government continued to navigate between supplying the army that protected the city and state and meeting the needs of city inhabitants. This was no easy task. When Washington demanded supplies for a possible invasion of New York in the summer of 1780, Pennsylvania’s government took measures to implement martial law in order to prevent another possible outbreak of violence, which likely would be aimed at the government this time. Luckily for the Constitutionalist-controlled government, Washington cancelled the summer attack.\textsuperscript{146}

The war-driven food shortages provided the Constitutionalists with both a challenge and an opportunity. On the one hand, by driving the population of the city to desperation, the shortages endangered the Constitutionalists’ hold on power. Yet on the other hand, by

\textsuperscript{144} Alexander, 606-608.
\textsuperscript{145} An Act of Free and General Pardon and Indemnity for the Offenses Therein Mentioned, Philadelphia, March 13, 1780, \textit{The Statutes at Large of Pennsylvania}, 118-119.
effectively placing blame for the problems on their Republican opponents, the Constitutionalists managed to turn the crisis to their political advantage. Feeding upon the public’s fear proved an effective tool for weakening political opposition, whether they were truly at fault or not. Yet the long-term implications of this strategy were unclear. Crowd violence could just as easily undermine as strengthen the legitimacy of the government. Should another episode on the scale of the Fort Wilson Riot recur, what might be the consequences for the Constitutionalists?

As it turned out, the Constitutionalists were saved from facing such a recurrence by a shift in the War for Independence. The British army did not invade Philadelphia but instead diverted the military campaign south in 1779 and 1780 to an area with a more sizeable loyalist population. Already in control of Savannah, Georgia, General Henry Clinton captured Charleston, South Carolina on May 12, 1780, and with it a significant portion of the southern Continental Army.147 As the British redirected their military campaign south, Spain declared war on Britain in April, 1779, and French troops began arriving in greater numbers in America.148 Although Philadelphians could not have known it at the time, the war had taken a decisive turn toward an American victory.

147 Philadelphians eventually learned that the troops in New York City were not destined for Philadelphia in the fall of 1779. Instead, 8,500 troops set sail for Charleston on December 26, 1779. Mackesy, 266-270.
148 Spain declared war on Britain and joined the French war effort by signing the Treaty of Aranjuez in April, 1779. Mackesy, 262-263.
Conclusion:  
“Force . . . Will Disgust the People”:  
The Fall of the Constitutionalist Government

“Force . . . will disgust the people and induce them to seek relief in a change of Councils.”

New York City was a scene of bedlam on Christmas day in 1779. For the past three months, British troops had been arriving in the city from England and Nova Scotia. The soldiers proceeded to assist with the packing of supplies and equipment for an as-yet unknown destination. More than eight thousand redcoats spent Christmas day onboard cold and tightly packed ships. Most were thankful when, on December 26, the British fleet, consisting of fourteen warships and ninety transports, sailed from New York and turned south. Its destination was South Carolina, where British leaders anticipated that loyalist populations would rise up to support British military objectives. The voyage proved to be rough and stormy, but the men were happy the waiting was over.¹⁵⁰

Even before the British army shifted its campaign south, America’s foreign allies engaged Britain all across the Atlantic. On June 4, 1779 a combined fleet of thirty French ships and thirty-four Spanish vessels sailed north to Plymouth, England. At the same time, 31,000 French troops prepared to cross the channel in an invasion.¹⁵¹ In the Caribbean, French forces had already captured Dominica on September 7, 1778.¹⁵² By June 1779, French admiral the


¹⁵¹ The invasion never occurred because the French fleet sailed south to resupply and the Spanish fleet redeployed their ships to attack Gibraltar. But the fear of invasion remained in the minds of Englishmen. President Reed to George Bryan, Philadelphia, May 18, 1780, JRC, II:198-200; Mackesy, 281-285; Symonds, 77.

¹⁵² Dominica was the first British Caribbean island to fall during the American Revolution. The British forces merely consisted of forty-one soldiers and the island’s local militia, and were easily overrun by two thousand French
comte d’Estaing added St. Vincent and Grenada to France’s conquests. Three months later, Spanish forces in Mexico seized a British outpost at Saint George’s Caye, in present day Belize. And off the shore of New England, a French fleet patrolled while French troops and supplies continued to arrive in North America.\textsuperscript{153}

While war raged across the Atlantic in October 1779, Philadelphians became increasingly worried about what they saw as the immediate threat to their city: the British preparations in New York. Once the dreaded news arrived in Philadelphia in late December that the British fleet had sailed, rumors and speculation ran rampant. Many city residents feared another invasion of Philadelphia. However, weeks passed with no sightings of the British fleet.\textsuperscript{154} Confirmation finally arrived in late January 1780 that Georgians had spotted the British fleet arriving near Savannah. Most Philadelphians breathed a sigh of relief. For the first time in five years, Philadelphia was not the prime target of the British army.\textsuperscript{155}

The new global expanse of the war and the British Southern Campaign altered the wartime situation in Philadelphia. Most important, the absence of belligerent forces in the vicinity of Pennsylvania eliminated the Constitutionalists’ primary political tool: using the war to justify their peremptory political actions. Congress and the Continental Army still demanded

\textsuperscript{153} St. Vincent fell in June 1779 without any British resistance. The French immediately followed this victory by capturing Grenada, the British Empire’s second leading producer of sugar. O’Shaughnessy, 169-170; Reed, \textit{JRC}, II:197.

\textsuperscript{154} In fact, the primary reason that no one reported seeing the British fleet was because of the storm it encountered sailing south. Many days and nights were spent with the sails furled and ships helplessly drifting in the storm. The storms were so violent that one transport actually found itself off of the coast of England. By the end of January, the ships started sporadically arriving near Georgia. Middlekauff, 438-440.

\textsuperscript{155} General Wilhelm von Knyphausen still commanded fifteen thousand British troops in New York, but it became apparent that General Henry Clinton had turned his attention south and away from the capital. Clinton reaffirmed these hopes when his forces captured Charleston in May, 1780. In response, a large portion or the Continental Army shifted south to confront this new threat that now controlled the capitals of Georgia and South Carolina. Horatio Gates to President Reed, Traveller’s Rest, May 10, 1780, \textit{JRC}, II:194-195; Christopher Marshall, June 6, 1780, \textit{Extracts from the Diary of Christopher Marshall, 1774-1781}, William Duane, ed. (New York, 1969), 244; Symonds, 83.
supplies and financial assistance from Pennsylvania, now more than ever since the state was free of British armies. And at the same time, the Constitutionalist government continued to seek out loyalist threats within the city. But in the minds of Philadelphians, the unlikelihood of a British invasion meant that individuals anticipated a period of recovery and expected a lessening of wartime powers by the government. The southward shift of the military conflict spelled the end of the Constitutionists’ hold on power.

The Constitutionists spent the last months of 1779 celebrating their overwhelming victory in the elections for the Pennsylvania Assembly and the Supreme Executive Council. The Council members even reelected Joseph Reed, the former moderate who now backed the state constitution and the pursuit of loyalists, as President. In the Constitutionists’ minds, this electoral triumph demonstrated the people’s support of their wartime measures to secure the city and state. Philadelphians admittedly bore the brunt of the war for three years, but the government had successfully navigated the city through the crisis. Yet the war was far from won and the state needed to continue to provide support (in fact, Congress demanded it). The Constitutionists, therefore, would need to continue extracting resources from the populace to answer national demands.

Philadelphians were less amenable to such requests, however, now that the scope of the war had changed significantly by the spring of 1780. The earlier fear of an invasion from New York had quickly subsided in January when Clinton’s troops arrived in Georgia. Clinton still had fifteen thousand troops stationed in New York, but Philadelphians thought it unlikely that

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156 In addition to supplies for the Continental army, Congress now demanded that flour and other goods be delivered to French military forces arriving in North America. Joseph Reed to General Wayne, Philadelphia, May 29, 1780, Papers of Joseph Reed: 1757-1795, David Library of the American Revolution; “Message from the President,” Pennsylvania Evening Post, November 10, 1780.
the British would refocus a vast number of troops to the south only to invade Philadelphia.\textsuperscript{157} With the ever-increasing French presence in the region and a military buffer comprised of the American army and militia, the British did not pose an immediate threat to the city. Without an observable war on the doorsteps of Philadelphia, many residents of the city now expected the state government to fulfill earlier promises regarding the alleviation of food shortages and the restoration of liberties.\textsuperscript{158}

This easing of the constant dread of invasion came as a welcome relief to the city, but for the Constitutionalists this brief reprieve undercut the foundation of their political position. Congress, the Continental Army, and the state militias still requested supplies from the city, but the government’s difficulty collecting taxes while war had raged in Pennsylvania threatened now to bankrupt the state.\textsuperscript{159} The state government would rather have reduced the burden on Pennsylvanians, but the financial and logistical demands of war forced Constitutionalists to request additional support from the people.\textsuperscript{160}

This delicate political situation for the Constitutionalists was revealed in the spring of 1780 by a proposed military attack that never came to fruition. In June, George Washington began preparations to lay siege to New York.\textsuperscript{161} He believed that the British shift southward and the increasing French presence provided his army with the opportunity to strike a crushing blow

\textsuperscript{157} Symonds, 83.
\textsuperscript{159} The continental currency continued to devalue and it became increasingly difficult to convince farmers and merchants to produce goods or sell goods in exchange for the currency. Oftentimes, Pennsylvanians sought financial assistance from the government instead of providing a steady stream of state taxes. This local crisis, in addition to increased demands by Congress, crippled Pennsylvania’s finances in 1780. President Reed to George Washington, Philadelphia, July 15, 1780, \textit{JRC}, II:223-229; Bezanson, 337; Foster, 119; Ousterhout, 229, 264-267.
\textsuperscript{160} President Reed to George Washington, Philadelphia, July 15, 1780, \textit{JRC}, II:223-229; Bezanson, 337; Foster, 119; Ousterhout, 229, 264-267.
\textsuperscript{161} General Greene to Mr. Reed, Ramapaugh, June 29, 1780, \textit{JRC}, II:216-218.
to the northern British forces. Yet for an army barely able to sustain itself, a lengthy siege would require additional men and supplies. Washington expected that those states not currently under immediate military threat, including Pennsylvania, should step forward and assist the Continental army.  

Washington was very much aware of the political struggles in Philadelphia. Yet his larger military goals demanded a significant contribution by Pennsylvania if the war were to be won. Washington pushed the state government to invest greater powers in the Supreme Executive Council, including the power to declare martial law, if that would be the only way to obtain food and other supplies for the army. Washington emphasized to President Joseph Reed that “the matter is reduced to a point – either Pennsylvania must give us all the aid we ask of her, or we undertake nothing.” Yet Philadelphia was only six months removed from an outbreak of violence at James Wilson’s home fueled in good part by flour shortages. The city still suffered from these shortages and the resulting high prices, and the Constitutionalists feared new confiscations might result in further violence, but this time directed at the government.

Joseph Reed thus found himself and the government in a nearly impossible situation. Reed feared what might happen if the government yet again assumed powers that Philadelphians

162 General Greene wrote, “Everybody’s eyes seem to be turned to Pennsylvania. Great things are expected from you, both from the resources of the State, and the powers given you. Should you fail to exert yourself on this occasion, equal to the expectation of your friends, it will give you enemies a great handle to improve to your prejudice...The army is the great object on which all political institutions must depend ultimately.” General Greene to Mr. Reed, Ramapaugh, June 29, 1780, JRC, II:216-218.

163 George Washington stated his awareness of “the embarrassments the Government labours under from the open opposition of one party, and the underhand intrigues of another...All parties but the disaffected will acquiesce in the necessity, and give their support.” George Washington to President Reed, Morristown, May 28, 1780, JRC, II:202-206.


165 General Nathanael Greene wrote to Reed that “We are really in earnest; and if the other States exert themselves properly, and you fail, and the business [New York siege] falls through, it is not difficult to foresee where the load
might interpret as threatening to their liberty and welfare. He understood Washington’s desire for the Council to assume additional power, but he also recognized that the people did not fear an immediate invasion as they had repeatedly over the previous five years. Perhaps, Reed thought, a new wartime threat might jar Philadelphians out of their complacency. That threat emerged as news arrived in May that the British had captured Charleston, South Carolina and defeated the American forces. Reed hoped that “the loss of Charleston, like many other seeming misfortunes may, perhaps, (heavy as it now appears,) prove a real blessing to America.”166 Yet upon learning about the loss of Charleston, Philadelphians did not respond with fear or anxiety. Reed decried the apathy among Philadelphians who saw “the scene so distant, and the danger apparently remote.”167 He angrily wrote to Washington that “I am inclined to think some stroke of adverse fortune necessary, and that lasting good may flow from it; for pretend what we may, the country [Pennsylvania] is much recovered from the distress of the war.”168

Many Philadelphians may have been “lulled in the lap of soft tranquility,” but the possible collapse of the Continental Army and the prospect of Philadelphia finding itself open to invasion yet again weighed heavily on Reed’s mind.169 Philadelphians may not have feared the diminished British presence in New York, but Reed recognized that if the American army and militia were not supplied and consequently disbanded, the remaining British troops could simply march unopposed into Philadelphia. Whether it was by the desertion of American soldiers or an internal riot by the people, the dismal fate of the government and its leaders would be the same. Reed expressed this fear to Washington, “To fight and starve, or work and starve, are equally impracticable. In my opinion, we have miscalculated the ability of the country, and entirely the

166 President Reed to George Washington, Philadelphia, June 5, 1780, JRC, II:214-215.
168 President Reed to George Washington, Philadelphia, June 5, 1780, JRC, II:209-213.
disposition of the people. . . and Tories, grumbling Whigs, and party, have all thrown in their aid to increase the discontent.”

Joseph Reed ultimately sided with Washington and brought his suggestion before the Assembly. He informed Washington that a significant number of Assemblymen were not in favor of either voting for martial law or vesting the power in the Executive Council to declare martial law. Several Constitutionalist in government feared a public backlash against such an extreme governmental action. Washington’s idea about martial law was “not so well relished” by Assembly members and Reed admitted that he was “extremely embarrassed” to present the motion. Yet with the urging of Washington, the Constitutionalist-controlled Assembly ultimately backed Reed’s plan of “doing what may be necessary, without attending to the ordinary forms of law.” On June 1, the Constitutionalist-controlled Assembly approved legislation that granted the President or Vice President of the Supreme Executive Council the power to enact martial law if deemed necessary during the Assembly adjournment. The government, again, justified its actions because the “exigencies which may arise in a state of war are frequently of a nature that requires such sudden and extraordinary exertions as are impossible for the legislative body to provide for by the ordinary course of law.”

The Constitutionalist also moved yet again to eliminate civilians deemed to be spies and an additional financial burden on the state. The debate over whether or not to remove loyalists from Philadelphia had continued for months, but during the same week that the Assembly

170 President Reed to George Washington, Philadelphia, June 5, 1780, JRC, II:209-213.
171 President Reed to George Washington, Philadelphia, June 5, 1780, JRC, II:209-213.
172 President Reed to George Washington, Philadelphia, June 5, 1780, JRC, II:209-213.

Whereas the residence of the wives and children of those persons who have joined the enemy, has at all times proved inconvenient to the public interests . . . and as it is now become too dangerous to be longer permitted . . . any of them remaining . . . will not be deemed as entitled to any protection, but liable to be proceeded against as enemies of the State.\footnote{In Council, Philadelphia, \textit{Pennsylvania Packet}, June 6, 1780; Elizabeth Drinker, June 27, 1780, \textit{The Diary of Elizabeth Drinker}, 370; “A Proclamation,” Joseph Reed, June 20, 1780, \textit{EAI}, 1; Rosswurm, 209.} It was surely no coincidence that the Assembly finally acted against loyalist populations during the same week it granted the Supreme Executive Council additional wartime powers. The Continental Army planned a major attack on New York and it could not risk anyone compromising its efforts. So at the same time when the government and militia increased the seizures of food and other supplies from patriot civilians, loyalist women and children, many sick and struggling in a war torn city, gathered their belongings for the journey north toward the British lines.\footnote{In Council, Philadelphia, \textit{Pennsylvania Packet}, June 6, 1780; Elizabeth Drinker, June 27, 1780, \textit{The Diary of Elizabeth Drinker}, 370; “A Proclamation,” Joseph Reed, June 20, 1780, \textit{EAI}, 1; Ousterhout, 209-210; Rosswurm, 209.}

On June 10, 1780, Joseph Reed declared martial law. The Council and Assembly insisted that the wartime threats “presented the absolute necessity of procuring certain enumerated supplies for the army, in too short a space of time that the usual and ordinary forms must be
Reed informed Washington that he foresaw only two ways to obtain supplies from the people: money and force.

I am sensible to the delicacy of my station, and that whether I go forward, or stand still, I run infinite hazard. . . . I conceive common prudence suggests not merely a decisive, but also a cautious line. . . . There are but two modes of procuring [supplies], persuasion and force; the former must be accompanied with money, which we have not . . . Force then must be used, upon so great a proportion, that it may be said to be nearly all: but from whence is this force to come? It must be the force of the country against the country.

Since the state government possessed no money, force was the only option on the table. Reed acknowledged that if the government exercised too much force it would “disgust the people and induce them to seek relief in a change of Councils.” But Reed was “willing to run any personal [political] risk, if the measure bids fair to serve the public interests.”

Local military and political leaders warned Joseph Reed that renewed confiscations could have serious political ramifications. Writing on the fourth anniversary of the Declaration of Independence, Washington too cautioned Reed,

The power vested in you [martial law] will admit of all the latitude that could be desired, and may be made to mean anything which the public safety may require. If it is not exerted proportionally, you will be responsible for the consequence. Nothing, my dear sir, can be more delicate and critical than your situation; a full discretionary power lodged in your hands . . . on one hand . . . [and] on the other, popular indolence and avarice, averse to every measure inconsistent with present ease and present interest.

179 President Reed to George Washington, Philadelphia, July 15, 1780, JRC, II:223-229.
180 President Reed to George Washington, Philadelphia, July 15, 1780, JRC, II:223-229.
181 President Reed to George Washington, Philadelphia, July 15, 1780, JRC, II:223-229.
182 George Washington to President Reed, Bergen County, July 4, 1780, JRC, II:220-222.
Furthermore, Thomas Paine warned Reed of the dangers of making such a declaration of power without informing the public of the rationale for it or the desired end result. Paine advised that “It is always dangerous to spread an alarm of danger unless the prospect of success be held out with it, and that not only as probable, but naturally eventual.” Yet Reed could not make public George Washington’s planned siege of New York and thus could not explain the rationale for martial law. The general was particularly concerned that loyalist wives in Philadelphia might leak the news to their exiled husbands in New York. In the end, Pennsylvania’s government had no choice but to take extraordinary measures to seize civilian supplies without explaining its actions to a populace confused by the fact that the warring armies were far away in the Carolinas.

Philadelphians thus reacted with dismay at their government’s seemingly unnecessary implementation of military law. Elizabeth Drinker condemned the arrival of men who came “with bayonets fixt – came and demanded Horses – after some talk they went and broke open the Stable.” The militia then proceeded to take horses and supplies from numerous persons in the area. She lamented how “they now act under Martial Law” and had no regard for rights or civilians. Christopher Marshall wrote how “drums beating to call the militia” echoed through the city and how the militia immediately began seizing supplies from Philadelphians, starting with those who refused to take the loyalty oath. The Council and militia warned citizens to “keep their [loyalty oath] certificates thereof ready to be produced” during home searches.

After a week of confiscations and martial law, news arrived of French troops landing in Rhode Island, and on July 27 Reed called up additional state militia with orders to prepare to

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183 Thomas Paine to President Reed, June 4, 1780, JRC, II:218-219.
185 Elizabeth Drinker, Philadelphia, June 10, 1780, The Diary of Elizabeth Drinker, 369.
186 Christopher Marshall, June 10, 1780, Diary of Christopher Marshall, 244-245.
187 In Council, Philadelphia, Pennsylvania Packet, June 6, 1780; Ousterhout, 297.
Acquisition of goods and supplies increased to new levels over the next month with the seizure of flour, cloth, wagons, and horses. In early August, Joseph Reed surrendered his Presidential powers to Vice President William Moore, took personal command of the militia forces, and marched north to join Washington’s forces. Reed assured Pennsylvanians, now aware that the army was on the move, that there would be a payoff for their continued sacrifice.

Yet once again, the unpredictability of war thwarted the fulfillment of promises made by the Pennsylvania government. Washington planned to join forces with Lieutenant-General, the comte de Rochambeau for a coordinated attack on and siege of New York. Rochambeau and twelve battalions landed in Rhode Island with orders to allow Washington to assume command. But the armies could not converge. A British fleet had arrived from the south and patrolled the New York coast, hindering any combined French-American effort to attack the city. Washington, unable to feed his army during the ongoing delays, instructed Reed to order the militia under his command “back to their counties . . . [and] those of the remoter counties . . . to return [home].” Reed returned to Philadelphia in failure and reassumed the Presidency. The Assembly convened shortly after his arrival, and with their meeting Reed lost all powers granted under martial law. Thomas Paine was right about the public needing some reward for their sacrifice. The deteriorating conditions in Philadelphia regarding shortages, finances, and

189 Mackesy, 349-350; Reed, 238.
190 The only caveat was that the French troops remained a single fighting force. Mackesy, 349-350; Reed, 238.
191 George Washington to Joseph Reed, Head-quarters, Orangetown, August 20, 1780, JRC, II:244-245.
192 George Washington to Joseph Reed, Head-quarters, Orangetown, August 20, 1780, JRC, II:244-245.
193 George Washington to Joseph Reed, Head-quarters, Orangetown, August 20, 1780, JRC, II:244-245, 252.
now the failed invasion created a “deranged state of our public affairs, indeed much to be lamented and apprehended.”  

As September ended and the 1780 Assembly election approached, the government and the electorate viewed the current situation very differently. The Constitutionalists believed they would easily win the 1780 Assembly elections and celebrate their power as the affirmation that the people trusted their decisions. George Bryan, who had retired as Vice President but now served on the Pennsylvania Supreme Court, along with his fellow Constitutionalists thought they acted appropriately to win the war, even at the cost of temporarily infringing on the people’s rights. After all, the city and state survived the Philadelphia campaign because of their actions and now Philadelphia was slowly recovering. However, many of the city’s biggest problems remained unsolved, and the government could no longer use the possibility of military campaigns in the state as a justification for their failure. Food shortages remained, the state was broke, and on top of that, the government continued to exert excessive powers over Philadelphians, from martial law to the forced removal of persons deemed loyalists.  

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194 At the same time, external factors of the war continued to hinder the local economy. Constitutionalists’ efforts to enforce price controls failed and the government removed them by spring. The state was short on taxes and Congress continued to demand more money to fight the war. A growing number of Philadelphians saw little that the state government was actually doing right. President Reed to George Bryan, Philadelphia, May 18, 1780, *JRC*, II:198-200; President Reed to George Washington, Bloomsbury, September 2, 1780, *JRC*, II:248-249. George Bryan “defend[ed] the constitution, the party, and the controversial wartime measures against a growing body of opposition, including their former supporters.” Still a spokesman for the faction, George Bryan had in fact resigned his vice presidential position a week after the Fort Wilson Riot and accepted an appointment to the Pennsylvania Supreme Court on April 5, 1780. Matthew Smith replaced Bryan for twelve days until the 1779 election. William Moore won the Vice Presidency in the 1779 election. Moore supported the Constitution, thereby tying him with the Constitutionalists, but much like Joseph Reed, Moore’s motives were less political and more about supporting the existing government in order to win the war. Moore therefore had supporters in both the Constitutionalist and Republican factions. Foster, 114-115; “William Moore,” *Penn Biographies, University Archives & Records Center*, [http://www.archives.upenn.edu/people/1700s/moore_wm.html], 20 January, 2013.  

195 Along with merchants and existing Republican supporters, artisans grew increasingly annoyed with Constitutionalists’ actions because they proved ineffective and disrupted artisan profits. In response, many supported Morris’s proposed economic policies after witnessing the failure of the Constitutionalist’s price control efforts. Foner, 179-180.  

196 President Reed to George Bryan, Bethlehem, October 5, 1780, *JRC*, II:283-284.
the excuse of the war to explain the government’s failures, the people decided it was time for a change.

When the votes were counted, it was clear that the Constitutionalists had suffered a shocking defeat. Republicans won by a three to one margin in Philadelphia, and even the once-reviled Robert Morris was reelected. The faction also gained a majority of seats in Philadelphia, Lancaster, and Berks counties. For the first time ever, the Republicans held a majority in the Assembly. One of their leaders exulted “how great & how important a Change has taken place, in our legislature.” George Bryan, who remained a judge of the state Supreme Court, did win an assembly seat, but was relegated to the Constitutionalists’ minority leader. Joseph Reed, who still had supporters in both factions, retained his position as President. Reed understood the public’s response but nevertheless expressed his disappointment over the Constitutionalists’ failures. He noted that “We can only, in common with our fellow citizens, lament the disappointment, and regret the consequences which have not been in our power to prevent.”

During the following year, 1781, the situation in Philadelphia improved significantly, though not because of Republican policies. The absence of warring armies in the state for two years allowed for greater crop production and the easier distribution of supplies. As a result, much more grain entered Philadelphia and flour prices plummeted in one month from £141.5 per hundredweight in April to £1.05 per hundredweight in May, 1781, an astonishing 99% decline. Even more encouraging to Philadelphians, the French navy defeated a British fleet at the Battle

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198 Regarding the upcoming election, Reed said, “The newspapers will have informed you of the objects of our present journey, and indeed we find much to rectify. What with the ignorance of the laws, the unskillfulness and sloth in the execution, the inattention of the magistrates and other public officers, our affairs are getting into great confusion.” President Reed to George Bryan, Bethlehem, October 5, 1780, JRC, II:283-284.
199 Foster, 118; Ousterhout, 212; Rosswurm, 238.
201 Joseph Reed, in Council Chambers, Pennsylvania Evening Post, November 6, 1780; Foster, 115.
of the Chesapeake on September 5. The French navy then blockaded Yorktown in Virginia and trapped General Charles Cornwallis and the British army there. The American and French armies quickly moved in to complete the encirclement and laid siege to Yorktown on September 28. News of a surrounded British army and the possibility of a major American victory finally brought “the prospect of success” that Thomas Paine believed necessary to balance out all of the years of sacrifice by Philadelphians. The new Republican control of the Assembly did not initiate these events, but the Republicans reaped the political rewards and increased their majority in the 1781 election. Christopher Marshall summed up the city’s atmosphere concerning the war and recovery as “the most pleasant and obliging of any time I can recollect for these two years past.”

As the 1782 and 1783 elections approached, the end of the war was in sight. George Bryan and the Constitutionalists attempted to regain Assembly seats by reminding the public that the Constitutionalist government, not Republicans, had successfully guided Pennsylvania through the worst years of the war. But it was too late for many Constitutionalists. Their last, desperate effort failed and the Republicans swept elections in the city and county of Philadelphia, and even elected the first Republican President of the Supreme Executive Council, John Dickinson. The military conflict would continue to dominate Philadelphia politics for

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202 General Charles Cornwallis had marched the southern British army to Yorktown in August to resupply and prepare to sail to New York. However, on August 30, 1781, French Rear Admiral Francois Joseph Paul, comte de Grasse, and twenty-seven French ships of the line arrived at the mouth of the Chesapeake. The British navy, consisting of nineteen ships, engaged the French on September 5. Poor signaling and unfortunate winds hindered British efforts, and the “English returned to New York” four days later. Without the British navy, Cornwallis was unable to escape or be resupplied. Christopher Marshall, September 19, 1781, Diary of Christopher Marshall, 282-283; Mackesy, 420-425; Symonds, 103.

203 Mackesy, 425-428; Symonds, 105.

204 Even the artisans began to see the Republican government as the reason for the economic upturn in Philadelphia. Bezanson, 337; Foster, 119; Ousterhout, 212.


206 Nevertheless, these gains did not allow the Republicans the necessary two-thirds majority to call for a new constitutional convention by the Council of Censors in 1783. President Reed, Philadelphia, November 3, 1780, JRC, II:281; Bezanson, 337; Foster, 123-125; Ousterhout, 212.
the remainder of the war. The Republican-controlled Council and Assembly would face militia mutinies in 1781 and 1783 and a final set of rumors that the British army in New York intended to march on Philadelphia. But none of this was sufficient to return the Constitutionalists to power. It would now be the Republicans’ job to govern during the war’s waning years and ensure the continued protection of the people.

Eight long years of war had engendered an ever-present feeling of uncertainty and distress among Philadelphians as they struggled to fend off a superior military force and other challenges during the American Revolution. City inhabitants endured eight years of rumors and eight years of continued demands by the state and national governments for material support and forthright loyalty. Both Constitutionalists and Republicans responded to this crisis as their members saw fit to protect governmental security and personal liberties. Before the war, their political rivalry would be settled in the yearly elections. Yet once the fighting began, heightened tensions intensified the political struggle. If the British won, Constitutionalists and Republicans alike could face charges of treason. For much of the conflict, the Constitutionalists proved far more adept at manipulating the military crisis to their political benefit, carefully balanced the often conflicting demands of public security and personal liberty. Their actions proved to be among the first, but hardly the last, such efforts in American history where political factions used the demands of war to pursue political agendas and condemn their opposition as compromisers of local and national security.

This dissertation does not seek to overturn previous historiography, but to add an additional layer of investigation to the existing scholarship on Philadelphia’s Revolutionary-era

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207 The Republican-controlled government would also deliberate the role of the state constitution as the war wound down. Christopher Marshall, September 21, 1781, *Diary of Christopher Marshall*, 223.
politics. Historians have examined the increasing divisiveness in Philadelphia before and during the war, but they have largely emphasized the importance of class, interest, or economics in these developments, with little or no reference to how the war itself shaped the city’s political struggles. 208 Military historians have paid significant attention to the war itself, including critical campaigns in and around Pennsylvania, but they generally avoid making connections between military events and local politics. And several studies of Revolutionary Philadelphia focus principally on the years of American and British military occupation, without fully exploring the longer-term political developments in the city before and during the war. 209

The Revolutionary crisis struck Pennsylvania at a crucial time, just after the Seven Years’ War had upended the Quaker oligarchy that had provided political stability since the colony’s founding. Political factionalism erupted in the vacuum following the Quakers’ retreat from politics, and the pre-war imperial crisis only intensified the political disorder. The American Revolution proved to be the means by which one of the emerging factions – the Independent Whigs – managed to consolidate its power. The outbreak of the military conflict itself then provided the Independent Whigs, soon to be identified as Constitutionalists, with a pretext for removing the colonial assembly, assuming power in the new state government, and carrying out aggressive actions against the populace and their Republican rivals in the name of security. Despite these efforts, neither political faction could repel a British invasion. It was only the

globalization of the war that removed the British army from the state. The weakened, but not
defeated, Constitutionalist government returned to Philadelphia to resume its duties and, in a
concerted effort to consolidate its power intensified its policies against all opposition.
Repeatedly invoking the need for public security as they sought to neutralize their rivals, the
Constitutionalists eventually undermined their own authority as their infringements on popular
liberties created a persistent tension between rulers and the ruled.

Dissatisfaction with such coercive policies was magnified by food shortages and rumors
of invasion. The Constitutionals’ desperate response, targeting their Republican rivals with
even greater fervor, resulted in an outbreak of violence that temporarily secured the
Constitutionalists’ power, but threatened to tear the city apart. Only by invoking wartime
necessity could the Constitutionals cling to power, and when those wartime conditions altered,
Constitutionalist control correspondingly diminished. Britain’s shift to a southern campaign in
1780 lessened the public’s fears of invasion, and removed the Constitutionals’ prime
justification for their wartime powers. Once public safety no longer seemed endangered, the
Constitutionals’ infringements on popular liberties could no longer be tolerated. Voters
responded by ousting the governing faction and replacing it with Republican rivals pledged to
restore the people’s liberty. The war had facilitated the Constitutionals’ seizure of power in
1776, and the war’s waning military action in 1780 produced their downfall from power.

Current scholarship often concentrates on political achievements during the American
Revolution, whether the creation of new state governments or the entry into politics by
previously marginalized groups. Focusing on these achievements is indeed critical in
understanding the course of American history. Yet it is also instructive to examine the abuses of
power by these early governments, and how the war forced governmental leaders to push, and
learn, the limits of their power. The Constitutionalist faction believed that it needed the support of the people to win the war, which it did. Yet the Constitutionalisits struggled with maintaining a delicate balance, bending the rules of government in the interests of political and military security while trying not to break the will of the people who could overturn the government from within.

The demands of war exacerbated the difficulty of constructing a new political culture in Pennsylvania. The removal of the colonial Assembly and the approval of the Declaration of Independence did not simply sweep aside the state’s political culture and usher in a new form of government. It was an ongoing process of learning and adjustment by political leaders. During a time of peace, Pennsylvania’s new government would have had time to work through its growing pains and fulfilled its promises to the people regarding governmental power and protection of liberties. Additionally, the state government and Congress would have had time to negotiate their new power structure in the new nation. But war shaped and redefined this political change. The chaos and uncertainty of war affected Philadelphia’s political scene every step of the way, from driving the city’s preexisting political tensions prior to the American Revolution to the creation and implementation of a new government.

This political struggle also exposes how the presence of war affected the electoral process in revolutionary America, anticipating the pattern of subsequent wars’ influence on political life in the United States. When governments face external threats and deem it necessary to assume wartime powers to protect the nation, leaders are forced to contend with citizens’ fears of tyranny and abuses of power. As the governing faction assumes greater power to ensure the security of the state, an opposing faction always rises to criticize these actions as compromising the greater good and future of the nation. Both sides pursue a course of action that they believe is in the
greater good of the nation, and it is up to the people to decide which faction best represents the current ideals of the nation.

Pennsylvania’s early government learned that wartime fears could be used to trigger political change. People usually reluctant for political change supported, or tolerated, extraordinary measures such as martial law when they were convinced that their wellbeing was at risk. The claim of wartime exigencies undermined opponents of such policies and limited their political effectiveness. Yet in the case of Philadelphia, years of maintaining strict wartime policies in the name of security exhausted the people, who turned against these government practices as soon as the immediate threat receded. In the short term, after the war ended, the wartime violations of popular liberty were swept aside. Many Constitutionalists sought amnesty for their actions, claiming their decisions were necessary to win a war and could not be viewed impartially during a period of peace. The Republicans, trusting themselves to not abuse the governmental structure while in power, as they argued that the Constitutionalists had done, saw no need to at first to challenge the state constitution that they had once wanted to replace. Thus the controversial Pennsylvania Constitution remained in effect until 1790, when a new Council of Censors met and determined the need for changes.\textsuperscript{210}

In the long term, government’s tendency to assume “necessary” powers during a time of war would remain a point of contention at both the state and national level. Individuals who suffered under Philadelphia’s wartime system, such as future Supreme Court Justice James Wilson, used his experiences to shape future treason laws in both the state and federal government and create a balance between protecting liberties and ensuring national security.

\textsuperscript{210} The only method of altering or eliminating the state constitution was through the Council of Censors. The Council of Censors met every seven years to determine changes to the Constitution. The Council met in 1783, but the Republicans, despite their majority in the government, did not possess the necessary two-thirds majority to call for a new constitutional convention.
during war.\textsuperscript{211} As the United States fought wars over the next two centuries and even into the present day, the struggle to balance the conflicting demands of providing public security and preserving popular liberty, would replay itself over and over again.

\textsuperscript{211} James Wilson was the primary author of the Federal Constitution’s treason law, Article 3, Section 3, which stated, “Treason against the United States, shall consist only in levying War against them, or in adhering to their Enemies, giving them Aid and Comfort. No person shall be convicted of Treason unless on the Testimony of two witnesses to the same overt Act, or on confession in open Court. The Congress shall have Power to declare the Punishment of Treason, but no Attainder of Treason shall work Corruption of Blood, or Forfeiture except during the Life of the Person attainted.” James Madison, The Debates in the Federal Convention of 1787, Monday, August 20, 1787, Constitution Society [http://www.constitution.org/dfc/dfc_0820.htm, accessed 10 February 2013], 1.
BIBLIOGRAPHY

Primary Sources

Manuscripts

Historical Society of Pennsylvania, Philadelphia

Cadwalader Family Papers 1623-1962.

Thomas McKean Papers, 1734-1817.

Christopher Marshall Diary, 1774-1781, 1783-1785, 1786-1791.

James Allen Diary, 1770-1778.

John Dickinson Correspondence.

David Library of the American Revolution, Washington Crossing, PA

Joseph Reed Papers, 1741-1785.

Printed Material


Clitherall, Dr. James. 'Extracts from the Diary of Dr. James Clitherall, 1776.' Pennsylvania Magazine of History and Biography 22, 4 (1898): 468-474.


Galloway, Joseph. Letters to a Nobleman, on the Conduct of the War in the Middle Colonies. London, 1780.


Thacher, Dr. James. *A Military Journal During the American Revolutionary War, From 1775 to 1783*. Boston, 1827.


**Newspapers**

*Connecticut Courant.*

*Newport Gazette.*

*Pennsylvania Evening Post.*

*Pennsylvania Gazette.*

*Pennsylvania Journal.*

*Pennsylvania Ledger.*

*Royal Pennsylvania Gazette.*

*The Pennsylvania Packet, or the General Advertiser.*

**Secondary Sources**


