

# The Crucial Decade: Benjamin Franklin's Political Theory in the 1730s (with Some New Attributions)

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*Benjamin Franklin applied the Whig ideas he held as a youth in Boston to Pennsylvania politics. His political theory developed in the 1730s and 1740s as he began to consider the rights of the colonies in relation to one another. He clarified his views on lawmaking power, the separation of powers, delegation, prerogative, the judiciary, and proprietary forms of government. This article will return to Franklin's early reports on Massachusetts and Ireland before providing new scholarship on some hitherto unattributed essays that show his critique of the injustices of Maryland's proprietary regime. In the 1750s he used these arguments against both the Pennsylvania proprietor and the British Empire.*

Recent scholarship has interpreted Benjamin Franklin as a lawgiver in the ancient sense—one who shapes the constitution of a people—and it has rehabilitated his reputation as a Whig theorist in the 1750s.<sup>1</sup> Less, however, is said about his political views during the crucial decade of the 1730s. Yet, as J.A. Leo Lemay and Carla Mulford have argued, Franklin contributed to the rise of civic life in Philadelphia while he was engrossed in politics.<sup>2</sup> His writings are informed by a political theory grounded in particulars—as opposed to authoritative treatises written by leisured men of often little political experience. He used his press to criticize gubernatorial instructions and British prohibitions on colonial trade, support the natural rights of conscience, speech, and press, defend his political mentors, and shape the 1737 and 1741 elections. This article, building on Mulford's thesis that Franklin's views on empire changed in the 1750s, will propose that his consideration of Maryland's government in the 1730s was a decisive factor. Moreover, it will look to Franklin's writings to trace the

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<sup>1</sup> On Franklin as lawgiver, Kevin Slack, *Benjamin Franklin, Natural Right, and the Art of Virtue* (Rochester, NY: University of Rochester Press, 2017), 162–63; Timothy Brennan, “Teaching by Examples: Rousseau’s Lawgiver and the Case of Benjamin Franklin,” *Political Theory* 52, iss. 3 (June 2024): 348–73. On Franklin’s “early modern liberal” principles, Carla Mulford, *Benjamin Franklin and the Ends of Empire* (Oxford University Press, 2015), 5–14, 191–205; James H. Hutson, *Pennsylvania Politics, 1746–1770* (Princeton, NJ: Princeton University Press, 1972), 143–44; Lemay, *The Canon of Benjamin Franklin 1722–1776* (Newark, DE: University of Delaware Press, 1986), 132–34; *The Life of Benjamin Franklin*, 3 vols. (University of Pennsylvania Press, 2006–9), 3:635–36, 576; Douglas Anderson, *The Radical Enlightenment of Benjamin Franklin* (Baltimore, MD: The Johns Hopkins University Press, 1997), ch. 6; Steven Forde, “Benjamin Franklin’s ‘Machiavellian’ Civic Virtue,” in *Machiavelli’s Liberal Republican Legacy*, ed. Paul Rahe (New York: Cambridge University Press, 2006), 144; Lorraine Smith Pangle, *The Political Philosophy of Benjamin Franklin* (Baltimore: The Johns Hopkins University Press, 2007), 140–55.

<sup>2</sup> Lemay, *Life*, 2:154–69, 214–32, 322–57; Mulford, *Franklin and the Ends of Empire*, 75–141.

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development of his ideas of prerogative, the legislative power, delegation, and governmental form. Several of those writings are hitherto unattributed. They include thoughtful 1738–1739 satires, which warn Pennsylvanians of the threat of Maryland’s proprietary form of government to equality and liberty; the 1740 “Yearly Verses,” which appeal to republican principles to criticize Quaker pacifism; a 1741 clarification of republican principles; and finally, a 1752 article extending the critique of proprietary government to the British Empire.

### JUSTICE AND EQUITY

Benjamin Franklin’s earliest political ideas were shaped by writers such as John Wise, who published with Franklin’s brother James and wrote the first natural law treatise in the colonies. James’s *New England Courant* lampooned the Puritan establishment and the New Charter party in Boston, and Ben’s Silence Dogood held distinctly Whig views. Ordering James’s arrest for mocking the authorities, the Massachusetts Assembly denied him a trial and the right to habeas corpus. Ben condemned it as “highly *unjust*,” an *ex post facto* violation of Magna Carta and English liberties; James was entitled to “a Grand Jury, and a fair Tyral.”<sup>3</sup> Ben appealed to two sources of authority, the “Light of Nature and Laws of Justice,” the sources of “*the strict Rules of Justice and Equity*.”<sup>4</sup> Both *ius strictum et ius aequum*, or justice and equity, share the Latin root *aequus*. “The end of Humane Law,” he wrote, “is to fix the boundaries within which Men ought to keep themselves.”<sup>5</sup> Strict justice (*aequalitas*) provides the clear, predictable certainty of a general law, while equity (*aequitas*) or fairness refers to unique and individual cases, made by judicial decision at common law.

Franklin often used the phrase “natural equity and justice” in his arguments for right.<sup>6</sup> Equity pointed to the limits of the law, which contained “Obscurities and Uncertainties”;

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<sup>3</sup> Benjamin Franklin, *Franklin: Writings*, ed. J.A. Leo Lemay (New York: The Library of America, 1987), 47.

<sup>4</sup> Franklin, *Writings*, 48, appealed to both law and Whig authors. Anthony-Ashley Cooper, 3<sup>rd</sup> Earl of Shaftesbury, *Characteristicks of Men, Manners, Opinions, Times*, 3 vols. (Indianapolis, IN: Liberty Fund, 2001), 3:190–91, applied “stated and fix’d Rules of Equity and Justice” to distinguish “*Free Government*” by law from “*Tyranny*, and *absolute Dominion*”: “no People in a Civil State can possibly be free, when they are otherwise govern’d than by such *Laws* as they themselves have constituted, or ... have *freely* given consent.” See James Tyrrell, *Biblioteca Politica: Or, an Enquiry into the Antient Constitution of the English Government* (London: Printed for D. Brown, 1718), vii.

<sup>5</sup> Franklin, *Writings*, 48.

<sup>6</sup> Franklin, *The Papers of Benjamin Franklin*, ed. Leonard Labaree et al., 44 vols. to date (New Haven, CT: Yale University Press, 1959–2024), 4:190: “tho’ [the proprietors] may conceive themselves under no Obligation by Law, they are under the much stronger Obligations of natural Equity and Justice”; 5:45; 11:118: “consistent with justice and equity”; 11:211: “Reasonableness, Equity and Justice of Laws, human and divine”; 11:239: “Justice ... founded in Reason and natural Equity”; on equity as a science rooted in common sense, 11:284.

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where it conflicted with positive law, equity ought to rule.<sup>7</sup> Franklin connected equity to the Whig conception of natural law or universal justice: equal individuals possessed a natural right to the fruits of their labor and the honor of their merits. He appealed, for example, to “natural Rights and Liberties,” such as the freedom of conscience, when opposing religious orthodoxy in 1735.<sup>8</sup> Importantly, Franklin addressed the *grounds* of natural law, or the “Laws of our Nature,” and explained how unaided human reason formulates the “great Laws of Morality and Virtue”: “the Knowledge, and our Obligations to the Practice of the Laws of Morality ... are discoverable by the Light of Nature; or by reflecting upon the human Frame, and considering it's [sic] natural Propensities, Instincts, and Principles of Action, and the genuine Tendencies of them.”<sup>9</sup> The end of moral virtue is happiness—the perfection of one's nature—and the end of government the protection of freedom and the common good.<sup>10</sup> Franklin's view of natural law informed his political project of republican government.

While the principles of natural law were true, i.e., beneficial considering human happiness, without divine enforcement—and Franklin saw no evidence of this—they did not constitute a law properly speaking: “Where there is no law, there can be no Transgression.”<sup>11</sup> Human heroes, or lawgivers must step in, using the “*Knowledge of Mankind*, a Science the most Useful of all Sciences,” to create religious, moral, and civil laws that enforce these useful maxims, making them genuine laws.<sup>12</sup> Hence Franklin composed a “Doctrine to be Preached,” which included an infinite God who punishes vice in an afterlife.<sup>13</sup> While moral virtues were “beneficial to us, in their own Natures,” the concept of an afterlife provided a strong incentive to practice them.<sup>14</sup> Considering that some “cannot have Faith in Christ,”<sup>15</sup> Franklin added his own teachings of virtue, to be enforced by the law of honor and shame,

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<sup>7</sup> Franklin, *Papers*, 11:210; see 11:211. On equity as a guiding maxim, see Slack, *Benjamin Franklin*, 147–48.

<sup>8</sup> Franklin, *Papers*, 2:66; 11:350: “the natural and legal rights of the colonies”; 11:437: “equity and justice.” On freedom of thought and press, 1:27–30; conscience, 2:66, *Pennsylvania Gazette* (hereafter *PG*), April 6, 1738, May 18, 1738.

<sup>9</sup> Franklin, *Papers*, 2:105.

<sup>10</sup> On happiness and perfection, Franklin *Papers*, 1:261–62; see *PG* July 16, 1730: “the great Law of Nature, or Reason of Things; in conformity to which Law or Reason, the happiness of all intelligent beings consists”; July 23, 1730, 2.

<sup>11</sup> Franklin, *New England Courant*, February 4, 1723; see *Papers*, 2:119, 5:472.

<sup>12</sup> Franklin, *Writings*, 194, refers to laws of shame. The “procedure of the *supream Judge of all the Earth*, (who cannot but do right) which is the most perfect Rule for *Humane Gods* to copy after,” according to that “*Light and Law* they were favour'd with.” Compare his treatment, 2:105, of “*Revelation which God made to us by the Light of Nature*,” i.e., human reason, with John Wise, *A Vindication of the Government of New England Churches* (Boston, 1717), 31–36.

<sup>13</sup> Franklin, *Papers*, 1:212; 3:413: The “CHRISTIAN RELIGION” was “Excellen[t]... above all others antient or modern” because it taught Christ as a universal “Lawgiver” (2:56); see 2:70, 72.

<sup>14</sup> Franklin, *Autobiography* (New Haven: Yale University press, 1964), 115; he prints this argument, *PG* July 16, 1730.

<sup>15</sup> Franklin, *Papers*, 9:105.

and he developed a political theory and drafted laws that approximated the laws of nature by rewarding virtuous and punishing vicious behavior.

Franklin's earliest writings distinguished between right and power. Where power is the exercise of force, right is by either law or prerogative (the "Power to act according to discretion, for the publick good, without the prescription of the Law and sometimes even against it").<sup>16</sup> The Crown's prerogative was necessary for preservation (necessity knows no law), while the rule of law best secured liberties. A fifteen-year-old Franklin typeset Henry Care's *English Liberties, or the Free-born Subject's Inheritance*—the "Whig Bible"—that included Magna Carta and other fundamental documents. Care said law must refer to general, promulgated protections; law was the means to attain the end, which is justice, or right.<sup>17</sup> He focused on the historical origins of the rights of Englishmen to make a foundational claim: "It is called Right, because it is the best Birth-right the Subject hath; for thereby his Goods, Lands, Wife and Children, his Body, Life, Honour and Estimation, are protected from Injuries and Wrong."<sup>18</sup> The root of all law (*lex*), wrote Care, was "*ligando*, to bind" into one people.<sup>19</sup> The foundation of all political relations is an exclusive people: what distinguished Englishmen from all others, or what made them Englishmen.

Care's exposition of Whig thought in layman's terms defended the lawful authority of Parliament against kingly prerogative.<sup>20</sup> "Each man [has] a fixed fundamental Right born with him, as to the Freedom of his Person, and property in his Estate, which he cannot be deprived of, but either by his Consent, or some Crime."<sup>21</sup> The people by petitions and Magna Charta, he argued, limited the king's prerogative, both at common law and in civil laws by Parliament, whose members should neither "have Dependency upon the Court" nor vote to "please the Prerogative Party."<sup>22</sup> Kings conceded to legal protections against "arbitrary government" in acts that "tied up [their] own Hands," removing the power to raise certain

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<sup>16</sup> John Locke, *The Second Treatise of Government*, §160.

<sup>17</sup> Care, *English Liberties, or the Free-born Subject's Inheritance* (Boston, MA: J. Franklin, 1721), 26–27; on the importance of Care to Franklin, Lemay, *Life*, 174; Mulford, *Franklin and the Ends of Empire*, 51–53.

<sup>18</sup> Care, *English Liberties*, 27: "A greater Inheritance descends to us from the Laws, than from our Progenitors."

<sup>19</sup> Care, *English Liberties*, 3.

<sup>20</sup> See Lois G. Schworer, *The Ingenious Mr. Henry Care: Restoration Publicist* (Baltimore, MD: The Johns Hopkins University Press, 2001) 25.

<sup>21</sup> Care, *English Liberties*, 2. Care, 57–58, attacked the violent kings who by prerogative imposed "a General Tax on the People, without their Consent in Parliament"; "The late King James" acted "by pretense of Prerogative" (110).

<sup>22</sup> Care, *English Liberties*, 24–25, 126. Judges, 26, had voided exemption made by "Prerogative."

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taxes without consent, prorogue the assembly, form a star-chamber, and create monopolies.<sup>23</sup> An English subject was entitled to “due Process of Law,” secured by his representation in Parliament and participation in the “lawful Judgment of his Peers.” Without the rule of law, the subjects’ “Lives, Liberties and Estates [were] liable to be disposed of, at the Discretion of Strangers appointed their Judges, most times mercenary, and Creatures of Prerogative.”<sup>24</sup>

Franklin observed and reported on the conflict between prerogative and legislative power in Massachusetts. As Silence Dogood in 1722, he declared himself a “mortal Enemy to arbitrary Government and unlimited Power” born of class distinctions.<sup>25</sup> Silence similarly converted legal claims to transhistorical, “sacred” claims.<sup>26</sup> Franklin praised those who led the people “in Manly Exercises for the Defence of their Liberties” under English law against (here citing Care) “*the meer Will of the Prince*.”<sup>27</sup> So too he adopted Care’s view of the body politic as a unity. Franklin stated in 1729 that the basis of politics was therefore opinion—a preference for one’s own over others: only upon this basis could one even proceed to discuss the plural interests involved.<sup>28</sup> Opinion is rooted in affection and “common Sense” or sentiment—love.<sup>29</sup> Franklin appealed to the “Common Good,” “Common Justice,” “one mind,” and “publick Spirit.” He frequently encouraged young men of zeal and love of country to public service.<sup>30</sup> He used the word *nation* for a distinct people, *dominion* and *state* for a political body, and *sovereignty* for the exercise of its power—the king is sovereign in the execution of laws. Subjects’ perception of justice was crucial. The key to retaining a common spirit was constructing moral and social laws that honored those who benefitted all.

The king received his sovereignty from the people. Perhaps Franklin gave his clearest statement on lawmaking authority in 1735: “A civil Society may lawfully indeed make what Laws it pleases for its Defence, Preservation and Welfare; It is not accountable for such Laws

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<sup>23</sup> Care, *English Liberties*, 24–25.

<sup>24</sup> Care, *English Liberties*, 200–201; “Judges ... made by Prerogative” are chosen “by corrupt Ministers” (202).

<sup>25</sup> Franklin, *Papers*, 1:13; on class, 1:9; See Alan Tully, *Forming American Politics: Ideals, Interests, and Institutions in Colonial New York and Pennsylvania* (Baltimore, MD: Johns Hopkins University Press, 1994), 50, 52.

<sup>26</sup> Franklin, *Papers*, 1:27.

<sup>27</sup> Franklin, *New England Courant*, February 4, 1723, 1.

<sup>28</sup> On Franklin’s distinguishing “Englishmen,” *Papers*, 1:160, 161; see William Penn, in Richard Jackson, *An Historical Review of the Constitution and Government of Pennsylvania* (London: Printed for R. Griffiths, 1759), 45–46. On opinion, see *Papers*, 1:160: What one *thinks* is right, *Writings*, 49, *Papers*, 1:263, 4:234, 11:106, is the basis of rule.

<sup>29</sup> Franklin, *Papers*, 6:161; on affection see “Extract of a Letter from West Jersey, Sept. 1. 1751,” *PG* March 17, 1752, 1; *Papers*, 6:83, attaching “Loyalty and the most sincere Affection” to defense of the province, 9:94, 16:325.

<sup>30</sup> See Franklin, *Papers*, 3:418–19; *PG* September 10, 1730, 1, 2.

to any superior earthly Power; it has no other Master here besides the Consent of the Plurality, or the Will of one or more whom the Plurality has appointed to act for the Good of the whole Body.”<sup>31</sup> In Franklin’s contractarian theory, both the state of nature—defined by an absence of promulgated laws, a common executor, and impartial judges—and an original compact were not metaphysical abstractions but historically true.<sup>32</sup> The Pennsylvania Charter was an example of “an original compact.”<sup>33</sup> Humans who migrate to a wilderness or who live outside a properly functioning government may consent to create an association that mutually secures their natural rights to life, liberty, and property, and affords additional privileges and duties.<sup>34</sup> Defending John Locke and Algernon Sidney’s contract theory, Franklin looked to history to demonstrate the “first Principles of sound *Politicks*”: “the Advantage of Civil Orders and Constitutions, how Men and their Properties are protected by joining in Societies and establishing Government; their Industry encouraged and rewarded, Arts invented, and Life made more comfortable: The Advantages of Liberty, Mischiefs of Licentiousness, Benefits arising from good Laws and a due Execution of Justice, &c.”<sup>35</sup>

There is a tension between law and equity, as the good of the “whole” must be maintained against the interest of a part. Franklin asks in 1732, “If the Sovereign Power attempts to deprive a Subject of his Right, (or which is the same Thing, of what he thinks his Right) is it justifiable in him to resist if he is able?”<sup>36</sup> This tension plagued colonial relations. In Franklin’s view, “The King is the Sovereign of all” over the American colonies and his many dominions.<sup>37</sup> Repeating the colonial assemblies’ arguments from the 1720s, he later argued that *province* properly referred to a “conquered” country and so did not apply to the American settlers.<sup>38</sup> To maintain the equal rights of the king’s dominions, colonial assemblies appealed to their rights as Englishmen under common law; where this failed (because they

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<sup>31</sup> Franklin, *Papers*, 2:72.

<sup>32</sup> Franklin, *Papers*, 16: 305–306, 318–19: “does not “all History show the contrary?.... Did not the Saxons desert their Native Country when they came to Britain? Is it not Tyranny in any Government to make Prisoners of its Subjects, and is it not contrary to their Rights?.... And Compacts they are and ever were”; 17:333–34.

<sup>33</sup> Franklin, *Papers*, 7:361–62; Jackson, *An Historical Review*, 13: “The Laws agreed upon in England were ... an original Compact between the Proprietary and the Free-men, and as such were reciprocally received and executed.”

<sup>34</sup> On social contract, Franklin, *Papers*, 1:160 (see 1:28); 2:72; 3:199; 3:413; 9:74.

<sup>35</sup> Franklin, *Papers*, 3:413. Franklin, 16:319–20, later argued that John Locke and Algernon Sidney helped to write the Carolina and Pennsylvania charters; on the truth of this claim, see 16:320n4.

<sup>36</sup> Franklin, *Papers*, 1:263.

<sup>37</sup> Franklin, *Papers*, 5:361: “so many Separate Corporations in one Common Wealth”; 17:321; see 16:325: “Britain is not an Emperor. They are Parts of the King’s Dominions...”

<sup>38</sup> Franklin *Papers*, 16:323–24; he did frequently use the customary term *province* earlier.

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were not subjects of the realm of England) they appealed to legal rights in their charters.<sup>39</sup> In 1721-1722, colonial assemblies and agents argued that the Indians were not simply conquered: English settlers induced by legal encouragements had at great risk purchased the land from Indian tribes and then settled and improved it to benefit to the mother country.<sup>40</sup> For doing so, the settlers received additional charter liberties to those they already possessed as Englishmen. Moreover, their labor and improvement of the soil gave them a right to it.<sup>41</sup>

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Franklin's earliest writings addressed two key political issues: paper currency and legislative power. He arrived in Philadelphia in 1723 to witness the first emission of paper currency under Governor William Keith. After his return from London in 1726, he observed the battle between Keith, who worked with the assembly, and Hannah Penn, who with James Logan sought to reclaim proprietary control by tying the governor to the council and stopping the reissues. Courting popular support, Keith aspired to disenfranchise Penn and become royal governor. After Keith was replaced by governor Patrick Gordon in 1726, he organized political clubs to campaign for assembly.<sup>42</sup> With the return of recession in 1728-1729, he pushed for more paper money and tacitly approved of street gangs who intimidated hard money legislators. Franklin contributed to this debate in his April 1729 pamphlet *The Nature and Necessity of a Paper-Currency*. Speaker David Lloyd led the assembly that approved a £30,000 money bill supported by the popular party, and Gordon signed it.<sup>43</sup> The economy quickly improved, and Gordon attributed the tranquility of the province largely to the bill.<sup>44</sup>

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<sup>39</sup> Franklin, *Papers*, 16:316, 17:320; *Archives of Maryland*, ed. Hall, Steiner, and Dennis (Baltimore, MD: Historical Society, 1914), 34:442: "Maryland's "Statutes and Acts of Assembly" are "Subject to the like rules of Comon Law or Equitable Construction as are used by the Judges ... in England"; repeated at 44:70.

<sup>40</sup> *Archives of Maryland*, 34:441-42: "This Province is not ... a Conquered Country," but a "Collony of the English Nation encouraged by the Crown to Transplant themselves ... at their Own Expence and Labour." They have not "forfeited any part of their English Liberties." "The Christian Inhabitants purchased great part of the Land ... from the Indians" and "the Lord Prop[rietary]." *Pennsylvania Archives*, Eighth Series, ed. Gertrude MacKinney and Charles F. Hoban, 8 vols. (Philadelphia, PA: 1931-35), 2:1413: the assembly motioned to "preserve to such Persons as have settled Lands in Right of the Society their Improvements, they making appear their Right."

<sup>41</sup> Jeremiah Dummer, *A Defence of the New-England Charters* (London: Wilkins, 1721), 12, 15.

<sup>42</sup> One club was for gentlemen; the Tiff Club was for tradesmen, for whom Franklin, a "Leather Apron," wrote a mock history (*Papers*, 1:9, 126). Gary B. Nash, *Social Change, Political Consciousness, and the Origins of the American Revolution* (Cambridge, MA: Harvard University Press, 1979), 153-55: "Leather Aprons, the Mobb, the Scumm."

<sup>43</sup> *Pennsylvania Archives*, 3:1963-64.

<sup>44</sup> Katie A. Moore, "America's First Economic Stimulus Package: Paper Money and the Body Politic in Colonial Pennsylvania, 1715-1730," *Pennsylvania History* 83, no. 4 (Autumn 2016): 548.

Franklin's essay on paper-currency began with *the* fundamental question of politics, the "true Interest of one's Country."<sup>45</sup> Contrary to portrayals of Franklin as either a pluralist or relativist, the very concept of a people's true interest logically presupposed the existence of a *people* in the first place. The dilemma was that its true interest was hard to know; indeed, most individuals were moved by prejudice and partial interests, distorting their opinions. Franklin distinguished between appearances and truth: between what "appears to be in their particular Interest" and the "true Interest," and he weighed the different interests to show how his solution would benefit all parties.<sup>46</sup> At the end he clarified *which* country he referred to: "every one of us ... [should] bend our Minds to the Study of *What is the true Interest of PENNSYLVANIA.*"<sup>47</sup> A paper currency, he argued, was necessary because it "encouraged and advanced" trade: "There will be a much greater Demand for that Produce; which will be a great Encouragement of Husbandry and Tillage, and consequently make Land more valuable."<sup>48</sup> He proudly took credit for the idea of tying paper currency, emitted with interest through a land bank, to the value of labor and land.<sup>49</sup> "The Improvement of Land" was both a source of value and a defense of the colonial claim to ownership: one "hath earned his Bread with the Sweat of his Brows."<sup>50</sup> So too would it promote the growth of the country and empire: "A Plentiful Currency will encourage great Numbers of Labouring and Handicrafts Men to come and Settle in the Country," and these men "are the chief Strength and Support of a People." Conversely, a lack of currency induces settlers to leave.

On a second key political issue, Franklin immediately used the newly renamed *Pennsylvania Gazette* to report on the political dispute between Massachusetts Governor William Burnet and the assembly. It was really a commentary on Pennsylvania's recent fight over legislative power. James Logan had argued that the legislative power was divided among three branches, while Speaker Lloyd argued the assembly possessed the whole. Burnet, also governor of New York and New Jersey, had arrived in 1728 in Boston and started a quarrel by stating that the strength of the British constitution rest on the mutual dependence of the three legislative branches: king, lords, and commons. In Massachusetts, he argued, the

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<sup>45</sup> Franklin, *Papers*, 1:141, 176.

<sup>46</sup> Franklin, *Papers*, 1:146; on the different interests, and their "mutual Advantage and Satisfaction" via trade, 145-48.

<sup>47</sup> Franklin, *Papers*, 1:157.

<sup>48</sup> Franklin, *Papers*, 1:143.

<sup>49</sup> See Franklin, *Papers*, 16:286: "First advanced by B. Franklin."

<sup>50</sup> Franklin, *Papers*, 1:143, 144.



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governor was an officer of the king and (as in England) part of a civil list granted life tenure. He presented instructions demanding a permanent salary of at least £1,000. The assembly voted £1,700 for colonial expense but did not make it permanent, and Burnet rejected it as a violation of his instructions.<sup>51</sup> The assembly claimed its rights under Magna Carta and the charter, but Burnet replied that he was affirming the practice in the House of Commons, which defended “the Rights of the Crown” against “the Invasions of the Representatives.”<sup>52</sup> The assembly disagreed: “How insignificant the other Branches of the Legislature here must be, if an Instruction to a Governour must be a Rule to the General Court.”

Burnet warned the assembly that, by the king's request, Parliament—to whom it was subordinate—would make the final determination. The Board of Trade had concluded that the assembly's desire to “bring the Governour appointed by His Majesty over them, to a Dependence upon their Good Will for his Subsistence ... would ... tend to the lessening of his Authority, and consequently of that Dependence which that Colony ought to have upon the Crown of Great Britain, by bringing the whole Legislative Power into the Hands of the People.”<sup>53</sup> He accused the assembly of using its power of the purse to tempt him to disobey his instructions and withhold allowances from the judges and secretary; he needed “due Support” to free him from this dependence. Scholars often overlook that Burnet threatened the assembly with the “Displeasure of the Legislature of Great Britain”: “that you may not be deceived by ... your Agents, I will give you an Account at Length of what was done by that Legislature to the Kingdom of Ireland.” Foreshadowing of the 1766 Declaratory Act, he cited the 1719 Declaratory *Act for the Better Securing the Dependency of Ireland*, which “hath been, is, and of Right ought to be subordinate unto and dependent upon the Imperial Crown of Great-Britain.” Colonial rights came from Parliament and the king-in-council, who could remove them at will. Franklin printed the assembly's response. Claiming “the true Interest and Welfare” of the people, it denied a governor could levy fees “without Law.”<sup>54</sup>

Burnet died and was replaced by former agent, Jonathan Belcher, who obeyed the instructions he had just challenged. Franklin wrote, “It seems, that People have for these

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<sup>51</sup> *PG* October 2, 1729, 2. Massachusetts agents Wilkes and Belcher related that parliamentary action was unlikely. The assembly published their letters, and Burnet accused it of “Libel,” certainly of interest to printer Franklin.

<sup>52</sup> *PG* October 9, 1729, 1.

<sup>53</sup> *PG* October 9, 1729, 1.

<sup>54</sup> *PG* October, 9, 1729, 3: specifically, “an Ordinance of the Governour and Council of New York.”

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Hundred Years past, enjoyed the Privilege of Rewarding the Governour for the Time being, according to their Sense of his Merit and Services,” and few governors had complained.<sup>55</sup> While Belcher contested it, the assembly “thought it an Imposition, contrary to their own Charter, and to *Magna Charta*; and they judg’d that by the Dictates of Reason there should be a mutual Dependence between the *Governor* and the *Governed*, and that to make any Governour independent on his People, would be dangerous, and destructive of their Liberties, and the ready Way to establish Tyranny.” The governor’s proper dependence, Franklin suggested, included giving the assembly control over the appointment and pay of administrators and officers. He praised “the Assembly (as the Love and Zeal of that Country for the present Establishment is too well known to suffer any Suspicion of Want of Loyalty) who continue thus resolutely to Abide by what *they Think* their Right, and that of the People they represent.” This is what, said Franklin, defined Englishmen: that “ardent Spirit of Liberty, and that undaunted Courage in the Defence of it, which has in every Age so gloriously distinguished BRITONS and ENGLISHMEN from all the Rest of Mankind.”<sup>56</sup>

Franklin printed Belcher’s reply that he acted on the “king’s orders” and that the assembly’s “method for supplying the Treasury was ... unwarrantable,” thus threatening the *quo warranto* proceedings used to repeal colonial charters.<sup>57</sup> Franklin recriminated that Belcher was not a “*Patriot*.”<sup>58</sup> In the Junto meetings, Franklin took a more radical position, championing the New England assemblies against both their governors *and* the king. Belcher, he said, was a potential “hero” who promised to secure New England’s “freedom and support her laws” but then betrayed her when appointed governor.<sup>59</sup> In Nicholas Scull’s Junto Verses, Belcher says, “The King Commands it and obey they must, Yet they maintain what their forefathers held, Nor *to their monarch* will their freedom yield.”<sup>60</sup>

## THE IRISH IMMIGRANTS

Burnet and Belcher threatened to reduce Massachusetts to the dependency of Ireland. As Mulford shows, Franklin used the plight of the Irish in the *Gazette* as a reference point for

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<sup>55</sup> Franklin, *Papers*, 1:160; The assembly depended on the king’s approval of “all Acts and Laws.”

<sup>56</sup> Franklin, *Papers*, 1:161: “native Fire and Intrepidity”; he, 3:202, used the same description of the “BRITISH RACE.”

<sup>57</sup> Franklin printed Burnet’s instructions in October and Belcher’s reply in *PG* July 8, 1731.

<sup>58</sup> Franklin, *Papers*, 1:176.

<sup>59</sup> Franklin, *Papers*, 1:177n8.

<sup>60</sup> Franklin, *Papers*, 1:177n8 [Emphasis added], is nicknamed Bargas in the Junto Verses; see *PG* October 8, 1730.

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imperial problems of trade and migration.<sup>61</sup> The comparison of Ireland with other British colonies led him to compare the Sugar islands with the Northern colonies. Pennsylvania's true interest related to the separate dominions, each containing its own parties and interests.<sup>62</sup> "Letters from ... Ireland," Franklin reported, "give us fresh Instances of the miserable condition which the lower Sort of People are in. The Poor are almost starving for Want, not being able to get either Oatmeal or Potatoes."<sup>63</sup> The next month he reported on "the unhappy Circumstances of the Common People of Ireland; That Poverty, Wretchedness, Misery and Want are become almost universal among them."<sup>64</sup> Franklin traced such misery to its *political causes*. Irish lands formerly used for farming and employing the poor were converted to pasture, and now insufficient grain was grown for human subsistence. "At the same Time the Trade and Manufactures of the Nation being cramp'd and discourag'd, the labouring People have little to do, and consequently are not able to purchase Bread at its present dear Rate: That the Taxes are nevertheless exceeding heavy, and Money very scarce." He tied bad policies to *governmental form*: "gripping avaricious Landlords exercise ... the most merciless Racking Tyranny and Oppression." He added examples of failed English policies: starving tin workers in Cornwall; the impressment of sailors; the horrific conditions of debtors' jails.<sup>65</sup>

Bad laws drove out subjects and weakened the realm. "Swarms" of Irish immigrants fled their land and came to the American colonies despite the inhospitality they received and the lethal treacheries of the voyage from incompetent, unscrupulous merchants.<sup>66</sup> A Presbyterian minister from Antrim reported that his "Flock [had] mostly gone for America." This mass exodus caused Irish land values, even those close to the city, to plummet "20 or 30 percent."<sup>67</sup> It also led to a loss of trade, the "total decay" of the "Linen Manufacture," and a "dangerous Superiority of our inveterate Enemies the Papists" who wanted the vacant lands. The landlords' memorial stated that 4,000 tenants had emigrated since spring, and that 20,000,

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<sup>61</sup> Mulford, *Franklin and the Ends of Empire*, 92-104.

<sup>62</sup> *PG* October 23, 1729 points out how the Whig and Tory parties direct their papers to different conclusions.

<sup>63</sup> *PG* October 16, 1729, 3.

<sup>64</sup> Franklin, *Papers*, 1:162.

<sup>65</sup> *PG* October 2, 1729, 2, reported a press gang stealing a man away from his new bride; February 20, 1734, 1, argued impressment violates Magna Charta and "the common Rights of all Englishmen"; November 24, 1729, 1, praised the House of Commons for exposing the "Villainy, Extortion, and the highest Cruelty and Barbarity" of the English jails.

<sup>66</sup> *PG* November 20, 1729; in "The Palatines' Appeal," *PG* February 15, 1732, Franklin reported the exploitative and murderous situation of redemptioners who stole, held hostage, and starved those whom they transported.

<sup>67</sup> *PG* November 20, 1729, 1.

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“many of them Freeholders” and linen manufacturers there, had pledged to go.<sup>68</sup> Instead of changing the laws, the landlords proposed greater tyranny. “*The Landlords not yet finding in their hearts to induce the People to stay by Humanity and good Usage, have been thinking of Means to compel them.*” They forwarded a law to tie them to the land: to “restrain his Majesty’s Subjects from transporting themselves and their Effects to Places beyond the Sea.”

In 1729, 4,000 Irish migrants arrived in Philadelphia, increasing crime and social disorder. Governor Gordon had supported a law against “those Crowds of Forreigners,” particularly to “prevent the Importation of Irish Papists & Convicts.”<sup>69</sup> The assembly passed a “duty on Forreigners & Irish Servants ... imported into this Province,” soon replacing it with an “Act for imposing a Duty on Persons convicted of heinous Crimes, and to prevent poor and impotent Persons being imported into the Province.” Even industrious immigrants threatened unity; they turned “an English Plantation ... into a Colony of Aliens.”<sup>70</sup> Franklin noted the welfare required to feed the poor, and “it was astonishing to behold their Impenitency, and to hear their profane Speeches.”<sup>71</sup> He listed runaway Irishmen and Negroes alongside the migrants. As scholars have noted, Franklin directed his moral uplift to this “Lower Sort,” including his edits on an essay on swearing and his commentaries on the dangerous effects of alcohol.<sup>72</sup> With the Irish in mind, Jonathan Swift published his satirical *Modest Proposal* in 1729, the same year as Daniel Defoe’s *Humble Proposal*. Defoe argued that wool was the key to British trade.<sup>73</sup> Franklin agreed, and he proposed Defoe’s solution of manufacturing “worsted, or woolen yarn” in Ireland.<sup>74</sup> It would ease immigration pressures from migrants seeking relief from the “Oppression of Landlords and tithesmen.”

Ireland’s economic situation was part of broader imperial trade policy. The agents of Barbados asked Parliament to restrain the trade of the northern colonies in order to force them to pay more for the sugar and molasses they needed to make rum. In 1731 Franklin reported the “ill Consequences that may attend the passing the Bill ... for Restraining our

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<sup>68</sup> *PG* November 20, 1729, 2. The lords wanted the Protestant ministers to persuade the people not to desert.

<sup>69</sup> *Colonial Records*, 16 vols. (Philadelphia, PA: Jo. Severns & Co., 1852), 3:360; *Pennsylvania Archives*, 3:1984.

<sup>70</sup> *Colonial Records*, 3:342.

<sup>71</sup> *PG* November 20, 1729, 2.

<sup>72</sup> November 12, 1730, 1; *Papers*, 1:278; on drunkenness, see Lemay, *Life*, 2:149–53.

<sup>73</sup> W. Cunningham, “The Repression of the Woollen Manufacture in Ireland,” *The English Historical Review* 1, no. 2 (April 1886): 277–94; Defoe, *Compleat English Tradesman* (London: Printed for C. Rivington, 1726), 388–407; Franklin, *Papers*, 4:72, said he was educated “as a tradesman”; Mulford, 95–96, treats Defoe’s influence on Franklin.

<sup>74</sup> *PG* September 18, 1735, 1; June 12, 1735, 2.

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northern colonies from carrying Horses and Lumber to the Foreign Colonies.”<sup>75</sup> The piece asked the reader to consider “what is really conducive to the publick Good, and what is design'd with a View to the promotion of particular Interests.” The northern colonies suffered from a trade imbalance that negatively affected Great Britain. Trade restraints were justifiable if protecting home manufactures or their security in foreign markets, as was the case with wool. But restraining northern colonial exports would only allow the British sugar planters to raise the price of sugar, while the French would acquire horses and lumber from Spain and dampen colonial trade. Nor did British sugar planters need protection—they failed to undersell the French planters because the latter “live more frugally and manage better.” To restore the “Balance of our Trade,” the author proposed “Liberty for the Importation even of the French Muscovado Sugars, chargeable with the same Duties as our own.”

Like Franklin, the author argued that virtuous subjects were the source of the empire's strength, and he focused on the interests of its parts: “the northern colonies ... earn their Living much more hardily than the Islanders,” and “far from oppressing them with such a Prohibition, it would be much more the Interest of the Nation in general, to encourage their Industry and give them all the Liberty of Trading that can consist with our own Convenience.” Northern colonial trade with foreign plantations supported industries in navigation, shipbuilding, and fisheries. Their commerce in skins and furs siphoned money from Europe that they used to purchase British manufactures. The bill, Franklin wrote, was stalled in the House of Lords, but “the Northern Colonies may be assured of being vigorously attacked by Barbadoes and the southern colonies, the next Session of Parliament.”<sup>76</sup>

Barbados's agents lobbied for a bill to discourage trade. In June Franklin printed the “mortifying News” that if it were passed, “it [would] be a heavy Stroke upon us”; in the next two years he printed at least sixteen articles on the issue.<sup>77</sup> Eventually Parliament passed the 1733 Molasses Act and other acts restraining colonial trade: the prohibition of exportation of American hops to Ireland; the prohibition of exportation of hats from America; requirements for American merchants to first port in England before traveling to the Continent; prohibitions on the taxation of slaves and convicts.<sup>78</sup>

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<sup>75</sup> *PG* July 1, 1731.

<sup>76</sup> *PG* July 1, 1731, 4; Franklin, July 7, 17, 1731 printed the case of the sugar planters and the “Northern Colonies.”

<sup>77</sup> See Lemay, *Life*, 2:216.

<sup>78</sup> See *PG* March 27, 1735, July 31, 1735, January 31, 1738, February 28, 1738, March 7, 1738, and August 17, 1738.

## TENANTS IN IRELAND ... AND MARYLAND

Franklin's 1729 positions on both paper-currency and legislative power brought his talents to the attention of Pennsylvania leaders: it "struck the principal People, occasion'd the Paper and the Manager of it to be much talk'd of, and in a few weeks brought them all to be our Subscribers."<sup>79</sup> Franklin's writings not only identified him with Lloyd's Popular or Quaker Party, Proprietary Party men such as Speaker Andrew Hamilton shifted their stance to favor paper money.<sup>80</sup> The next year Franklin became a member of the Mason's Lodge, where he met William Allen (who became Hamilton's son-in-law in 1734), a wealthy contributor to almost all of the Junto's projects. Hamilton did business with Franklin as an attorney, purchasing blank forms, and he used his influence to secure him the printing of the new bills of credit, materials for the loan office, the *Votes and Proceedings*, and the assembly bills.<sup>81</sup>

Franklin wrote and published politically controversial pieces. He later said, "Having been from my Youth more or less engag'd in Publick Affairs, it has often happened to me in the Course of my Life to be censured sharply for the Part I took in them."<sup>82</sup> Both the Keithians and prominent Quakers assailed Hamilton in multiple pamphlets.<sup>83</sup> After Hamilton's falling out with Governor Gordon, the most vicious piece came from Quaker merchant Isaac Norris, Sr., who anonymously disdained the "lower sort of People," attacked Hamilton's character, and opposed his reelection in 1733.<sup>84</sup> In response, Franklin published an interview with "my Friend" Hamilton that exposed and ridiculed Norris, declared he was moved by "horrid ingratitude," "private resentment," and jealousy, and attacked his character: "he's a Witch."<sup>85</sup> Hamilton had defended the "inestimable Blessing of Liberty, which the People

<sup>79</sup> Franklin, *Autobiography*, 1:159n3.

<sup>80</sup> Keith's eight assemblymen boycotted the 1727 session to create turmoil; Lloyd, Jeremiah Langhorne, and Andrew Hamilton, who called Keith a threat to "the Constitution of the Province of Pennsylvania" (*Lawmaking and Legislators in Pennsylvania*, ed. Craig W. Horle et. al, 3 vols. (University of Pennsylvania Press, 1992-2005), 2:424) continued to meet without a quorum. On Keith as leveler, see Moore, "America's First Economic Stimulus Package," 544-45.

<sup>81</sup> Franklin, *Papers*, 1:174; 1:172.

<sup>82</sup> Franklin, *Papers*, 21:415; on political affiliations, Lemay, *Life*, 2:214. On risk-taking, see Lemay, *Life*, 1:417-18, 2:325-27; 3:403, 445, 460, against the view of William S. Hanna, *Benjamin Franklin and Pennsylvania Politics* (Stanford, CA: Stanford University Press, 1964), 26 that Franklin avoided risk and maintained "strict neutrality."

<sup>83</sup> *The Triumvirate of Pennsylvania: In a Letter to a Friend in the Country* (Philadelphia, PA: Bradford, 1725); *The Life and Character of a Strange He-Monster* (London: 1726); see Katherine D. Carter, "Isaac Norris II's Attack on Andrew Hamilton," *The Pennsylvania Magazine of History and Biography* 104, no. 2 (April 1980): 139-61.

<sup>84</sup> Norris, *American Weekly Mercury* (hereafter *AWM*), October 18, 1733, 1, portrayed Hamilton as drunken, lying, proud, and vengeful, yet possessing "great Power" to turn citizens against the proprietor; he aspired to seize all powers in government (2): "there is not a Court which he does not Rule and Direct, by himself or by those he calls his Friends," as well as the "Assembly (considering he has got all the publick Money in his Hand)."

<sup>85</sup> Franklin, *Papers*, 1:334-35, 338; on outing Norris, 1:336-37.

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here enjoy in a greater Degree than most of their Neighbours,” but Norris had threatened the people’s constitutional liberties.<sup>86</sup> If elected, Hamilton promised to secure both paper money and the privileges of the lower classes.<sup>87</sup> He lost his seat but was reelected in 1734. Franklin defended Hamilton from the *American Weekly Mercury*’s constant attacks against his growing influence, deist views, position in the 1735 Zenger trial, and role in the border dispute with Maryland.<sup>88</sup>

The Pennsylvania-Maryland border dispute was the most important political problem in the 1730s. Both colonies claimed the contested border lands, only tentatively forestalled in a 1732 agreement.<sup>89</sup> It invited Franklin’s reflections on the common problems of both proprietary colonies: economic depression and insecure property rooted in currency and land policies. The Pennsylvania land office did not keep accurate records, and poor surveying led to conflicting claims between proprietary gifts and settlers’ titles.<sup>90</sup> Laws defining legal boundaries and the percent of proprietary land withheld per acre were vague. Settlers’ inability or refusal to pay or collect quitrents left Penn in immense debt. He negotiated to sell the colony, threatening greater insecurity to settlers’ claims.

The fundamental theoretical issue in both proprietary colonies was prerogative power. In 1728 Governor Benedict Calvert, consulting with Lord Baltimore, rejected the Maryland Lower House’s prescribed Oath of Justice as “intended to affect his Majesty’s Royal Prerogative, in several of its Branches as well in those reserved peculiarly to his Sovereign Person, as in those delegated to, or rather deposited and trusted by the Charter to the Lord Proprietary.” In Pennsylvania, Penn had adopted a different view, “There were but two Sorts of Government: Will and Power; or, Condition and Contract. That the first was a Government of Men, the second of Laws.”<sup>91</sup> “The fundamental Laws of England,” he said, were “abhorrent of Will and Pleasure.” However, when faced with necessity, Penn claimed prerogative powers greater than the assembly and even looked to Maryland as the model:

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<sup>86</sup> Hamilton, *Papers*, 1:337, accused Norris, Sr. of supporting the council veto against the assembly. “The People of Pennsylvania know a Man can lose neither Life, Liberty, nor Estate, but by the Judgment of twelve Freemen.”

<sup>87</sup> Franklin, *Papers*, 1:338: “you shall see ... Paper-Money, but Russet Shoes enough.”

<sup>88</sup> Lemay, *Life*, 2:154–63; *True Copies of: ... Agreement between Lord Baltimore and Messieurs Penn...* (Philadelphia, PA: B. Franklin, 1734): “Shewing for what Reasons the Lines were not mark’d out within the Time appointed...”

<sup>89</sup> *PG* May 10, 1732; July 31, 1735, reported the Penns’ request for an adjournment to try their case at equity.

<sup>90</sup> See Alan Tully, “Proprietary Affairs in Colonial Pennsylvania, 1726–1739,” *Journal of the Lancaster County Historical Society* 82, no 2 (1978): 95–96.

<sup>91</sup> Jackson, *Historical Review*, 45–46.

“Let the Government know that they are to follow the example of Maryland and the other provinces in reference to their submission to authority in all cases of Government.”<sup>92</sup> Penn ordered his governor to prevent the assembly from debating, amending legislative bills, retaining a clerk, and taking information, since it was not a court of record. The assembly protested that Penn’s claim to prerogative power conflicted with its “large Privileges” tied to the inducement of their settlement and the rights guaranteed as Englishmen and stipulated in their charter.<sup>93</sup> The deputy governor could not make laws without “the approbation & Assent of the Freemen in provincial Council & Assembly,” else it would “give up the Power of making Laws, creating Courts of Justice Raising Monies and their severall other Rights to the Will and Pleasure of the Governour.”<sup>94</sup>

The difference between Pennsylvania and Maryland, recognized Franklin, was between Pennsylvania’s strong assembly secured by a “Right of the House to adjourn” and Maryland’s proprietors’ right to “Dissolution and Prorogation.”<sup>95</sup> Lloyd debated Logan in the 1720s over the frame of government itself, whether it consisted of a strong legislative power or a “balance of power” that included the rights of a lieutenant governor and council. The assembly, even though constrained by the charter to only a veto power, claimed the same powers as Parliament. Lloyd pressed for a strong unicameral legislature with all the rights of an English parliament to protect the privileges of English subjects under common law and “natural equity”; Logan’s view of council, he claimed, was “irreconcilable with the Charter, and a Check upon the Legislative, altogether unconstitutional and illegal”—it was the claim of “*Proprietary* Will and Pleasure.”<sup>96</sup> Conversely, Logan interpreted the charter to mean that the council had legislative powers: the proprietors could include instructions and suspending clauses and require the governor to have conciliar assent to veto bills.

In Franklin’s view, Keith’s appointment by the Penns, who secured his obedience with a bond, had reintroduced a second important question of the delegation of lawmaking power.<sup>97</sup> Lloyd had argued that a deputy had all of the powers of the agent, thus a proprietor could

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<sup>92</sup> Roy N. Lokken, *David Lloyd: Colonial Lawmaker* (Seattle, WA: University of Washington Press, 1959), 34. In 1689 Penn ordered Governor Blackwell to cancel all laws enacted after August 1684.

<sup>93</sup> Jackson, *Historical Review*, 53.

<sup>94</sup> Lokken, *David Lloyd*, 39.

<sup>95</sup> Jackson, *Historical Review*, 31, 50.

<sup>96</sup> Jackson, *Historical Review*, 80.

<sup>97</sup> Franklin, *Papers*, 5:34–39; Jackson, *Historical Review*, 79: it imposed “Conditions of Government on the Deputy.”



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not appoint a lieutenant governor in his stead and then by secret instructions restrain him from the full powers of the office, nor could a deputy transfer his lawmaking authority to another body. This delegation violated the notion of a deputy and weakened the lawmaking power.<sup>98</sup> Penn's instructions therefore deprived the colonists of their rights in assembly.

Pennsylvania's strong legislature had introduced prudent economic policies, in contrast to Maryland's proprietary form. Franklin compiled and edited a March 20, 1735 article on Maryland's £90,000 paper currency law. He found its premise to be great "*entertainment*": "the most probable Means to enable the People to live, and to destroy such unmerchantable Tobacco as serves only to clog Markets and depreciate the best, is to establish a Paper Currency, upon a sinking Fund."<sup>99</sup> Maryland destroyed tobacco, as did Virginia, to improve its quality in order to increase foreign demand, diminish its quantity to increase its value, regulate its sale, and prevent fraud.<sup>100</sup> But it made the province dependent on trade in tobacco without encouraging other forms of commerce, thus depressing trade. Franklin highlighted the flaws of Maryland's currency scheme: it hindered trade, favored the landlords, and drove out its settlers. As in Ireland, the inhabitants have been "obliged to desert their Habitations."<sup>101</sup> "His Lordship the Proprietary" was in absolute control of the scheme, appointing its trustees and directing their investments, and he exempted himself and the clergy from payment in the new currency.<sup>102</sup> He used funds to build a jail and repair public buildings, but also to purchase land and materials for Governor Samuel Ogle's new house.

### 1735-1736: THE COURT OF EQUITY AND POLITICAL THEORY

The fight over legislative power extended to a longstanding disagreement over judgeships on equity courts and the appointment of court clerks in Pennsylvania.<sup>103</sup> The charter had given Penn and his heirs "full power and authority to appoint judges, justices, magistrates and other

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<sup>98</sup> Jackson, *Historical Review*, 42.

<sup>99</sup> *PG*, March 20, 1735, 1.

<sup>100</sup> See George Webb, *The Office and Authority of a Justice of the Peace* (Williamsburg, VA: William Parks, 1736), 337. The bills would be loaned out at 4 percent interest. A new duty on tobacco would be used to purchase "Bank-Stock" in England, "so as Interest upon Interest may be made as much may be."

<sup>101</sup> *An Act for Emitting and Making Current, Ninety Thousand Pounds ... in Bills of Credit*, in *Laws of Maryland, Enacted At a Session of Assembly ... 1732* (Annapolis, MD: 1733), 5.

<sup>102</sup> Franklin wrote, "But the Dues of the Clergy and of the Church, and the Proprietor's Dues, it will not pay."

<sup>103</sup> Lokken, *David Lloyd*, 30, 33; on the issue of courts in Maryland, see *Proceedings and Acts of the General Assembly, 1727-1729 With Appendix of Statutes, 1714-1726*, *Maryland Archives*, 36:13-18.

officers whatsoever”; but the governor, assembly, and board of trade in England could not agree on a court of equity. Penn had guaranteed a jury trial to the colonists, but claiming prerogative power he used the Board of Property as an equity court to settle disputes over property, claims, and back rents.<sup>104</sup> The assembly replied that the proprietor’s right to appoint officers, clerks, and justices violated the separation of powers: “The Justices by and before whom our Causes against him should be tried, are of his own Appointment; by Means whereof, he becomes Judge in his own Cafe, which is against natural Equity.”<sup>105</sup> In May 1720, recognizing the need for an equity court and succumbing to Keith’s charm, the assembly unanimously resolved (without passing a law) to support his proposal to create a “court of Chancery or Equity” consisting of himself and the council.<sup>106</sup> In the 1722 Judiciary Act it also restructured the judiciary to include a supreme court, appointed by the governor, along with courts of quarter sessions.<sup>107</sup> Franklin had already criticized the governor’s power over appointments and officers’ fees, and his gazette now challenged the equity court.

In 1735 the New York assembly resolved against Governor William Cosby’s faction’s use of its chancery court to vacate a land grant. Andrew Bradford’s *Mercury* (on the side of the governor) and Franklin’s *Gazette* (on the side of the assembly) printed different accounts. Andrew Bradford printed an article arguing that Pennsylvania’s chancery court was approved by legislative resolution and therefore different from New York’s: chancery courts were necessary for the “Recovery of ... Right” against the “Rigour of the Common Law”; they have their origins in “Antiquity and Dignity” dating to the Saxons; and they secure justice because they are governed by superior men.<sup>108</sup> In other words, “Their Birth, Education, and their high Station set them above ... all Temptations in the Administration of Justice.”

In the *Gazette*, “R. Freeman,” presumed at the time to be Franklin, argued against Pennsylvania’s chancery court.<sup>109</sup> Freeman recognized the need for an equity court but disputed the legal origin of the court as a violation of Penn’s second charter. Moreover, it subverted the “great end of all Government”: “to prevent the Abuse of Power.”<sup>110</sup> He

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<sup>104</sup> See Tully, *Forming American Politics*, 25; on Penn’s defense claiming prerogative, Hanna, *Benjamin Franklin*, 37.

<sup>105</sup> Jackson, *An Historical Review*, 60–61, see 54.

<sup>106</sup> *Pennsylvania Archives*, 2:1334–35, 3:2309–10; affirmative votes required support of the two eldest councilmembers.

<sup>107</sup> William Lloyd, *The Early Courts of Pennsylvania* (Boston, MA: the Boston Book Company, 1910), 92–98.

<sup>108</sup> *AWM* December 18, 1735, 1–2.

<sup>109</sup> “R. Freeman” was assailed in *AWM* as “Mr. F (courting vulgar Applause)” and “religious Mr. F”; on his identity, see Anna DeArmond, *Andrew Bradford* (New York: Greenwood Press, 1969), 97–98 and Lemay, *Life*, 2:226.

<sup>110</sup> “R. Freeman,” *PG* December 24, 1735, 2.

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challenged the idea that a man's rank or status frees him from temptation. A consideration of human nature shows that "Men don't commonly make use of all the Friends and Interest they have, to get themselves appointed Governors, merely for an Opportunity of doing good to the People they are to govern." To this end, Penn "agreed to lay aside the elective Provincial Council, and to vest the legislative wholly in the Governor and the Representatives of the Freemen of the Province met in General Assembly." Courts of equity, concluded Freeman, must be established "by a law; and both the Proceedings and Costs of that Court so regulated, as that every Man may know how he is to proceed, and what he has to pay." This should extend to "Solicitors, Sheriffs, Lawyers, Clerks, Registers, and all others entitled to Fees for any Services done in that Court."<sup>111</sup> In February 1736 the Pennsylvania Assembly eliminated the chancery court as "a violation of the Charter of Privileges" and gave regular courts jurisdiction over cases in both equity and law. As a matter of "Right," it determined that a "Court of Equity" must be created by "an Act of Assembly." It was a conflict of interest that the "Supream Magistrate of the Province, who has so much Power, sit in any Court of Judicature, with Persons of his own appointment, to determine private Property."<sup>112</sup>

The Pennsylvania Assembly's resolution led to a newspaper war between Bradford and Franklin that included an important exchange in colonial political thought. Writing for the *Mercury*, "A. Truman" argued that "as great Calamities ... have fallen upon the People and Constitution of Britain, from such popular Schemes, than from any Acts of Prerogative."<sup>113</sup> It was followed by Norris Sr.'s anonymous article, presented as an excerpt from French history, that blamed Hamilton and Logan for conspiring to set the proprietor against Governor Gordon and fomenting a border war with Maryland. Norris accused Hamilton of encouraging his "wench" daughter to "leav[e] some of the non-naturals ... under [the governor's] *portico*," where it rotted in the "heat of the Summer sun," to initiate a political feud; the next issue, borrowing from *The Life of Sejanus*, foretold the ambitious Hamilton's grisly demise for his treachery.<sup>114</sup> In reply, Franklin enlisted the help of radical republican

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<sup>111</sup> "R. Freeman," *PG* December 24, 1735, 3.

<sup>112</sup> *Pennsylvania Archives*, Colonial Records, *Minutes of the Provincial Council of Pennsylvania*, 16 vols. (Harrisburg, PA: 1838-53), 4:42, 43, 45. Such combination of powers impeded "an impartial Administration of Justice."

<sup>113</sup> "A. Truman," *AWM* January 6, 1736, 1-2, February 24, 1736, 1; see DeArmond, *Andrew Bradford*, 98-100.

<sup>114</sup> *AWM* February 24, 1736; *AWM* March 2, 1-2, 1736, loosely follows Pierre Matthieu, *The Powerfull favorite: or the life of Aelius Sejanus* (Paris, 1628): 115-17, 111-14, 120-38, with much original content; *AWM* June 10, 1736 unites the characters of d'Ancre and Sejanus, borrowed from *Fog's Journal*, December 27, 1735, no. 373.

John Webbe, filling his papers, almost weekly, with natural law arguments, both defending Hamilton and providing a theoretical basis for just forms of government.<sup>115</sup> Webbe was a planter, lawyer, and conveyancer from Kent County, who practiced in both Maryland and Pennsylvania. His Philadelphia office was on the northeast corner of Fourth and Chestnut, one block from Franklin’s printing office.

Writing as “Z,” Webbe likened government to architecture; its foundation was the equality principle, from which proceeded “the common rights of Mankind”: “Freedom is the Birth-right of every Man. We are all born naturally equal.”<sup>116</sup> He appealed to the authority of reason or the “*Laws of God and Nature*” as opposed to divine right of kings.<sup>117</sup> An original compact or government was made by consent between the people themselves. Man only “relinquishes part of his natural Liberty” in a social contract that in return provides “Protection from Injuries, Security of Property, mutual Defence, & etc.,” else “the Compact is void.”<sup>118</sup> In Z’s argument for popular sovereignty the people are “infallible,” so long as they “remain in their proper Sphere, unbyassed by Faction, nor deluded by the Tricks of designing Men.”<sup>119</sup> The executive promises to enforce the law and rules for the “publick Good,” but “the Parliament [by majority rule] are the only Judges whether those Conditions are performed.”<sup>120</sup> With absolute power, it made kings like Charles I and II, limited the king’s veto and judicial appointment powers, interpreted all law, and was unconstrained by prior parliaments: “The power of Parliament is so great, that ... they could do anything but turn a Man into a Woman.”<sup>121</sup> The British constitution was best: it retained the advantages of chaotic Athenian democracy—which was better than French tyranny—without its inconveniences. Z tied political liberty to a people’s moral character. If the executive “superstructure” becomes too strong or large, then the people lose virtue and become a mob.<sup>122</sup> Freedom, he argued, educated citizens in virtue; it required reason, sensibility, and sociability.

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<sup>115</sup> See Lemay, *Life*, 2:154–63, for attributions on the first hostile exchange between the two in 1732, which began when the elitist Webbe mocked American country lawyers and deists, such as Hamilton and Franklin.

<sup>116</sup> “Z,” *PG*, April 1, 1736, 1; *PG*, April 15, 1736, 3; *PG* April 22, 1736, 3.

<sup>117</sup> “Z,” *PG* April 1, 1736, 1; April 15, 1736, 3: “Principles ... agreeable to Reason and the eternal Nature of Things.”

<sup>118</sup> “Z,” *PG* April 15, 1736, 3.

<sup>119</sup> “Z,” *PG* April 1, 1736, 1.

<sup>120</sup> “Z,” *PG* April 15, 1736, 3.

<sup>121</sup> “Z,” cites Burleigh, *PG* April 15, 1736, 4.

<sup>122</sup> “Z,” *PG* April 22, 1736, 3.

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Writing in the *Mercury*, “Anti-Z” and “Zoilo-mastix” responded that Z (and Franklin) had forwarded an impious, “*loose Republican Scheme*” that tended to revolution.<sup>123</sup> Anti-Z, comparing abstract theory to practice, argued government was founded on “*tried and approved Customs*”: the compact was a charter the Crown gave to the proprietors and from whence proceeded colonial privileges.<sup>124</sup> Anti-Z, finding Charles II an outlier, argued the best regime was a mixed regime, a “Ballance betwixt the Prerogatives of Governors and the Liberties of the People.”<sup>125</sup> This “*Composite*” or “happy Mixture” reflected the blend of those of “inferior rank” and the “*necessary Prerogatives* of their Superiors.” The only thing that distinguished the American colonists from a Roman mob was inherent inequality: a class of elites has a moral sense, whereas the vulgar are suspicious, without sense or goodwill. Anti-Z argued that if a mob had become too powerful, it was because it had overrun the checks upon it. He accused Z of being vulgar himself, of possessing neither the intellect nor the virtue to manage the people. As another author in the *Mercury* pointed out, if Parliament were supreme, then all its laws must be just and Z’s disagreement with it made him a traitor.<sup>126</sup>

Hamilton was reelected Speaker in 1736, and he and William Allen rewarded Franklin with the assembly clerkship. Franklin became one of the foremost legislative experts in the province, to the point that he would later direct the assembly’s proceedings and write its bills and replies to the governor. The next year he was appointed postmaster of Philadelphia, a position that would allow him to retire from printing. Governor Gordon died in August 1736, and James Logan, president of the council, became acting governor until August 1738.

### “A.B.” WRITES “Dear NED”: CRITIQUING MARYLAND’S PROPRIETARY GOVERNMENT

Under Logan, defense became the key issue in the violent border dispute with Maryland in 1737. In 1734 (the same year Franklin proposed a militia) Baltimore petitioned the king to obtain the three lower counties. Maryland loyalist Thomas Cresap settled territory west of the Susquehanna, where he demanded that German settlers abide by Maryland surveys. In response, Thomas Penn ordered the issue of land warrants to settlers in the same territory. Until 1738, “reports from the frontier were filled with news of destroyed livestock, harassed

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<sup>123</sup> *AWM* April 8, 1736, 1; May 13, 1736; on attacks on Franklin, *PG* June 3, 1736, 1.

<sup>124</sup> “ANTIZ,” *AWM* April 8, 1736, 1; “ANTIZ,” *AWM* April 22, 1736, 2-3.

<sup>125</sup> “ANTIZ,” *AWM* April 8, 1736, 1.

<sup>126</sup> “*To Mr. Z.*,” *AWM* June 17, 1736, 1.

residents and assaults in the name of arrests.”<sup>127</sup> German settlers who had sworn allegiance to Maryland now offered it to the Pennsylvania council. In September 1736 Maryland governor Samuel Ogle deployed 300 militia to the contested border, where they were stopped by a Pennsylvania sheriff with 150 volunteers at Wright’s Ferry.<sup>128</sup> In response Logan funded the Pennsylvania militia and magistrates to execute justice and secure the region.<sup>129</sup>

During the border crisis, Franklin and Logan discussed the “State of Nature”; Logan later concluded, “Ever since I have had the power of thinking, I have clearly seen that government without arms is an inconsistency.”<sup>130</sup> The state of nature referred to problems humans faced when living together without a properly functioning government. Posing as a Pennsylvania pacifist, in September 1737 Franklin defended Logan and Hamilton by ironically protesting against the Pennsylvania Assembly for helping those countrymen who had been:

imprison’d, fin’d, &c. by the Government of Maryland. Now what Business had we with those Inhabitants? None surely; unless we consider them as they are Fellow-Countrymen and Members of the same Common-Wealth, united together with us as Parts of the same Body; which Way of Thinking is absolutely wrong, for we ought to look on one another ONLY as TENANTS to the Proprietor and leave it to him to take Care of us or neglect us—as *he pleases*.<sup>131</sup>

The piece condemned the proprietary view of free citizens as tenants and savaged Isaac Norris, Jr., who attacked Franklin in the *Mercury* and opposed his reappointment as clerk.<sup>132</sup>

Norris’s elitist balance of power theory grounded government on a tension between the one, few, and many. Franklin published lengthy articles that provided a historical account of prerogative power, which he tied to the proprietary form in Maryland.<sup>133</sup> While the ancient Saxons’ distribution of goods and land according to merit on the battlefield originated the modern concept of right as attached to property, the English Constitution retained some defects, and government must “always be conformable to the circumstances.” Thus William Penn, denied “liberty of conscience” at home, established a new government, a “MUTUAL

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<sup>127</sup> Tully, “Proprietary Affairs in Colonial Pennsylvania, 1726–1739,” 99.

<sup>128</sup> Doutrich, “Cresap’s War,” 96.

<sup>129</sup> Franklin printed Logan’s proclamation, *PG* September 23, 1736; see Lemay, *Life*, 2:325.

<sup>130</sup> Franklin, *Papers*, 2:185; 3:219.

<sup>131</sup> “*To the Freemen of Pennsylvania*,” *PG* September 29, 1737, 3–4; on authorship see Lemay, *Life*, 2:325, 561.

<sup>132</sup> Lemay, *Life*, 2:327; Norris, “Verses,” *AWM* October 20, 1737; on opposition to Franklin, *Autobiography*, 171.

<sup>133</sup> “X,” *PG* November 17, 24, December 1, 8, 1737, praised Hamilton and condemned Bradford.

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COMPACT” based on “the principles of reason and equity.”<sup>134</sup> To guard against despotism, “The *WHOLE* legislative power was lodged, where it is always safest lodged, in the hands of the People; and the laws They enacted were to be executed ... by Magistrates of their own chusing.” Thus, “Those amongst us, who ... cry up the necessity of reducing the form of this government to the *British Model*” were in error. Pennsylvania’s freedom of conscience and opinion, even in “jarring parties,” had trebled the province’s population, promoting England’s interest, while its neighbor “*M/arylan/d*, harrassed by a petty-Tyranny and an ignorant vicious Clergy, daily decrease in their numbers.”

The 1738–1739 *Gazette* featured a series of four letters, in five articles, from “A.B.” to “*Dear NED.*”<sup>135</sup> Given quite some space (the first was 2,202 words) they were evidently political satire, but scholars have been uncertain of their authorship and intention. In the satire, the operation of government is likened to a “stupendous Machine,” put in motion by the “*Grand Architect*,” consisting of three wheels, a “grand maître,” a “petit maître,” and a third “inconstant wheel.” The motion of the machine’s second and third wheels is an illusion. There is only the appearance of free government, when in fact all motion is caused by the prerogative power concentrated in the first wheel. Francis Davy first attributed the “A.B.” letters to Franklin. He identified the grand maître as the proprietor, the “Petit Maitre” as the governor, and the machine as the Pennsylvania assembly. Lemay initially agreed, noting the author was a clever satirist influenced by Swift. But he changed his mind after considering that the new lieutenant Governor George Thomas did not arrive until June 1, 1738, and that Franklin’s patrons, James Logan and Andrew Hamilton, would be, respectively, acting governor and Speaker. Lemay consulted Tully, who concluded that the “Grand Maitre” was James Logan, the “Petit Maitre” was Andrew Hamilton, and the inconstant wheel was “Jeremiah Langhorne.”<sup>136</sup> Franklin, they concluded, would not have satirized his own patrons.

The solution is that the A.B. letters are a satire of *Maryland’s* proprietary government under Charles Calvert, 5<sup>th</sup> Baron Baltimore, comparing his “TENANTS” to the freemen of Pennsylvania. The first letter, dated March 1, 1737 and printed May 4, 1738, continues

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<sup>134</sup> Lemay, *Canon*, 92–93, disagrees with Aldridge that Franklin may have written the “important essay” on government in *PG* March 30, 1738, 1–2.

<sup>135</sup> *PG* May 4, July 6, October 12, 1738, March 29, April 5, 1739 (hereafter abbreviated A, B, C, D, and E).

<sup>136</sup> Francis Davy, “Benjamin Franklin, Satirist,” Ph.D. diss. (Columbia University, 1958), 161, 54; Lemay, *Canon*, 93–94; Tully, it seems, looked to the pamphlet *The Triumvirate of Pennsylvania* (Philadelphia, PA: Bradford, 1725), which accused those same three of defrauding the proprietor. DeArmond, *Andrew Bradford*, 112, agreed.

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Franklin's 1737 political remarks, written during Cresap's War and his subsequent arrest for murder.<sup>137</sup> It followed the March 19, 1738 depositions of Cresap and Charles Higginbotham, and preceded the June 30 "Depositions on Maryland's outrages" in Pennsylvania territory, and an article on Baltimore's challenge to the Penns' claim to the Lower counties.<sup>138</sup> The second A.B. letter confirms the satire is of Maryland's government and also identifies each of the wheels; the same day that it appeared, the *Mercury* printed the "*Speech of His Excellency, Samuel Ogle Esq; to the Upper and Lower Houses of Assembly, of the Province of Maryland,*" identifying the "Grand Maitre" as Ogle, the "stupendous Machine" as the Maryland Assembly, the "petit maître" as the president of the Council, Colonel Richard Tilghman II, and the "inconstant Wheel" as Speaker of the House, Daniel Dulany, Sr.

The "A.B." letters were likely written by Franklin and John Webbe. Comparing A.B.'s with Webbe's writings, we find thematic similarity in the mockery of country lawyers; fixation on "Rules of *Grammar*"; comments on future historians looking back on contemporary events; a penchant for name-dropping.<sup>139</sup> Stylistically, Webbe tended to write treatises, but several times he attempted satire.<sup>140</sup> We find similar analogies to vegetation and weeds, "secret Springs" and "Seeds," and scatological references to body and soul—the "upper and lower Air-Pipes"—that equate speaking with flatulence.<sup>141</sup> Webbe's job as a conveyancer required his experience at court and gave him a knowledge of proprietary proclamations, resurveys, surplusage, and legal precedent.<sup>142</sup> The political theory regarding Maryland government is identical: the comparison of government to "Architecture"; the architect's neglect of ancient wisdom; the aspiration of American planters to aristocracy; prerogative power as a structural

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<sup>137</sup> See *PG* February 3, 1737; Paul Doutrich, "Cresap's War: Expansion and Conflict in the Susquehanna Valley," *Pennsylvania Magazine of History and Biography* (hereafter *PMHB*), 53, no. 2 (April 1986): 89–104; Charles Desmond Dutrizac, "Local Identity and Authority in a Disputed Hinterland: The Pennsylvania-Maryland Border in the 1730s," *PMHB*, 115, no. 1 (January 1991): 35–61.

<sup>138</sup> *Pennsylvania Archives*, First Series, ed. Samuel Hazard, 12 vols. (Philadelphia: Joseph Severns & Co., 1852–56), 1:535ff., 555; on Baltimore's challenge, *PG* August 17, 1738.

<sup>139</sup> On country lawyers and drinking at court, D2, "Z.Z.," *AWM* February 8, 1732; on Westminster Hall, A2, C1, *The American Magazine; or, A Monthly View of the Political State of the British Colonies* (Philadelphia, 1740/1) (hereafter *AM*), 29; on derision of Billingsgate lawyers, *AWM* May 11, 1732, *PG* April 29, 1736; on grammar, A1, B1, D2, *AWM* May 11, 1732, *PG* April 8 and 29, May 27, 1736, *AM* 19; on historians, B1, B2, *AWM* November 6, 1740.

<sup>140</sup> Webbe, *AWM*, February 8, 1732; *PG*, May 6, 1736; on satire in colonial Maryland, see Frank Shivers, *Maryland Wits and Baltimore Bards: A Literary History* (Johns Hopkins University Press, 1998), ch. 2.

<sup>141</sup> On vegetation, A1, B1, compare with Webbe, *AWM*, February 8, 1732 ("more offensive Weed," "Weedlike Lawyers" who must be "lopp'd off"), *AM* 36 ("popular Root"); on Springs, A1 ("*the principal Springs and Wheels were well cleaned and greased*"), B1, *AWM*, March 30, 1732; on scatological humor, B1, *AWM* April 27, 1732; Webbe was criticized (*AWM* June 3, 1736) for using the words "Whores, Bawds ... Pimps" (*PG* April 29, 1736).

<sup>142</sup> See C1-2, D2; *AWM* February 8, 1732.



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problem in Maryland's government; concealment of the true operations of government; unchecked prerogative power encroaching on all others, creating despotism.<sup>143</sup>

Yet several clues, outside of his decision to print and prominently feature them, link the articles to Franklin. The letters seem to be beyond Webbe's skill, suggesting Franklin's own hand, for he had a history of such collaborations.<sup>144</sup> As Verner Crane pointed out, Franklin not only frequently used the pseudonym A.B., he used it when referring to Pennsylvania-Maryland relations.<sup>145</sup> The satire, along with the phraseology, is reminiscent of Franklin's other writings.<sup>146</sup> He frequently used the analogy of a machine with springs to describe government, but more relevantly compared it to the motions of wheels.<sup>147</sup> In 1764 he gave the same description of Pennsylvania's proprietary government:

There seems to remain then but one Remedy for our Evils ... which had been tried with Success by other Provinces; I mean that of an immediate ROYAL GOVERNMENT, without the Intervention of Proprietary Powers, which, like unnecessary Springs and Movements in a Machine, are so apt to produce Disorder.<sup>148</sup>

A.B. cited some of Franklin's favorite authors—Butler, Swift, Defoe. *Hudibras* appeared for sale that month in the *Gazette*. Franklin, more so than Webbe, used A.B.'s scatological

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<sup>143</sup> On government and architecture, A.B. writes of the "Grand Architect" (D1); compare with Webbe, *PG*, April 1, 1736, *Papers*, 2:267, *AM*36-37; on rejection of ancient wisdom, A1, *AWM* March 30, 1732; *PG* April 22, 1736; on aristocracy, A1, *AM*37; on prerogative power used to justify gubernatorial appointments and officers' fees, A1, A2, *AM*39-41, 61; on despotism and "Arbitrary Power", D1, *AM*39-41; on "PREROGATIVE" power, or rule by "WILL AND PLEASURE," A1, A2, B1, B2 C1, E2, *AM*29, 55, *PG*, April 1, 1736; on "Appearance" of sharing power with the council A1, *AM*41; on being judge in one's own case, C2, *AM*44-45.

<sup>144</sup> Franklin wrote the "Busy-Body" with Joseph Breintnall, 1:114, helped in "The Colonists' Advocate," contributed to George Whately's *Principles of Trade*, and wrote new liturgies with Lord Le Despencer and David Williams.

<sup>145</sup> Franklin, *Papers*, 8:162n4, 162n5.

<sup>146</sup> See these examples, with more in footnotes below. A1: "The Difference in opinion arises no doubt from different Circumstances," compare with Franklin, *Papers*, 2:83: "As Men [possess] ... different Constitutions, Capacities, Genius's ... a Difference in Opinion is inevitable"; D1: "founded in this *unchangeable* Maxim, that *the greatest Glory of a Man, is to acknowledge himself in an Error*", *Writings*, 253: "Readiness to give up a *loved Opinion*...is as a great a Glory ... as we are here capable of attaining"; A1: "transplanted into this warmer Clime," *Papers*, 1:161: "when transported to a Foreign Clime"; D1: "a Self-Denial too powerful for human Nature," 2:19, *Autobiography*, 148; C2: "tend to the universal Improvement of Mankind," *Papers*, 2:238: "Improvements" for the "Benefit of Mankind."

<sup>147</sup> See Franklin, *Papers*, 1:62-63, on God's government: "an ingenious Artificer" framed a "Machine or Clock, and put its many intricate Wheels and Powers in ... Dependance on one another," yet included "other Wheels endu'd with an independent Self-Motion"; 5:443: when "public measures are generally grievous or even distasteful to the people, the wheels of Government must move more heavily"; Franklin to Louis-Guillaume Le Veillard, September 5, 1789, *The Writings of Benjamin Franklin*, ed. Albert Henry Smyth, 10 vols. (New York: The Macmillan Company, 1905-7), 10:35, described the new Constitution as a "Machine"; Franklin to Charles Carroll, May 25, 1789, *Writings* (Smyth), 10:7 calls the American government a "grand machine," whose "effect" is the nation's happiness; Franklin likely included the description of Governor Keith in *Historical Review*, 73: "one Master-Spring kept the whole Machine of Government, for a considerable Period of Time, in a more consistent Motion than it had ever known before."

<sup>148</sup> Franklin, *Papers*, 11:162; on the "Seeds" of "Dissolution" inherent in proprietary government, see 11:159.

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humor, even sexual suggestion, as in such phrases as “without a Rag to your Ar[s]les”; comparing the Council to a hotbed of “warm Dung”; “those of a middle Character are as rare as Hermaphrodites”; the description of how the grand maître and petit maître “rushed into each others arms with *bare Breasts*, and by a well timed Motion of bodily *see-saw*, held forth a Type of the Regularity of their Sorrows, and in *sympathetick* Sighs and Groans.”<sup>149</sup> A.B.’s characters show a complexity more akin to Franklin’s writing, using different voices for the grand and petit maîtres—Ogle a vulgar tyrant, and Tilghman his abject sophister.

Franklin also had personal motives for collaborating on the letters. As the clerk, he knew that his association with a lengthy political satire would *improve* his popularity among those who despised Baltimore and Ogle. As a defender of both Logan and Hamilton, it rebutted Norris’s charge that they were to blame for the border war.<sup>150</sup> Moreover, Franklin aspired to publish a general magazine that would include similar satires and require the help of correspondents. The composition of the letters is likely Franklin’s, while the political commentary in the third and fourth letters included Webbe’s vantage as a Maryland lawyer and conveyancer. Franklin used the A.B. letters to continue his argument against the appointment of officers and chancery judges in the 1735–1736 *Gazette* and 1737 satire of Maryland settlers as “*TENANTS*.” While Franklin had distinguished between free Englishmen and Irish tenants starving under “Tyranny,” here he warned Pennsylvanians of the unimpeded prerogative of Maryland’s governors under its proprietary form.

The significance of the A.B. letters is their practical application of republican principles. They employ Franklin’s argument of right—in settling the land by their own expense, the colonists had earned additional liberties.<sup>151</sup> They also present a constitutional argument: While the Crown’s prerogative power was necessary for preservation, Baltimore used it to threaten colonial rights. Maryland’s separation of powers, for example, in its chancery court, failed to constrain the proprietor, proving to be mere parchment barriers. Rather, the solution lies in a strong legislative power like Pennsylvania’s assembly, which secured liberties by rule of law and control over finances and judicial appointments. In a satire of Maryland’s

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<sup>149</sup> B1; on Franklin’s vulgarity, Lemay, *Life*, 1:181; *Papers*, 1:127: “rake into the Dunghill Lives of vicious Men.”

<sup>150</sup> *AWM* February 24, 1736; on authorship of this satire, see DeArmond, *Andrew Bradford*, 100.

<sup>151</sup> Franklin, *Papers*, 3:260: “additional title”; 5:450; 6:147: “Adventurers” received land on “Terms on which they were to hazard their Lives”; 6:299: “British Subjects, by removing to America ... at the Hazard of their Lives and Fortunes ... do not thereby lose their native Rights” but receive “*additional* Liberties”; 8:41; 13:22; 14:110–11; 17:333–34.

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government, A.B. showed the legal mechanisms by which rights were violated and exposed the effects of the belief in superior rank by which its gentlemen claimed the right to rule.

Franklin's own preface, which introduces the A.B. letters and specifies its political nature, references three writers of importance to Franklin: Mandeville, Swift, and Shaftesbury, whose "*penetrating Virtuoso*s" are needed to peer into the satire, reminiscent of the "*chimerical Realms of Mandeville or Gulliver*."<sup>152</sup> Shaftesbury had questioned whether Mandeville's realm of pure, private interest, here compared to Maryland's proprietary government, could achieve the public good. A.B. answers by contrasting Pennsylvania's protection of "Civil Liberty," "Religious Liberty," "Security of ... Property," and "Trade" with the problems of Maryland: lack of a paper currency for legal tender; exorbitant and numerous officers and fees; government filled by "Discontents and Timservers," and unequal treatment according to "Ranks and Degrees of Men."<sup>153</sup>

Most importantly, Maryland's political problems may be traced to a *structural* flaw in the design: prerogative power, stunted in Britain after the Glorious Revolution, had taken root.

What need I mention other Cause than prerogative, a Vegetable stunted in its native Soil, and about a half Century ago, transplanted into this warmer Clime, hath here brought forth the truly *Golden* Fruit, here cherished by the warm Dung and Hotbed of COUNCIL OF STATE, it buds forth the blooming WE, and grows luxuriant with the spreading Branches of OUR WILL AND PLEASURE.

In 1728, Maryland's "inconstant wheel," Speaker Dulany, wrote, in response to Baltimore's veto of a bill that would have placed all Marylanders under full English statute law, a treatise defending the natural rights of the freeborn citizens of Maryland. Yet he later accepted Baltimore's appointments to the Council and the lucrative posts of Receiver General, Judge of Admiralty, and Commissary General.<sup>154</sup> The busyness of the Council and the Speaker only conceals that all motion is the governor's, under instruction from the proprietor, whose "real Motion ... is powerfully attractive of Gold and Silver." Baltimore, the "*Grand Architect*," used prerogative power to create the machine and "swell" the exchequer.<sup>155</sup>

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<sup>152</sup> Franklin, *Papers*, 2:381, appeals to "Virtuosi or ingenious Men."

<sup>153</sup> A1; on different treatment according to "Rank," see Franklin, *Papers*, 5:48-49.

<sup>154</sup> Dulany, *The Right of the Inhabitants of Maryland, to the Benefit of the English Laws* (Annapolis, 1728); A2.

<sup>155</sup> A2; D1: the proprietor has "secur'd with Privacy" the "Keys of the *Treasury*."

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Claiming prerogative power, Baltimore by proclamation outside of the legislature established officers to assess and collect quitrents, and their payment in officers' fees. Thus, the powers of government were accumulated into the same set of hands, with officers appointed by, and serving at the pleasure of, the governor.<sup>156</sup> A.B. writes:

Imagine to your self that in *Westminster Hall* you saw my *Lord Chancellor* descending from his Bench to plead as an Advocate at the Bar of the *King's Bench*; and then the *Lord Chief Justice* of that Court ... becoming an Advocate in the Court of *Chancery*. Imagine farther, that you saw them both descending from their high Courts, and acting as Lawyers and *Pettyfoggers* before *petty Justices of a Quarter Sessions of the Peace*.<sup>157</sup>

Ogle served as both governor and chancellor. A.B. writes of Dulany: “[S]uppose you should see the *Register of Chancery*, whose profits and fees grow due as well from the Number as the Length of Proceedings, taking upon himself to act as *Attorney & Lawyer*, or *Counsellor*, in that Court ... & when commenced, lengthening out Bills, Answers, Copies, Orders, Decrees, Injunctions, and a thousand other Particulars.”<sup>158</sup> One must have a rosy view of these officers indeed, “imagin[ing] the least Avarice or Corruption in him, who hath no ... Pride or Foppery to gratify, no luxurious or costly Tables to furnish at the Expense of the Publick, and out of the Labour and Sweat of the Poor and Laborious.”<sup>159</sup>

No contemporary reader could have mistaken the target of A.B.'s second letter. The same day the *Mercury* printed the Maryland proceedings—the three speeches by Ogle, Tilghman, and the Speaker—the *Gazette* printed only Tilghman's speech within A.B.'s remarks. The letter was a hatchet piece, written in a style Franklin liked to use—long quotations interspersed with witty, acerbic commentary. Before the speech, A.B. introduces Tilghman as a “*Vox et pretera nihil*,” who spent “Six long hours” in the “Hot-Bed of Council of State” to sweat out his popular sentiments and infuse his soul with excrementitious vapors of prerogative power. In his speech, Tilghman thanks Baltimore for the King's recent order

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<sup>156</sup> See Charles Barker, “Property Rights in the Provincial System of Maryland: Proprietary Policy,” *The Journal of Southern History*, 2, no. 1 (February 1936): 54–55.

<sup>157</sup> A2; Franklin, *Papers*, 20:393, includes “pettyfogging Lawyers” adding, “Attorneys Clerks and Newgate Solicitors will do for *Chief Justices*, especially if they hold their Places *during your Pleasure*.”

<sup>158</sup> In August 1733, Baltimore appointed members of the Council, including Tilghman and Benjamin Tasker, justices of the peace; Tasker held offices of president of the council, receiver general, and judge of the prerogative court.

<sup>159</sup> A2; see Franklin, *Papers*, 2:334: “*You drudge, and sweat, and labour here, Old Boy, But we the Fruit of your hard Toil enjoy*”; 16:209: “Merchants ... make great estates by American folly.... [W]ares for *exportation to the Colonies*, maintain ... every one with his country-house and equipage, where they live like Princes on the sweat of our brows.”

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to stop violence on the border with the “Neighbouring Government” of Pennsylvania, as well as for his “Benevolence towards his Tenants.” Tilghman accuses the Penns, and explicitly Logan, of starting the border war by financing the defense of Pennsylvania settlers, whom he describes as conjuring squatters. A.B. mocks Tilghman’s incoherent speech, which casts aspersions upon Pennsylvania only “to hide [Maryland’s] own Poverty and Rags.”

In the third letter, A.B. writes that he must describe the practical effects of prerogative power, lest his satire be like painting the notion of “Colours upon the Imagination of a Man born blind.”<sup>160</sup> He promises “to give full Scope and play to [his] Inclination and Talent for *Panegyrick*” to show the tenant-like status of Marylanders in the “*High Court of Justice*.”<sup>161</sup> By this method the reader may see that Maryland’s “Refinements of *Equity*” and “Improvements in the *Law*” are mere words that disguise how its government actually works.

To increase the number of taxable lands, Baltimore extended the use of surveys from special warrants to include common warrants also. Surplus land, that occupied by landholders beyond the amount stipulated in the original grant, had long irritated the proprietors. But Maryland’s first Land Law of 1699 had limited the proprietary power over surplus land arising from error and fraud in the early surveys by declaring that boundaries should be respected if long established. The proprietor objected he was denied his rightful ownership of escheat, vacant, and surplus land, as well as back-taxes on improved lands.<sup>162</sup> In 1725, Baltimore proclaimed that if tenants were not even on their payments, he would “recall his former acts of favour as to the land warrants granted as aforesaid and the certificates of resurvey made thereon.”<sup>163</sup> To encourage discovery of fraud against the proprietor, he proclaimed in Annapolis on June 14, 1733 that enterprising tenants may take out special warrants to resurvey others’ lands; if surplus was found, they might sue for rights. Those who failed to take out a patent within two years from the date of the warrant would “be subjected to the loss of their rights, in favour of the first discoverer.”<sup>164</sup> Warrants based on the 1733 proclamation were issued between 1735 and 1738 and created a great deal of confusion.<sup>165</sup>

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<sup>160</sup> C1; compare Franklin, *Papers*, 32:364: “like calling upon a blind Man to judge of Colours.”

<sup>161</sup> C1; Franklin, *Papers*, 1:118, mocks half instead of complete satire: “for there is no Satyr [that a “pretty Gentleman”] Dreads half so much as an Attempt towards a Panegyrick”; A.B., B1, calls Tilghman a “pretty Gentleman.”

<sup>162</sup> See John Kilty, *The Land-holder’s Assistant* (Baltimore: G. Dobbin and Murphy, 1808), 189.

<sup>163</sup> Kilty, *Land-holder’s Assistant*, 191-2; in January 1730 Tasker was the first to take a warrant to resurvey land, receiving it as payment.

<sup>164</sup> Kilty, *Land-holder’s Assistant*, 194.

<sup>165</sup> Kilty, *Land-holder’s Assistant*, 197, 135. The first warrant was issued in January 1735 and the last on July 12, 1738.

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A.B. inserts a proclamation, parodying Baltimore's own, to show how the proprietary interest was opposed to the common good—by executive proclamation, private property was appropriated by a ruling class operating under the guise of law. The lord of the manor declares that the “Tenants,” who settled Maryland at their own expense, and “became Adventurers into this Our Manor at the great Peril of their Lives and Fortunes, were notwithstanding a most unrighteous Generation, and did most wickedly defraud US of great Part of OUR Lands.”<sup>166</sup> The lord declares on escheats that the descendants, despite the “express Words of their Leases, and Antientness of their Titles, and the Length of their Possessions,” wrongfully dare to defend their rightful ownership. Overturning the law that secures the landholder, the proprietor proclaims that, like the king, he is exempt from any statute of limitations: “It is Our Will and Pleasure, that all Our said Tenants” will surrender their old leases to “Our own Officers,” who will determine the quantities of land in the leases, payment, interest, time, and arrears of rent, and who may make new leases of the detained land under new conditions. Any litigation over the terms of a lease will be decided not by an impartial jury, but rather by the “*Steward of Our said Manor*, whom for this Purpose *We* have appointed *Our Judge in Our High Court of Justice*, there to be made void and of none effect.” The “Discoverers” of such detained lands, A.B. suggests, are also the officers, who grant themselves the same by decree in the high court of justice.<sup>167</sup>

Maryland's system of appointing administrators and judges to enforce proprietary orders incentivized corruption. Suppose, writes A.B., “the Steward of this Manor to be a Person of undoubted Honour and Integrity,” and endowed with all the virtues, “and a greater Hero in the Atchievements of Politicks, than ever Don Quixote was, in those of Arms and Chivalry.”<sup>168</sup> Given such power, such a one could not resist acting for the “Benefit of his *Constituent*, always remembring by whose Bounty he is paid, and how soon and sudden, and by whose Authority his *Stewardship* may be ended.” While the legislature, and rule of law, is meant to check the power of government officials, the proprietary “System of *Jurisprudence*” is without “Restraint of any Laws, but those of his own Conscience.” The proprietor that appoints judges at his own pleasure becomes the judge in his own case.

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<sup>166</sup> C1; for Baltimore's proclamation, see Kilty, *Land-holder's Assistant*, 200–201.

<sup>167</sup> C2; on the power of “chancellor and judge” to “determine and direct” rent, see Kilty, *Land-holder's Assistant*, 193.

<sup>168</sup> Franklin had recently “Imported” Don Quixote (2:206n6), sending two copies to John Ladd, June 12, 1738, 2:206.

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In the final letter of April 5, 1739, A.B. concludes with a Hogarthian satire, using three proceedings from a “High Court of Justice” “not many months ago” to demonstrate the effects of Baltimore’s 1733 proclamation.<sup>169</sup> Entering the courtroom, he finds a table littered with “Bottles and Glasses”—judges tipping as they dispense justice.<sup>170</sup> We may, passing over the humorous and legal points of the satire, concisely summarize: in the first case of surplus, Baltimore’s proclamation is held as law, denouncing as fraudulent and overturning an ancient lease; in the second, the proprietor is exempted from his own proclamation, denying his promised restitution in a case where holdings are surveyed as less than in the lease; in the third, a man possessing two farms, one with surplus land, the second with less stated on the lease—exactly the same amounts—is both stripped of surplus *and* denied restitution. To accomplish this, the lawyer invents legal distinctions, and the judge acts out deliberation, first on one side, then on the next, until Tilghman, who happened to be in court that day, stood up slowly and solemnly, and hemming three times, reminded the court of their duty, indeed their “Conviction,” to trust all to the proprietor’s prerogative power.<sup>171</sup>

A.B. stresses the difficulty of change, given the structure of Maryland’s proprietary machine, which leads to systematic corruption: after the “*Machines* [are] shattered to Pieces,” “just the same [are] erected in their Stead, to the everlasting Reputation of the *Grand Architect*.” The contention between the Upper and Lower Houses, which ended in prorogation of the Assembly, did not solve the problem.<sup>172</sup> While the 1738 Assembly had many new members, all government officers were appointed by the proprietor. Representatives who went to Assembly, suggested A.B., were coopted by offers of government office or found their lawmaking powers undone by proprietary proclamations.

A.B. begins by comparing the governments of Pennsylvania and Maryland; he concludes that the “inevitabl[e]” result of Maryland’s proprietorship is an inability to solve foreign and domestic problems: “the Improvements of our Lands; the encrease of our People, the

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<sup>169</sup> E1; Kilty, *Land-holder’s Assistant*, 200: this proclamation negated the clause “*more or less*,” which was commonly inserted into the original grants or surveys, and was said to deprive the proprietor of “great quantities of land.”

<sup>170</sup> D2; A.B.’s first case may be a burlesque of *Dulany v. Jennings*, argued in Court of Chancery, February 1738, with Governor/Chancellor Ogle presiding, argued by Attorney-General Dulany and Edmund Jennings, Secretary of the Province and member of Council; or, as the re-quoting of Tilghman’s speech suggests, the entire account is fictional.

<sup>171</sup> Compare A.B., D2, on prerogative claims to power over the dead, to Franklin, *Papers*, 20:395; A.B. compares the judge to Plautus’s Gripus—Franklin’s source in “Silence Dogood,” No. 11, 1:37, hitherto “not found,” is Plautus, *Cistellariae*, Act II, Sc.1, Ln.22; Tilghman’s “speech” is excerpted from his prior address to Ogle.

<sup>172</sup> *Archives of Maryland*, 40:vii–iii.

flourishing of all Arts and Sciences amongst us, and more especially of *Political Learning*, so necessary to preserve us, from the attacks of our *Foreign Enemies*, whether of the *French* and *Indians* on the one side, or the *Pirates* ... on the other.” Instead of protecting the citizens’ property, Baltimore funded military excursions into Pennsylvania, commissioned brigands as officers, and unjustly took “Prisoners of War.” Rule by prerogative led to the breakdown of government. In the May 1739 session, despite the looming war with Spain, the Lower House refused to continue, as requested by the Council and governor, a bill to raise arms and ammunition that was set to expire. Seizing on a political opportunity, it passed a bill, rejected by the Council, that fixed officers’ fees, and sent Ogle a list of grievances along with an address to the King, to be presented if the proprietor did not give satisfaction.<sup>173</sup>

#### **THE YEARLY VERSES of the PRINTER’S Lad (1739–1740)**

The A.B. letters appeared during a time of external threat from Maryland and political “unanimity” in Pennsylvania, but Thomas Penn failed to seize the moment for leadership, and he soured relations after the resolution of the border dispute.<sup>174</sup> While the assembly pushed for another emission of paper currency, Penn called in back rents, raised quitrents, and increased land prices. He refused to pay for Indian presents and negotiated the notorious 1737 Walking Treaty. He instructed the new Governor George Thomas to veto any bills that allowed payment in paper currency instead of sterling or its equivalent. The resolution, made in the first ever recorded vote, was that the proprietors would allow the emission and payment in paper currency in return for an allowance of £11,110.<sup>175</sup> Franklin praised the act as beneficial to the common man,<sup>176</sup> but in November 1738 (just months after the last A.B. letter) the proprietors issued a proclamation that all who possessed warrants, surveys, or bare improvement rights must pay arrears by March 1, 1739 or face legal proceedings and eviction. Those who had followed the prior informal proceedings were denied titles. It angered those in the country: some even attempted to destroy the land office records. Pennsylvania’s proprietary form had begun to resemble that in Maryland. Penn’s tension with the assembly spilled over into the issue of defense, which reemerged with

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<sup>173</sup> The first ever division votes were recorded; for grievances, see *Archives of Maryland*, 40:xii.

<sup>174</sup> Tully, “Proprietary Affairs in Colonial Pennsylvania, 1726–1739”; on Penn’s failure, 100–102.

<sup>175</sup> See Lemay, *Life*, 2:332, Tully, “Proprietary Affairs in Colonial Pennsylvania, 1726–1739,” 103–105.

<sup>176</sup> *PG* September 17, 1738, 3.



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Britain's declaration of war on Spain on October 19, 1739. Hamilton stepped down as Speaker that year; he was replaced by moderate Quaker John Kinsey. By order of Penn and ultimately the king, Governor Thomas needed to raise an army for defense, but the assembly refused to consider the petition, even as Spanish privateers threatened colonial shipping.

Insecure property and war with Spain informed the *Gazette's* 1739 "Yearly Verses."<sup>177</sup> In common practice, the post-boys would send out an annual work of poetry, the better quality of which would encourage a healthy tip. Joseph Brientnall had written the verses before, but in 1741 we find he is too "fatigued with business" to do so. Hence Joseph Rose, son of Aquila Rose and apprenticed to Franklin in 1730, and lead apprentice of the print-shop in 1741, wrote to Jacob Taylor to procure them.<sup>178</sup> It is likely this letter evinced a problem from the previous year, and that it was "MASTER" Franklin, himself an able poet, who had written verses for 1739-1740 but declined to do it the next year. A comparison of the three yearly verses shows three different writing styles, suggesting three different authors: Brientnall, Franklin, and the author of 1740-1741. Brientnall, whose 1738-1739 "The spreading of NEWS" captured an aspect of local life, evokes "Mercury, the God of Eloquence," a more elegant performance than the poet of 1739-1740. Despite suspicions of his deism, he was a Quaker in good standing, hence unlikely to have critiqued Quaker pacifism and attributed God's providence to human prudence—themes that, along with the inefficacy of prayers alone, warnings about disputation, a spirited defense of liberty and property, and the right to the fruits of one's labor, are indisputably Franklin's and appear in the 1739-1740 "Verses."<sup>179</sup> This poet, like Franklin, is not guilty of Elizabeth Magawley's criticism of Brientnall: "too labour'd and prolix / And seldom, on the Wing, knows where to fix," but writes directly and purposefully, with a moral theme, in parable form—unlike the perfunctory, classical performance of 1740-1741.<sup>180</sup>

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<sup>177</sup> "THE YEARLY VERSES of the PRINTER'S Lad, who carrieth about the *Pennsylvania GAZETTE* to the Customers thereof," *PG* December 27, 1739.

<sup>178</sup> "Joseph Rose to Jacob Taylor, November 11, 1741," *PMHB*, 3 (1879), 114-15; see Lemay, *Life*, 2:397.

<sup>179</sup> Compare Brientnall's piece on local life to his "Description of one single Street in this City," *AWM* June 19, 1729; Stephen Bloore, "Joseph Brientnall, First Secretary of the Library Company," *PMHB* 59, no. 1 (1935): 45-47; on Brientnall's deism, Frederick B. Tolles, "A Note on Joseph Brientnall, Franklin's Collaborator," *Philological Quarterly* 21, no. 2 (1942): 247.

<sup>180</sup> Elizabeth Magawley, "The Wits and Poets of Pennsylvania," *AWM* May 6, 1731; see David Shields, "The Wits and Poets of Pennsylvania: New Light on the Rise of Belles Lettres in Provincial Pennsylvania, 1720-1740," *PMHB* 109, no. 2 (April 1985): 101.

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In the “Verses,” rights were threatened by both proprietary interests and Quaker pacifism. The poem begins with the theme of proprietary government: “By annual Services Estates are held, / The Rent unpaid the Tenant is expell’d”—it was a commentary on Penn’s harsh new land policy. But, pointing to a more pressing issue, the duty to defend the province, it then criticizes the Quakers in Pennsylvania that prevented preparation for war with Spain: “The War’s begun with Spain.—but who will fight?” The post-boy, hesitating on such a controversial topic, claims he knows not what to write, but then like Franklin reintroduces the theme in a parable. He describes “Two loving Neighbours, but unlike in Sense; (For one rely’d alone on Providence).” The first “By Arms prepar’d, and Locks on ev’ry Door” seeks to teach the second, who protects his house by “a Fence Divine.” “Off’ had these Neighbours been in deep Dispute, / But neither could the Other yet confute.” Franklin had proposed a militia in 1734, asking his readers, “Whether they who are against fortifying their Country against an Enemy, ought not, by the same Principle to be against shutting and locking their Doors a Nights? Whether it be not just to shoot an Enemy who comes to destroy my Country, and deprive the People of their Substance, Lives, and Liberties, as to ... (being either Judge or Juryman) ... condemn a Man to Death for breaking open a House, or taking a Purse?”<sup>181</sup>

In the poem, the first neighbor, to convince the second that God alone would not protect him, sneaked into his house and stole his pewter and “all his loose laid Treasure.” The second neighbor, like Job, reflecting on “so great a Cross,” “Refuses Meat, grows thin; his Looks are pale.” After the first neighbor, out of pity, restored the stolen goods and bade his neighbor bolt his door in the future, the second believed the whole ordeal was a trial of faith, and “Resolv’d more firmly to rely on [providence].” When real thieves enter the neighborhood, they are unable to penetrate the bars of the first neighbor’s house, hence stealing everything in the second: “And rifl’d ev’ry Place, and left him Poor, / Who thought himself in Providence secure.” The second neighbor now blames the first for his loss.

Like the poem’s vigilant neighbor, Logan and Franklin tirelessly attempted to educate the Quakers in God’s providence. It was because, as Logan wrote, the “sole end of government ... is the Peace and Security of the People,” that he “advised the people of

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<sup>181</sup> Franklin, *Writings*, 224.

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Pennsylvania to stand up manfully against the Marylanders on the border.”<sup>182</sup> At the yearly meeting following war with Spain, he in vain tried to convince those Quakers, twenty-seven of thirty assemblymen who from conscience opposed defense, to step down. Arguing that French soldiers would take “Pride in deflouring *Quaker* Girls,” Franklin compared Quaker pacifism, which he called “*mistaken Principles of Religion*,” to “the Man, who sat down and prayed his Gods to lift his Cart out of the Mire.”<sup>183</sup> Rather, he believed, “Conscience enjoins it as a Duty on you (and indeed I think it such on every Man) to defend your Country, your Friends, your Aged Parents, your Wives, and helpless Children.”<sup>184</sup> In the *Gazette*, he wrote, one must not “*desert the Tender and Helpless*, by Providence committed to [his] Charge.” God has provided man with the tool, prudence, to accomplish what is right, if he would but use it, and unite the “Force of *Reason, Duty, and Religion*.”<sup>185</sup>

Political unity could be achieved by a correct understanding of God’s providence. In the poem, resolution is made when the first neighbor, like a true friend, helps the second in his need—but not before a lesson. He asks, “[What] Virtue or good Reason can there be / In baiting Hooks for Vice and Robbery?”<sup>186</sup> There is indeed providence, he says, but it is in following principles of natural law: our “eldest Law” to preserve both ourselves and the “Fruits of Labour,” provided “we thereby do Injury to none.” True religion requires political action. God is displeased if we fail to protect the fruits of our “honest industry” and “Freedom,” that is, “if [we] can.” Only if in spite of “prudent Care” humans fail, does the poet appeal to justice in an afterlife: “The last Great Day must equipoise the Scales.”

### DISPUTE BETWEEN THE UPPER AND LOWER HOUSES IN MARYLAND (1740/1)

In a final letter by “A.B.,” “State of the Late Dispute between the Upper and Lower Houses in Maryland” (1740/1),<sup>187</sup> Franklin used republican principles to defend Pennsylvania’s

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<sup>182</sup> James Logan to Samuel Ogle, May 18, 1737, in *Pennsylvania Archives*, Colonial Records, *Minutes of the Provincial Council*, 4:79; *History of York County, Pennsylvania*, ed. John Gibson (F.A. Battey Publishing Co., Chicago, 1886), 49.

<sup>183</sup> Franklin, *Writings*, 224.

<sup>184</sup> Franklin, *Papers*, 3:201.

<sup>185</sup> *PG* November 19, 1747, quoting Sallust; *Papers*, 3:201; on prayer and prudence, 3:202, 204: “if ... it please GOD to inspire us with the necessary Prudence and Vigour”; “GOD ... inspire us with Prudence in this time of DANGER.”

<sup>186</sup> On Pennsylvania’s wealth as a temptation to invasion, see Franklin, *Writings*, 224, *Papers*, 3:191–92.

<sup>187</sup> A.B., “State of the late Dispute between the Upper and Lower Houses in Maryland,” *The General Magazine, and Historical Chronicle, for all the British Plantations in America* (Philadelphia, PA: B. Franklin, 1740/1) (hereafter *GM*), 189; “To the Publisher of the American MAGAZINE,” *AM* 98.

proprietary constitutional form—an issue on which he later changed his mind—against Webbe’s theory of popular sovereignty.

The hypothesis that Franklin worked with Webbe on the “A.B.” letters helps to explain first the ensuing bitter conflict between the two, which, Lemay writes, “provides more revealing information about Franklin’s character than almost any other event in the period 1736–47.”<sup>188</sup> Webbe advertised in the May 10, 1739 *Gazette*, the month following the last “A.B.” article. After Colonel Spotswood, in October 1739, ordered Franklin to prosecute Bradford for delinquency to pay, Franklin hired Webbe to file suit. It had been Franklin’s great ambition to write in imitation of Addison, Steele, Trenchard and Gordon, and the *General Magazine*, which he proposed to co-edit with Webbe, was the vehicle for both this and a greater end: to become the center of an American colonial culture. In Franklin’s proposed contract with Webbe to edit a general magazine, Franklin, who owned press and type, would receive the first half of revenues, and then split the remaining half with Webbe. Insulted by what he thought unfair terms, in November 1740 Webbe took the idea to Bradford to launch their own journal and began advertising in the *Mercury*.<sup>189</sup> Accusing Webbe of stealing his idea, Franklin printed, weekly, in the November–December 1740 *Gazette*, “This Magazine, in Imitation of those in England, was long since projected; a Correspondence is settled with Intelligent Men in most of the Colonies, and small Types are procured, for carrying it on in the best Manner.”<sup>190</sup> To beat Bradford, Franklin aggressively rushed his own product, forewent subscriptions, cut the cost, and ultimately sank the project. Webbe recriminated, “Of what Composition, then, is the Soul of that Man, who, having contrived to make a Property of his Friend, will afterwards charge him with a Violation of Trust.”<sup>191</sup> “Friend”—this is not the stuff of mere business contracts: it concerns a plan that Franklin and Webbe had discussed for several years, born of their 1738–1739 collaboration.<sup>192</sup>

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<sup>188</sup> Lemay, *Life*, 2:299–309; see *Papers*, 2:263; David Waldstreicher, *Runaway America* (Hill and Wang, 2005), 112–4.

<sup>189</sup> Webbe’s advertisements appeared almost weekly in *AWM*, November 13–January 29, 1740/1 and at the end of the following year, December 10, 1741–January 28, 1741/2.

<sup>190</sup> Franklin, “Advertisement for the General Magazine,” 2:264; Webbe “The Detection,” 2:268, admitted that Franklin had the idea “long under his Consideration”; Franklin ran the ad weekly 13 November–4, 25 December.

<sup>191</sup> Webbe, “The Detection,” in Franklin, *Papers*, 2:269.

<sup>192</sup> Webbe, *Papers*, accused Franklin of violating his “*natural*/Right” to reputation “every Week” in the *Gazette*, “a universal Maxim in Equity” (2:268) in the unfair contract, and “all Rules of Honour, and the Laws of Humanity” for invoking the deceased Spotswood (2:280). Franklin’s “sneaking Villainy” deserved the “Gibbet” (2:266).

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Second, a previous collaboration helps to explain Webbe's criticism of Franklin's plan for a magazine: as one without content, requiring only the skill of a "common Soliciter." Webbe believed that he would have provided both the blueprint and "the Superstructure"—that Franklin lacked the requisite understanding and skill.<sup>193</sup> Such a task would require the "Study of polite Authors" and the inclusion of ornate and logical "Transitions" that "cost no small Pangs to the Writer in the Production." Webbe not only accused Franklin of planning to snip out excerpts and slop them together, but supposed Franklin's "*ignorant, stupid* Performance" would be *merely* satirical. It would be "humorous and comical, but extremely improving, and highly suitable to the Taste of Petty-Chapmen" who purchase scribblings in bulk: discounts for buying "*large* Quantities of Paper" filled "with *large* Quantities of Wit." Webbe limited Franklin's ability to writing satire, falling short of true political analysis.<sup>194</sup>

Third, it helps to explain Franklin's offer to Webbe, as well as exonerate the terms of his proposal. Webbe commented concerning Franklin's views of him "in the Capacity of a Writer": "Tho' I had wrote much, too much, in his *Gazette*, yet [Franklin] never favoured me with a Specimen of his Skill that Way, so as to form any certain Judgment of it, before his late Advertisement."<sup>195</sup> By "too much" Webbe may be referring to his older 1736 articles on government, but more likely he refers to the "A.B." articles from the previous two years. Webbe's earlier articles, though demonstrating theoretical insight, general agreement with Franklin's politics, prolific output (even if borrowed), and ability to spark controversy, were not good enough to merit such an offer.<sup>196</sup> Rather Franklin approved of Webbe's role in the "A.B." collaboration: it improved his view of Webbe and provided him a correspondent in Maryland politics for a magazine providing reports, analysis, and satire of colonial leaders. Franklin's proposed contract also seems more reasonable.<sup>197</sup> The "A.B." letters contain Webbe's views, but Webbe was not a satirical writer, or a good one. Franklin possessed the materials and type, and he planned on spending time correcting and editing Webbe's work.

Finally, it explains a final exchange between Franklin and Webbe—a letter submitted by "A.B." to both Bradford's *American Magazine* and Franklin's *General Magazine*, with a

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<sup>193</sup> Webbe, *Papers*, 2:271.

<sup>194</sup> Webbe, *Papers*, 2:267, called himself a "Writer," Franklin a "*meer* Printer" and a mere wit, *AWM*, April 3, 1732.

<sup>195</sup> Webbe, *Papers*, 2:279.

<sup>196</sup> Webbe's plagiarism was noted (*AWM* April 8, 1736, *PG* April 20, 1732); in the 1732 exchange, Webbe authored some fifteen articles, Franklin wrote eight; he wrote at least eight pieces for the *Gazette* between April 1–June 3, 1736.

<sup>197</sup> Compare with Waldstreicher, *Runaway America*, 112–14.

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ridiculing preface printed in the latter to reveal its intention as an attack on Bradford's magazine. In the *American Magazine*, Webbe's extensive commentary on Maryland government picked up almost exactly where the "A.B." letters had left off, from the April session of 1740. Noting threats that included slave revolt, restless Roman Catholics, and war with France, Governor Ogle urged the assembly to act in unity against Spain. The Lower House responded with recalcitrance and suspicion, lest amidst the distraction its grievances about Proprietary prerogative power be ignored. It passed a bill emitting £2,636 to encourage enlistment in the expedition against the Spanish West Indies, and a second bill raising three pence per hogshead of tobacco for purchasing arms and ammunition. But the Upper House failed to pass the latter because it continued for one year, not to the end of the next session. Answering the Lower House's demand for a set date, the Upper House passed a nine-year tax, but the Lower House rejected any longer than three. Neither house would yield, and the act expired. Webbe provided acute analysis, tracing the division to a principled difference over the right of the legislature to limit prerogative power: were the act continued, the governor might prorogue all meetings until the end of the session, independent of legislative control. Webbe argued that the breakdown in government could be traced to a structural flaw—the unchecked prerogative power of Maryland's proprietor, who, via the governor, absolutely controlled the Upper House.

The letter by "A.B.," responding to Webbe's "Abstract," appeared in both of the March 1741 magazines. Hence readers could compare Webbe's analysis with a conflicting treatment in the *General Magazine*, which included this prefatory statement:

*YOU will receive the inclosed the Copy of a Letter sent to Mr. Bradford to be published in his Political State of the British Colonies; but as his Candour and Impartiality cannot be depended upon, I desire you will print it in Yours, as soon as Possible, and thereby do Justice to the Injured, and convince the World of the Usefulness of your Magazine.*

Clearly intending to sabotage Bradford's magazine, A.B. reminds the reader of Bradford's promise to give all opinions a "fair and publick Hearing at all Times," meaning that if Bradford does not print the letter, and it appears in Franklin's magazine, then it reveals Bradford's dishonesty, and if Bradford does print the letter, then he includes criticism of

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Webbe's commentary, perhaps losing readers.<sup>198</sup> Claiming to allow the reader to judge for himself, A.B.'s letter printed long extracts from Maryland's *Votes and Proceedings* to show how inaccurate, boring, and biased Webbe's analysis and writing was—one may as well read the documents themselves. The tactic, as well as some late edits made by Franklin to the letter, strongly suggests Franklin's hand: no reader would send such a submission or expect it to be printed. A.B.'s phraseology is much like Franklin's, as is the method used—quotations interspersed with biting commentary, pinpointing logical fallacies, and culminating in a final blow. A.B. also points out the *American Magazine's* undue focus on Maryland, accuses it of poor political analysis, and provides an alternative interpretation to what he alleges is an unfair assessment.<sup>199</sup>

A.B. first attacks the factually inaccurate “Mistakes and Misrepresentations” in Bradford's coverage of the Maryland Assembly's dispute.<sup>200</sup> Webbe had boasted of his skill in both writing and commentary, but A.B. derides his “loose, rambling and perplexed” “Discourse on the Maryland Government” as driven by prejudice, a “strong desire to asperse [it] and [its] Constitution.” A.B. dismissed Webbe's explanation for the dispute, instead blaming it on a misunderstanding between the two houses. Webbe, he says, infers facts not evident in the proceedings, for example, that the quarrel dates three years' back, and that it was principled in nature. Rather Webbe's analysis confused “two distinct Propositions”: “whether or no the Lower-House stood their own Offer” to pass a tax with a fixed duration. Each house, misinterpreting the meaning of a clause relating to the duration of the tax, also confused the other's intentions.

A.B. secondly attacks Webbe's underlying constitutional argument. Webbe argued for the legitimacy of an upper house in Britain, but not under proprietary government, because appointed by legislative act. A.B. shows that Webbe is ignorant that Maryland's Upper

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<sup>198</sup> Bradford and Webbe may have suspected Franklin: to A.B.'s accusation of “willful Misrepresentations,” they replied, “How far such general Attacks on the moral Character of any Writer may be justifiable, we shall Submit to the Determination of the Reader”; compare Webbe's similar remarks, 2:273.

<sup>199</sup> A.B., *GM*196, 190, accuses Webbe of bias and inaccuracies; Franklin, 190, as editor removes the word “honest”; capitalizes “EITHER,” 196; and alters words, 200, to attack Bradford and paint Webbe as more radical: “especially[,] as you seem to have called upon a Gentleman, who is much abler to set this Affair in a true Light than I can pretend to do”; Webbe, *AM*99, italicizes one of A.B.'s remarks for rhetorical purposes; on Franklin's tactic, see *Papers*, 2:37ff., 5:42ff.; on ridiculing Webbe's focus on grammar, and pinpointing logical fallacies, *GM*196, 198: “I should readily have acknowledged the Justness of your Conclusion, whatever I thought of your Premises. But as you have formed your Argument, I cannot perceive, by any Rule of Logick that I am Master of, how it concludes any thing at all.”

<sup>200</sup> *GM*196-97.

House *was enacted* and further undermines his “Arguments against the Upper-House” by finding its correlate in other colonies: “[Y]ou cannot muster up even so much of the Appearance of Candour as to acknowledge, that any of His Majesty’s Councils in the other Colonies [like New Jersey] have a distinct legislative Power from the Governor” and are “jointly entrusted with the King’s Negative Voice.”<sup>201</sup> Moreover, Webbe argued that the king has the same interest as the whole, but the proprietor’s “private Interest frequently clashes with that of the Community.” A.B. accuses Webbe of sloppy logic—the proper questions are:

Whether the Governors of *Maryland*, under a Proprietor, have it more in their Power, to pursue their own private Interest, to the Prejudice of that of the Community, than the Governors of the same Colony had, when it was more immediately under the Crown? Or whether, in Fact, they have done so? Or whether a Crown or Proprietary Government can carry the Powers of Government higher to the Oppression of the People? And, when the People are in Reality oppressed, in which Case can they meet ... speedy Redress?

A.B.’s criticism of Webbe on political form leads to a final assault on his political principles.

Franklin knew, from the “Z” articles, that Webbe’s principles were radical. In 1736 he tempered Webbe’s claims to popular sovereignty by printing “R. Freeman’s” defense of the British constitution. A.B. challenged Webbe’s position of popular sovereignty (“*Vox Dei est Populi Vox*”) over the executive’s veto, pardoning power, and the judiciary with the principle that *the measure for just government was not popular sovereignty, but the protection of rights*—Webbe never resolved the potential conflict between majority rule and the end of the social contract.<sup>202</sup> The defense of representative government, as Franklin often argued, was that it best secured those rights; proprietary and charter colonies, A.B. argued, had greater liberties than royal colonies: “[I]t is very certain, that the People under the Proprietary and Charter Governments in *America*, have some Favours and Indulgences, that it would be difficult for the other Colonies to obtain.”<sup>203</sup> Webbe argued that the governor, by appointing officers, controlled the Upper House, but A.B. responded: “[M]ight not these same Places, whose Charms you seem to think no Man in these Parts can resist, tempt the Gentlemen of a Lower-House as well as those of an Upper? And would it not be more dangerous to the People, to have their own Representatives corrupted, without any Body to call them to an

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<sup>201</sup> *GM*197-98.

<sup>202</sup> *AWM* April 1, 1736, 1; April 15, 3-4.

<sup>203</sup> *GM*3:198-9; on defense of representative government, see Franklin, *Papers*, 5:444.



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Account...?” Whether or not an upper house is “best in a Proprietary Government,” A.B. writes, is only a point for “Consideration,” and not to “enter more fully into the Dispute.”<sup>204</sup>

A.B. does affirm that Maryland has a political problem—not its proprietary form, but the breakdown in the separation of powers: “One of the greatest Grievances the Country labours under ...[is] *The Establishment of the Officers' Fees*.” A.B. (like Franklin) adds that the problem of officers' fees is exacerbated by their payment in tobacco instead of “Paper Currency; but this the Lower-House of Assembly themselves chose.” Hence, in one page A.B. undermines Webbe's constitutional position, then preempts Webbe's argument against prerogative power. Even here, A.B. appears moderate—“one may venture to affirm,” “some People think.” By taking such a position, Franklin appeared impartial and attacked Webbe as a radical—a sly move considering his own contacts among the Pennsylvania proprietaries.

Franklin's and Webbe's political dispute ran much deeper. Webbe's argument for popular sovereignty conflicted not just with proprietary government but also with democracy, which he called “the worst Sort of Republicks.”<sup>205</sup> He argued for a supreme legislature, but in a class-structured society, led by elites. Webbe's aristocratic sympathies emerged in his 1732 praise of British custom, which Franklin lampooned. In 1740, Webbe jabbed Hamilton and Franklin for irresponsibly supporting the “*Licentiousness* [not liberty] of the *Press*”:

[T]ho' an Opposition to arbitrary Power is always right ... yet the Circumstances ... have been but too often wrong. Therefore it is to be wished, if any People should happen to ... mak[e] such publick Remonstrances, as contended for by Zenger's Council to be their undoubted Right; that the Management of them might always be reserved for Men of Skill and Address. It is not for every puny Arm to attempt to wield the Club of *Hercules*!<sup>206</sup>

Meanwhile, Franklin, believing that true genius was nourished by republican government, had democratic sympathies. Protection of English liberties lay in the equality principle—the rule of the “middling Sort”—as opposed to a feudal regime in which the “*better Sort*” governed the “*lower Sort*.”<sup>207</sup> Because humans were proud—and gentlemen the proudest of all—they seldom questioned their opinions, contentedly living off the fruits of others' labor:

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<sup>204</sup> *GM*3:200.

<sup>205</sup> “Z,” *PG* April 1, 1736.

<sup>206</sup> *AWM* November 6, 1740; “ANTIZ,” *AWM* April 22, 1736, also attacked Webbe's elitist sentiments.

<sup>207</sup> “Pensylvanus,” *Pennsylvania Journal*, March 25, 1756. Franklin, *Papers*, 3:199, appealed to the “middling People” for defense; in 1740 as “Obadiah Plainman” (attributed by Aldridge, supported by Lemay, *Canon*, 96–102, 131, 134–35), he had recently defended the religious worship of the “*meaner Sort*” against “BETTER SORT.”

“*You drudge, and sweat, and labour here, Old Boy, But we the Fruit of your hard Toil enjoy.*”<sup>208</sup> Franklin supported a strong legislature—with power over both officers’ appointments and the purse—along with an upper house performing the role of an executive council, and a gubernatorial veto power to check majority tyranny. Webbe’s aristocratic sentiments led him to misjudge the uneducated Franklin, confusing his feigned humility and preference for satire with ignorance—especially of political theory and the “polite Authors.”

Franklin’s defense of proprietary government was soon tested. After Governor Thomas’s April 17, 1740 declaration of war speech, Franklin wrote an optimistic commentary that “*even in Pennsylvania*” troops would be raised for the assault on Cartagena.<sup>209</sup> But the Quaker Party refused. To obtain his troops, Thomas allowed indentured servants to enlist, freeing them from their contracts, to force the assembly to pass a defense bill. The frail Andrew Hamilton petitioned the assembly to raise a bounty for volunteers. However, the assembly’s £3,000 bill prohibited the use of funds until the indentured servants were returned: it made the governor choose between troops or money, and then halved his yearly allowance. In October Thomas appealed to the Board of Trade, arguing the Quakers must be excluded from office. The letter not only opposed the Quakers on defense, it argued against the paper currency system, free trade, and Pennsylvania’s home manufactures that undercut British production. The colony, he believed, existed for the sake of the mother country. Thomas opposed the frame of government that gave the assembly the power to adjourn and limited “his Majesty’s just prerogatives” by coercing the governor to assent to bills for his yearly allowance (Thomas received no funds for 1741). Reminiscent of Burnet and Belcher, he demanded a fixed salary. Franklin printed both Thomas’s letter, galvanizing public sentiment against him in the 1741 elections, and the assembly’s reply that insisted on the people’s rights.

The “battle of the stairway,” in which Quaker Party members would block opposing voters from ascending the staircase, erupted the next year in the 1742 election day riots that changed the political landscape. William Allen was allegedly behind a scheme to bring in sailors armed with clubs to remove the Quaker supporters, and they did so violently. As the older Quakers pacifists were beaten, a new generation—those like Isaac Norris, Jr.—watched with indignation, and they found allies in the German immigrants in the country. They would

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<sup>208</sup> Franklin, *Papers*, 2:334.

<sup>209</sup> *PG* April 17, 1740; see Lemay, *Life*, 2:333.

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later support (as in 1745) money for “the king’s use,” or defense. It prepared the way for Franklin’s political career as the founder of the Association, leader of the Quaker Party for defense, and ultimately crusader against Pennsylvania’s proprietary form of government.

### “EXTRACT OF A LETTER FROM WEST JERSEY, SEPT. 1. 1751”

The crucial decade of the 1730s shaped Franklin’s notions of government and laid the groundwork for his political life as leader of the Association, Quaker Party, and assembly in the late 1740s and 1750s. Though he had defended Pennsylvania’s proprietary government for its protection of rights as superior to Maryland’s feudal system, he later changed his mind when he became convinced that it was itself an “odious Feudal System.”<sup>210</sup> Penn claimed the royal charter granted him both prerogative and legislative power and made demands reminiscent of Baltimore: “Checks on the Disposition of Publick Money” and a “Governor’s Negative” as a “Check on the Assembly’s Grants.”<sup>211</sup> He wanted more executive officers with higher salaries for gentlemen of superior rank: tax assessors, defense commissioners, military officers, and judges serving at his pleasure.<sup>212</sup> Franklin, holding that government was a compact among equals, condemned the treatment of one part as superior to another. Applying this principled view, he rejected the proprietor’s claim to superior rank, diminished his claim to prerogative power, and absorbed the lawmaking function into the assembly.

Against the proprietor’s claims to prerogative power, in 1753 Franklin upheld the equal “Rank” of the Assembly, arguing that the charter was a grant of “*additional* Liberties and Privileges” to the settlers: the “Terms of [the] Charters” delineated, and even limited, prerogative.<sup>213</sup> Indeed, to form a colonial union, “some prerogative may be abated to extend Dominion.”<sup>214</sup> He wrote in 1754, “Instructions from the Crown to the Colonies ... should never Aim at extending the Prerogative beyond its due Bounds, nor abridging the just

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<sup>210</sup> Franklin, “Queries and Remarks,” November 3, 1789, in *Writings* (Smyth), 10:57; Franklin, *Papers*, 11:303.

<sup>211</sup> “Pensylvanus,” *Pennsylvania Journal*, March 25, 1756, 5.

<sup>212</sup> “Pensylvanus,” *Pennsylvania Journal*, March 25, 1756, 5: entice “Men of *Sense* and *Ability* ... from *other* Places.... [I]f the Fees were higher, it would be better worth a *Gentleman’s* while...” Franklin, *Papers*, 7:151; on British “Schemes of an Administration” to raise “new Revenues in creating, by Places and Pensions, new Dependencies,” 21:418.

<sup>213</sup> Franklin, *Papers*, 5:48–49, 40.

<sup>214</sup> Franklin, *Papers*, 5:361; 16:319 “to enjoy *Liberty* of Conscience, and Freedom from tyrannical Acts of Parliament, [the colonists] went to a Country where neither the Power of Parliament nor of Prerogative had any Existence, and where the King, on the Condition that they would continue to own him as their Sovereign, was contented to limit the Pretensions of his Prerogative by solemn Charters.”

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Liberties of the People.”<sup>215</sup> Franklin rejected the proprietor’s prerogative altogether, reserving the power to legislative delegation.<sup>216</sup> In the 1754 Albany Plan, he secured each colony its own self-governance, omitted representation for the gentlemanly class in an upper house, and confined prerogative power in the Council to foreign affairs and defense. After proprietary demands (in both Pennsylvania and Maryland) in the midst of war for exemption from taxes, Franklin concluded, “This is not merely Vassalage, it is worse than any Vassalage we have heard of ... it is even more slavish than Slavery itself.”<sup>217</sup> He appealed to principles of natural law: “To dispose of their own Money, by themselves or their Representatives, is ... a natural Right, inherent in every Man, or Body of Men, antecedent to all Laws.”<sup>218</sup>

Franklin wished to eliminate the gentlemanly class and reduce the proprietors to landholders, subject to the laws passed by a governor and assembly. In 1756 he described the people and their principles: they are “generally of the middling sort,” “chiefly industrious Farmers, Artificers, or Men in Trade,” and “they enjoy and are fond of Freedom, and the meanest among them thinks he has a Right to Civility from the greatest.”<sup>219</sup> Yet these principles are threatened: “They see with Concern in a neighbouring Province [Maryland], the vast Sums levied from the groaning People, and paid in exorbitant Fees to numerous great Officers, appointed by the Proprietor, who in return treat the poor Planter with Haughtiness and the Artifice with Contempt... Our People therefore dread the Growth of Proprietary Power.” The people, not the gentlemen, better conserve the constitution, which has led to their flourishing: “Assemblies more rarely misuse their Powers than Governors, their Interest and that of the Publick being one and the same.” The legislature better secures the rights of the people because it reflects their interests. “Elections by private Ballot, are fairest, and best show the free Inclination and Judgment of the People.” Chosen annually, its members are more accountable, which thus discourages bribery, heavy taxes, and bad laws. A second legislative house or “Council is by long Experience found unnecessary.”

Certain constitutional rights follow: In 1753 Franklin argued that Thomas Penn’s secret instructions and suspending clauses, by constraining his governors, were an unjust delegation

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<sup>215</sup> Franklin, *Papers*, 5:332; on eliminating the aristocracy, see 5:403.

<sup>216</sup> Franklin, *Papers*, 3:210, initially preserved the governor’s prerogative; on legislative delegation, 6:300, esp. 11:136.

<sup>217</sup> Franklin, *Papers*, 6:162; writing as “A.B.,” Franklin also opposed Maryland’s proprietary government, 8:162-68.

<sup>218</sup> Franklin, *Papers*, 6:517-18; On claims to rights by charter, as Englishmen, and as a “natural right,” *Papers*, 7:136-42.

<sup>219</sup> “True State of the Disputes,” *Pennsylvania Journal*, March 25, 1756, 5, reprinted in the appendix below; on authorship, see Ralph Ketcham, *Benjamin Franklin* (New York: Washington Square Press, Inc., 1966), 95.

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of lawmaking authority.<sup>220</sup> Only “Representatives of the People ha[ve] the Right of disposing of the People’s Money, granting Salaries, and paying Accounts.”<sup>221</sup> This included sole appointment to some offices, and a share in others. The proprietors had neither rightful veto over “the disposition of public Money” nor consent to governmental appointments, else the assembly could not send (or pay) an agent “to represent [its] Grievances” in England. The assembly claimed the right to choose military officers, subject to the governor’s commission. But it was also constrained by its view of limited government that limited administration: “An Increase of Offices and of Fees to be paid by the People, is an increase of Burthen, to no Purpose; an Impoverishment of the Inhabitants, and weakening of the State.” Hence the people are “attach’d to the Assembly,” and are “jealous of its priviledges and Independency, as knowing that their own Freedom and Happiness, and the Publick Welfare, depend on the Support of those Privileges, and that Independency.” However, “if the Proprietor’s Influence” increased, the Assemblies will be “render’d dependent and subservient to his Pleasure, [and] it may as well be left to him to make the Laws.” If directed by the intrigues of an elite class, the assemblies would become “Instruments of Oppression.”

In 1753 Franklin reconsidered the rights of Pennsylvanians under royal and proprietary charters, and he later led the assembly’s efforts to replace proprietary government with a royal charter.<sup>222</sup> The very attempt presumed an original compact, securing rights, made with the king. This was not just that “the King is a much better Landlord” than the proprietors, it was a protest against *any decisions* made from “three Thousand Miles Distance,” including royal instructions.<sup>223</sup> Richard Jackson’s *An Historical Review of the Constitution and Government of Pennsylvania*, “which appeared in London in June 1759 under Franklin’s guidance and sponsorship,” focused on the fundamental issue of “prerogative”: it would, said Franklin “prepare the Minds of the Publick; in which the Proprietors will be gibbeted up as they deserve, to rot and stink in the Nostrils of Posterity.”<sup>224</sup> The work framed the dispute between the people and proprietors in the language of social contract and “natural equity” that Franklin had first used as a young man in Boston.<sup>225</sup>

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<sup>220</sup> Franklin, *Papers*, 5:34-41.

<sup>221</sup> “Pensylvanus,” *Pennsylvania Journal*, March 25, 1756, 5; See Franklin, *Papers*, 11:302.

<sup>222</sup> Franklin, *Papers*, 5:40, 8:157-58, on the known risks to Pennsylvania liberties, 8:25.

<sup>223</sup> Franklin, *Papers*, 6:197; 5:40, 57.

<sup>224</sup> Franklin, *Papers*, 7:374; on “Franklin’s assiduous propagandizing” 7:255; on success, *An Historical Review*, 438.

<sup>225</sup> Franklin, *Papers*, 8:96, 11:239, 284, 350; on “natural right” to frame the debate, *Historical Review*, 13, 403-24.

Franklin's changing view of proprietary government informs our final consideration, an extract from a letter by "Publicus" in the March 17, 1752 *Gazette*, which, extending the concerns of colonial freedom under proprietary rule, warned that the British also viewed the colonists' as "Tenants." It reappeared the next month in the *Virginia Gazette*.<sup>226</sup> Franklin had published his own pieces as "extracts" before, and the internal evidence suggests that Franklin wrote it: the phraseology is similar, and the argument identical, to that in the 1760 *The Interest of Great Britain Considered, or Canada Pamphlet*; indeed, every line but one finds an exact parallel in Franklin's writings.<sup>227</sup> The article's importance is that it ties Franklin's 1751 *Observations* to the later *Canada Pamphlet*, and its concluding threat of revolution.

In the 1751 *Observations*, Franklin, looking to demographic changes, provided maxims that would foster imperial growth. Lemay argues that Franklin foresaw a shift of power to America, and warned against British policies that might hinder colonial growth, and hence affection for the Mother Country. That year Franklin compared the British practice of exporting felons to sending rattlesnakes to the colonies or dropping turds on American tables.<sup>228</sup> In the 1760 *Canada Pamphlet*, Franklin participated in the debate over Great Britain's terms of peace after the French and Indian War, challenging the idea that Britain should keep the lucrative sugar islands of Guadalupe and return hard-won Canada to the French—preserving a "balance of powers," which included a check upon colonial expansion. Franklin measured foreign policy not by a balance of power, but by a hierarchy of goods, foremost the right to self-preservation, from which the derivative right to security proceeds. This hierarchy of human flourishing—security, increase, trade, wealth—had as an end the highest modes of culture.<sup>229</sup> "Britain and her Colonies," Franklin argued, "should be

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<sup>226</sup> *Virginia Gazette*, April 24, 1752; collections cite the *Gazette*, and attribute an unnamed "London Newspaper"—*New Jersey Archives: Documents Relating to the Colonial History of the State of New Jersey*, ed. William Nelson, series 1, vol. 19 (Patterson, NJ: The Press Printing and Publishing Co., 1897), 139–40; John Doyle, *English Colonies in America: The Colonies Under the House of Hanover* (New York: Henry Holt and Co., 1907), 5:122, see n1.

<sup>227</sup> On Franklin's printing his essays as "extracts" around the same time (June 12, 1751, September 5, 1751), Lemay, *Life*, 3:597; on similarity with the *Canada Pamphlet*, compare "Publicus" on encroachment of trade to Franklin, *Papers*, 9:62; on the northern colonies "naval force" and its effect on trade, 9:87, 71, 78; on consumption of English manufactures, 9:87; on comparison of trade between northern colonies and West Indies, 9:87; on fisheries, 4:230–31; on Spain's decline, 9:85, 4:232–3; on privateers, 4:233; on French strategy for the next war, 9:69; on the mother country's relation to her children, 4:229, 9:75; on the fishery as a "Nursery" for Seamen, 20:526, 28:604.

<sup>228</sup> See Lemay, *Life*, 3:240–64, 219–30, 635–36; on the *Observations* and Americanism, 2:155–64.

<sup>229</sup> See Gerald Stourzh, *Benjamin Franklin and American Foreign Policy* (University of Chicago Press, 1954), 66; Franklin, *Papers*, 6:468; 1:320–21.

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considered as one Whole, and not as different States with separate Interests.”<sup>230</sup> For the British Empire to keep the sugar islands was to place the economic interests of a part against the *preservation*, not just the interests, of the colonies, and hence the good of the whole. The balance of power could only be maintained by American deaths on the frontier—“massacring men, women, and children.”<sup>231</sup> Whereas in 1751 he prescribed maxims for growth, in 1760 he concluded with the *limits* of empire, considering the limits of human affection: “Good-natured persons ... can sympathize sincerely with the grief of a lady on the sudden death of her favourite bird, and yet can read of the sinking of a city in Syria with very little concern.” Franklin’s satirical prescription for the “Egyptian policy”—killing every third or fourth child to curb the colonial population—was a not-too-subtle warning of American independence.<sup>232</sup>

The 1752 article, which prefigures Franklin’s 1760 argument, supports Lemay and Mulford’s position that Franklin early on considered the potential break from Britain.<sup>233</sup> Publicus argues that, considering the interest of the whole in terms of trade, Britain should negotiate for Canada over the Sugar Islands. The Northern Colonies consume far more British manufactures and employ far more seamen than “all the Sugar Islands put together.”<sup>234</sup> The rise of colonial naval power with their increase in trade should be considered in light of the ambitious, guileful French strategy for the “next War” in the Americas. Yet the British constraints on colonial trade—including those on printing presses that kept the colonists in ignorance—intentionally sacrificed colonial rights to native commercial interests. British claims to prerogative as set against colonial rights placed it in the same position as the Pennsylvania proprietors.<sup>235</sup> The conclusion: if the mother country treats its subjects not like children—with the presumption that they will be educated—but “merely as Tenants ... Labourers, or ... Slaves,” the colonies “must of Course by Degrees lose all true Respect and Affection.”<sup>236</sup> It is perhaps Franklin’s earliest threat of revolution.

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<sup>230</sup> Franklin, *Papers*, 5:332; the colonies were, 5:361, “so many Separate Corporations in one Common Wealth.”

<sup>231</sup> Franklin, *Papers*, 9:93.

<sup>232</sup> Franklin, *Papers*, 9:94.

<sup>233</sup> Lemay, *Life*, 3:240–64; Mulford, *Franklin and the Ends of Empire*, 142–82, 262.

<sup>234</sup> Compare Franklin, *Papers*, 9:85, “the trade between the different parts of these British islands, is greatly superior to that between England and all the West-India islands put together.”

<sup>235</sup> On claims to royal prerogative, 8:293–95.

<sup>236</sup> Franklin, *Papers*, 5:332; royal instructions should be “just and reasonable, and rather savour of Fatherly Tenderness and Affection,” else the “people lose their Respect”; 11:299; in reference to Britain, 16:325: “They us’d to call her by that endearing Appellation [mother]; but her late Conduct entitles rather to the Name of Stepmother”; 21:418: “losing our Respect and Affection.”

**Appendix: New Attributions to the Franklin Canon**

Two of the eight writings attributed to Franklin in the article above are printed below. The remaining six may be easily accessed in the free online archives at [Hathitrust](http://Hathitrust). A third article, attributed by Ralph Ketcham (see above, 76n219), is difficult to find and so also included below.

THE YEARLY VERSES OF the PRINTER'S Lad, who carrieth about the Pennsylvania GAZETTE, to the Customers thereof.

JANUARY 1, 1740.

By annual Services Estates are held,  
 The Rent unpaid the Tenant is expell'd:  
 And I, subjected by my Tenure, pay  
 A new struck List of Rhymes on New-Year's Day.  
 Sure, if I miss, to have an empty Purse,  
 And to displeas my MASTER'S, which is worse.  
 But never was I puzzled heretofore,  
 So much the last Year's News to number o'er:  
 I'm out of Sorts, and know not what to write;  
 The War's begun with Spain,--but who will fight?  
 Unfitted for this Talk, a Tale I'll tell,  
 In Hopes the Substitute may do as well.  
 Two loving Neighbours, but unlike in Sense;  
 (For one rely'd alone on Providence)  
 Resolv'd the first, his Household to secure,  
 By Arms prepar'd, and Locks on ev'ry Door;  
 Th' other ne'er to be upon his Watch,  
 But 'gainst Temptations, and his Doors to latch,  
 To keep out Winds and Rain, or Dogs and Swine;  
 From Thieves defended by a Fence divine.  
 Off' had these Neighbours been in deep Dispute,  
 But neither could the Other yet confute:  
 The first then thinking how with honest Guile  
 He could his Friend to Reason reconcile,  
 Goes in the Dead of Night, his Pewter takes,  
 And Prize of all his loose laid Treasure makes.



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The Loser in the Morn perceives his Loss,  
Reflects full sorely, on so great a Cross;  
Refuses Meat, grows thin; his Looks are pale;  
And loud he would, but durst not loud bewail:  
His Neighbour saw, and pitying did restore  
The Goods purloin'd, and bade him bolt his Door.  
But he still thinking Providence was near,  
That try'd his Faith by such a simple Fear,  
Resolv'd more firmly to rely on him,  
And more and more to merit his Esteem.  
Not long, alas! he liv'd in this Resolve,  
Seasons and Things in Motion quick Resolve;  
Thieves desp'rate, came within the Neighbourhood;  
They try'd a House, and there the Bars withstood;  
They came to this (and here a Latch was all)  
An Entrance gain'd to Kitchen and to Hall;  
And rifled ev'ry Place, and left him Poor,  
Who thought himself in Providence secure.  
Thus miserable grown, he sought his Friend;  
Have you said he contriv'd to speed my End;  
I'm robb'd of ev'ry useful valu'd Thing,  
Except my Bed, which no Repose can bring.  
Quoth he, what I can spare I will bestow  
To help your Need, but not to make you owe;  
To me this dire Misfortune is not due,  
I once for Caution kindly cozen'd you;  
The Warning miss'd its Aim, yet I'm your Friend,  
And would your Thinking with your Living mend:  
What Virtue or good Reason can there be  
In baiting Hooks for Vice and Robbery?  
As Preservation is our eldest Law,  
In which the Wise have yet observ'd no Flaw,  
It well becomes us to secure our own,  
While we thereby do Injury to none.  
Can Providence be pleas'd to see us lay  
The Fruits of Labour to be stole away?  
If at my Face a Rogue should clench his Fist,  
Is it Religion if I don't resist?

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Believe me Friend 'tis not--nor God we serve,  
By feeding Villains while our selves may starve.  
An honest Industry becomes a Man,  
And to preserve his Freedom if he can;  
But if with all his prudent Care he fails  
The last Great Day must equipoise the Scales.

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The PENNSYLVANIA GAZETTE, March 17, 1752

*Extract of a Letter from West-Jersey, Sept. 1. 1751.*

*SIR,*

“The French since the last Peace, have been so much encroaching on the Trade and Territories of our British Northern Colonies, that we are anxious to hear of the Success of our Negotiations at Paris. As I have had some Opportunity, I have done all in my Power that our Commissaries be well informed, as I have been particularly applied to for that Purpose. I am fully persuaded that the Northern Colonies are of much greater Consequence to the Naval Force and Trade of Great Britain, than the Sugar Islands, though it seems that there has been much Pains taken to make it appear otherwise.

There is no Comparison in the Quantity of the English Manufactures, that are annually consumed in the Northern Colonies, and in the Sugar Islands. Besides, the West India Trade is a perpetual Destruction of Seamen, whereas the Northern Colony Trade, and the Fishery especially, is a continued Nursery for their Increase; and therefore it is my humble Opinion, that an exclusive Fishery alone, would be of more Benefit to the Nation than all the Sugar Islands put together; for whatever Nation has the greatest Naval Force will always command the Trade. This is evident from the Case of Spain, which has decayed in its Trade and Naval Force, ever since their Settlement of their numerous Southern Colonies. The French were made very sensible in the last War, of the Naval Force of the Northern Colonies, though it had no other Support but that of private Adventurers. The French think our Ministry will suffer a thousand little Injuries at a Distance, rather than go into another War, for they reap more Advantages by a Peace, which gives them fresh Opportunities to make Encroachments, in Order to lay Foundations to carry on the next War more to their Interest. I have heard it reported, that Printing-Presses are by all Means to be discouraged in our Colonies; I am amazed at it; I wish it may not be true. That the Colonies ought to be kept in Ignorance, is not the just Sentiment of a Mother Country towards its Children, but of a Mother Country towards its Servants. Love us, encourage and educate us as Children, and we shall always give you the Honour, Love and Obedience, that is due to a Parent. But if you begin to consider us merely as your Tenants, your Labourers, or your Slaves, we must of Course by Degrees lose all true Respect and Affection for you. I am, dear SIR,

Your most humble Servant,

PUBLICUS.”

SUPPLEMENT to the PENNSYLVANIA JOURNAL, NO. 694.

A TRUE STATE of the Disputes now subsisting in the Province of Pennsylvania.

March 24, 1756.

Mr. BRADFORD,

AS Party Flame seems again encreasing among us, when we hoped it was well nigh extinguished, and some of our own People, as well as Strangers, scarce know why we are so angry with each other; give me Leave, by the impartial Channel of your Paper, to offer a short Account of the Cause of our present Disputes; which Account, if a just one, may explain the Conduct of the several Parties, and render the Measures they respectively take to gain their Ends intelligible.

The People of this Province are generally of the middling sort, and at present pretty much upon a Level. They are chiefly industrious Farmers, Artificers, or Men in Trade; they enjoy and are fond of Freedom, *and the meanest among them* thinks he has a Right to Civility from the greatest. They see with Concern in a neighbouring Province, the vast Sums levied from the groaning People, and paid in exorbitant Fees to numerous great Officers, appointed by the Proprietor, who in return treat the poor Planter with Haughtiness, and the Artificer with Contempt; while both must stand Cap-in-hand when they speak to the Lordlings, and *your Honour* begins or ends every Sentence. Our People therefore dread the Growth of Proprietary Power, and are for holding fast those Privileges that tend to ballance it or keep it down.

At present, the Representatives of the People having the Right of disposing of the People's Money, granting Salaries, and paying Accounts; the sole Appointment to some Offices of Profit, and a Share in the Appointment to others; and not subject to Prorogations of Dissolutions at a Governor's Pleasure, they are of Course a respectable Part of the Government. And as they are to be chosen annually, the common People whose Votes are so frequently necessary in Elections, are generally better treated by their Superiors on that Account. Besides as Assembly-men may so soon be chang'd and mix'd again among the People, it is scarce worth the Proprietaries while to bribe them with an Office, nor worth theirs to accept of it, to oppress their Constituents with unnecessary heavy Taxes, or other burthensome Laws, since a Post may fail while the Burthens continue, and they come in to bear their Share of them. Hence the People are commonly attach'd to the Assembly, and jealous of its Priviledges and Independency, as knowing that their own Freedom and Happiness, and the Publick Welfare, depend on the Support of those Privileges, and that Independency.

On the other Hand, as the Proprietary has the sole Power of disposing of many Offices of Profit and Honour, and a Share in the Disposition of others; as he can favour his Dependants in the Grants of Lands, and oblige them by Pensions; he must necessarily with the Aid of such Influence obtain a strong Party among us, tho' his Personal Virtues were out of the Question. This Party however is not the strongest; some few Things are yet wanting to encrease it, and diminish the other; as, first, a Power in the Proprietor, or his Deputy, to check or obstruct the Disposition of Publick Money, by a Negative, if he does not like the Person employ'd in any Publick Work or Service. This would make the Tradesmen, and all that supply or serve the Government, as obsequious to the G—r and his Friends as those are who enjoy Offices under them. Secondly, A Power to refuse *every Officer* nominated by the Assembly, who has not taken Care to make himself agreeable at Court; thus to lessen the

Influence of the Representative Body. Thirdly, An Establishment of *more Offices* of Profit solely in his own Disposition, that he may actually oblige more Persons, and create more Expectants. Fourthly, An Increase of Fees in the Offices already established, that the Desire of obtaining those Offices may be stronger. Fifthly, A general Militia Law that shall give the sole Power of appointing military Officers to the Governor; to engage a great additional Number of Dependants by that Distribution of Honours. Sixthly, A numerous Legislative Council, solely of his own Appointment, to become a third Branch in the Legislature, with a Negative on Laws propos'd by the Assembly, that so Gentlemen of Fortune, who have not Merit sufficient to recommend themselves to be chosen Representatives, may be oblig'd to him for a Share in the Government; and at the same Time screen him from the Odium of refusing reasonable Laws. Seventhly, A Power to adjourn, prorogue or dissolve the Assembly at Pleasure, or to keep them Sitting against their Will; that so they may be snubb'd or sent packing when they are refractory, and disobedient to Proprietary Instructions; or may be wearied into a Compliance by long Sessions, a kind of Banishment from their respective Habitations.

Were these Points gained, 'tis thought the Proprietary Power would be strong enough to bear down all before it.—I do not pretend to be in the Secret of Affairs, Mr. *Bradford*, but it is reported that the G—r has positive Instructions to obtain them one by one, by all possible Means, as favourable Occasions offer. And it is not to be supposed that all who abet the Design, act from the sordid Motive of private Interest. I, who see and converse with many People of all Ranks, have an Opportunity of hearing Variety of Sentiments, and can assure you, that there are some who wish from mere Principle that these Measures may take Place. They say they have studied Politicks in learned Authors, and are convinc'd that our Constitution is defective in those Particulars; that the People have too much Power, the governor too little; hence the *lower Sort* are not respected enough to the *better Sort*; hence the Laws are lax, and the Execution of them more so. That in every well fram'd Government, there ought to be Checks on the Disposition of Publick Money, to prevent Misapplications; that the Governor's Negative would be a proper Check on the Assembly's Grants. That our Offices are too few; for it we had more, we might encourage more Men of *Sense* and *Ability* to come from *other* Places and fill them; and if the Fees were higher, it would be better worth a *Gentleman's* while to accept of them. That the appointing Militia Officers is an inherent Right in the Governor; and that the People are not fit to be trusted with any Share in it, being ignorant of the necessary Qualifications of an Officer, and easily byass'd to a wrong Choice: At least, if they are, from Favour, allow'd to chuse, it ought not to be by *private* Ballot but by *open* Election; for so those in Power may have an Opportunity of knowing who does and who does not vote as he should do, and by that Means influence a better Election. That a Legislative Council is absolutely necessary for the better and more weighty Consideration of proposed Laws, and is moreover agreeable to the British Constitution, as similar to the House of Lords. That no popular Assembly ought to meet, or sit, or continue, but at the Governor's Pleasure, lest they should carry on Designs against the Government, or promote Rebellion. Nor have the Appointment of any Officers least it increase their Influence, and strengthen their Hands. That the Proprietor is a very good Man, has a sincere Love to the Country, is a true Friend to the Constitution, and if he aims at a few Alterations in it, tis for its Improvement only, and for the Sake of Order, internal Peace and better Government. These are the Principles by which *the most thinking Persons* of that Side justify their

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Conduct. If I have misrepresented them, they can set me right; but I believe I have not, for I am an impartial Man, Mr. Bradford.—Now let me tell you what the other Side says.

They say, Sir, that all the Powers in Possession of the Assembly are necessary to the Publick Welfare. That the flourishing of this Province beyond its Neighbours, is a Proof of the Goodness of its Constitution, under which we long lived happily, and in which no Flaw was ever found till these Tinkers attempted to mend it. That Assemblies more rarely misuse their Power than Governors, their Interest and that of the Publick being one and the same. That our Public Business is as well transacted with *few Offices* and *small Fees*, as in other Governments with more and larger. That an Increase of Offices and of Fees to be paid by the People, is an Increase of Burthen, to no Purpose; an Impoverishment of the Inhabitants, and weakening of the State. That the People ought to chuse their own Militia Officers, to be commission'd by the Governor, for they know their Neighbours Loyalty, Courage, and Abilities, better than the Governor can know them; and, if they have not this Privilege, they are in a worse Condition than common Soldiers in the King's Troops, who may chuse under what Captain they will inlist. That if the Proprietor's Influence over the Assembly is so increas'd, as that they are render'd dependent and subservient to his Pleasure, it may as well be left to him to make the Laws, Assemblies thenceforth will be Cyphers; they will be worse than Cyphers, they will become the Instruments of Oppression. That if no Officer can be appointed, or Money appropriated, without the Proprietor's Consent or his Deputy's, we cannot so much as chuse an Agent to represent our Grievances at Home on any Occasion, or pay him for his Services. That a Check in the Governor's Hands on the Disposition of public Money, may prevent right Applications as well as Misapplications, and in Fact more frequently does so in other Colonies That tho' a Council of Advice may be useful, a Legislative Council is by long Experience found unnecessary; and they cannot be similar to a British House of Lords, while they are removeable at the Proprietor's Pleasure. That there is no Danger of Assemblies sitting to hatch Rebellion; they are all loyal, and take the legal Qualifications. That Elections by private Ballot, are fairest, and best show the free Inclination and Judgment of the People; and that if Persons in Power, and those who are called *Gentlemen*, will take care to increase in Virtue as they do in Wealth, they can never fail of sufficient Respect from the People.

Yesterday I visited an old Citizen who has been long confin'd with the Gout. He is thought to be well acquainted with our Affairs, and one that sees as far into a Millstone as the Man that picks it. As we talk'd of the present Politicks and the News of the Day, pray Mr. L— says I, what can be the Meaning of these strange inconsistent Appearances? All that Part of the People who lately join'd as one Man in Petitioning the Assembly for Money and a Militia Law to defend the Country, are, now these Points are in some considerable Degree obtain'd, dividing among themselves and growing as angry with each other as they lately were with the Quakers; and moreover, those who objected vehemently against all Associations for Defence, are now as violently pushing an Association. But why should they differ if both Parties are pursuing the same End, the common Defence? Cannot each pursue its own Measures quietly, and without interfering with the other? I'll tell you, my Friend, says he. The Cause of Difference lies deeper than you seem to imagine. The old Assembly are odious to the Grandees; they have been long disobedient to the Proprietaries; the Petitions for Money and a Militia Law were just and reasonable, but the Request was increas'd to a clamorous Demand by the Proprietary Party, who imagined the House would not or could not grant the Petitions, and hoped thence to bring them into Disgrace with the People, and

get a Set of the Proprietor's Friends elected in their Places. When an Association was proposed instead of a Militia Law, these cry'd aloud, *No, no, we will have no Associations*. When a Militia Law was unexpectedly obtain'd, the next Step was to damn it, as imperfect, insufficient and impracticable; and endeavor if possible to prevent the Execution of it, that some Pretense might still remain for a Clamour against the Assembly; and those very Gentlemen who were lately for having a Law cramm'd down our Throats to lay a heavy Tax on the People for Defence of the Proprietary Estate, and exempt the Proprietor from paying any Part of that Tax, and suffered their Country to be delug'd in Blood before they would advise the G—r to consent to the Thing that was fair and reasonable; these very equitable Gentlemen now exclaim against the Militia Act as partial and unjust, tho' it leaves every Man to his Liberty.—The Act however was likely to be executed, notwithstanding all Opposition; many Companies form'd themselves throughout the Country pursuant to the Law, hoping to procure an Amendment of such Defects as should on Tryal be found in it. The People thus uniting under the Law, having no Party-Views, but merely intending the Defence of their Country, those moderate Men for their Officers; and as these were not likely to answer the By-ends of the Proprietary Party; and People were daily joining the new Militia; it was determin'd if possible to break it; and from a long continu'd steady Refusal to associate for Defence, or take any one Step of a military kind, they all of a sudden tack about, and cry out, *We will have an Association*. This Association, however, is not intended, as the Querist insinuates, merely *to do no earthly Thing*. It is to draw the People from the Companies and Regiments formed, or forming, under the specious Pretense of greater Liberty; discourage their Officers, and break those Companies and Regiments to Pieces; and on their Ruins form a Party against the next Election, strong enough to chuse a Set of Men who will do as they are bid, and give up to the Proprietor and his Friends all the Points they have so long aimed at obtaining—It behoves them, they think, to push this Matter now, with Vigour. The *Sixty Thousand Pounds* melts apace. A new Tax Law will soon be necessary, as a Fund to sink an additional Sum. If the War continues, many such Laws must follow one another. In the next, if possible, the Proprietary Estate, and all located unimprov'd Lands must be exempted and other Laws made to keep the Populace in due Subjection. Therefore all possible Means are to be used to establish this new Association. Dear Sir, says I, you seem too uncharitable. Why do you judge so hard, as to suppose such deep laid Designs in the Proposers of this new Scheme. I imagine they intend no more than to meet and divert themselves with learning the Exercise, as it is a manly Accomplishment, and may qualify them better to serve their Country on Occasion;—many of them I am confident have no Connection with the Proprietor or his Affairs.—That's possible says he, doubtless they have drawn in many well meaning People. I go but little abroad, converse but little of late, and I may be mistaken. But I'll tell you, Sir, some Signs by which you may judge for yourself. Straws and Feathers are light Matters, but they can shew us which way the Wind blows. If you find among the Chief Promoters of the Association ALL THOSE who thought the Proprietary Exemption reasonable; if the Proprietary Councillors and Pensioners, the great Land-jobbers, the Secretaries and under Secretaries, the Officers of the Land-Office, the Surveyors, the Prothonotaries and Clerks of Courts, all that are deeply in Debt to the Proprietor, or to his zealous Friends; and, in short, all his and their Dependents from the \*\*\*\*\* down to the trading ninepenny Justice (a brave Soul here and there excepted); if circular Letters are sent to all these throughout the Country, prescribing their Duty on the present Occasion; if the true disinterested Friends of the People are particularly attack'd, and every dirty Engine

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employ'd to abuse and blacken their Characters; then I am in the Right, depend on't, and take your Measures accordingly. What Measures do you means, said I. He reply'd, I may probably not be alive at the next Election; let me now give you a little Advice. I know you have an Esteem for the *Quakers*, and think them an honest, sober, industrious People, and in general good, Common Wealth's Men. So far you are in the Right; and I must acknowledge that it is but doing them Justice to say, that no set of Men have ever shewn themselves more tenacious of true Liberty, or of the proper Rights and Priviledges of the Subject, than the *Quakers*. But let not this good Opinion of them carry you too far. There are among them a few, otherwise valuable Men, who still retain the much controverted Principle, *That an Enemy ought not to be resisted, or a Country defended, by Force of Arms*. Chuse none such into the Assembly in Time of War; for they may greatly obstruct all necessary Business of that Kind, and draw down the Anger of our Superiors and the Resentment of the Publick on the whole Body. Besides it is realy unnecessary; for, if from the Experience you have had of the *Quakers* Management of publick Affairs, you incline to continue them as Part of your Representatives, you may find amongst them, as well as amongst others, many sensible and moderate Men who have not those religious Scruples. On the other Hand, beware how you chuse any of the Party whose Views I have been describing to you; for they will take such Care to secure their Seats, that you will never after be able to get them out of the Saddle, how ill soever you may like their Riding. If you are not otherwise sure of your Men, obtain from every Candidate an Oath or Affirmation, or at least a Declaration on his Word and Honour, that he thinks military Defence lawful, and that he will maintain to the utmost of his Power our present Constitution.

I thank'd the old Gentlemen for his Advice, and when I came home wrote it down, that you might, if you thought fit, communicate it to the Publick. Perhaps, if it does no Good it may do no Harm.

I am

Your, &c.

*Pensylvanus.*