THE EDWARD SHIPPEN FAMILY: A SEARCH FOR STABILITY IN REVOLUTIONARY PENNSYLVANIA

by

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I hereby recommend that this dissertation prepared under my direction by Kenneth Roeland Kimsey entitled THE EDWARD SHIPPEN FAMILY: A SEARCH FOR STABILITY IN REVOLUTIONARY PENNSYLVANIA be accepted as fulfilling the dissertation requirement of the degree of DOCTOR OF PHILOSOPHY.

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Edward Shippen's great grandfather moved from Boston to Pennsylvania in 1693 after his Quaker principles came into conflict with Puritan authorities. He became a close friend of William Penn, the province's proprietor, who appointed Shippen to various colonial offices. Because of his diligence and support of the Penn family, Shippen died one of the wealthiest men in Pennsylvania.

The family continued to prosper, in part because of their loyalty to the proprietors. In the 1770's Edward Shippen, Sr. was proprietary agent in Lancaster and occupied important appointive offices. His sons, Edward and Joseph, sat on the governor's council and the latter served as council secretary and secretary of the province. Edward Shippen, Jr. developed a reputation for legal excellence that was rewarded when the Penn family in 1752 appointed him judge of the vice-admiralty court.

Before the American Revolution, the government divided between a Quaker-led Assembly and friends of the proprietors. Benjamin Franklin, at first a supporter of the governor, threw his influence to the Assembly and began campaigning for a royal charter. Thomas Penn and his allies successfully defeated the attempt. After 1763 the struggle
over taxation and American rights reinforced arguments against a royal provincial government.

During the British-American controversy over taxation, the governor's supporters often led challenges on the alleged ministerial encroachments. When radicals changed protests into a movement for independence, both Assembly members and proprietary officials despaired. Radicals turned against the provincial officers when they realized their reluctance to support independence. Authorities faced the dilemma of defending their government without appearing favorable to British dominance.

The Shippens reacted to the Revolution in diverse ways. Edward Shippen, Sr. and his grandson by marriage, Jasper Yeates, objected to independence but led Lancaster County in organizing defense measures. For a time the older Shippen's son-in-law, James Burd, and his grandson, Edward Burd, commanded militia units. A bourgeois desire for position, stability, and security kept Joseph and Edward Shippen, Jr. from participating in the war. The brothers tried to avoid military hostilities by moving from the war theater.

Of the family, the younger Edward's allegiance to America appeared the most tenuous, but few questioned his loyalty. Prominent friends accepted his political sincerity even after authorities revealed the attempt of Benedict
Arnold, Shippen's son-in-law, to surrender the command at West Point.

Shippen's refusal to participate in the war effort had little effect on his legal career, largely because influential friends trusted his loyalty. In 1778 he joined conservative members of the bar to sign, under pressure, an oath of allegiance to the state's radical constitution of 1776. Six years later he renewed his judicial career when the Supreme Executive Council appointed him judge of the court of common pleas. Shippen advanced to the bench of the state supreme court in 1790 and nine years later became its chief justice.

Shippen's legal ability and his non-partisanism enabled him for a time to ignore controversy. After Jefferson's election to the presidency, however, radical Republicans accelerated an attack on the conservative judiciary. The Pennsylvania House voted impeachment charges against Shippen and two associate judges, Jasper Yeates and Thomas Smith. The Senate affirmed the concept of an independent judiciary and acquitted the judges. The victory correctly forecast the result of another impeachment trial, that of Samuel Chase, a conservative member of the federal supreme court.

Shippen's trial proved physically taxing for the old jurist and in January, 1806, he retired from the bench. His death four months later ended the prominence of the Shippen
family and severed the last link with the proprietary government.
CHAPTER 1

INTRODUCTION

By the time of the Revolutionary War the Shippen family had been in Pennsylvania four generations. Beginning with the arrival in 1693 of the first Edward Shippen, a Quaker refugee from Bostonian Puritanism, the family benefited by its close alliance with the Penn proprietors. The family reached a high point in its political fortunes in 1770 when Governor John Penn appointed Edward Shippen, Jr., grandson of his namesake, to the provincial council. In addition to being a councillor Shippen was judge of the vice-admiralty court, prothonotary of the supreme court, and a leading member of the Pennsylvania bar. Governor Penn had earlier commissioned Shippen's younger brother, Joseph, provincial secretary. At Lancaster, Edward Shippen, Sr. held several county judicial offices and had acted as agent for the Penn family since moving from Philadelphia in the 1750's.

The family had prospered. The first Edward Shippen amassed enough wealth to afford the largest coach and house in Philadelphia. Over the years other members profited from public offices, the western fur trade, land investments, and occasional trading ventures. In the provincial property tax
for 1774 Edward Shippen, Jr. paid £432.12.12 for an estate of £10,800 and ranked in the upper ten per cent of taxpayers paying over £100.¹

Much of Shippen's wealth was the result of rents and investments from lands he and his brother warranted and patented before the Revolution. During the crisis-ridden years of the 1770's and 1780's the value of these investments decreased substantially when Shippen's tenants and debtors could not pay him while prices and taxes continued to spiral. For a family accustomed to wealth and affluence, the change in finances was demoralizing, though hardly disastrous.

In the spring of 1776, the political situation for Edward Shippen, Jr., like that of all proprietary officials, was not enviable. Whereas most Americans faced only the question of their allegiance to the Crown, provincial officials in Pennsylvania also owed loyalty to the Penn family, a fact that greatly affected their future. Before 1776 Shippen had few qualms against protesting the policies of Great Britain, but when radicals urged independence and

¹. Edward Shippen's estate of £10,800 is estimated by assuming a tax of £160 was equal to an estate of £4,000. Pennsylvania Archives (9 Series, 160 Vols.; Philadelphia and Harrisburg, Pennsylvania; various publishers, 1852-1935), Ser. 3, XIV, 228, 229, 266; Main concludes that the typical wealthy upperclass American family possessed assets of at least £5,000. He estimates the wealthy upperclass to consist of 3% of the population. Jackson Turner Main, The Social Structure of Revolutionary America (Princeton, N.J.: Princeton University Press, 1965), pp. 161, 276.
attacked the charter government, he and other proprietary supporters were in a quandary.

If the proprietary officials tried to retain the charter government, and with it their positions, they would be regarded as loyalists by those who believed overthrow of the provincial government necessary for independence. Shippen and his friends were left wondering if they could actively support independence and risk their future and fortunes. At this point, withdrawal seemed the only alternative, and Edward and Joseph Shippen, Benjamin Chew, James Hamilton, William Allen, and the Penn brothers retired from government. Despite Edward Shippen's withdrawal, however, he was not neutral in his thinking. Never did he want to see America at the mercy of a victorious British army; yet at no time did he actively attempt to prevent it.

Historians frequently offer a paradoxical sketch of Edward and Joseph Shippen during this period and the turbulent years shortly thereafter. In a state where writers have drawn firm lines between patriots and loyalists, constitutionalists and anti-constitutionalists, radicals, and moderates, the two Shippen brothers, but especially Edward, survived and prospered in the Pennsylvania judiciary.

Although some of these same writers have often decried Edward Shippen as a loyalist, he and his brothers were seemingly little affected by their alleged political liabilities. One historian has described Edward Shippen, Jr.
as "too conservative to be a rebel," but "moderate enough to be a neutral," while another commented on his "mild loyalism." Still a third noted that "by the most generous interpretation" Shippen "could be classed only as a neutral if not actually sympathetic to the British cause." Shippen's historical role as a supposed loyalist was enhanced by the marriage of his daughter, Peggy, to Major General Benedict Arnold shortly before or after his initial treasonous communications with the British army. Some writers have drawn what seemed to them reasonable conclusions and accused Peggy, the offspring of an aristocratic and supposedly loyalist family, of eroding Arnold's patriotism.²

There were, however, few loyalists in Pennsylvania, and the Shippen family was not included in their ranks. Outside of a few men like Joseph Galloway and Andrew Allen who willingly hung their futures on the preservation of the Crown's authority in America, most Pennsylvanians were whigs even before independence. After July, 1776, social pressure

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forced Pennsylvanians desiring to remain in the state to support or at least acquiesce to independence.\(^3\)

Edward Shippen survived politically for several reasons. Being essentially bourgeois, he was motivated primarily by his desire for position, security, order, and career. He was apathetic politically and had little desire to risk himself for radical idealism. Because of his excellent legal ability and his penchant for avoiding partisan disputes, he was able to serve the province, and later the state, as a capable and fair, although conservative, jurist regardless of who sat in the governor's chair.

Shippen's bland and colorless personality is another key to his political survival. While it kept him from achieving true leadership before the Revolution, it also prevented him from serving as a leader in the conflict. Yet such a personality was an asset in turbulent times for it assured Shippen of few enemies. Because he chose to remain unencumbered by avid partisanship during the American Revolution, he was quickly able to return to his prewar role within the Pennsylvania judiciary system.

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In studying Pennsylvania through the experiences of the Shippen family during the Revolutionary era, it has become apparent that distinctions between loyalists, conservatives, radicals, moderates, constitutionalists, and anti-constitutionalists are less differentiated than sometimes described. Often a radical in a given situation became a moderate or even a conservative in another. Thomas McKean is an example. He readily approved of independence and cooperated in the overthrow of the provincial government, but he objected to the state constitution of 1776. It has been all too easy for writers to label as loyalist those who objected to the radical constitution, especially if they did not actually participate in fighting the British.

This study suggests that the Pennsylvania populace was more immune to intemperate charges of loyalism than some historians have indicated. Often those who suffered from occasional accusations of loyalism were, like the Shippens, motivated less by idealism than by their desires for peace, position, and order. In the first several years of the conflict, moreover, even radicals began to realize that such men were needed to provide stability for the state’s bureaucracy and economy to function.

In studying Edward Shippen, Jr. and his family, many of the intriguing questions concerning them lay in the era of the Revolutionary War; hence, the bulk of this monograph is devoted to that period. To sketch their life during
those tumultuous years a large amount of material is devoted
to the patriarch, Edward Shippen, Sr. of Lancaster; Edward's
younger brother, Joseph,\(^4\) provincial secretary under two
governors; Edward's brother-in-law, James Burd; Jasper
Yeates, his nephew by marriage; and his son-in-law, Edward
Burd. These members of the Shippen-Burd-Yeates families
were a closely-knit lot and in their voluminous correspond-
ence the ties of family and position appear stronger than
those of country and party.

\(^4\) Usually designated Joseph Shippen, Jr. to dis-
tinguish him from his uncle, Joseph Shippen.
CHAPTER 2

PROVINCIAL POLITICS

Edward Shippen, Jr., a Philadelphia jurist of the last half of the eighteenth century, came from a line of distinguished Pennsylvanians closely associated with the colony's proprietors. Shippen's great-grandfather, a Quaker, arrived in Philadelphia in 1693 after leaving Boston because of persecution in the Puritan colony. Soon elected to the Pennsylvania Assembly, he received an appointment from William Penn as mayor of Philadelphia several years later. By the time of his death in 1712, he had become a strong supporter of the proprietary government, serving as a magistrate and as a member of the governor's council, meanwhile accumulating enough wealth to afford the largest house and coach in Philadelphia.¹

The grandson of the former mayor and the father of Edward Shippen, Jr. next achieved distinction in

Pennsylvania. Born in Philadelphia in 1703, Edward Shippen, Sr., became an apprentice to James Logan, a wealthy merchant who acted as the proprietor's provincial secretary while guiding Shippen in intellectual, political, and business activities. A member of the governor's council after 1704, Logan amassed a fortune from land speculation, and Indian trade. He also devoted a large amount of time to reading from his extensive library, and carrying out scientific experiments. From Logan young Shippen acquired scientific curiosity and love of the classics as well as business experience and political skill. After a number of years as Logan's partner in the mercantile business, Shippen in 1749 joined Thomas Lawrence to continue the prosperous fur trade.  

Shippen actively participated in civic affairs, and in October, 1732, he became mayor of Philadelphia. Moving to Lancaster in 1752, he served as the proprietor's representative on the Pennsylvania frontier until 1776, holding appointments from Thomas Penn as clerk of the orphan's court, recorder of deeds, and clerk of the peace and of quarter |

sessions for Lancaster County. After General Braddock's defeat in the French and Indian War, Shippen served with others as Crown paymaster to audit, adjust, and reimburse the general's wagoneers for losses sustained on the inland march. During the Indian problems of the 1750's he acted as intermediary between the various tribes and the proprietary government, a duty that earned him the respect of both Indians and whites. 

Edward Shippen, Sr. remained in Lancaster County for the remainder of his life, but he by no means isolated himself from provincial civic and philanthropic affairs. He contributed to the Pennsylvania Hospital; helped found the Juliana Library Company, named after Juliana Penn, the wife of Thomas Penn, who contributed toward it; became a leader of the local Presbyterian Church; and served as a founder and long-time trustee of the College of New Jersey, the institution which became Princeton University.


His oldest son, and namesake, was born February 16, 1729, and was baptized the following month in the First Presbyterian Church of Philadelphia. At age fourteen, young Shippen began a training and educational experience typical of that undergone by most talented sons of the colonial aristocracy to prepare them for future leadership responsibilities. For Shippen, the process began with a five-year apprenticeship under Tench Francis, Pennsylvania's attorney general and a leading member of the Philadelphia bar. After leaving the tutorship of Francis, young Edward traveled to Europe to continue his law studies at London's Middle Temple and to take the "grand tour" of the continent's historic and artistic sites. While in Europe he became deeply impressed by the learning of the Old World and for the first time he realized the provincialism of America. To his brother-in-law he wrote, "I now feel more concern on account of the Education of Youth in my own Country than ever I did. I see how much we are excelled by those in Europe." The interest in culture he developed from his father, sharpened by his studies abroad, never left him. 5

5. Tench Francis (died 1758) arrived in Philadelphia in 1738 after practicing law in Maryland for thirteen years. He quickly became leader of the Pennsylvania bar, and in

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Shortly after returning from Europe, Edward, then twenty-one years old, wrote of his love for Margaret "Peggy" Francis, daughter of his law mentor, and asked his father's permission to marry the young girl. While his choice was based on the couple's mutual affection for one another, his marriage to the daughter of the province's attorney general could not fail to accelerate his own legal career. Young Shippen, however, realized his marriage must have both families' support. He assured his father that "yet I am not so carried away by Passion as to exclude the consideration of money matters altogether; without a Prospect of a comfortable subsistence, 'tis madness to marry." Nevertheless, he believed he had the necessary prospects, and "With a little Assistance in setting out," he was sure of success. He preferred "a bare support" with the girl he loved over "great affluence with a Person one regards with indifference."  

Reluctantly, his father agreed to the marriage, but it failed to take place until three years later because of


disagreements over a dowry and the elder Shippen's ill-founded fear that his son's marriage to the daughter of the attorney general would jeopardize his own Lancaster County offices. William Allen, later provincial chief justice, offered his personal opinion that magistrates possessed life tenure except for "ill behavior" and reassured Shippen that he worried unnecessarily.

Allen also upbraided Shippen for being parsimonious with the young couple. Because the family was known to be moderately wealthy, Allen believed the elder Shippen should contribute as much to the couple as Tench Francis. To do anything less, he feared, would arouse the town gossips and "if this match should be broken off, where, do you think, is he likely to succeed, when it is told that his father disregarded him so much that he would give little or nothing." Allen claimed the elder Shippen could afford to give both his sons a house upon their marriages without suffering financial hardship. Allen's advice bore fruit, and when young Edward married Peggy in November, 1753, his father gave the couple a large brick house on Walnut Street which he had built several years before moving the Lancaster. Young Shippen must have been happy, for Benjamin Franklin
graciously described the bride as "a young lady of Merit and Fortune."  

Over the next several years Shippen's activities followed the usual path to a responsible role within the proprietary party. In Pennsylvania, as in other contemporary American colonies, birth into an established aristocratic family was almost essential for one to succeed as a political and social leader. To be expected, marrying into an influential family also contributed toward a leadership role. Genteel training with increasingly responsible duties molded the potential leader. The areas of training, however, differed among the colonies. Most Pennsylvania proprietary supporters began their careers as Shippen did, as councilmen and aldermen of the Philadelphia corporation, the city's governing body. Practicing law uniquely prepared the potential leaders for more responsible roles by bringing their talents and abilities before their older colleagues who

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7. William Allen (1704-1780), a Scotch-Irish Presbyterian, began his service to Pennsylvania when he entered the Philadelphia Common Council in 1727. For almost fifty years he served in various appointive offices and after the retirement from politics of James Logan, Allen became the leading spokesman for the proprietary party. His marriage to the daughter of the Assembly speaker, Andrew Hamilton, increased his influence and prestige, especially during the years when her brother, James Hamilton, served as lieutenant-governor and acting governor. Charles H. Lincoln, "William Allen," DAB, I, pt. 1, 208-209; Edward Shippen, Jr. to Edward Shippen, Sr., June 8, 1750, in Walker, "Margaret Shippen," XXIV, 405; Lewis, "Edward Shippen," 20; Benjamin Franklin to James Bowdoin, December 13, 1753, Larabee et al., Franklin Papers, V, 156; William Allen to Edward Shippen, Sr., n.d., Balch, Letters and Papers, pp. x1-xli.
frequently possessed power to accelerate or impede the trainees' careers.  

Before his marriage Shippen began his new career in law and almost immediately began fulfilling William Allen's prediction, that "if no accident happens to depress, Edward will make a figure in the Province." When the fall court term began Shippen was admitted to practice before the bar of the provincial supreme court. Two years later, in November, 1752, he became judge of the provincial vice-admiralty court during the administration of Governor James Hamilton in keeping with the proprietor's practice of binding intelligent young lawyers to the executive part of government.

By the time of his marriage the young lawyer had established a private practice and occasionally heard cases


in the vice-admiralty courthouse on Third Street, overlooking the market. Several years later he became a member of the Philadelphia Common Council, largely a powerless position, though one which later led to his election as clerk of the mayor's court and as clerk of the common council. Powerless positions such as these sometimes went unfilled for the town's leading citizens often preferred paying a fine to serving in an elected office. In 1756 young Shippen paid city taxes of £50, comparing favorably with those of his cousin, Dr. William Shippen, Jr., and his brother-in-law, Tench Francis, Jr.  

Shippen's industriousness resulted largely from his Quaker-Presbyterian culture and to a lesser degree from his father's admonitions. A few months after his marriage the elder Shippen reminded him that "your promotion and happiness in this vexatious world will depend principally upon your own conduct, and the more the world sees you are able to do for yourself, the more readily it will be to offer you its best services." Hard work was not the only key to success, however, for one must also "Avoid what the world calls pleasure: Pleasure is only for crowned heads, and the great who have their incomes, sleeping and waking. But young men, who

are just beginning the world, ought to shudder at the thought of spending their youthful days in idleness."¹¹

In the spring of 1754 supporters of the Penn family considered recommending young Shippen for attorney general upon the retirement of his father-in-law, Tench Francis. Francis offered to resign immediately if Shippen would obtain the office, but the Assembly and the governor were at odds at the time, and the proposed amendment became entangled with the political dispute. The law-making body also balked over Shippen's proposed salary. Edward's father expressed hope for "harmony" between the new governor and the Assembly, and suggested his son take the attorney general's commission should his friends agree and later attempt to negotiate the salary. The younger Shippen disliked political controversy and refused. When no compromise could be worked out, Francis retained his office until the following year when Benjamin Chew succeeded him. The dispute baptized Shippen into the disorderly world of provincial politics, a world he quickly grew to dislike.¹²

¹¹ Edward Shippen, Sr. to Edward Shippen, Jr., March 20, 1754, Balch, Letters and Papers, pp. 25-29.

¹² Benjamin Chew (1722-1810) was attorney general from 1755 until he resigned in 1769. He strongly supported the proprietary party and in return received, at various times, positions as Philadelphia County Recorder, registrar-general of the province, chief justice of the supreme court, and membership in the governor's council. After the Revolution, Governor Thomas Mifflin commissioned Chew judge and president of the high court of errors and
The politics of colonial Pennsylvania which Shippen entered in the 1750's were complex and, part of the time, chaotic. Of the two principal groups contending for power, one contained followers of the Quaker-led Assembly and the other looked toward the proprietary government for political support. Neither was a monolithic unit. The Quakers sometimes split into two factions, the liberal and politically active under the leadership of wealthy merchant Isaac Norris, and later Benjamin Franklin, and the more orthodox following Israel Pemberton, Jr. The proprietary party also divided when goals of the Penn family failed to coincide with the desires of the office holders living in Pennsylvania.  


Contributing to the maelstrom of provincial politics were the immigrants, primarily Germans and Scotch-Irish. The Quakers could usually rely upon the German sectarians to support them in the Assembly elections, but Lutheran or Calvinist Germans occasionally refused to ally themselves with the Quaker Party and instead supported the proprietor. In the 1750's the province consisted of about three-fifths German, and so a sizeable bloc of votes could arise if the Germans could be united. The Scotch-Irish voters, on the other hand, often favored the proprietors even though this sometimes meant allying with their landlords. The Penn family normally appeared more sympathetic to the desires of the frontiersmen than the Quakers, but they continually insisted on exemptions from defense tax levies for their uninhabited proprietary lands. Until the 1750's, or even the early 1760's, the Scotch-Irish Presbyterians remained divided more than the Germans and often failed to coordinate their political efforts.  

The problem of defense complicated Pennsylvania's politics. While the governor and the Assembly appeared to haggle almost endlessly in the 1750's, the British military faced the problem of French dominance in the strategic Ohio Valley. In the summer of 1754 the colonial assemblies were to contribute men and funds for a military force to be

commanded by General Edward Braddock whose mission was to repel the French. Although several other colonies were dilatory in meeting their commitments, Braddock in 1755 criticized Pennsylvania when the legislature refused to pass bills needed to help fund the expedition, build necessary roads, and provide wagons for the army. A dispute between the newly-appointed governor, Robert Hunter Morris, and the legislature effectively blocked legislation. Specifically, the Assembly refused to appropriate adequate funds for defense unless the Penn family agreed to allow their unimproved lands to be taxed. Thomas Penn feared this would establish an undesirable precedent and would enhance the financial autonomy of the Assembly. 15

In the 1750's the Assembly divided itself into three groups: those very devout Quakers who insisted that appropriations for defense violated pacifist views; a larger group which actually controlled the Assembly and claimed that appropriating money was simply following the Biblical injunction to render to Caesar what was due; and a small group of assemblymen of the proprietary party and not Quakers at all. Some of the stricter Friends in the Assembly had serious misgivings about supplying funds specifically for war supplies, but in July, 1755, the body voted £50,000 for

military purposes, albeit, without the usual tax exemption upon the proprietary lands. Faced with the legislation, Governor Morris felt obligated to protect the Penn family by vetoing the bill.16

While the Assembly and the governor wrangled, General Braddock became increasingly frustrated over the failure of the colonies to provide wagons and teams. Ignorant of the subtleties of the dispute, Braddock supported Governor Morris and condemned the Assembly for its lack of cooperation. As the general fumed, Edward Shippen, also critical of the Assembly, wrote his father that Braddock was determined "to obtain, by unpleasant methods, what it is their duty to contribute with utmost cheerfulness." While rumors spread that some British officers favored using troops against Pennsylvania, Shippen added his own observation that "it must be a vain thing to contend with a General at the head of an army."17

Fortunately for the province's relations with Braddock, when Virginia and Maryland failed to provide the


necessary wagons and teams, Benjamin Franklin confidently assured the general that Pennsylvania would do so. Franklin then toured the Pennsylvania countryside and persuaded the farmers to cooperate in assembling the needed equipment.  

After months of frustrating preparation Braddock's army began the long hard trek toward the Ohio Valley only to be decisively defeated along the Monongahela River in July. When word reached Philadelphia of the rout of Braddock's forces many Pennsylvanians felt frustration as well as rage. William Allen, leader of the proprietary faction, believed that if adequate supplies and ammunition had been saved from the defeat, the Americans, being so "enraged," would have raised a sufficient number of men to defeat the French. Allen also bitterly complained that if the Assembly would appropriate adequate money with no political stipulations, three thousand men could be raised to march against the French. Not waiting for governmental action, Allen ordered the London firm of D. Barclay and Sons to purchase one thousand surplus muskets and a ton of musket balls on his own account.  

Braddock's defeat left the Assembly Quakers vulnerable for it was widely believed in England and America that

the pacifist. Friends failed to provide for colonial defense, a belief eagerly promoted by members of the proprietary party. In October, Allen again wrote his London agents and this time expressed fear that if the western frontiers were not defended the following summer four thousand Scotch-Irish settlers might flee into safer areas inhabited largely by Quakers and Germans. He feared the flight would precipitate a civil war. After expressing hope that English Friends would pressure their Pennsylvania kinsmen to be more reasonable in the matter of defense, he offered his support to a suggestion then being considered in London that Parliament disfranchise the Germans and Quakers. Allen complained that until the Germans learned to read English they would be continually misled by the "false stories" of the Quakers. 20

In the fall and winter of 1755-56 western Indians, encouraged by the French in the opening months of the French and Indian War, began ravaging the frontier, causing many backwoodsmen to flee to Lancaster. Governor Morris appointed a committee consisting of Alexander Stedman, William West, Edward Shippen, Jr., and Benjamin Chew, the newly-appointed attorney general, to go to Lancaster and calm the settlers. When the group offered a report it prompted discussion but little action. The governor and his supporters on the

council wondered whether they could do anything to put the province on a better defensive posture without calling upon the Assembly which, they believed, had already demonstrated its reluctance to provide adequate revenues for defense. After thoroughly discussing the problem, the governor and council concluded that independent action was impossible and Governor John Penn reluctantly issued a call for the Assembly.  

The proprietary forces gained strength after the more devout Quakers, convinced that further participation in defense would compromise their religious principles of non-violence, withdrew from the Assembly. Although they learned it only after their resignations, the Quaker withdrawal fulfilled the requirements of a compromise agreed to earlier in London between leaders of the English Friends and Lord Grenville, president of the Privy Council. The London Friends agreed to urge their Pennsylvania brethren to resign temporarily from the Assembly; in return, Parliament abandoned plans for restricting the suffrage of Germans and Quakers.  

The proprietary party attempted to capitalize on the political withdrawal of the conservative Quakers by capturing control of the Assembly in the 1756 elections. As part


of the plan to achieve victory Edward Shippen, Jr. reluctantly consented to become a candidate for the Assembly from Lancaster County even though he lived in Philadelphia. Shippen planned to solicit votes at the Lancaster election, although he believed the task would be "a very disagreeable" one because of the bitter partisan disputes. He suggested to his father that the latter discuss the political situation with attorney George Ross and with Dr. Adam Kuhn, who represented the German voters, and inform him of their opinions on Lancaster politics. Which incumbent Shippen would attempt to replace was left to the voters. The primary objective was to split the German vote and ensure a Quaker defeat.

In the fall elections Shippen lost his bid for office and the proprietary party failed to win a majority of the Assembly seats. With retention by the Quakers of the legislative leadership and the political withdrawal of the more orthodox Friends, the house leadership remained in the hands of Isaac Norris, a loyal Quaker, and Benjamin Franklin.

23. In Pennsylvania, voters thought it improper for candidates to attend the polls to solicit votes. As in this case campaigners sometimes violated the custom during hard-fought elections. In contrast, voters in Virginia expected to see candidates at the polls, often with a supply of free drinks for spectators. Not to appear was a severe handicap to one's election. Sydnor, American Revolutionaries, p. 45; Sister Joan de Lourdes Leonard, "Elections in Colonial Pennsylvania," William and Mary Quarterly, Ser. 3, XI (1954), 389-391, hereafter WMQ; Edward Shippen, Jr. to Edward Shippen, Sr., September 14, 1756, Balch, Letters and Papers, pp. 62-63; Edward Shippen, Jr. to Edward Shippen, Sr., September 19, 1756, ibid., pp. 63-64.
Franklin was no Quaker, but he gained support of a part of the German sectarians and the Quakers as he worked against the proprietors. If anyone emerged from the Braddock debacle stronger politically, it was Franklin. He had worked diligently to hire wagons and drivers for the inland march; consequently, he could not be accused of failing to contribute to the province's defense. And yet, because he often criticized the proprietors, he remained aligned with the Norris-Quaker faction against the governor's supporters.24

During the French and Indian War Shippen saw no duty, but he became sufficiently excited by the prevailing war mood to enlist as a private in the Philadelphia Independent Troop of Horse. During the war he participated in the construction of a small fort and a number of cabins for the Delaware Indians in fulfillment of promises made to them at the Easton Conference in July, 1756.25

The friendly Delaware Indians expressed a desire to move into the Wyoming area of northeastern Pennsylvania and the provincial authorities agreed to aid them. When Conrad Weiser, a long-time Indian fur trader, refused to lead the project Governor William Denny, successor to Robert Hunter


Morris, appointed Shippen, John Hughes, James Galbreath, and Henry Pawling to supervise the construction of the buildings. After receiving his commission Hughes insisted the entire work party be put under his command, and if the men did not agree to obey his orders, he would refuse to cooperate. He also demanded that his friend, Reverend Charles Beatty, be allowed to accompany the group. The council readily agreed to Beatty's inclusion as a member of the work party, but unanimously rejected the other demands, claiming them to be "insolvent and unreasonable." Despite the inharmonious beginning the five commissioners satisfactorily performed the construction tasks, and the following summer they again went to the Wyoming area to confer with the Delaware chief, Teedyescung, and to finish the village.  

After Benjamin Franklin departed for England in early 1757 political agitation in Pennsylvania became less vocal, but no less serious. Franklin, to negotiate first with Thomas Penn and only later to seek a royal charter, was at least out of the province and former lieutenant governor James Hamilton replaced the "venal" William Denny as governor. Optimistically, Shippen observed that with Denny out of office, "things in the government begin to wear a pleasant aspect." The former governor was rumored to carry pocket  

pistols to protect himself from insults. Shippen agreed that Denny needed them, for he believed the former governor "must tremble at the sight every honest man." 27

During the French and Indian War Shippen remained judge of the Pennsylvania vice-admiralty court to which he had been appointed in the fall of 1752. The income from the office was usually small, but because much of it derived from a percentage of the value of contraband goods seized, it grew in war time when privateering increased. Shippen, appointed by the governor, possessed a large amount of freedom within his jurisdiction. His non-jury court was not of record, and he could freely move the court and decide guilt as well as set penalties.

The existence of admiralty courts within the colonies caused jurisdictional disputes with the common law courts when their powers were expanded immediately prior to the American Revolution, but in earlier years difficulties were averted when the vice-admiralty judges, usually practicing attorneys in the criminal courts, discovered they must "adapt official action to the needs and desires of the colonists" if justice was to be served with a minimum of

friction. This expediency often meant the navigation laws were laxly enforced.  

Under the "salutary neglect" of Great Britain, Philadelphia's maritime trade prospered, especially with the French West Indies. The French trade, although forbidden, continued with little hindrance even during wartime. Occasionally Philadelphia merchants carried on the trade under flags of truce and with passes illegally sold by Governor Denny.  

Even Edward Shippen, sworn to uphold English maritime law, in 1760 joined several Philadelphia merchants in a trading venture expected to bring a handsome, but illicit, profit. Several years earlier a group of merchants led by provincial Chief Justice William Allen had sent three ships to Leghorn, Italy, with sugar cargoes, but the venture had proven unprofitable when prices dropped. Edward and his brother, Joseph, each contributed £750; William Allen, £2000; Tench Coxe, £750; Thomas Willing, £500; and George  

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29. Bridenbaugh and Bridenbaugh, Rebels and Gentlemen, pp. 5-7; Ubbelohde, Vice-Admiralty Courts, p. 27.
Bryan, £750. Joseph Shippen and John Allen, son of William Allen, accompanied the cargo to Leghorn in the Betty Sally, an armed merchant ship. The two young men and Benjamin West, a budding American painter later to be a favorite of King George III, traveled with the cargo to Italy before touring Europe and returning to Pennsylvania. Shortly after sailing Joseph Shippen received instructions from his brother to investigate the prospects of trade in the Mediterranean during peace and to note with which commercial houses they should cooperate.30

The profits of the voyage were less than anticipated by the investors, but the ship returned with manufactured

goods bought in Leghorn, Malaga, and Barcelona worth £2100 sterling, which George Bryan was commissioned to sell. Such trade was prohibited by English law, but even during peace violations were so rampant in the colonies that Americans were conditioned to accept them as normative even by vice-admiralty judges.31

Despite the apathy in the Philadelphia customs house and vice-admiralty court, Pennsylvania shines when compared with Boston. Pennsylvania customs authorities sent £813 in duties collected to England between 1746 and 1758. Admittedly Philadelphia's revenue was not large, but during the same period Boston sent not a single shilling. From 1759 to 1761 when the Molasses Act began to be enforced, the

31, George Bryan (1731-1791), a Scotch-Irish Presbyterian, arrived in Philadelphia in 1752 and joined the proprietary interests. In 1764, he and Thomas Willing defeated Joseph Galloway and Benjamin Franklin for two of Philadelphia's Assembly seats. The following year he served as a delegate to the Stamp Act Congress. Governor John Penn selected Bryan for several minor judicial posts before the dissolution of the proprietary government but his most significant contribution to Pennsylvania occurred during and after the Revolution. Under the state constitution of 1776, Bryan served several years as vice-president and acting president of the Supreme Executive Council. In the controversy over the federal constitution of 1787, Bryan worked diligently against adoption of the document. He served his last ten years as a justice of the state supreme court. Eleanor Robinette Dobson, "George Bryan," DAB, II, pt. 1, 189-190; Barrow, Trade and Empire, pp. 131, 297, 263.
Philadelphia customs collectors raised their revenue to £2,927 while Boston boosted theirs to only £9.\(^{32}\)

Because of continued violations of the navigation laws the British government for years attempted to strengthen the vice-admiralty courts and extend their authority by making their prosecutor a Crown official who would no longer have to rely upon the colonists for political and economic support. Prior to the 1760's most efforts had failed when the common law courts claimed overlapping jurisdiction and colonial authorities hesitated in putting into practice steps that would weaken their own positions. Not until the reorganization of the vice-admiralty courts in the spring of 1768 and the appointment of Jared Ingersoll as judge of an appeals court in Philadelphia were there any significant changes in Shippen's maritime court.

The new act struck a financial blow at Judge Shippen. Ingersoll's court received original as well as appellate jurisdiction over several colonies, including Pennsylvania, causing Shippen to lose a large number of cases and their accompanying revenue. In 1775 Governor John Penn reported that the provincial court was "of little or no annual value"

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to Shippen, whereas Ingersoll's annual income from the Crown court was estimated to be £600.33

As a civic-minded Philadelphian, Shippen participated in social and educational affairs of the day, yet rarely did he take a lead. In 1754, after a committee of Masons had investigated land parcels on which to build a lodge, Shippen contributed £50 toward the construction fund. In comparison, merchants Michael Hillegras and Samuel Mifflin contributed similar amounts as did Lieutenant Governor Hamilton, Chief Justice William Allen, and William Franklin, son of Benjamin Franklin. The older Franklin donated £20.

When fire threatened, Edward Shippen, a member of the Hand-in-Hand Fire Company, responded to the alarm with what must have been one of the more distinguished fire companies in the colonies. At various times the unit boasted of such members as prosperous merchant George Clymer,

33. Jared Ingersoll (1749-1822) served as Connecticut's agent to Parliament in the early 1760's. He worked against the Stamp Act, but when he became convinced of its legality he attempted only to modify its features to the satisfaction of the Colonies. After the act's passage Ingersoll accepted a commission as Connecticut's stamp distributor and returned home to face severe criticism. Before he could begin his duties, mobs forced him to resign his office. During the Revolution Ingersoll left Philadelphia under pressure of radicals who suspected his loyalty to the American cause. Lawrence H. Gipson, "Jared Ingersoll," DAB, V, pt. 1, 467-468; Barrow, Trade and Empire, pp. 60-63, 87; Ubbelohde, Vice-Admiralty Courts, 24-25; Lewis, "Edward Shippen," p. 23.
attorney and musician Francis Hopkinson, Dr. Benjamin Rush, and jurist James Wilson, all later signers of the Declaration of Independence; future state supreme court justices Edward Shippen and James Tilghman; College of Philadelphia Provost William Smith; Revolutionary War general and later governor Thomas Mifflin; Attorney General Benjamin Chew; wealthy merchants Tenche Coxe, Thomas Willing, and Colonel Lambert Cadwalader.  

Shippen also became a member of the American Philosophical Society, but he failed to take an active interest in it. Perhaps he joined at the invitation of his father and brother, for the elder Shippen possessed a very strong interest in agriculture, stimulated by his long association with James Logan. Joseph acquired his father's deep curiosity for "natural philosophy." During his college years at Princeton, Joseph purchased a generating device to study the characteristics of electricity. In June, 1769, he served on a committee of the American Philosophical Society to observe the transit of Venus across the sun. Using telescopes purchased for the College of Philadelphia by Thomas Penn and the Pennsylvania Assembly, members of the committee viewed the celestial sight from the statehouse yard and from David Rittenhouse's observatory twenty miles

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34. Labaree et al., Franklin Papers, V, 235-236; George Cuthbert Gillespie, "Early Fire Protection and the Use of Fire Marks," PMHB, XLVI (1922), 252.
away, while a third group studied the phenomena from the lighthouse on nearby Cape Henlopen.  

The interest of the Shippen family in social and educational causes was possibly acquired in part from the preaching of George Whitefield. The minister visited Philadelphia seven times between 1739 and 1770 and his revivalistic preaching began a religious ferment that originated among the lower middle socio-economic classes. His earlier meetings left many Anglicans virtually untouched. Whitefield's emphasis upon humanitarianism and social reform as well as religious renewal gradually affected even the Anglican clergy, and by his visit in 1763 clergymen Richard Peters, formerly the provincial secretary, and Jacob Duché were "espousing his cause." Whitefield's message touched the Shippens, especially the elder Edward Shippen, a dedicated Presbyterian. The religious appeal of Whitefield's message affected Edward Shippen, Jr., a staunch Anglican, less than its humanitarian overtones.  

The elder Shippen helped found the College of New Jersey, later to become Princeton University, and for many years served as one of its trustees. In 1753 he laid before

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the trustees a building sketch that later guided his brother, Dr. William Shippen, Sr., and Robert Smith, a prominent Philadelphia architect, in building the college's Nassau Hall. Even after moving to Lancaster the elder Shippen remained associated with the College of New Jersey.37

In the early 1750's with the founding of the Philadelphia Academy, antecedent of the College and the University of Pennsylvania, Edward Shippen, Sr. and Attorney General Tench Francis joined William Allen and Benjamin Franklin in contributing toward it. One of the larger contributors to the Academy was the Philadelphia Common Council, the city's governing body. Its members, Dr. William Shippen, Sr., Robert Strettell, William Allen, Benjamin Franklin, Tench Francis, and Edward Shippen, Sr. jointly contributed £200 for the completion of a building to house the Academy's Charity School and agreed to subsidize the Academy with a contribution of £50 annually for five years in return for the right to enroll a student without charge.38

Initially, the Academy trustees interlocked with those of the Philadelphia Common Council, both dominated by the proprietary interests. In July, 1750, Mayor Thomas

Lawrence, Recorder William Allen, three aldermen including the elder Shippen, and eight common councilmen served as trustees of the Academy. When Mayor Lawrence retired the following year he gave the Academy £100 in lieu of the customary mayor's retirement dinner. At the same time William Allen contributed half his annual salary as city recorder, amounting to £12.10, to the school. Edward Shippen, Jr. joined the trustees of the Academy in the late 1750's several years after the school's founding. Twenty-nine year old Shippen filled the seat of his deceased father-in-law, Tench Francis, in September, 1758. Less than a year later, members selected another son-in-law of Francis, William Coxe, to the board. 39

Young Shippen's intellect had been greatly stimulated during the two years he spent studying law at London's Middle Temple and touring the Continent. Emphasizing the prestige that often follows education, he counseled his younger brother that "if ever you travel, you'll find how men of letters are everywhere respected; you'll see the ascendancy the knowing man has over the blockhead . . . . Be a man of learning, and you'll be a man of consequence wherever you go." Shippen's love of education, however, was not without bias. He once offered to furnish his brother

with books which could be of "real service" to him for "two-thirds of the books in the world had much better be burnt than read, as they only serve to fill the minds of the young people with wrong prejudices."\(^{40}\)

During the 1760's the Academy and College of Philadelphia served as a focal point for much of the province's religious and political agitation, and because of the Shippen family's intimate involvement with school, they were sometimes pressed into the disputes which revolved about it. The caustic personality of Provost William Smith, however, attracted much of the criticism. The controversy surrounding the college and Dr. Smith has sometimes been attributed to an ideological contest between a middle-class society seeking to return the college to a utilitarian curriculum from which it had strayed, and provincial aristocrats attempting to provide their children with a classical education patterned after that of Europe. The conflict has also been described as simply an attempt by Provost William Smith to use the college to woo students from Presbyterianism to Anglicanism. Whatever the explanation, the fact is that the governing board was religiously heterogeneous. It consisted of staunch conservative Anglicans like Richard Peters and Thomas Willing, but it also included Dr. William Shippen, an

\(^{40}\) Edward Shippen, Jr. to Joseph Shippen, Jr., August 2, 1749, Balch, Letters and Papers, p. 20.
enthusiastic Presbyterian. Edward Shippen, Jr. lay between
the two extremes. His parents raised him in a devout Pres­
byterian home and even though young Shippen later became an
Anglican, he remained emotionally close to his father.41

During the early 1760's while the younger Shippen
devoted a part of his time to the affairs of the college,
his career in the courts and an occasional venture in trade
when his friends consented to "take the Trouble of con­
ducting the Business" occupied most of his time. His
"utmost Ambition," as he explained, was to achieve a posi­
tion of dignified leisure; but how to do so was "yet wrapp'd
up in the unopened Leaves of Fate." He could not earn a
position of leisure without diligence and hard work in the
Pennsylvania courts. Because the provincial supreme court
functioned as a traveling court of appeals, members of the

41. William Smith (1727-1803) was appointed provost
of the Academy and College of Philadelphia in 1753 soon
after he arrived in Pennsylvania. He became a severe critic
of the pacifist Quakers and an active proprietary supporter.
Although a brilliant educator and intellectual leader, his
caucustic personality aroused bitter antagonism, especially
from German sectarians and Quakers whom he proposed dis­
enfranchising. In the first years of the war he opposed
independence but defended American rights. His influence
in Pennsylvania was almost eliminated in 1779 when the state
legislature voided the college's charter, allegedly for
being hostile to the government and for failing to afford
equal opportunities to students of all religions. Harris
Bridenbaugh and Bridenbaugh, Rebels and Gentlemen, pp. 26-
69; John C. Miller, Origins of the American Revolution
bar also endured the discomforts of traveling the long court circuit. Unless there were changes in scheduling, the court beginning in April sat in Philadelphia, later moving to York, Lancaster, Reading, Carlisle, Chester, and returning to Philadelphia in September for the fall session.42

The Pennsylvania bar, as in other colonies, appeared almost an extended family of colonial aristocrats. A closely-knit group with similar backgrounds and common law mentors, the professional attorneys were a friendly and cooperative lot even though its members competed aggressively in the provincial courtrooms. In November, 1767, Shippen accompanied James Wilson, later to become an associate justice of the United States Supreme Court, to Lancaster where he assured the county bar that the candidate had studied law under Philadelphia attorney James Dickinson, and requested that he "be added to the Roll of Attorneys of this Court." At the time, Wilson had just begun his practice at Reading where his friendly competitor, Edward Burd, nephew and former student of Shippen, had also recently started his practice. At Lancaster, Wilson pled against

another of Shippen's students, Jasper Yeates, who soon became Edward Burd's brother-in-law.  

In the early 1760's the future appeared bright for the young lawyer. When his wife gave birth to her fifth child Shippen confidently wrote his father "You see my Family encreases apace; I am however in no fear by the Blessing of God but I shall be able to do them all tolerable Justice. It is but staying a few years longer before I ride in my Coach."  

In his early career Edward Shippen, Jr. possessed all the prerequisites for becoming a prominent provincial jurist and a leader of those Pennsylvanians who supported the proprietary family. His own family was a part of the provincial aristocracy, and he possessed moderate wealth with a prospect of greater prosperity. That a part of his 

43. James Wilson (1742-1798) became chairman of the Carlisle, Pennsylvania, Committee of Correspondence when tensions heightened in 1774. At first he established an extreme whig stand, but as the province became more radical, Wilson moved toward conservatism, although as a delegate to the Second Continental Congress he voted for independence. During the war years he became involved extensively in land speculation which eventually brought him to bankruptcy. In 1787 Wilson attended the federal constitutional convention and later helped win support for the document in Pennsylvania. During President Washington's first term he appointed Wilson to the United States Supreme Court. Julian P. Boyd, "James Wilson," DAB, X, pt. 2, 326-330; Smith, James Wilson, pp. 29-30, 47; Zemsky, Merchants, Farmers, and River Gods, pp. 60-61.

income resulted from occasionally joining others in violating the laxly-enforced navigation acts that as provincial vice-admiralty judge he had sworn to uphold made little difference. A member of the city common council, he also sat upon the board of the Philadelphia Academy and held membership in the socially acceptable American Philosophical Society. In short, Edward Shippen underwent the informal grooming process that most young colonial aristocrats experienced. Despite occasional political or financial reverses there was every reason to believe that after a period of maturation and experience Shippen would become a key figure among the supporters of the proprietary interest.
CHAPTER 3

STAMP ACT

After the Braddock debacle and the withdrawal of the pacifists from the Assembly, liberal Quaker leader Isaac Norris became increasingly overshadowed by the ambitious Benjamin Franklin. When Franklin departed for England in February, 1757, the provincial politics he left behind resembled a cauldron of unresolved issues. With the aggressive Assembly leader in London the bitterness of internal politics eased only superficially. At this time the Shippen family became more closely integrated into the proprietary party when provincial secretary Richard Peters returned to a church post and his office as secretary was given to Joseph Shippen, Jr.

In the early 1760's, however, the political climate of the province grew more bitter. Indian attacks troubled the frontier while the two parties made partisan attempts to use the events to justify their own positions. In 1765 Parliament passed a stamp act which further divided Pennsylvanians. Shortly before political dissension again embittered the province, William Allen, hardly an impartial observer, wrote his English agents that "Your Friend, our Governor [James Hamilton] has hitherto, had an easy and peaceable administration, our late Factioneers having much
less weight in the Assembly than formerly." Allen speculated upon the effect Franklin's return would have upon Pennsylvania and sarcastically expressed hope that "his [Franklin's] almost insatiable ambition is pretty near Satisfied by his parading about England etc. at the province's Expense for these five years past." ¹

Unfortunately for the military and political peace of the province, at the end of the French and Indian War the Indians along the western frontiers were reluctant to lay down their arms. English Colonel Henry Bouquet attempted to pacify the Indians but Chief Pontiac refused his overtures and the westerners feared renewed war. In June, 1763, the elder Shippen reported that Captain George Croghan, deputy commissioner of Indian affairs and a long-time trader, predicted war. Shippen, echoing Croghan's sentiments, believed that if fighting came it would be the fault of Sir William Johnson, the Crown commissioner of Indian affairs, who Shippen had often been told held the "Savages in the highest Contempt." The frontier settlers confronted, as they had almost ten years earlier, an Assembly and a governor who seemed as interested in engrossing political capital from the Indian raids as in achieving peace.²

¹. William Allen to D. Barclay & Sons, February 15, 1765, Walker, Burd Papers, p. 49.

². Edward Shippen, Sr. to Joseph Shippen, Jr., June 6, 1763, Shippen Papers, APS.
After observing the government divide over methods to restore peace, a number of men from Paxton township in Lancaster County in a fit of anger attacked a small village of friendly Conestoga Indians in December, 1763. Over fifty mounted and well-armed men fell upon the village and killed and scalped the six Indians present, including Chief Shehaes. The elder Shippen hastily wrote newly-appointed Governor John Penn of the explosive situation and informed him that authorities had put the remaining fourteen Conestoga Indians into the Lancaster workhouse for their protection. Two weeks later the "Paxton Boys" broke into the workhouse and killed the remaining Indians. Shippen forwarded a rumor to the governor that the same men planned to march upon Philadelphia and attack the friendly Indians then living on nearby Province Island. Joseph Shippen, in his capacity as secretary of the council, instructed his father to attempt to discover the identity of the group's leaders, learn of their intentions, and send any news immediately to Philadelphia by express. He assured his father that in the meantime the Indians on Province Island were protected.

3. John Penn (1729-1795) was an Anglican grandson of William Penn and as such inherited a quarter of the proprietary rights in Pennsylvania. He remained, however, largely under the domination of his uncle, Thomas Penn, who made most of the major decisions affecting the province. John Penn served as governor of the province in the years 1763-1771 and again from 1773 until the Revolution destroyed the proprietary government. His marriage to the daughter of William Allen in 1766 helped incorporate the Allen and indirectly the Shippen families closer to the proprietors.
On January 3 Governor Penn read to the council an anonymous letter which the elder Shippen had forwarded to him. The letter described plans of the people of Paxton, Lebanon, and Hanover townships to assemble two hundred men and march on Philadelphia in an attempt to kill the Province Island Indians. The "Paxton Boys" had received widespread support within several townships, and those in sympathy had contributed to the expenses of the frontiersmen who could not afford arms or horses. A month after the Conestoga killings, the "Paxton Boys" marched toward Philadelphia which in the meantime appeared a besieged city. A delegation consisting of Joseph Galloway, Benjamin Chew, The Reverends Gilbert Tennent and Richard Peters, and Benjamin Franklin, newly arrived from London, met representatives of the westerners and the combined group agreed that the frontiersmen would present their grievances by letter to the Assembly. On February 13 James Gibson and Matthew Smith laid the Paxton Boys' remonstrance before the house. Among other complaints the paper noted unequal representation of the west in the Assembly and scored the Quakers for allegedly favoring the interests of Indians over those of white settlers. The Paxton raids and the march on Philadelphia became enmeshed.

in the political controversy between the Assembly and the governor as each blamed the other for allowing frontier conditions to deteriorate.\(^4\)

The bitter debate arising from the raid by the "Paxton Boys" and the difficulties the province faced in financing frontier defense served as a catalyst for a campaign by the Assembly to substitute a royal charter for the proprietary government. The effort began in March, 1764, when an Assembly committee drew up a list of grievances and submitted a resolution in which it declared the only solution to provincial problems lay in obtaining a Crown charter. The Assembly unanimously adopted the resolution shortly before adjournment. During the recess Abel James, Philip Lyng, Jeremiah Warder, and Thomas Wharton, all friends and supporters of Franklin and the Assembly members, circulated petitions calling for a change of government. Rumor

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4. Joseph Galloway (c. 1731-1805) was an intimate ally of Franklin in the Assembly's disputes with the proprietors. From 1756 to 1776, with the exception of one year, he held a seat in the Assembly, serving as house speaker the last ten years. Galloway was elected to the First Continental Congress where he presented a plan for an English-American empire governed by an imperial legislature and based on a written constitution. The plan was discussed but quickly discarded. A conservative aristocrat, Galloway severely condemned the growing violence and radicalism he saw. He fled to British lines and ultimately to England when it became impossible to maintain neutrality. In 1793 the state legislature refused him permission to return to Pennsylvania. Raymond C. Werner, "Joseph Galloway," DAB, IV, pt. 1, 116-117; Colonial Records, IX, 108; Hutson, Pennsylvania Politics, pp. 94-113.
also spread that Franklin would take the petitions to England, hoping to submit them to the Crown.  

When the legislature reconvened in May, resentment against Franklin's campaign for royal government had grown, even within Quaker circles. John Dickinson, allied with the proprietary interests, bitterly denounced Franklin's governmental program from the floor of the Assembly. The next day House Speaker Isaac Norris voiced his own opposition to the plan and dramatized his stand by resigning his speakership. The majority of the Assembly refused to follow Norris' leadership and instead elected Franklin to the speaker's post, adopted a memorial to the Crown, and appointed Franklin an agent to carry both the legislative memorial and the petitions to London.  


6. John Dickinson (1732-1808) aligned himself with the proprietors during their dispute with Galloway and Franklin in the 1760's. During the controversies with England, Dickinson strongly advocated non-importation agreements as remedies. His marriage in 1770 to the daughter of Isaac Norris strengthened his political career, but Dickinson lost support several years later when public opinion grew more radical. He clung to reconciliation and in the Second Continental Congress cast a Pennsylvania vote against independence. When the measure carried, however, he joined a military unit for temporary duty defending New Jersey. In 1782 Dickinson became president of the Supreme Executive Council in a slowly increasing conservative reaction. In 1787 he served as a delegate from Delaware to the federal constitutional convention. James Truslow Adams, "John Dickinson," DAB, III, pt. 1, 299-300; Joseph Shippen, Jr. to Edward Shippen, Sr., April 11, 1764, Joseph Shippen Papers 1727-1783, L/C; Pennsylvania Archives, Ser. 8, VII, 5685-5691; Hanna, Franklin and Politics, pp. 150-151; Hutson, Pennsylvania Politics, pp. 156-157.
With the proprietary charter again under attack, much was at stake in the fall elections of 1764. Edward Shippen, although a part of the proprietary interest, looked with disdain upon the disorderly political scene. Never comfortable with uncertainty, he commented on politics in general and those of Lancaster in particular in complaining to his father that "your Lancaster Politicks they are like those of every other place, quarrelling for Straws. [Isaac] Saunders [the proprietary party incumbent] ought to be kept in for the Honour of the County. The rest is Goatswool." His father agreed, and the supporters of the proprietary faction in the Lancaster area devoted much of their effort to keep Saunders in the Assembly to help protect the charter government.

The anti-proprietary faction again won control of the Assembly, but friends of the governor and the charter won a partial victory when voters refused to return either Joseph Galloway or Benjamin Franklin to the house. The Franklin supporters, on the other hand, were in "the greatest dejection of spirits." Before the contest some of those who normally voted with the Assembly and against the proprietors began to doubt the wisdom of Franklin's campaign for a royal charter, but these, William Allen complained, carried "little

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weight with the Members of the Counties of Bucks and Chester who with a few others compose a Majority of the house." In Lancaster the proprietary faction successfully returned Saunders to the Assembly, yet because of the county's large Quaker and Mennonite vote, the other three Assembly seats went to their opponents.  

The result of the election increased hostility against Franklin's mission to England, but failed to prevent it. Before his departure Franklin stirred up new bitterness by publishing a pamphlet defending his mission and attacking Chief Justice William Allen for his part in the campaign to discredit the Assembly. A month after Franklin's departure from Pennsylvania a pamphlet sold by William Bradford, a Pennsylvania printer, severely attacked the new provincial agent. An Answer to Mr. Franklin's Remarks on a Late Protest remained anonymous, but Philadelphia merchant Samuel Wharton accused Francis Alison and John Ewing, both clergymen from the First Presbyterian Church; College of Philadelphia Provost William Smith; and Edward Shippen, Jr. of having

composed the "Compilation of Billingsgate and Misrepresentation." 9

With provincial politics still simmering, in London Benjamin Franklin attempted to fulfill his mission, that of securing a royal charter for Pennsylvania. Thomas Penn confidently expected Franklin to fail. Penn assured William Smith that Franklin presented no threat to the proprietorship and claimed that a change in the province's governing status could not be accomplished without his consent. Penn correctly assessed his opponents' chances for a royal charter, but he failed to anticipate the twist that the Stamp Act would put upon the affairs of Pennsylvania. 10

Shortly before the Assembly's bitter campaign for royal control of the province, the composition of the proprietary forces began to change when John Penn arrived from London to replace acting governor James Hamilton. Richard Peters had already taken up his duties as an Anglican minister after years of serving as provincial secretary and as a close Penn advisor. The influence of William Allen, a long-time councillor, diminished with the arrival of young


John Penn. Acting governor James Hamilton, although remaining on the council, was increasingly ignored as the new governor turned to some of his younger advisors, the governor's brother, Richard Penn, Attorney-General Benjamin Chew, Edward Shippen, and the new provincial secretary, Joseph Shippen. 11

The Shippen family had long been aligned with the Penns by the 1760's, but the affiliation became stronger when Joseph Shippen became secretary of the governor's council shortly after he returned to Pennsylvania from his Leghorn adventure in January, 1762. Three years later, when Edward Shippen became prothonotary of the provincial or supreme court, the Shippen family became a firm part of the proprietary faction. With the elder Shippen's Lancaster County offices, Edward's vice-admiralty judgeship and his prothonotary position, and Joseph's secretaryship of the council, the family's political fortunes rode the crests and troughs of proprietary political fortunes.

It was not the Franklin mission to England that next agitated the political waters of Pennsylvania, but rather the revenue plans of the British ministry. The new

controversy began when the Revenue Act of 1764 lowered duties on molasses, added taxes on other imports, extended prohibitions on colonial currency, and most important, provided for the act's strict enforcement. The act's anticipated enforcement antagonized the rum manufacturers of New England, but the Pennsylvanians objected strongly to its currency provisions. Pennsylvania had become accustomed to a fairly abundant and well-controlled currency and provincial merchants believed they would suffer for the sins of the New Englanders, who at times had been unable to control inflationary currency. Pennsylvania merchants also objected to prohibitions on the export of iron and lumber to countries other than England.

The province for the most part, however, remained subdued in protesting the act. Some Philadelphia merchants acted at the suggestion of the New York Committee of Merchants and appointed a group to urge the Assembly to petition Parliament for a repeal of the law. In August some of the same merchants agreed to set an example of frugality by boycotting English goods, especially laces and ruffles, and foregoing the expense of mourning clothes in favor of simpler funeral display. Enthusiasm for the boycott was encouraged by increasing feeling among some segments of America that colonial society was degenerating, largely
because it slavishly followed corrupt English fashions and morals.  

The Grenville ministry, seeking to gather additional revenue from the colonies while also ingratiating itself to the burdened British taxpayer, had considered passage of a stamp act in 1764, soon after passage of the Revenue Act. At the time William Allen, then in London, and Thomas Penn joined with other opponents of the ministry in London in fighting the measure. Unlike many Americans, Penn accepted Parliament's power to assess the tax, but he worked to postpone it until the colonies could in some way offer their consent. Others in England felt similarly. A London letter reprinted in the Pennsylvania Gazette reported that "All the Well-wishers to America are of Opinion, that as the tax in itself is an equitable one, and the least injurious that can be proposed, the several Assemblies should signify their Assent and Desire to that Tax." An ominous note added to the newspaper statement indicated that the threat to the colonies might extend far beyond the Stamp Act itself. The writer

commented that "the Ministry, as well as the whole House, appear determined, at any Expense or Trouble to attempt to put a Stop to illicit Trade, and give every Encouragement to divert the Americans from manufacturing." 13

In the winter of 1765 the Stamp Act passed Parliament by a decisive margin after Parliament refused to hear petitions from the colonies. Unlike most Americans the colonies' English supporters still believed the colonists to be wrong in denying the act's constitutionality and had simply argued for postponement. Thomas Penn noted that "People here [London] generally think the assemblies claim too great privileges, and that they are little more than the common council of a borough." Penn confined his own arguments to the wisdom of the act rather than the constitutionality of it. 14

Despite efforts by America's supporters to fend off the tax, they failed. When sketchy details of the act reached Philadelphia, Edward Shippen learned that not only was the tax to be higher than he had anticipated, but it must be paid in specie. Shippen, like most American Whigs, vented his wrath upon the bill's alleged unconstitutionality. He complained that "Every Body here [in Philadelphia] (and no

13. Pennsylvania Gazette, June 7, 1764; Thomas Penn to James Hamilton, March 9, 1764, Shepherd, Proprietary History, p. 213.
doubt all the people on the Continent will be) greatly en-
raged at the Imposition of these Duties, as they are charged
upon us without our having the least voice in Parliament
concerning them.” Previously Parliament had requested the
colonies to provide funds, but now, Shippen bitterly com-
plained, the ministry told the colonies not only how much to
pay, but even how to raise it.15

When news arrived in May, 1765, of the appointment of
John Hughes, an old Franklin ally, as a stamp distributor for
Pennsylvania some Philadelphians believed Franklin had acted
traitorously. Whereas Thomas Penn accepted the constitu-
ality of the Stamp Act, he had refused to request that any of
his supporters be appointed stamp distributor, fearing it
would appear he favored the act. The usually astute Benjamin
Franklin in this case had less political insight. The
Shippen family, unified in its abhorrence of the Stamp Act,
relished seeing Franklin suffering from the indignant jibes
of his fellow Pennsylvanians. Joseph Shippen gleefully ob-
served that the Assembly agent's "yielding to the late
Measures of imposing Taxes and Burthens on the Colonies, and
his acceptance of Posts for his Friends to execute the Stamp
Act, the very thing he was instructed to oppose, are matters

15. Edward Shippen, Jr. to [Edward Shippen, Sr.],
April 15, 1765, Joseph Shippen Papers 1727-1783, L/C.
which seem to open the eyes of many that were before blinded in his Favor."\textsuperscript{16}

Discontent in Philadelphia increased when partial details of the act arrived from England and aggravated an already growing economic depression. Several prominent Philadelphians faced bankruptcy and others appeared threatened. With inflation increasing and specie disappearing, William Allen reported that some Philadelphia merchants experienced difficulty in making payments to their London agents.\textsuperscript{17}

Later, when full details of the act became known and Americans began to suffer economic hardship even before the tax became effective, protests accelerated. Edward Shippen, Sr. observed that "when the Remedy prescribed is worse than the Disease a Pation [sic] had better Suffer death patiently than to take a dose, which will immediately destroy him!" In Philadelphia some patriotic fire-fighting companies pledged to abstain from drinking imported beer. Other


\textsuperscript{17} William Allen to D. Barclay & Sons, May 19, 1765, Walker Burd Papers, p. 67.
Americans vowed not to eat mutton in hope of stimulating wool production for America's domestic industries.\textsuperscript{18}

Apprehension over the Stamp Act during the summer gradually rose to a fever pitch in the fall while Pennsylvanians awaited the arrival of the hated stamp papers. When the Assembly convened in September it served to focus much of the agitation. After very bitter debate, the Assembly voted fifteen to fourteen, over the determined opposition of John Hughes and some of Franklin's supporters, to send delegates to the Stamp Act Congress meeting in New York in October. John Dickinson and John Allen, son of Attorney General William Allen, chaired the Assembly committee to draft instructions for the delegation, which, in addition to Dickinson and Allen, included John Morton and Judge George Bryan, "a Red hot" Presbyterian and a proprietary partisan.\textsuperscript{19}

With bitter denunciations of the Stamp Act growing, Edward Shippen waited anxiously for new developments that might ease the developing tension between Great Britain and the colonies. He believed the Stamp Act oppressive and wished a "Scheme for a Repeal of it could befallen on," but

\textsuperscript{18} Edward Shippen, Sr. to Joseph Shippen, Jr., April 26, 1765, Letters from Edward Shippen to Joseph Shippen 1750-1778, Shippen Papers, APS; Schlesinger, Colonial Merchants, pp. 64, 76-77; Pennsylvania Gazette, February 28, March 14, 1765, February 13, 1766.

\textsuperscript{19} Morgan and Morgan, Stamp Act, p. 248; Miller, Origins of Revolution, p. 138.
his abhorrence of political instability and violence caused him to reject force as a remedy. He feared violence would "only lend to fix Chains upon us sooner than they would otherwise come" and wrote despairingly of plans to destroy the stamped paper when it arrived. "Poor America! It has seen its best days." Several months later when he informed his father of the safe arrival of a baby boy he bitterly commented that his son was "born just time enough to breath about three weeks the Air of Freedom; for after the first of November we may call ourselves the slaves of England." 20

In an attempt to provide better enforcement of the Stamp Act, Parliament avoided jurisdiction of the common courts by empowering the vice-admiralty courts to hear violations of the law. Many Americans believed Parliament's extension of the juryless maritime court's jurisdiction to be in violation of their right to be tried by a jury of their peers and they seized upon the issue to attack the constitutionality of the act.

On September 21, 1765, the Assembly adopted a "Remonstrance" written by a committee composed of Amos Strettel, Giles Knight, Isaac Pearson, William Allen, Thomas Willing, James Wright, and John Ross that condemned the

20. Edward Shippen, Jr. to Edward Shippen, Sr., September 10, 1765, Papers of the Shippen Family, XI, HSP; Edward Shippen, Jr. to Edward Shippen, Sr., October 17, 1765, Papers of the Shippen Family, XI, HPS.
Stamp Act. In the "Remonstrance" the Assembly joined other colonies to claim that Parliament had denied them their right to be taxed by their elected representatives. The protest also condemned the extension of the maritime courts' power to hear violations of the act as contrary to the Magna Charta, the "fountain of English liberty." 21

Shippen frequently denounced the Stamp Act as a device for bringing the colonies into "slavery" under England, but he always based his objections upon the constitutionality of the revenue sections of the act, not upon the expanded jurisdiction of the maritime courts. What Judge Edward Shippen believed about the extension of his court's jurisdiction is unknown, but probably the prospect of an increased case-load failed to interest him, for it would involve him personally in political controversy and conflict which he always attempted to avoid.

Because many Americans believed the Stamp Act to be a ministerial plot they directed most of their animosity toward the ministry rather than toward Parliament. Consequently, when news arrived in Philadelphia of the fall of the Grenville ministry the city reacted as a prisoner reprieved. The excitement allowed pent-up emotions full rein; it almost appeared many Philadelphians interpreted the news as a repeal of the Stamp Act. Church bells rang almost

continuously. During the night celebrants kindled huge bonfires and threw into it the effigy of John Hughes. The more zealous members of the crowd surrounded Hughes' home "whooping and hallooing" while the frightened stamp distributor frantically loaded his firearms. Edward Burd watched the crowd and confidently predicted that the Franklin supporters would leave both Hughes and Galloway off their ticket in the October Assembly elections. As for the Germans, they expressed "a great detestation to Hughes' party."

Those who campaigned violently against use of the revenue stamps, often proprietary supporters, effectively prevented their use in Pennsylvania by securing a compromise from Hughes. A seven-man delegation, including merchant Robert Morris, printer William Bradford, and the secretary of the proprietary land office, James Tilghman, called upon Hughes and demanded that he not issue the revenue stamps until it became clear what the other colonies planned. After continued pressure Hughes reluctantly agreed. Hence, largely because of action by the proprietary supporters, Pennsylvania successfully thwarted the use of revenue stamps.22

22. Ibid.; Edward Burd to James Burd, September 18, 1765, Balch, Letters and Papers, p. 207.

23. Robert Morris (1734-1806), partner of Thomas Willing in a prosperous mercantile firm, was a delegate to the Second Continental Congress, but he voted against independence, feeling that it was premature. He continued serving Congress in various financial activities and in
The problem of revenue stamps still hung over the province even without an active distribution, and members of the bar were very conscious of it. The law profession found the tax particularly repugnant for at almost every point in its business the act required lawyers to use stamped paper. Edward Shippen, attorney and judge, better understood the effects of the act than did many other Pennsylvanians, except possibly publishers who were also heavily taxed. What to do about the stamped paper thus became a pressing issue when the fall court terms approached. Should the profession keep the courts open and function without legal paper? Should the requirement for stamped paper be met? Or should the courts be entirely boycotted?

In the case of newspapers, the public exerted enough pressure upon the publishers to cause most of them to continue printing without the use of stamps. The bar, however, was more immune to the kinds of pressure which a publisher faced. On the evening of October 16, shortly before the court term was to begin members of the Philadelphia bar met

February, 1781, became superintendent of finance. Two years later Morris resigned the office in disgust when states refused to support financially the national government. He was a delegate to the 1787 constitutional convention and became one of Pennsylvania's two United States Senators. Before his senatorial term ended, Morris became involved in extensive land speculation that ultimately brought him financial ruin. Ellis P. Oberholtzer, "Robert Morris," DAB, VII, 1, 219-223; Hutson, Pennsylvania Politics, pp. 195-197; Morgan and Morgan, Stamp Act, pp. 75-76.
to discuss its alternatives. At first opinions divided, but as the discussion continued the majority of the bar became convinced that they could justifiably refuse to use the stamped paper; however, they feared doing so and possibly incurring reprisals "if the Parliament of England should determine to force the Act down our Throats." The possibility existed that should they refuse to use the stamps British civil authorities would retaliate by prosecuting the instigators of the boycott. Shippen summarized their dilemma when he queried "what American Fortune could withstand [the British authorities]?" Before adjournment the city bar voted to boycott the courts but do nothing which risked reprisals. In essence the courts would remain closed. The questions remained a live issue as various members of the bar met later to review the decision, although the courts remained closed throughout the fall term. Not until the following spring term did the provincial courts again open.24

The elder Shippen credited pamphlets written by John Dickinson and Daniel Dulany of Maryland with strengthening Pennsylvania's resistance to the revenue stamps. He praised Dulany for "a masterly Performance" in defending the American

position, but he also admitted the British taxpayer did, indeed, carry heavy financial burdens. Shippen assumed Parliament passed the Stamp Act because their constituents, the English people, believed the Americans could afford to pay and because they thought it an inherently fair tax. When America demonstrated to the British taxpayer that the taxes were unfair and only armies could collect them, Shippen was sure their opinions would change. 25

Edward Shippen also agreed with Dulany that English manufacturers profited unfairly from American purchases. From his experiences as an Indian trader Shippen confirmed Dulany's claim that the quality of imported Anglican merchandise had dropped over the previous twenty years. English textiles had become so inferior to those made by the French that American Indian traders could not sell their goods wherever Jean Coeur, a French trader, had first traded French goods to the Indians. Additionally, bolts of cloth which formerly contained twenty-one yards of fabric, in 1765 contained only sixteen or seventeen yards. Shippen had no

doubt that the British manufacturer profited greatly from the dependent situation of the colonies.26

Because others also believed the British manufacturer to be a key to the taxing dispute, Philadelphia merchants in late 1765 agreed to organize a non-importation movement similar to the one adopted by New York. In the third week of October the city's merchants and retailers committed themselves to embargo all but necessary imports from England, to cancel previous orders, and to store all goods received on consignment until repeal of the Stamp Act. A committee of prominent merchants enforced the agreement and encouraged other Pennsylvanians to join the boycott. The committee simplified its task by distributing printed copies of countermanding orders to which the participating merchants needed only fill in their own names and send them to their English agents.27

By February, 1766, Edward Shippen, Jr. optimistically believed the Stamp Act might soon be repealed. He assumed the new Rockingham ministry to be a friend of the colonial cause and that it, with the help of William Pitt, would repeal the Stamp Act. Grenville's supporters had been

26. Edward Shippen, Sr. to Joseph Shippen, Jr., December 25, 1765, Letters from Edward Shippen to Joseph Shippen 1750-1778, Shippen Papers, APS.

unsuccessful in attempts to label the Americans as rebels. Shippen hoped it would "cast some Damp upon our Enemies" both at home and in England.  

Philadelphia merchants optimistically continued their campaign for repeal. As late as the end of April, even while a rumor circulated within the city that the Stamp Act had been repealed, a Liverpool brig sailed into the harbor with British goods in violation of the merchant agreements. After consultation the Committee of Merchants ordered the goods seized and stored until the act's repeal had been verified. 

When verification of the repeal reached Philadelphia its inhabitants responded with exuberant thanksgiving. Captain Wise of the brig Minerva brought the first official news of the repeal from England and he became an instant celebrity. City dignitaries escorted the captain to the Coffee House and after many toasts of "Prosperity to America" presented him with a gold-laced cocked hat. In the evening numerous bonfires illuminated the city, bells rang, and celebrants opened numerous beer barrels "on this ever memorable & glorious Occasion." The following day Edward Shippen and his brother Joseph attended a "Grand

28. Edward Shippen, Jr. to Edward Shippen, Sr., February 22, 1766, Papers of the Shippen Family, XI, HSP.

29. Schlesinger, Colonial Merchants, p. 81; Pennsylvania Gazette, June 24, 1766.
Entertainment" hosted by Mayor John Lawrence and the city aldermen. The banquet at the State House was to "celebrate this remarkable Era, and to testify their Joy, as well as Gratitude to their Friends in England, without triumphing over their Enemies." That evening a large party drank toasts to themes as varied as "the Virginia Assembly" and "Daniel Dulany, Esquire," while William Pitt stared from his numerous portraits that hung about the hall.30

The proprietary party, friends of Edward Shippen, led the celebrants. At first Shippen had actively protested the Stamp Act, but when his friends threatened to accelerate their protests into violence, he objected. Despite the presence within the 18th century of a Whig tradition justifying civil uprisings, Shippen at no time condoned them. Instead, he muted his own complaints, believing disorder to be the worst possible response to the ministry's acts. Unable to offer viable alternatives, Shippen withdrew from the dispute.31

The Stamp Act greatly affected internal politics. Benjamin Franklin and his Assembly allies had earlier

30. Pennsylvania Gazette, May 22, 1766; Edward Burd to James Burd, April 7, 1766, Edward Shippen Thompson Family Papers, Pennsylvania Historical and Museum Commission, Division of Archives and Manuscripts, hereafter PH&MC; Joseph Shippen, Jr. to Edward Shippen, Sr., May 21, 1766, Papers of the Shippen Family, Box 1, HSP.

indirectly attacked the proprietary government by strongly praising Parliament and the Crown. When Pennsylvania public opinion, often led by proprietary supporters, denounced the Stamp Act and Parliament, those who advocated Crown government became defensive. As the October, 1765, Assembly elections approached, the proprietary supporters concentrated their efforts upon winning a majority of the Assembly in order to recall Franklin from England. Their opponents, believing themselves handicapped by the unsuccessful fight John Hughes led against sending representatives to the Stamp Act Congress, dropped him from the party ticket. In Philadelphia a number of the opposition had already come over to the proprietary cause because of the conflict over the Stamp Act Congress, and Samuel Purviance, Jr., a merchant and supporter of the charter government, assumed others would also as they saw "what destructive measures these pretended defenders of liberty and privilege are capable of pursuing."

Purviance earlier visited and organized proprietary supporters in Chester and Bucks Counties during the court circuit, and in the latter county a coalition of Baptists, Germans, and Presbyterians had formed against the "ruling party" of the Assembly. In a personal note to James Burd, Purviance outlined a plan which he believed might frighten

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the opposition from the polls. He suggested that the proprietary supporters should publicly state that they were coming to the polls armed, and in case of any partiality during the election they would "thrash the sheriff, every inspector, Quaker and Mennonist to a jelly." Two dozen upright, reputable men, armed with "a good shillelah," and wearing "a bold face" would enforce the threat by challenging every German and Mennonite voter to swear under oath that he had been naturalized, possessed wealth equal to £50 and had not already voted. By publicizing the plans prior to the election, Purviance believed many pacifists would remain away from the polls.33

Fortunately for Pennsylvania's peace, proprietary supporters did not use Purviance's plan. In the elections the anti-proprietary faction successfully returned Joseph Galloway to the Assembly after a single year's absence and again composed a majority of the Assembly despite efforts by the proprietary group. Consequently, the opponents of the proprietor effectively prevented the recall of Franklin.

Late in the winter of 1766, shortly before repeal of the Stamp Act, Edward Shippen and the proprietary party recognized the end of the Franklin-led threat to the Pennsylvania charter when the Crown refused to hear the Assembly's petition. Rumors reached Philadelphia that Franklin had

33. Ibid., pp. 210-212.
reassured his supporters by claiming that the defeat was only temporary and the plea would be revived with settlement of British-colonial controversies. Shippen denied Franklin's explanation and claimed it to be "another Artifice to get himself [Franklin] continued in his Embassy." A few of Franklin's more staunch supporters accepted his interpretations of the postponement, but many Pennsylvanians viewed it for what it was, the collapse of a viable campaign for royal government.  

The struggle for repeal of the proprietary charter, combined with protests over the Stamp Act, left permanent marks upon Pennsylvania's internal politics. The anti-proprietary forces once again controlled the Assembly while their opponents occasionally plotted how to achieve a victory in the fall elections. Not obvious, but of great importance, was the slight realignment of the two groups and the birth of a third.

During the campaign John Dickinson and several other Quakers became alienated from the anti-proprietary party and joined other dissidents who opposed Franklin's program for royal government. This group united with Presbyterians who had left the ranks of the proprietary supporters fearing

that William Smith and staunch Anglicans planned to campaign for an American bishop. From this nebulous third faction developed the seeds of the Whig party that soon began taking a radical stand against England.  

CHAPTER 4

RESISTANCE

Excitement in Philadelphia over repeal of the Stamp Act proved premature, for news soon arrived of the passage of additional duties. Although Pennsylvanians cooperated with other colonies in boycotting English goods, as the intensity of the British-colonial disputes increased over the next several years the province remained relatively calm when compared with the New England colonies. Only when passage of the Coercive Acts threatened self-government did the people of Pennsylvania become fully aroused to what they regarded as a new ministerial threat to American rights.

During the late 1760's and early 1770's members of the Shippen family, like most of their proprietary friends, bitterly condemned the British ministry. Later, when violence threatened to accelerate, their attitudes became more reconciliatory. Increasingly, they joined with moder­ates and finally pinned their hopes for a peaceful settle­ment of the crisis in the Continental Congress.

In June, 1767, several months after repeal of the Stamp Act, the Townshend duties levied new taxes on colonial imports of paper, glass, paint, and tea. The ministry also reorganized customs personnel for better enforcement of trade
regulations. Some absentee customs collectors lost their positions, an American Board of Commissioners of Customs was established, and colonial vice-admiralty courts received jurisdiction to enforce the new Navigation Acts.

William Allen was among the first Pennsylvanians to complain of the new acts. He bitterly wrote to his London agents that "if we are to be subjected, contrary to our own Consent, to the Impositions & Caprice of every wicked Minister, or General, our Condition will be quite miserable." He believed he had reason to complain for earlier acts had forced him to close half his ironworks and operate the remainder at a loss. With passage of the new Townshend duties it appeared to Allen that the ministry planned to ruin America financially.¹

Few Pennsylvanians became as irate about the tax as early as William Allen. Collectively, the merchants failed to follow enthusiastically their New York counterparts into new nonimportation agreements, although John Dickinson attempted to arouse their interest in them. Many Pennsylvanians agreed with the anonymously written article by "AB" that questioned whether everything short of a boycott had been done in either England or America to seek repeal of the Townshend duties. "A Chester County Farmer" reminded

Pennsylvanians that a number of farmers earlier had suffered economically after they invested their savings in local manufacturing, only to face financial loss after colonial industry collapsed when the ministry repealed the Stamp Act.²

For the next year Philadelphians discussed methods of dealing with the new threat. Some merchants, unhappy over prospects of a new boycott, yet still objecting to increased taxes, met in March, 1768, and after a heated debate adjourned without making any decision on the proposed non-importation agreements. Despite the continued arguments of John Dickinson, the bulk of Philadelphia's merchants preferred to wait for the legislature to act. In September the Assembly addressed petitions to the Crown and to both houses of Parliament requesting repeal of the Townshend Acts. Two months later Philadelphia merchants sent British business interests a memorial in which they urged that political pressure be brought upon Parliament. Conservatively toned, the paper, nevertheless, warned that if the acts were not repealed by the spring of 1769, the signatories would initiate non-importation agreements.³

The following February public enthusiasm increased when a fire company agreed to abstain from mutton, and

fashionably dressed Philadelphians decided not to wear imported clothing in hope of stimulating the domestic woolen industry. Some importers also agreed to cancel all orders not shipped from England by the first of April. By fall, 1769, after a slow beginning, Philadelphia merchants strictly interpreted and enforced the non-importation agreements after the ministry refused to repeal the duties.  

Some Pennsylvanians were unhappy over the embargo. Importers dealing with the West Indies and the Wine Islands transacted business in spite of the ban and continued to prosper, but by doing so they created envy among their colleagues who voluntarily suffered. The merchants complained when the West Indian and Wine Island traders continued to pay duties on their imported molasses and wines. Some consumers became unhappy also when imported goods became expensive and scarce. Joseph Shippen, while sending his father a half pound of green tea, complained that it had risen to 30 shillings a pound. He also related his problem of obtaining possession of his father's Bristol beer which had recently arrived from England. With the arrival of the gross of bottled beer, the Committee of Merchants seized it and ordered it to be publicly sold with other confiscated goods. Joseph brought the problem to merchant Thomas Willing

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who arranged to have the beer purchased in his name and then delivered to Joseph. Only weeks later did Joseph load his father's beer onto a freight wagon destined for Lancaster.  

The political controversy caused by the Townshend duties and the non-importation agreements brought serious financial problems to many Pennsylvanians. William Allen blamed the colony's economic straits on Parliament, not on the boycott, and complained that "Our Debtors prove often insolvent; and if we sell the Estates of such as have any, there appear to be few or no Buyers; and, if they are sold, it is often at a third of what used to be thought the value." The price of real estate he claimed, had dropped to nearly half its previous value.  

With most of the colony's political agitation directed against the ministry, local politics was more peaceful than formerly; yet the governor and his supporters still dealt circumspectly to avoid criticism by their opponents. When Governor Penn wanted to appoint James Webb, earlier an old Norris ally but now a proprietary supporter, to a magistrate's position, he feared his action might alienate Webb from the voters and affect his anticipated election to the Assembly. Before making the appointment, the governor

5. Schlesinger, Colonial Merchants, pp. 191, 230; Joseph Shippen, Jr. to Edward Shippen, Sr., February 24, 1770, Papers of the Shippen Family, X, HSP.

asked the elder Shippen to discuss the prospective office with Webb, who at various times alternated his support between both factions, and to report on the Lancaster political situation. In the fall elections supporters of the proprietor won an important political victory when voters failed to reelect Joseph Galloway. A pamphlet written by printer William Goddard, formerly a business partner of Galloway's but now a proprietary supporter, contributed greatly to Galloway's defeat.  

In December, 1770, Governor John Penn rewarded the Shippens for their strong support of the Penn family by appointing Edward to the governor's council. At the suggestion of Governor Penn the council unanimously agreed to the appointment of Andrew Allen, son of Chief Justice William Allen, and Edward Shippen, Jr. to fill two empty seats. After the new councillors took their oath of office on Christmas Eve there were two Shippens serving as the governor's advisors for Joseph Shippen, Jr. had served as provincial secretary since 1762 when Richard Peters gave up the office.

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7. Joseph Shippen, Jr. to Edward Shippen, Sr., June 22, 1770, Papers of the Shippen Family, X, HSP; Edward Burd to James Burd, October 4, 1770, Papers of the Shippen Family, VII, HSP.

8. Andrew Allen (1740-1825) studied law under Benjamin Chew and became attorney general in 1769. In the early years of the Revolution, Allen was elected to the Philadelphia Committee of Public Safety and the Continental Congress. He opposed independence and resigned from
The appointment brought prestige rather than profit for Shippen, but he welcomed it, for he had suffered a blow to both finances and prestige with the establishment of four new vice-admiralty courts in the colonies, one in Philadelphia. The court was only a small part of the British bureaucracy that grew steadily after 1763. Supported by the Crown, its appointees continued to be an irritant to Americans who saw their own social and political mobility slowed by ministerial encroachment. When news of the courts first reached Shippen three years earlier he had feared being replaced and asked William Allen to write Thomas Penn to seek "the same advantages . . . that the Judges of the Admiralty have in other provinces." Despite Shippen's request his court suffered more by the new arrangement than did other vice-admiralty courts, for the new Philadelphia court possessed both original and appellate jurisdiction. The overlapping jurisdiction of the two courts gradually deprived Shippen of most of his cases. 9

Jared Ingersoll, judge of the new maritime court had formerly been a Connecticut stamp distributor. During the

Congress in December, 1776, to join General Howe's British Army. He was attainted and his property confiscated in March, 1778. The state legislature granted Allen a pardon in 1792. Charles H. Lincoln, "Andrew Allen," DAB, I, pt. 1, 184-185; Colonial Records, IX, 704-705.

Stamp Act controversy he resigned his office under protest and the ministry rewarded his loyalty by appointing him judge of the new Philadelphia court. After receiving the appointment Ingersoll traveled to Philadelphia in April, 1767, to publish his commission and returned to New Haven, leaving his deputy, James Biddle, to operate the court. Not until two years later, after much criticism, did Ingersoll abandon his attempt to act as a maritime judge in absentia. As Shippen feared, the new vice-admiralty court gradually overshadowed his own and cost him and his registrar, Richard Peters, Jr., most of their cases and most of their revenue. By 1775, Governor John Penn estimated the office to be "of little or no annual value" to Shippen. At the same time Ingersoll's office provided him an annual salary of £600; his court registrar, £40; and the court's marshall, £30. By then Shippen had already learned to depend more on his fixed salary of £200 as prothonotary of the provincial supreme court, a post he received in 1766, and on the profit of his law practice than on the revenue of his maritime court. 10

The end of Shippen's active role in the vice-admiralty court meant the end of his problems in enforcing the Navigation Acts, a very difficult task to accomplish. John Swift, Philadelphia customs officer, had already discovered:

the hands of the government are not strong enough
to oppose the numerous body of people who wish well
to the cause of smuggling. . . . what can a governor
do without the assistance of the govern'd? What can
the magistrates do unless they are supported by
their fellow citizens? What can the King's Officers
do if they make themselves obnoxious to the people
amongst whom they reside? 11

As vice-admiralty judge, Shippen faced the same questions
and his response had been occasionally to join with the
Philadelphia merchants in violating the Navigation Acts he
had sworn to uphold. With the power of his court deterio­
rating, Shippen did not have the burden of enforcing the
ministry's unpopular acts. 12

When news arrived in 1771 of the death of Thomas
Penn the relative calm of the internal politics remained un­
broken. Governor John Penn sailed to London to accept the
role formerly played by his uncle, but before doing so, he
sold his house and garden to Attorney General Benjamin Chew
and appointed James Hamilton, former lieutenant governor and
the oldest member of the council, to the council's presidency
to act as governor. In the fall Richard Penn, John Penn's
younger brother, arrived to act as lieutenant governor. 13

12. Ubbelohde, *Vice-Admiralty Courts*, pp. 151-152;
13. *Colonial Records*, IX, 733-734, 782; Edward Burd
to James Burd, May 8, 1771, Papers of the Shippen Family,
VII, HSP; Edward Shippen, Jr. to Edward Shippen, Sr.,
September 6, 1771, Papers of the Shippen Family, VII, HSP.
Two years later John Penn returned to Pennsylvania and abruptly relieved his brother of the governorship. Richard Penn, popular with many Philadelphians, objected to his removal and for some time refused even to talk to his brother. Joseph Shippen, secretary under both men, favored John Penn and criticized his brother's behavior. Perhaps Shippen was partial to John Penn because of his long association with him as provincial secretary and as clerk of the council, but he must have been friendly with Richard Penn for the latter took no steps to replace him during his short term as governor. 14

After repeal of most of the Townshend duties in 1770, except for the tax on tea, there was a brief calm in the relations between Great Britain and America, until a quarrel over tea broke the uneasy peace. A new act allowed the British East India Company to sell seventeen million pounds of tea directly to the colonies, bypassing the usual English wholesalers. The effect was to lower the tea's cost to consumers. And yet, because the Parliamentary tax remained, many Americans objected to importation of the tea. When news of the act reached Philadelphia, a town meeting in October, 1773, organized a merchant group, similar to one which enforced the earlier non-importation agreements. The

14. Edward Shippen, Sr. to Joseph Shippen, Jr., May 18, 1771, Joseph Shippen Papers 1727-1783, L/C; Joseph Shippen, Jr. to Edward Shippen, Sr., May 24, 1773, Joseph Shippen Papers 1727-1783, L/C.
committee was supposed to call upon the tea consignees and request their resignation. Some merchants who were more interested in the economic side of the Tea Act than the political doubted the motives of the protestors when the taxed tea could be sold for less than smuggled tea. Thomas Wharton, himself one of the tea consignees, touched upon the incongruity of the situation when he complained that "the smugglers and London importers may both declare that this duty is stamping the Americans with the badge of slavery."  

The first tea ship to arrive in Philadelphia after the Act's passage, the Polly commanded by Captain Ayres, appeared in late December and was halted outside the harbor at Gloucester Point by members of the city's merchant committee. The committee informed Captain Ayres of the strong feeling against the East India tea and requested that he depart without going through the customs house. On Monday, December 27, Captain Ayres attended a town meeting to hear further views concerning his cargo. At the urging of those attending the meeting, Ayres agreed to sail, without breaking bulk, as soon as necessary supplies could be taken aboard. Prior to the ship's arrival, the elder Shippen had correctly anticipated the response of the Philadelphians when he wrote his son-in-law that "I suppose an express will be sent to meet her at Red Bank, commanding (I do not say advising) the

Captain of her to take about and make the best of his way home again, for that this Continent is as much surfeited with the smell of her old, rotten tea, as ever a Spanish cook was with dressing Proco de como, at his Catholic Majesty's kitchen."\(^\text{16}\)

The following spring when news arrived in Philadelphia of the passage of the Coercive Acts, the ministry's answer to the Boston Tea Party, it met only subdued response. A few Philadelphians believed the Bostonians had acted rashly and, in their opinions, owners of the destroyed tea should be compensated. Some merchants discussed boycotting English goods, but many still remembered Boston's alleged violations of the earlier non-importation agreement. Not until several weeks after news of the acts reached Pennsylvania did resentment against them solidify. The change in attitude resulted largely from the Massachusetts Government Act, for Pennsylvanians began to fear that future Parliaments might amend colonial charters at will and, in effect, eliminate American self-government.\(^\text{17}\)

Before passage of the Boston Port Bill, however, latent anger existed among Pennsylvanians. Referring to the


controversy over colonial representation, the elder Shippen sarcastically complained that "Lord North says that ye English Parliament virtually represents us; but can prove it no other way than by swords, & guns & implements of war." Several weeks later mobs paraded effigies of Governor Thomas Hutchinson of Massachusetts and Alexander Wedderburn, solicitor general and a harsh parliamentary critic of Benjamin Franklin, through the city on a cart, hung them upon a gallows near the Coffee House, and set them ablaze by igniting gunpowder with one of Franklin's electrical devices. 18

The city's leaders were more restrained. On May 20, a town meeting, acting outside the municipal government, convened to organize a Committee of Correspondence to reply to letters from the Boston Committee. The following day the group wrote a vague, but "suitable answer" to Boston and sent expresses to other colonies to inquire of their responses. Although not taking an active part in the discussions of the city committee, Edward Shippen, Jr. applauded the group's action in refusing to condone a new non-importation agreement. By the end of May many Philadelphians still refused to commit themselves to any specific course in

retaliation to the Coercive Acts; the Quakers had gone on record as opposed to any non-importation agreements. Throughout most of the period scrupulous Friends continued to oppose radical action, but after the controversy heightened their leaders often were unable to impose their will on all their members.19

During the new controversy, Edward Shippen, Jr. remained aloof although other family members joined the dispute. Shippen agreed with other Whigs when they denounced English policy, but even before the Boston Tea Party he began to fear the growing radicalness of the protests. His attitude differed greatly from that of his father and brother-in-law. A week after Boston was closed to shipping, James Burd chaired a committee in Middletown, Pennsylvania, that organized to accept donations of supplies for Boston and to correspond with other committees concerning the crisis. In a statement written by Burd and later adopted by the full committee, resolutions were endorsed which denounced the constitutionality of the port bill. The committee claimed an obligation to resist Parliament and called for closer colonial union as the best means of developing

resistance. The group also agreed to abide by the resolutions of an intercolonial congress should one be called.20

At Lancaster the elder Shippen also cooperated in organizing a town committee. In response to a letter from the Philadelphia Committee of Correspondence, residents appointed a standing committee composed of Shippen; William Atlee; George Ross; Jasper Yeates, husband of Shippen's granddaughter; and several others to correspond with the parent committee. The Lancaster group adopted resolutions which called for united action to achieve repeal of the Boston Port Bill, urged a total embargo on all imports and exports, and indicated a readiness to agree to an intercolonial association to enforce an embargo. During the next several months the committee worked to collect relief supplies for Boston, and, by the first week of September, Shippen, then chairman, reported that £153.15.2 had been collected and forwarded to John Nixon, treasurer for the city and county of Philadelphia, for distribution to Boston. Shippen himself donated £10, nearly double that given by any other individual in Lancaster county. For the next several years the committee, with Shippen a member, coordinated the efforts of the people of Lancaster with the Philadelphia committee in strengthening the American resistance.21


21. Alexander Harris, A Biographical History of Lancaster County (Lancaster, Pa.: Elias Barr and Co., 1872),
That summer, as tempers continued to rise, the elder Shippen and his grandson discussed the political situation in an attempt to exchange opinions and to clarify their own positions. Edward Burd, then a young attorney in Reading, claimed that America was correct to protest the measures of a ministry whose aims were "to reduce us to a state of Slavery." He believed that Parliament had no right to levy a tax upon the colonies and insisted the Americans were "determined to oppose ye Execution of it to Blood." He realized that in any armed rebellion England would inflict heavy casualties in attempting to enforce its will, but the Americans were a "numerous, a brave People and will spill a great quantity of English Blood before they can [be] reduce[d] to an abject Submission to the tyrannical will of a Minister." 22

The elder Shippen condemned the English merchants who, he claimed, looked upon Americans "as their Slaves, having no more regard to us than the . . . Wealthy Creoles . . . have for their Negroes in their Plantations in the Western Islands." He suggested that America win the support

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pp. 524-525; Pennsylvania Archives, Ser. 2, XIII, 275, 276-277, 281; Randolph Shipley Klein, "The Shippen Family: A Generational Study in Colonial and Revolutionary Pennsylvania" (doctoral dissertation, Rutgers University, State University of New Jersey, 1972), 280.

22. Edward Burd to Edward Shippen, Sr., July 4, 1774, Papers of the Shippen Family, VII, HSP.
of these "Wealthy Creoles" by imposing an embargo on goods to the West Indies. Burd agreed, for he believed that such a step would be very harmful to Great Britain's trade. If America, England's primary market, instituted an embargo on all exports to England at the West Indies, Burd believed the island merchants would be unable to export their goods for lack of barrels, usually purchased from America, and the British economy would be unable to sustain the shock of war. He also understood, however, that any curtailment of trade would lead to very serious but necessary economic disruptions within the colonies.  

Despite Burd's strong denunciation of the ministry he also feared American overreaction to the British threat. He believed the political controversy could best be solved by an intercolonial congress attended by the "ablest Men in America" in which an American bill of rights would be adopted. If the congress could not win concessions from the ministry there would then "be time enough to enter Resolves to break off all Commerce with them & behave to them as a distinct Kingdom--Better to run the Risque of no Existence than exist in Slavery." A moderate approach, he believed, would gain

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23. Edward Shippen, Sr. to James Burd, June 28, 1774, Papers of the Shippen Family, VII, HSP, Edward Burd to Edward Shippen, Sr., July 4, 1774, Papers of the Shippen Family, VII, HSP.
the colonies supporters in England to aid them against "the ministerial Schemes of Oppression." 24

A few days later Burd sketched a possible compromise. In his plan the colonies would be free to import products from countries other than Great Britain only if the items were unavailable there. America should also be free to export to all countries except those hostile to Britain in time of war. In return for easing trade restrictions, America would pay proportionally for defense. Finally, Burd would deny Britain power to legislate for the colonies except as necessary to carry out his suggested trade laws. Despite Burd's severe denunciation of the ministry, when he offered a tangible solution to the political controversy his opinions were revealed to be quite moderate for the times. 25

Several weeks later some of the Shippen family members revealed their feelings toward Benjamin Franklin who served as agent of the Pennsylvania Assembly in trying to mold Parliamentary legislation. Franklin had acquired personal letters sent from Thomas Hutchinson, while governor of Massachusetts, to William Whatley, an English man closely identified with the ministry. In the letters Hutchinson wrote in derogatory terms of the political claims of the

24. Edward Burd to Edward Shippen, Sr., July 4, 1774, Papers of the Shippen Family, VII, HSP.

25. Edward Burd to Edward Shippen, Sr., July 7, 1774, Papers of the Shippen Family, VII, HSP.
colonies, a fact that angered Americans when the Boston Committee of Correspondence published them. Hutchinson wrote them several years before, but because of the radical feeling against him, their publication in 1773 created a furor, especially in Massachusetts. In Philadelphia, however, the Shippens suspected the motives of Benjamin Franklin. After calling Franklin his own worst enemy, the elder Shippen suggested his motive in releasing the letters to be self-interest. He theorized that the ministry refused to agree to Franklin's personal demands, and in a pique he allowed their publication in an attempt to ingratiate himself with the Americans. Joseph Shippen agreed with his father, and comparing Hutchinson with Franklin he concluded that the two had "overacted their parts."^26

In late summer, 1774, delegates to the First Continental Congress arrived in Philadelphia under darkened clouds of apprehension. Several days after the congress convened, the city became "alarmed with the most afflicting News that could happen to America." A report, later proved false, prompted rumors in Philadelphia that a "civil war" had erupted between the people of Boston and British soldiers

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when Massachusetts' military governor, General Thomas Gage, seized powder from the public magazine. Actually, no fighting ensued, but a tense scene developed when farmers poured into the city to defend the remaining powder. Believing General Gage's political and military situation desperate, the elder Shippen feared the British general would provoke a confrontation with the colonial militia because "he has no way to keep his head off ye block." 27

Philadelphia's social scene, enlivened by the presence of delegates to the Continental Congress, presented a marked contrast to the tense situation in Boston. The city's prominent residents eagerly became acquainted with members of the colonial delegations of whom they had heard much, and the Shippens were no exception. On an afternoon in late September, Benjamin Chew, recently appointed provincial chief justice, hosted a dinner party attended by Edward Shippen, leading members of the Philadelphia bar, Colonel George Washington and the entire Virginia delegation, John Adams of Massachusetts, and other delegates. The quiet elegance surrounding the dinner greatly impressed Adams; he found everything "most excellent and admirable." More uninhibited than usual, he admitted drinking the Spanish wine

27. Edward Burd to Edward Shippen, Sr., September 10, 1774, Papers of the Shippen Family, VII, HSP; Edward Shippen, Sr. to James Burd, September 27, 1774, Papers of the Shippen Family, VII, HSP.
"at a great rate," but he confided to his diary that he had "found no inconvenience in it." 28

The following week Edward Shippen hosted Washington and Colonel Charles Lee to an early dinner before the party left to spend the balance of the evening with the Massachusetts delegation. During the second session of the Congress, Washington dined with Joseph Shippen, whom he had met while serving in the army during the French and Indian War. Colonel Washington and the Shippen brothers had mutual interests in western lands, and a warm friendship grew out of their casual meetings. 29

After careful deliberation Congress defined the American position on British trade and taxation in a Declaration of Rights which it issued in the middle of October. Congress also urged upon the colonies the implementation of a Continental Association. In Lancaster County voters elected the elder Edward Shippen, Jasper Yeates, and James Burd among a committee of sixty to enforce the new Continental Association. In Pennsylvania the Association successfully prohibited many imports, and by December Governor John Penn noted that there was "a disposition


everywhere to adhere strictly to the Resolutions of the Congress." The elder Shippen agreed and believed the agreements would soon severely hinder the British manufacturers, but he betrayed his failure to understand the depth of British-American intransigence by naively expressing hope a solution could be reached within three months. 30

In January, 1775, the Philadelphia Committee of Correspondence, in one of a number of moves that eventually eroded away the proprietary government, requested all Pennsylvania county committees to appoint delegates to a provincial convention. The delegations would meet in Philadelphia the latter part of the month to discuss their opinions of the British-American controversy. The elder Shippen realized the "impropriety" of attending the convention with his family so closely associated with the proprietary government and to guard against any embarrassment "took the opportunity, as if by accident," to inform several of his friends that he had no desire to serve in the convention. Consequently, he "was scarcely mentioned" as a delegate, although at the time he chaired the meeting that selected Lancaster's delegates. With almost no opposition the committee chose James Burd and Burd's widowed son-in-law, Peter

Grubb, to be among the county's representatives. Because of poor health, however, Burd was unable to attend the meetings. Even though Shippen believed his political situation would not allow him to attend the proposed provincial convention, he later agreed with the convention's resolutions that called for closer American unity and a strong defense against British authority. 31

In cooperating with the provincial convention the elder Shippen and his proprietary friends failed to understand that they helped sow the seeds of the charter government's destruction. Through the governmental crises of the 1760's they learned to expect little leadership from the Assembly, yet by condoning conventions in 1774 and 1775 instead of buttressing the legitimate powers of the Assembly, they helped undercut the authority of the entire charter government. This truth became painfully apparent to the proprietary party the following year when a convention turned its attack upon the 1701 charter of the Penn family and successfully overturned it.

Moderate Philadelphians who desired peaceful reconciliation with Great Britain cheered in April, 1775, when word arrived that the king had agreed to allow the colonial assemblies to raise funds for the Crown in their own way.

The colonies would be exempt from further taxation. Edward Shippen, Jr. believed the reported plan essentially what Americans long desired and he earnestly hoped for its acceptance. He thought it only reasonable that Americans should pay their share of the cost of a navy that protected the commerce of both them and Great Britain. Believing the dispute with Britain to be primarily a constitutional one, Shippen accepted the plan as "Consistent with what we have Claimed to be our rights [,] that of giving and raising it [revenue] in our own way." 32

His father reacted ecstatically to the news. "O, kind Providence! The conditions of a lasting peace are very reasonable, not to Say, Condescending. Jupiter might have thund'red his fiery [sic] bolts upon us; tho' he might have repented of it in the Long run," he excitedly wrote in reply to his son's letter. He optimistically assumed the colonial assemblies would accept the ministry's terms for do to otherwise would leave their English supporters, Lord Chatham and Edmund Burke, with "nothing more to Say" in America's behalf. "If we are not happy hereafter we must blame our Selves. I

32. Edward Shippen, Jr. to Edward Shippen, Sr., April 15, 1775, Yeates Papers, Correspondence, 1767-1780, HSP.
think we have the bull at our feet," but he cautiously hoped that Americans would "play with discretion."^33

The hope Shippen had grasped faded quickly. Apparently the story that reached Philadelphia was a distorted version of a bill supporters of Lord Chatham had introduced into Parliament several months earlier. The Chatham bill recognized the Continental Congress; repealed the Coercive, Quebec, and Tea Acts; and recognized Parliament's authority over navigation and trade. Lord North's majority, however, had soundly defeated the bill, to the disappointment of America's English supporters.

Even before the discovery of the report's falsity, hopes for peace dimmed when Captain Dean, thirty-three days from England, brought ominous news that eleven infantry regiments and two troops of cavalry had sailed for New York aboard ninety-five transports and sixteen frigates. Dean also brought word of two parliamentary acts designed to coerce the colonies into submission. One bill deprived New England of its cod fisheries and the other forbade trade in all American harbors except New York, Quebec, and Charleston. Referring to the news, Joseph Shippen complained bitterly that "All this has the Appearance of enforcing, the acts

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33. Edward Shippen, Sr. to Edward Shippen, Jr., April 17, 1775, Papers of the Shippen Family, XII, HSP; Edward Shippen, Sr. to Joseph Shippen, Jr., April 17, 1775, Papers of the Shippen Family, X, HSP.
complained of, or else such terms of Accommodation as the Government at Home please to impose on us." Because Shippen did not know the specific terms of the Acts he believed it to be too early to know if they could "be adopted by the Colonies without a Sacrifice of their Liberties," but his doubt was obvious.\(^\text{34}\)

When news of the Stamp Act's repeal reached Philadelphia in June, 1767, Edward Shippen, Jr. joined the celebrants who failed to realize the fight for America's political rights had not yet been won. Any illusions he possessed died when Parliament levied additional taxes on imported products, such as glass, tea, and paint. Later, when the British-American dispute intensified after the Boston Tea Party and the passage of the Coercive Acts, Shippen joined in denouncing the continued encroachment of American rights by the Crown and Parliament. When tension heightened to a point where recourse outside the realm of violence became more difficult, however, he set his hopes for peace on the efforts of the Continental Congress. Taking no active part directly in politics, Shippen, nevertheless, became well acquainted socially with leading delegates to the Congress and applauded their efforts to achieve reconciliation without abandoning American rights.

\(^{34}\) Joseph Shippen, Jr. to Edward Shippen, Sr., April 20, 1775, Papers of the Shippen Family, Box 1, HSP; Pennsylvania Gazette, April 26, 1776; Duane, Passages from Marshall's Diary, pp. 17-23.
CHAPTER 5

WAR AND INDEPENDENCE

The years 1775-1776 mark the watershed for America, the Shippen family, and the remaining members of the proprietary party. After the spring of 1775 when actual warfare erupted between British regulars and Massachusetts farmers denunciations by the proprietary supporters of British efforts to subdue the colonies became more restrained and thoughtful. When radical Pennsylvanians, Thomas Paine, James Cannon, and Christopher Marshall, supported a declaration of independence, the Shippens and their friends redoubled their hopes for a peaceful reconciliation.

On April 24, 1775, Philadelphians learned that the political dispute with Great Britain had moved into the military realm when news arrived that Massachusetts militia and British regulars had clashed near Lexington five days earlier. The news electrified the town. The following day the city Committee of Correspondence convened an open meeting attended by an estimated eight thousand people. After discussion the meeting passed a resolution that urged the formation of militia units.

Christopher Marshall, an outspoken patriot and pharmacist, noted that a more determined opposition toward
England had developed even among many Quakers. After news of the Lexington battle some Friends joined the Association's military units and even "stiff Quakers" appeared embarrassed by their earlier pacifist ideas. On the afternoon of May 5 the Society of Friends met and discussed how to send supplies to beleaguered Boston, a step they previously questioned. Feelings aroused in the excitement of the moment quickly subsided, however, and contrary to Marshall's first impressions only a small fraction of the Friends actually joined military units. ¹

In Lancaster the elder Edward Shippen, Jasper Yeates, and James Burd, among others, with George Ross presiding, met as the county committee of correspondence to consider the new threat. After discussion the group unanimously adopted a resolution that called on the people of Lancaster County to "associate and provide themselves with arms and ammunition and learn the art of military disciplines, empowering them to support and defend their just rights and privileges against all arbitrary and despotic invasions by any person or persons whatsoever." Shippen captured the determined mood of the committee when he noted that "the

Americans fight for everything that are most dear to them. Their lives liberty & fortunes."  

When the Second Continental Congress convened in Philadelphia two weeks after news arrived of the New England conflict, it first appeared the delegates planned to hold fast to previous demands, and meanwhile hope for concessions from the ministry. The younger Edward Shippen feared the unbridled enthusiasm of the Americans and expressed the desire of many moderates "That too much heat may not mix with the Councils of this great Body."  

Franklin unexpectedly arrived from England shortly before Congress convened and his return raised a large amount of speculation. Some thought the Philadelphian was "playing a Game for the Ministry," but many earnestly hoped he brought some news of value to offer the colonies. Although an old political opponent of Franklin, Shippen was among the optimists. After hearing rumors, he wrongly concluded that Franklin brought a plan acceptable to the minority members of the House of Commons and waited for the proper time to publicize it.

2. Pennsylvania Archives, Ser. 2, XIII, 291-292; Edward Shippen, Sr. to Joseph Shippen, Jr., May 13, 1775, Shippen Papers, APS.

3. Edward Shippen, Jr. to Jasper Yeates, May 15, 1775, Balch Papers, Shippen II, HSP.

4. Joseph Shippen, Jr. to Edward Shippen, Sr., May 13, 1775, Papers of the Shippen Family, Box 1, HSP.
While Philadelphia discussed a possible settlement, military preparations continued. In early summer the war appeared more personal to the Shippen-Burd family when Edward Burd, without consulting his family, agreed to take an officer's commission in a militia unit destined for the defense of Cambridge, Massachusetts. After agreeing to accept the commission in a rifle company, and notifying the family of his decision, they objected. The elder Shippen disapproved of his grandson's action and criticized him for not consulting "Friends" prior to making the decision. His uncle Edward Shippen, apparently remembering his own youthful enthusiasm during the French and Indian War, objected to the commission because Burd had little experience in firearms or outdoor living. Taking an officer's commission in a rifle company, he insisted, "would appear to all the world a ridiculous thing."

Burd defended his decision: the local committee had recommended him for the commission; he had been assured by the militia commander that an officer's ability to lead men was more important than his skill with firearms; he had

5. Edward Burd to James Burd, July 4, 1775, Thomas Lynch Montgomery (comp.), "Letters of Edward Burd," PMHB, XLII (1918), 143; Jasper Yeates to James Burd, July 11, 1775, Papers of the Shippen Family, VII, HSP; Edward Shippen, Jr. to Edward Shippen, Sr., June 30, 1775, Papers of the Shippen Family, II, HSP; Edward Burd to Jasper Yeates, July 5, 1775, Yeates Papers, Correspondence, 1762-1780, HSP; Edward Burd to Jasper Yeates, May 17, 1775, Yeates Papers, Correspondence, 1762-1780, HSP.
already begun seeking recruits throughout Philadelphia; and he believed he was as able to withstand physical hardships as well as anyone else. As for not discussing his plans prior to accepting the commission, he replied he had believed consultations were unnecessary because "I knew the Sentiments of all my Family to be favorable to the Cause of Liberty in which we are engaged." Burd decided to compromise the issue. He resigned his commission in favor of his widowed brother-in-law, Peter Grubb, and enlisted as a private for the Cambridge campaign. In hope of further easing the family misunderstanding, Burd asked Jasper Yeates to intercede and explain his position to the family. Through Yeates's efforts most family members accepted Burd's viewpoint.  

Like Burd, and unlike Edward Shippen who remained aloof from the political controversy, the elder Shippen and Jasper Yeates remained politically active at Lancaster. The political situation in the Lancaster area proved troublesome

6. Edward Burd to Jasper Yeates, June 22, 1775, Yeates Papers, Correspondence, 1762-1780, HSP; Jasper Yeates to Sarah Yeates, July 21, 1775, Yeates Papers, Correspondence, 1762-1780, HSP; Edward Shippen, Sr. to Joseph Shippen, Jr., July 24, 1775, Papers of the Shippen Family, X, HSP; Edward Shippen, Sr. to Joseph Shippen, Jr., July 2, 1775, Papers of the Shippen Family, Box 1, HSP; Edward Burd to James Burd, July 4, 1775, Edward Shippen Thompson Family Papers, PH&MC; Edward Burd to Jasper Yeates, July 19, 1775, Papers of Edward Burd, HSP; Edward Burd to Joseph Shippen, Jr., August 27, 1775, Joseph Shippen Papers 1727-1783, L/C.
for its county committee because of the large number of conscientious objectors within the county. The committee was responsible for raising troops and, to the dismay of many, excused all conscientious objectors, primarily Mennonites, from joining the militia companies. Partly because of a rumor that the committee had been bribed by the pacifists, when militia members arrived in Lancaster on June 1 to attend a drill they instead marched to the courthouse with demands that all county inhabitants be required to join military units. The committee staunchly refused, for they claimed that one's right to plead conscientious objection to war was a guarantee under the 1701 "Charter of Privileges." As a result of the confrontation the committee decided to test public opinion by immediately resigning. They were vindicated when most of the committeemen, including Shippen and Yeates, were re-elected.7

Additional dissension arose in Lancaster when militia officers James Ross and George Patterson vied for command of the county military forces. The committee chose Patterson, and Ross carried his complaint to Congress. Jasper Yeates, surrounded on all sides by jealousy and discord, complained

7. Edward Burd to Jasper Yeates, June 7, 1775, Yeates Papers, Correspondence, 1762-1780, HSP; Rough draft of the Lancaster County Committee's letter to Pennsylvania's delegates in Congress, June 3, 1775, Yeates Papers, Correspondence, 1762-1780, HSP.
of the "Want of Confidence & Union" that impeded their efforts to provide an American defense. 3

James Burd experienced similar problems when he attempted to mold a reliable fighting unit from Pennsylvania farmers. During the summer Burd continued to work hard, but by late August he became increasingly discouraged with the results. He faced personal misunderstandings with some of his men and these were compounded by a lack of needed military supplies and the large size of his command sector. His battalion drew from along a fifty-mile perimeter and Burd soon discovered it was very difficult to recruit and unify his troops when dispersed over such a wide area. Confronted with such severe difficulties, Burd resigned his commission. Writing to Lieutenant Colonel Thomas Murray, he expressed belief that America's liberties depended upon unity and lest he unwittingly "should stand in the way of that firm Union so especially necessary in the present critical situation of Public Affairs," he decided to resign. Discouraged, he offered the resignation of his militia commission and his seat on the County Committee of the Military Departments. Several weeks later he and his officers solved some of the disagreements and the 1300 officers and men of the Fourth

3. Jasper Yeates to James Burd, July 11, 1775, Papers of the Shippen Family, VII, HSP; Jasper Yeates to James Burd, September 22, 1775, Papers of the Shippen Family, VII, HSP.
Battalion of the Lancaster County Association again elected Burd colonel by a "very great Majority." 9

When the elder Shippen heard of Burd's resignation, he advised him to "say as little about it as possible" for fear the misunderstanding between Burd and his neighbors would widen. Shippen's own family had already abandoned political discussions for they frequently led to arguments. When Jasper Yeates heard that Burd accepted the new military commission he was delighted and reminded his father-in-law that if he had refused the office his neighbors would have become suspicious of his reasons.

Despite Burd's difficulty with the militia, he remained popular with the people of Lancaster County, so much so that in the fall he was suggested as a candidate for the Assembly. When he received a note from Mattias Slough of Lancaster informing him that he was being considered for the Assembly, Burd understood better than his friends his lack of ability to fill the position. He wrote Slough and thanked him for the honor, but he refused to run. Burd then wrote

Jasper Yeates of Slough's letter and asked help to prevent his name from appearing on any political ticket. The difficulties experienced by Burd, Shippen, and Yeates as they attempted to achieve their goals within the militia and the county committee resulted from several factors. Lancaster County consisted of German sectarians, Scotch-Irish, and English, both pacifists and combatants, whose relations toward one another had occasionally been turbulent. Consequently, the efforts of the county committee and the militia officers to unify the diverse ethnic groups for defense suffered. The committee's recognition of the right of pacifists to be excused from militia duty greatly increased its problems for Lancaster County had a large population of Mennonites and German pacifists who objected to war in any form. Even after the re-election of Shippen, Yeates, and the other committeemen confirmed their decision, bitterness still remained among some members of the militia who believed the committee had acted unfairly in excusing the pacifists. The personal rivalry of James Ross and George Patterson for command of the county militia also hampered the committee's effort and contributed to the

10. Edward Shippen, Sr. to James Burd, August 28, 1775, Papers of the Shippen Family, VII, HSP; James Burd to Joseph Shippen, Jr., September 19, 1775, Papers of the Shippen Family, VII, HSP; Jasper Yeates to James Burd, September 22, 1775, Papers of the Shippen Family, VII, HSP; James Burd to Jasper Yeates, September 29, 1775, Burd Family Papers, HSP.
county's division. Indeed, Yeates discovered in the fall of 1775 that to remain at peace with his neighbors he must refrain from discussing politics.\textsuperscript{11}

In the new year Pennsylvania underwent a gradual political change, particularly in Philadelphia. Whereas conciliation was once the goal, independence became more the by-word of the Americans. There are several reasons for the change. Congress, after much soul-seeking, had agreed to send the "Olive Branch Petition" to King George III, but the Crown spurned the petition. Instead of bringing peace to the colonies, it had resulted in a proclamation which declared America to be in rebellion, and invoked all the powers of the Empire for its suppression. About the same time that news of the proclamation arrived in Philadelphia, so did word of the systematic shelling and burning of Falmouth, Massachusetts, by the British navy.

Thomas Paine's "Common Sense" appeared in early January and further kindled the enthusiasm of "the common people" for independence. With growing dismay Edward Shippen watched the popularity of Paine's work. Although he thought it "artfully wrote," he believed that had a good writer attempted to challenge it, the pamphlet might have been refuted. To his disappointment no one effectively challenged Paine's arguments in print until two months later

\textsuperscript{11} Jasper Yeates to James Burd, July 11, 1775, Papers of the Shippen Family, VII, HSP.
when William Smith, anonymously writing as "Cato," began a series of newspaper articles. Shippen feared that regardless of whatever he or other moderates wanted, the "idea of an Independence, tho sometime ago abhored, may possibly by degrees become so familiar as to be cherished." Rumors that the ministry planned to use foreign mercenaries, a step "everybody" agreed would make a declaration of independence imperative strengthened his concern.  

Meanwhile, Shippen acted as host to British Lord Drummond who appeared to know the goals and desires of the ministry. Lord Drummond had discussed the ministry's feelings with some members of Congress and Shippen earnestly hoped the talks would contribute to a reconciliation. The ministry saw "dire consequences ahead," drummond reported, but it anxiously hoped to avoid further conflict, even if it meant accepting some of Congress' proposals. He suggested that Congress immediately send a delegation to England before the arrival of large contingents of British troops, for after their arrival any terms offered by the ministry might divide the colonies. To Shippen's disappointment most members of Congress showed little interest in the suggestion. He believed the majority of Congress favored a moderate

course, but he wondered how the feeling could continue when "every unlucky event inflames, and every successful one elates."

While unhappily reporting the growing desire for independence, Shippen groped for contrary expressions. He received slight assurance when "a Gentleman of some weight in Congress" expressed hope the county committees in Pennsylvania would disassociate themselves from independence as the Maryland Convention was rumored planning to do. With the sentiment for independence growing in Pennsylvania, one of the more moderate colonies, Shippen realized he only grasped at straws. In January, 1776, he found little reason for optimism.13

Shippen objected to independence for several reasons, most of them stemming from his desire for political stability. Earlier, during the Stamp Act controversy, he severely denounced England and the alleged unconstitutionality of the taxing act, but in 1775, after fighting began, he became more moderate while many Americans became more radical. Not until the first blood was shed did he fully understand the high price America would be required to pay for its independence, a price he believed too heavy to bear. In monetary terms, he believed that for American commerce to

13. Edward Shippen, Jr. to Jasper Yeates, January 19, 1776, Papers of the Shippen Family, VII, HSP.
prosper it must depend upon the ships of the British Navy for protection. Pennsylvania had become prosperous primarily because of its trade with England, a trade that had been severely curtailed by the boycott and by the hostilities, to the mutual harm of both countries.

Nor was Edward Shippen the only family member to fear independence; his father also worried over severing ties with Great Britain. The elder Shippen possessed a deep love and respect for England, but he saw no inconsistency in protesting, with arms if necessary, the "Unnatural War" which he believed a wicked ministry had initiated. Progressing slower than many segments of Pennsylvania public opinion, Shippen still believed the war to be an "instigation of that Great Murderer (a Butcher is too Christian an epithet) Lord North, That Great Parricide." He failed to realize that the conflict transcended personalities and instead revolved primarily around the disagreement over the political rights of the colonies. Neither did he understand that when he worked so diligently in the affairs of the Lancaster committee, he actively participated in rebellion. Instead, he believed himself a preserver of the rights of Englishmen in the traditional Whig sense. Shippen, like other colonials Whigs, held the English governmental system in high esteem. In 1775, however, they believed Crown appointments and corruption had despoiled it. Americans, a virtuous people, must defend and restore traditional English
liberties on their own soil. Most family members believed similarly. In early August, Jasper Yeates wrote that "Our present glorious Struggle is for the Preservation of our Privileges." In late February the Philadelphia Committee of Inspection and Observation began intensive efforts to move the province toward independence. Elections on February 16 filled almost a third of the hundred-man committee with shopkeepers, merchants, and artisans newly participating in active politics. Whereas the old committee worked closely with the Assembly, the new committee, led by James Cannon, Christopher Marshall, Benjamin Rush, Timothy Matlack, and Thomas Paine, almost immediately petitioned the Assembly to change its instructions to Pennsylvania's congressional delegation to enable it to vote for independence should the opportunity arise. When the Assembly refused, the committee, believing its support to be stronger in the back counties of Pennsylvania, again approached the Assembly and this time petitioned for an enlargement of the representation from Philadelphia and the western counties, both of which had

14. Edward Shippen, Sr. to Joseph Shippen, Jr., July 2, 1776, Papers of the Shippen Family, Box 1, HSP; Edward Shippen, Sr. to Son, June 19, 1776, Papers of the Shippen Family, X, HSP; Edward Shippen, Sr. to Joseph Shippen, Jr., February 11, 1771, Joseph Shippen Papers, 1727-1783, L/C; Jasper Yeates to Edward Burd, August 2, 1776, Thayer, Pennsylvania Politics, p. 175; Wood, Creation of the American Republic, pp. 199-200.
long been underapportioned. The Assembly again refused to meet the committee's demands. Upon the legislature's new rejection, the committee called for the convening of a provincial convention similar to those held in 1774 and 1775, to consider the political situation of the province.

With Pennsylvania moving toward radicalism, moderates viewed the prospective convention differently than they had two years earlier. They recognized in the convention a method by which an extra-legal faction could win control of the provincial government as similar committees had already done on local levels. The committee's leaders, "violent wrong-headed people of the inferior Class" Joseph Shippen called them, hoped either to pressure the Assembly into more radical responses to the rapidly changing political situation or to win control of the province away from the Assembly.15

Moderates responded to the challenge. When the spring Assembly elections approached in early March, a group of moderates asked Shippen whether Jasper Yeates would consent to run for a house seat from Lancaster County. Shippen implied that Yeates would probably refuse, but he immediately wrote him of the inquiry and unsuccessfully encouraged him to consent should he be offered the ticket. Shippen feared

15. Hawke, In the Midst of a Revolution, pp. 19-20, 99-100; Joseph Shippen, Jr. to Edward Shippen, Jr., February 29, 1776, Papers of the Shippen Family, XII, HSP.
that a radical Assembly would cooperate with some of the congressional delegates, primarily those from New England who, he claimed, hoped "to reduce the Affairs of this province to as great a State of Anarchy as will put us on a level with some of the Colonies to the Eastward [New England]." Because of such a threat Shippen believed it "the part of every good Citizen to afford a helping hand to support our tottering Constitution." For Shippen, this meant saving Pennsylvania's proprietary government and preventing independence by retaining the present instructions to the province's congressional delegation. Those behind the convention, he reported to Yeates, planned to recall Andrew Allen and several other moderates from Congress because they continued to support reconciliation with Great Britain.16

The Philadelphia committee's call for a convention created such a political tempest that on March 4 the group decided to hold their call in abeyance for a few days in order to allow the Assembly time to react to several petitions previously submitted to it. Four days later the Assembly, facing the threat of the extra-legal convention, voted to increase its membership by an additional seventeen members, all to be from under-represented Philadelphia and the back counties, and to call an election for May 1 to fill

16. Edward Shippen, Jr. to Jasper Yeates, March 11, 1776, Papers of the Shippen Family, XII, HSP.
the newly-created seats. Moderates favored the new legislation for they believed the pressure for more radical action would be relieved. Joseph Shippen optimistically predicted that "The Mouths of those violent Republicans belonging to the Committee will be entirely stopt" by the Assembly's action and their "favorite Plan [independence] totally frustrated."17

Edward Burd found that in Reading pressure for a convention lessened after the Assembly's action. He agreed with the Assembly's critics, however, that the back counties had long suffered from malapportionment of the legislature. Burd also believed the Quakers had too much power in the

17. Before March, 1776, Philadelphia and some counties were underrepresented in the Assembly. Lincoln concludes that overthrow of the charter government resulted from bitterness with the inequities in representation.

<table>
<thead>
<tr>
<th>Representation</th>
<th>before March, 1776</th>
<th>after March, 1776</th>
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</thead>
<tbody>
<tr>
<td>Philadelphia (county)</td>
<td>8</td>
<td>8</td>
</tr>
<tr>
<td>Philadelphia (city)</td>
<td>2</td>
<td>6</td>
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<tr>
<td>Chester</td>
<td>8</td>
<td>8</td>
</tr>
<tr>
<td>Bucks</td>
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<td>Lancaster</td>
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<tr>
<td>York</td>
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<tr>
<td>Berks</td>
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<tr>
<td>Cumberland</td>
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<td>Northampton</td>
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<td>Bedford</td>
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<tr>
<td>Northumberland</td>
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<td>2</td>
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<tr>
<td>Westmoreland</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td><strong>Totals</strong></td>
<td><strong>41</strong></td>
<td><strong>58</strong></td>
</tr>
</tbody>
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Lincoln, The Revolutionary Movement, pp. 47, 52, 54; Joseph Shippen, Jr. to Edward Shippen, Sr., March 12, 1776, Papers of the Shippen Family, VII, HSP; Duane, Passages from Marshall's Diary, p. 69.
house in "times when a defensive War is to be vigorously carried on."\(^{18}\)

Actually, the so-called "Quaker Assembly" had ceased to exist years earlier, but Burd failed to understand completely the new political contest. To Burd and perhaps to others, the new contest still resembled the older ones in which Quakers stood against proprietary supporters who desired to defend the province.\(^{19}\)

The last hope of the moderates for reconciliation lay in the expected arrival from England of several peace commissioners. Jasper Yeates feared that if they were not empowered to offer "just & generous" terms any negotiations might simply further inflame the controversy. Edward Burd agreed, although he admitted he had no alternatives to offer if the commissioners promised only amnesty, refused to negotiate with Congress, or could not assure Americans of their "essential Rights." The elder Shippen, still denouncing Lord North as a "highwayman," expressed forlorn hope that the mission would result in acceptable proposals and prevent additional bloodshed. All family members agreed that Congress should not accept any peace that would violate

\(^{18}\) Edward Burd to Jasper Yeates, March 15, 1776, Papers of the Shippen Family, VII, HSP.

\(^{19}\) Tolles, Meeting House and Counting House, pp. 230-243.
America's "essential rights," yet none of them could offer viable alternatives. 20

A special election on May 1, called by the Assembly after it had reapportioned the province, tested the opponents and proponents of independence. The reapportionment had increased the number of Assembly members from Philadelphia and western Pennsylvania, two areas where the independents were thought to be strongest, and in the days prior to the election both moderates and independents feverishly campaigned. After long hours of political activity, about midnight of election evening, Christopher Marshall learned that only one of the five independent candidates he supported had won election. In reflecting upon the election Marshall called it one of the most peaceful, yet sharpest, in years. "I think it may be said with propriety that the Quakers, Papists, Church, Allen family, with all the Proprietary party, were never seemingly so happily united as at the election. 21

Despite return of the moderates to the Assembly, friction between them and those Pennsylvanians who desired

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20. Jasper Yeates to James Burd, March 7, 1776, Papers of the Shippen Family, VII, HSP; Joseph Shippen, Jr., to Edward Shippen, Sr., March 12, 1776, Papers of the Shippen Family, VIII, HSP; Edward Shippen, Sr., to Joseph Shippen, Jr., April, 1776, Edward Shippen Letterbooks, Shippen Papers, APS.

independence continued. The Assembly was a frequent target for radicals who remembered its attempts to secure a royal charter. In most colonies the closest ally to the Crown was the royal governor, but in Pennsylvania it appeared to be the province's own Assembly, the motives of which radicals strongly suspected. Some members of Congress aggravated the division by attempting to pressure the colony into agreeing to independence. John and Samuel Adams and their congressional supporters introduced a resolution, passed on May 10, that recommended to the various colonial Assemblies and Conventions "where no government sufficient to the exigencies of their affairs have been hitherto established, to adopt such governments as shall, in the opinion of the representatives of the people, best conduce to the happiness and safety of their constituents in particular, and Americans in general." 22

Many Pennsylvanians recognized that the resolution attacked the proprietary government, but John Dickinson, one of Pennsylvania's congressional delegates and an opponent of independence, temporarily turned the attack. Dickinson agreed with John Adams that viable governments were necessary, but added that because Pennsylvania had a stable government the resolution obviously was intended for other

provinces. Unfortunately for Dickinson's views, when he retired to his Delaware farm for several days rest, Adams introduced and won passage of a preamble which redirected the resolution against provinces in which the Assembly and the courts continued to act in the King's name. By passing the preamble Congress put itself in support of the replacement of any such provincial governments, principally that of Pennsylvania. 23

As anticipated by congressional foes of Pennsylvania's proprietary government, the province's independents took the initiative. Led by schoolmaster James Cannon, merchant Timothy Matlack, and pamphleteer Thomas Paine, the radicals began systematically eroding away the powers of the Assembly and the proprietary government, replacing them with a government based wholly on the sovereignty of the people. Their efforts to discredit the Assembly were simplified by the body's already close identification with the Crown because of Franklin's attempts to win a royal charter. When the moderate whiggish elite stepped aside, as did the Shippen brothers and John Dickinson, a radical victory was assured. On the evening of May 15 a large group of independents, with congressional delegate Thomas McKean as their chairman, met at the hall of the Philosophical Society to discuss the preamble passed only hours earlier. The

following day the same group renewed its call for the election of a provincial convention as soon as possible and condemned the Assembly for functioning until the will of the province was heard. On May 20, despite rainy weather, an estimated four thousand people attended a town meeting which followed the lead of the independents and almost unanimously denied the Assembly's power to draft a new government. The meeting then reiterated the call for a conference of county committees to plan for a constitutional convention to carry out the congressional resolution. 24

The resolution of May 15 opened a political controversy in Pennsylvania that continued on two levels until Congress declared America's independence six weeks later. On one level some Pennsylvanians questioned the wisdom of independence. On the second level they discussed the future of the proprietary government and the present Assembly. The proprietor-Quaker party dispute that had occupied Pennsylvania politics for years was dead by the spring of 1776, and the question of independence had completely changed the political alignment. Many former political foes now cooperated on one level to prevent the overthrow of the proprietary government, even while their attitudes on independence varied. Many of those who long supported the

proprietary interests favored reconciliation with Great Britain, whereas the political position of their former Assembly foes varied. Franklin chose independence and a new government; Joseph Galloway chose to join the British; some joined forces with their former proprietary foes in actively defending the charter government; some simply withdrew from politics.

With the proprietary government and the 1701 Charter of Liberties at stake moderates and opponents of the provincial convention met and drew up an "Address and Remonstrance" in answer to the resolves of the previous town meeting. According to the moderate authors of the "Remonstrance," adoption of Congress's resolution would not only deprive Pennsylvanians of their traditional charter guarantees, but would create political division at the very time when unity was essential. The writers also denied the necessity of overthrowing the provincial government to carry out the dictates of Congress. Citing examples of other colonies whose Assemblies continued to function, they insisted the Pennsylvania Assembly could fully cooperate with Congress. After drawing up the "Remonstrance," the moderates circulated the petitions to obtain additional support for the current provincial government. 25

Political activity reached outside Philadelphia, as moderates and radicals tried to win support. Edward Shippen warned Jasper Yeates that "a certain bawling New England Man called Doctor [Thomas] Young of noisy fame" planned to travel to the Lancaster area in an effort to win support for the convention. Shippen readily admitted he did not know how the people of Lancaster felt about the convention, but he believed they surely "would not be willing to give up all our Charter privileges at one stroke." He feared a convention might "settle a form of Government not very favourable to Liberty" upon the province, despite the claims of its proponents. Shippen reported to Yeates that even many of those who sought independence opposed the current attack upon the provincial government for fear that it would result in the loss of Pennsylvania's political rights. He insisted to Yeates that there was no reason to suppose that the Assembly could not carry out the mandates of Congress.26

Despite Shippen's letter warning of the "bawling New England Man," on June 7 the Lancaster County Committee met and by a wide majority voted to send delegates to the

26. Thomas Young (1732-1777), patriot and physician, was one of the most active members of the Boston Committee of Correspondence. He participated in the Boston Tea Party before moving to Philadelphia in 1775. There he joined radical Whigs and counselled Franklin concerning the state constitution of 1776. Young died after contracting a violent fever while serving as a senior surgeon in a Continental hospital. W. J. Grant, "Thomas Young," DAB, X, pt. 2, 635-637; Edward Shippen, Jr. to Jasper Yeates, May 23, 1776, Balch Papers, Shippen II, HSP.
Conference of County Committees. The elder Shippen and Jasper Yeates still served on the Lancaster committee, but Shippen, at least, was not notified of the committee meeting when the vote was taken and neither he nor Yeates was chosen as a delegate. Both men opposed the convention, but Shippen betrayed no bitterness when he reported the names of the Lancaster delegates to his son the day following their election.27

In early June the movement for independence gained additional momentum when news arrived in Philadelphia that the Rhode Island Assembly absolved its citizens of allegiance to the British Crown. Under continued pressure and threat of a provincial convention the Pennsylvania Assembly in mid-June released its congressional delegates from the November instructions which forbade them to vote on independence. The new instructions avoided mentioning independence and simply allowed the Pennsylvania delegates to agree to any bill Congress might ratify.

A few days after issuing its new instructions the Assembly adjourned when those of its own members who favored the convention withdrew, resulting in the loss of a quorum. Independents in and out of Congress rejoiced, feeling that the adjournment of the Assembly indicated their growing strength. The Assembly reconvened in late August, but its

27. Edward Shippen, Sr. to Joseph Shippen, Jr., June 8, 1776, Papers of the Shippen Family, Box 1, HSP.
authority had in the meantime become superceded by that of the new radical regime. After a fruitless attempt to legislate, the charter Assembly adjourned and gave up any claim to authority.

In the first week of July the Declaration of Independence passed Congress and Philadelphia celebrated the newly-signed document several days later with bonfires on the commons and the ringing of church bells. After John Nixon, sheriff of Philadelphia County, publicly read the Declaration at the Statehouse, later to be called Independence Hall, members of the Pennsylvania Associators took the King's Arms off the face of the building and dragged them to one of the numerous bonfires. The day following the congressional agreement of independence, Joseph Shippen wrote and without comment notified Jasper Yeates that "the Congress unanimously agreed in declaring the American Colonies free & independent States."\(^{28}\)

The Declaration of Independence came only days after the Pennsylvania Assembly redrafted instructions to its congressional delegation. The move itself was, in essence, a resigned vote for independence. By easing its stand against independence Pennsylvania, the strongest of the moderate colonies, determined the outcome, if not the timing,\(^{28}\)

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\(^{28}\) Duane, Passages from Marshall's Diary, p. 93; Joseph Shippen, Jr. to Jasper Yeates, July 3, 1776, Balch Papers, Shippen II, HSP; Pennsylvania Gazette, July 10, 1776.
of the issue. Edward Shippen favored reconciliation in the spring of 1776, but by early summer he realized the futility of his hopes. When Congress promulgated America's independence he and his immediate family readily accepted the decision, even while doubting its wisdom.

When independents successfully equated the end of the charter government with independence, the positions of proprietary officials, especially Assembly members, became precarious. Because the functioning of the Assembly was the most obvious feature of the charter government, in early summer, 1776, its future became of paramount importance. House members who desired independence withdrew to prevent a quorum in hope of forcing a dissolution of the provincial government. Those members who attempted to continue the Assembly's functions became marked, many times falsely, as suspected loyalists.

Proprietary supporters outside the legislature were more fortunate, however, for it was less obvious to whom they owed allegiance. Only their actions would stamp them as independents or loyalists, and most were very cautious in taking a definite stand. Edward and Joseph Shippen, with most of their power and influence eroded, believed it to their advantage to refrain from making any political statements on either independence or the future of the proprietary government and quietly waited for the return of peace and governmental stability.
CHAPTER 6

WITHDRAWAL

In the summer of 1776 Pennsylvanians decided on their individual responses to American independence and the dissolution of the charter government. During this time of political instability the behavior of members of the Shippen-Burd-Yeates family varied. James Burd and his son Edward continued to be active in the military. Jasper Yeates served Congress by attending an Indian parley at Pittsburgh, in hope of assuring the neutrality of the western tribes. The two Shippen brothers took no part in governmental or political activities.

Edward and Joseph Shippen's hesitation in embracing the new state government raised doubt among some members of Congress and some state authorities as to their loyalty. They aroused additional suspicions when they and other former proprietary officials refused to sign a loyalty oath because of their objection to a statement combined with it to support the new Pennsylvania constitution. In refusing to sign the oath the Shippens joined ranks with conservatives and some moderates who denounced the radicalism of the new document. Actually, after Congress promulgated independence the former proprietary officeholders, with few exceptions, accepted it.
The refusal of conservatives to welcome independence and the overturn of the proprietary government fostered rumors in 1776-1777 that Congress and state authorities planned to deport them to other states. The state authorities, however, only erratically enforced the various punitive provisions of the required oath. Congress ordered the arrest of several former officials, yet in most cases it paroled them immediately under liberal terms. Indeed, state authorities often were close friends of the former officials and understood that the latter posed little danger either to America or to Pennsylvania. Punitive or restrictive action against those who withdrew quietly from politics resulted more from pressure by individual congressmen or state inhabitants than the inclination of state authorities.

On July 8, the day Philadelphia celebrated the Declaration of Independence, voters elected delegates to the Provincial Constitutional Convention. During its short life the Convention broadly expanded its authority, and, rather than simply writing a constitution, assumed executive and legislative powers. On July 25 the Convention prohibited tavern keepers from obtaining licenses from the proprietary government; later it appointed new justices of the peace. Having finished work on the constitution, their primary objective, the Convention adjourned on September 28.

The Convention wrote a radically innovative frame of government. Yielding to American whigs' traditional fear of
powerful magistrates, the new constitution eliminated the office of governor. The state governing bodies consisted of an Assembly and a twelve man Supreme Executive Council presided over by a president chosen jointly by it and the Assembly from the Council. The Council made most appointments, but in the case of justices of the peace, district voters selected two candidates from which the Council chose one. The constitution was an answer to Paine's call for a government based on simple democracy. Edward Shippen and his elitist friends could hardly be expected to approve the document.¹

Opponents of the new document objected to it for various reasons. With the exception of Benjamin Franklin most of its authors were not well known in Pennsylvania politics. In drawing up the document, the Convention produced a government that borrowed heavily from political theory. Despite the new leaders' appeals to the sovereignty of the people, they failed to submit the document to the voters for ratification. Soon after the constitution became effective some of its opponents became highly critical of the Supreme Executive Council for what they regarded as its excessive use of power, often as the expense of the Assembly.

Critics believed some of the new appointees, "Red-Hot Patriots" Jasper Yeates called them, were incompetent and accused them of accepting only those positions offering salaries and rejecting non-paying posts. Finally, critics condemned the mandatory oath to support the constitution, which, as they interpreted it, would prevent them from modifying the document. The following spring opponents of the constitution submitted a memorial to the Supreme Executive Council pledging their loyalty to the state and requesting unsuccessfully the convening of a convention to modify the document.²

Even some who diligently worked for the overthrow of the Charter government objected to the new radical constitution. John Adams noted that "the proceedings of the late convention are not well liked by the best of the Whigs. Their constitution is reprobated, and the oath with which they endeavored to prop it . . . is execrated." Adams accurately predicted that Pennsylvania would be "divided and weakened, and rendered much less vigorous in the cause by

the wretched ideas of government which prevail in the minds of many people in it.³

The establishment of the new government left proprietary officeholders in a quandary, as they wondered whether to continue in their offices, and if so, under what terms. As early as May, 1776, Edward Shippen wrote his father, prothonotary of the Lancaster courts, to reassure him that the Philadelphia County prothonotary, James Biddle, continued to issue writs "in the usual form." In his own position as prothonotary of the provincial supreme court, the ambivalent younger Shippen indicated his willingness to accept the authority of either the Assembly or the Convention.⁴

In mid-July the Convention informed the elder Shippen that he could remain in office, but it failed to specify the terms. Already Shippen had difficulties in meeting his responsibilities, for his three law apprentices and clerks had been pressed into military service. He requested Colonel James Ross, the local militia commander, to excuse one of them but Ross refused. The refusal came despite Shippen's presence on the county committee and the agreement of several of its members that he could justifiably seek a military exemption. Ross excused tanners,

⁴. Edward Shippen, Jr. to Edward Shippen, Sr., May 23, 1776, Papers of the Shippen Family, VII, HSP.
gunsmiths, and some tradesmen, but possibly because of earlier disagreements between Ross and the committee he refused to cooperate with Shippen. 5

The elder Shippen remained apprehensive during the next several months over the possible loss of his county offices. For a time he thought of moving to his Shippensburg farm and collecting what income he could in rents, although he doubted his rentals would bring much revenue. In September, when news of the adoption of the new state constitution reached Lancaster, Shippen realized that even if he remained in his county offices there would be little profit, for the new government planned to decrease greatly the revenues from public offices. As it was, because of the depressed economy, he had received only £41.76 for his services as a deputy register during the last half of 1776. 6

As the family feared, in the spring of 1777 the elder Shippen lost the offices which he had received after moving from Philadelphia twenty-five years earlier. John Hubley, Lancaster's representative to the Supreme Executive

5. Edward Shippen, Sr. to Joseph Shippen, Jr., July 13, 1776, Papers of the Shippen Family, Box 1, HSP.

6. Edward Shippen, Sr. to James Burd, November 14, 1776, Papers of the Shippen Family, Box 1, HSP; Edward Shippen, Sr. to James Burd, November 7, 1776, Papers of the Shippen Family, Box 1, HSP; Edward Shippen, Sr. to Jasper Yeates, September 13, 1776, Yeates Papers, Correspondence, 1762-1780, HSP; Edward Shippen, Sr. to Edward Shippen, Jr., December 31, 1776, Edward Shippen Letterbook, Shippen Papers, APS.
Council, resigned his Council position and accepted Shippen's office as prothonotary of Lancaster County and clerk of the orphans' court, whereas Shippen's former law clerk, Peter Hoofnagle, received the offices of registrar and recorder of deeds. With the Lancaster courts closed since the previous May and his offices gone, Shippen at last faced the situation he had feared for much of the previous year. He again thought of moving to his farm in Shippensburg, but he avoided disclosing his tentative plans to anyone outside of the family circle. He feared that if his landlord, John Galloway, heard of them he might evict Shippen and sell the house he rented to him. Similarly, he feared also that James Hamilton for whom he served as renting agent might appoint a new agent and end another source of income. When he studied all facets of the move to Shippensburg, Shippen remained at Lancaster, deciding that neither his own nor his wife's health and age would permit a new start as a self-sufficient farmer. 7

7. Pennsylvania Archives, Ser. 3, X, pp. 463-464; Colonial Records, XI, 187, 195, 199; Edward Shippen, Sr. to Rev. George Craig, March 29, 1777, Edward Shippen Letterbooks, Shippen Papers, APS; Edward Shippen, Sr. to Rev. David Craig, April 10, 1777, Edward Shippen Letterbooks, Shippen Papers, APS; Edward Shippen, Sr. to Thomas Fayerweather, May 5, 1777, Edward Shippen Thompson Family Papers, PH&MC; Edward Shippen, Jr. to Edward Shippen, Sr., March 11, 1777, Papers of the Shippen Family, Box 1, HSP; Edward Shippen, Sr. to Joseph Shippen, Jr., May 6, 1777, Papers of Shippen Family, X, HSP; Edward Shippen, Sr. to Joseph Shippen, Jr., June 2, 1777, Papers of the Shippen Family, X, HSP.
During early summer, 1776, when it became apparent that the charter government would be replaced by one claiming its authority from the sovereign people of Pennsylvania, the younger Edward Shippen began looking for a refuge from the war. He had little reason to remain in Philadelphia for his provincial offices had become almost defunct and his law practice had suffered for several months. In early May he purchased a 370 acre farm in New Jersey and made plans to move his family if the war approached Philadelphia.

The Shippens anxiously anticipated moving, more so after they heard that "fever & Ague was never heard of there." By June 23, after the proprietary Assembly adjourned and the Provincial Conference began meeting, the family arrived in New Jersey. Shippen soon wrote his brother, also wanting to move from Philadelphia, concerning the possible purchase of a neighboring farm of 230 acres. The owner had "made his fortune" by operating a store and buying wheat from neighboring farmers for resale in Philadelphia. Shippen suggested that he and Joseph cooperate in a similar way and hire Edward Burd to operate the business. Although his brother came to New Jersey to investigate the farm, he apparently objected to the plan for the idea never materialized. Instead, Joseph bought a farm in Chester County, much closer to his father than a New Jersey farm would have been. He purchased the 110 acre farm, twelve
miles west of Wilmington, Delaware, for £1100, with possession to come on August 1. By the end of September he had moved his family outside what he believed would be the war zone.\footnote{8}

The New Jersey farm that Shippen hoped would serve as a refuge for his family proved inadequate, however, when the area's residents began to fear the wealthy family might be loyalists. In November, after only four months, the Shippens believed they could no longer endure the suspicion and hostility of their new neighbors and returned to the Philadelphia vicinity. Shortly after their return rumors spread of General Howe's offensive against Philadelphia.\footnote{9}

When Edward Shippen and his family returned from New Jersey in November, 1776, they found conditions unpleasant. Goods, especially salt, were scarce and expensive,

\footnote{8. Edward Shippen, Jr. to Joseph Shippen, Jr., March 11, 1776, Papers of the Shippen Family, VII, HSP; Edward Shippen, Jr. to Edward Shippen, Sr., May 23, 1776, Papers of the Shippen Family, VII, HSP; Edward Burd to Edward Shippen, Sr., July 6, 1776, Papers of the Shippen Family, VII, HSP; Joseph Shippen, Jr. to Edward Shippen, Sr., May 11, 1776, Joseph Shippen Papers, 1727-1783, L/C; Edward Shippen, Jr. to Joseph Shippen, Jr., June 23, 1776, Balch Papers, Shippen, II, HSP; Edward Shippen, Sr. to William Shippen, Sr., September 14, 1776, Edward Shippen Letterbooks, Shippen Papers, APS.}

\footnote{9. Edward Burd to Edward Shippen, Sr., July 6, 1776, Papers of the Shippen Family, VII, HSP; Edward Shippen, Jr. to Edward Shippen, Sr., July 20, 1776, Papers of the Shippen Family, VII, HSP; James Burd to Edward Shippen, Sr., July 25, 1776, Papers of the Shippen Family, VII, HSP; Edward Shippen, Sr. to James Burd, November 7, 1776, Papers of the Shippen Family, VII, HSP.}
and firewood was very difficult to obtain. A large number of the city's inhabitants, including the Assembly and the Supreme Executive Council, had fled and rumors of impending invasion continued for the next two months. In mid-November rumors spread that General Howe had given orders for his transports to be ready to load 16,000 troops at short notice and to proceed to an unspecified destination. Ten days later additional reports appeared to confirm that Philadelphia was Howe's target.10

As the reports were verified, the city's residents prepared for the anticipated conflict. Congress and the Council of Safety distributed handbills which encouraged the state's inhabitants to organize militia companies and to march to Philadelphia's defense. On December 2, when stories spread that British forces were marching toward the city from Brunswick, Maryland, drums beat, shops closed, and "all business except preparing to disappoint our enemies [was] laid aside." After news arrived that the British naval fleet of one hundred fifty ships had left New York harbor for unknown ports, additional Philadelphians moved into the countryside.11


In the midst of the alarm over British advances and with new fears of a loyalist uprising, the Council of Safety authorized the arrest and imprisonment of any suspicious person during the absence of the provincial militia from Philadelphia. The Council's authorization added to rumors which spread several weeks earlier that the Supreme Executive Council planned to arrest approximately two hundred conservatives and suspected loyalists and send them to North Carolina. The story prompted some political conservatives and loyalists to flee, among them Andrew Allen, formerly a member of Governor John Penn's Council and an officer in the Continental Army. 12

The day following the Council's action, military authorities declared martial law in Philadelphia and put the city under control of General Israel Putnam who attempted to establish order. Conditions within the city were chaotic for many civilians were leaving or sending their valuables into the country, shops were closing, and the country militia were passing through on their way to join Washington in making a stand against the British. Putnam proclaimed a 10:00 P.M. curfew and tried to end rumors that the army planned to burn the city by issuing notices that he had orders to protect Philadelphia. He then warned that

arsonists would be shot "without ceremony." Putnam ordered all able-bodied men who had no record as conscientious objectors to assemble on the State House yard with any firearms they possessed, to help defend the city. Those who could not participate for physical or religious reasons were required to surrender their firearms to the authorities; anyone convicted of hiding arms would "be severely punished." 13

With Philadelphia preparing for the worst, forty-seven-year-old Shippen moved his family to their cottage at the Falls of Schuylkill, five miles upriver from the city. He had planned to live at the Falls and seldom go into Philadelphia, but by the middle of January he began to fear for the safety of his city property. To protect his house from being occupied by troops as others had been, he allowed several women to sleep there at night while he came in from the Falls daily in order to give the house an appearance of being permanently occupied.

As Shippen waited for the British attack upon Philadelphia, he thought of his brother's sheltered position, away from war "which causes the utmost Desolation & devastation wherever it comes." He enviously recalled how he had expected to be similarly protected when he bought his New

Jersey farm. Areas of New Jersey had since been ravaged by the fighting, although his own property had escaped damage.¹⁴

As winter stretched into spring and the British had not yet attacked Philadelphia, Shippen considered how he could best provide for his family's safety and financial security. Envious of his brother and father, away from the war's immediate threat, he still could not bring himself to leave the vicinity of Philadelphia and abandon his city properties. While within the city, the Shippens faced high prices and a reduced income. When Shippen sent his father a needed £100 which he himself had borrowed, he remarked that if the war continued beyond another year they would all be ruined financially, "whatever may be the State of our Liberties." Yet at no time did the family suffer actual privation.¹⁵

The state courts had been closed for much of the previous year and with their closing Shippen lost the income from his law practice and his office as prothonotary. The future of the courts looked dim for many members of the Philadelphia bar boycotted those organized under the hastily-written constitution in hopes of forcing a revision of the

¹⁴. Edward Shippen, Jr. to Edward Shippen, Sr., December 31, 1776, Papers of the Shippen Family, Box 1, HSP; Edward Shippen, Jr. to Joseph Shippen, Jr., January 18, 1777, Balch Papers, Shippen, II, HSP.

¹⁵. Edward Shippen, Jr. to Edward Shippen, Sr., January 18, 1777, Balch Papers, Shippen, II, HSP.
document. Referring to the closure of the courts and his loss of income, Shippen assured his father he considered a private "Situation as a post of Honour" and if he could not raise his fortunes as high as his desires, he would bring his desires down to his fortunes.¹⁶

Because the public viewed independents as "patriots," the provincial officials either enthusiastically endorsed the new government or withdrew from public life to avoid appearing to work against America's independence. Yet their withdrawal eliminated what little remained of moderate influence within the government. Many Pennsylvanians did not realize that the loyalty of the proprietary supporters, like that of the Shippen family, was primarily to America and to the Penn family. When they looked for safety and political retirement in the countryside after their provincial offices ended, some observers viewed their actions falsely as a sign of hostility to American independence.¹⁷

Others also faced the problem of political retirement. John and Richard Penn, as well as the younger members of the governor's council, confronted similar problems. The older men, Joseph Turner, James Hamilton, and Dr. Thomas Cadwalader, were under less pressure simply because

¹⁶. Edward Shippen, Jr. to Edward Shippen, Sr., March 11, 1777, Papers of the Shippen Family, Box 1, HSP; Brunhouse, The Counter-Revolution, p. 37.

of their old age; they could easily retire from public view. The younger councillors found political retirement more difficult, although the councillors of Pennsylvania were more fortunate than those of other colonies. In most colonies the councillors were thought mere placemen or appointed creatures of the Crown. Because the proprietary government had taken an early part in protesting English encroachment, the councillors' lot was ameliorated. Of the eleven members composing Governor John Penn's council in 1775, only one, Andrew Allen, took an active and early part in the Revolution, and, ironically, only he eventually embraced the English cause. He did so after serving as a member of the Pennsylvania Committee of Safety, as an officer in the continental army, and as a delegate to the Second Continental Congress. 18

The political positions of most of the councillors are best summarized by a Pennsylvania contemporary, Alexander Graydon, when he recalled that "From Mr. Chew, Mr. Tilghman, and Mr. Shippen, no activity was expected or claimed, as they were what was called Proprietary men, and in the enjoyment, under that interest, of offices in trust and importance. Their favorable disposition to the American cause, 18. Ibid., 132-135; Wood, Creation of the American Republic, pp. 210-211.
was, however inferred, from the sons of the first having joined the military associations."  

In June, 1777, as British forces continued their advances into nearby New Jersey, the political condition of moderates and loyalists became an issue. Because of continued criticism of the newly-adopted state constitution, the Assembly passed legislation designed to strengthen the government from internal threat. A test act required white males over eighteen years of age who were travellers, soldiers, or merchants to renounce allegiance to King George III and to pledge their faith to the state government as established by the new constitution. Those refusing could not vote or hold public office, serve on juries, sue, or to buy, sell or transfer real estate. Primarily directed against loyalists, the act frequently cast doubt upon the loyalty of political moderates who objected to the state constitution. Those willing to renounce their allegiance to the Crown, but who objected to the Pennsylvania government as organized under the new constitution suffered a disadvantage for the oath did not differentiate between the two loyalties. Unfortunately for those opposed to the new

constitution, it was very difficult to separate loyalty to America from loyalty to the present state government.  

Edward Shippen joined those who refused to sign the loyalty oath, the punitive provisions of which authorities only erratically enforced. He no longer held public office nor practiced law; hence, the major portion of the act had little bearing on him. In the summer of 1777 the act affected Shippen only slightly on two occasions, both shortly after it became law. In the first instance he purchased eight acres of neighboring meadow from his father, an illegal act because neither had taken the oath. Two state authorities empowered to thwart such transactions actually aided the Shippens. In the second instance, Shippen simply abandoned his plan of visiting Lancaster to avoid violating the act's restriction on travellers.

The experience of the Shippens with the test oath illustrates the difficulty state authorities experienced in enforcing their will upon subordinates. The radicalism and restrictive nature of some sections of the constitution and prevailing laws was frequently modified in practice by officers sworn to enforce them. This explains how those who


21. Edward Shippen, Jr. to Edward Shippen, Sr., July 12, 1777, Papers of the Shippen Family, VIII, HSP; Edward Shippen, Sr. to Edward Shippen, Jr., August 12, 1777, Papers of the Shippen Family, XII, HSP.
at first strongly denounced the constitution could partici-
pate in state government even before 1790, when a new docu-
ment was adopted. In the case of Shippen's purchase of his
father's meadow land in violation of the test act, John
Morris, state attorney for Lancaster County, and Peter
Hoofnagle, newly-appointed registrar and recorder of deeds,
facilitated the sale. Local authorities sometimes enforced
the law only when they believed it necessary to protect the
government from people they thought subversive. 22

The reluctance of state authorities to move aggres-
sively against those who disagreed with their political
program was reinforced by the willingness of many opponents
of the state constitution, among them the Shippen family, to
refrain from actively attacking the government. Indeed,
most of the Shippens carefully kept political remarks from
even their private correspondence. In July, 1776, after
Joseph retired to a house just outside of Philadelphia, he
isolated himself and seldom went into the city. When it
became necessary for him to ride into town he stayed at his
vacant townhouse rather than one of the numerous inns.
While in Philadelphia he avoided writing or discussing
politics, preferring to obtain his news from newspapers. In

22. Edward Shippen, Sr. to Edward Shippen, Jr.,
August 12, 1777, Papers of the Shippen Family, XII, HSP.
Lancaster his father also maintained a discreet silence regarding politics.  

Whereas the older Shippen and his sons guarded their political comments, his brother, the elder Dr. William Shippen, exuberantly hailed the political birth of America. The Declaration of Independence the doctor insisted, would strengthen the unity among the states, but more important, it would give America the power that had never before beenfallen man, namely,  

an opportunity of forming a Government upon the most just, rational, equal principles; not exposed as others have heretofore been to caprice or accident or the influence of some mad conqueror or prevailing parties or faction of men but full power to settle our Government from the very foundation "de novo" by deliberate council directed solely by the publick good, with wisdom impartiality & disinterestedness.

In writing of his "Friends" who opposed the "change" in government, the doctor believed he understood their reasoning because until then they had been at "ye head of affairs." Dr. Shippen accused his unnamed "Friends" of behaving in many instances "as though they had a [title?] of Fee simple in them [offices], & might dispose of all places of Honor & Profit to such as please them best[.]. Now to be

23. Joseph Shippen, Jr. to Edward Shippen, Jr., July 19, 1776, Papers of the Shippen Family, VIII, HSP; Edward Shippen, Sr. to Joseph Shippen, Jr., July 22, 1776, Letters from Edward Shippen to Joseph Shippen 1750-1778, Shippen Papers, APS.
ousted or at least brot down to a level with their fellow Citizens."\textsuperscript{24}

The comments of Dr. Shippen concerning his "Friends" are significant in light of later political developments within the Shippen family. Had his comments included the two Shippen brothers it is unlikely he would have ever written them to their father. The doctor must have known the political convictions of both men and what they believed about independence and the loss of their offices, for all three resided in Philadelphia until Edward and Joseph Shippen moved into the countryside only a few weeks prior to the doctor's letter.

Soon after passage of the test act in 1777 greater political pressure was exerted upon the Shippens and other formerly prominent proprietary officeholders. As part of a concerted effort to tighten internal security, Congress requested Pennsylvania authorities to arrest all former members of the proprietary government, and, because few of them had taken the test oath, either parole them or send them to areas away from the proximity of the British forces. The Supreme Executive Council readily agreed to the request. The day following the order's issuance, three officers from the Philadelphia Light Horse arrived at Joseph Shippen's farm near Kennet Square, and, without any explanation,

\textsuperscript{24} William Shippen, Sr. to Edward Shippen, Sr., July 27, 1776, Papers of the Shippen Family, XII, HSP.
handed the former provincial secretary a parole to sign. Not having heard of the order, Shippen was shocked, believing he had done nothing to merit either arrest or parole. When asked for an explanation, one of the officers gave Shippen a letter from Council President Thomas Wharton ordering his arrest. The friendly officers warmly assured Shippen they intended nothing personal in the action.

Recovering from his initial surprise, the former secretary submitted without protest. According to the terms, he would have to remain within six miles of his home unless he received specific permission from state authorities to do otherwise. He also agreed not to give any information to the English forces and to conduct himself "according to the Rules which are accustomed to be observed by Prisoners of War on their Parole."²⁵

Similarly, state officials arrested and paroled other former officials of the proprietary government, including Edward Shippen. Except in the cases of ex-supreme court chief justice Benjamin Chew and former governor John Penn, the arrests were perfunctory. Chew and Penn at first refused to sign paroles for they feared doing so would be an admission of having conspired against Congress

²⁵. President Thomas Wharton, Jr. to James Budden, Coronet of Horse & Others, August 4, 1777, Papers of the Shippen Family, X, HSP; Joseph Shippen, Jr. signed parole, August 5, 1777, Papers of the Shippen Family, X, HSP; Joseph Shippen, Jr. to Edward Shippen, Jr., September 2, 1777, Papers of the Shippen Family, XII, HSP.
or the state. After a few days to reconsider their refusal, however, both Chew and Penn reluctantly agreed to sign the paroles. Their refusal to cooperate immediately branded them as suspected loyalists. For a time Penn and Chew remained under arrest and the Council later sent them to Union Forge, New Jersey.

Ten days after the arrest and parole of the Shippens, the Council allowed them and former lieutenant governor James Hamilton liberty to travel anywhere within the state's borders. Despite the excellent cooperation of most of the former proprietary officials during the next several months, rumors that the Council planned to exile the parolees from Pennsylvania continued to spread. None of the Shippen family harbored any resentment toward the Council or Congress for their arrests and paroles; rather, the elder Shippen commended his sons for submitting to the paroles without protest. 26

In December, 1776, shortly after again being elected colonel of the Lancaster Militia, James Burd unsuccessfully attempted to mobilize his troops. In addition to units sent earlier to defend New Jersey, Burd planned to lead two companies to aid General Washington. Dissension, however, still existed within the battalion. His field officers expressed serious doubts that the men would agree to march, especially when some of them lacked adequate firearms. Even after rifles were confiscated from non-associators and distributed among the militia, the battalion still lacked necessary weapons. Burd's men became more discouraged when a request for six hundred muskets went unfulfilled. Despite the misgivings of his officers, Burd insisted upon carrying out his orders. Returning to Tinian after a last trip around the fifty-mile perimeter composing his battalion area, Colonel Burd dispatched an express to William Atlee, then chairman of the Lancaster Committee, requesting £1000 expense money for the battalion and prepared his personal equipment for the march.27

As his subordinates anticipated the members of Burd's battalion refused to report for duty. On the appointed day only a small company of thirty-three men,

27. James Burd to Edward Shippen, Sr., December 12, 1776, Papers of the Shippen Family, XII, HSP; James Burd to Sir, 1776, Edward Shippen Thompson Family Papers, PH&MC; James Burd to William Atlee, Chairman of the Lancaster County Committee, December 12, 1776, Pennsylvania Archives, Ser. 2, XIII, 532.
commanded by Captain Bloler but attached to Burd's battalion, answered the muster call. Responding to the lack of confidence shown him, Burd resigned his command and offered to help with the battalion in any way he was able. Relating the incident to General Thomas Mifflin, Burd gave only two reasons for the men's refusal to march, neither of which related to inadequate weapons. First, he reminded his commander that three companies of the Lancaster battalion had already joined Washington's forces, and the men might have feared that had they also gone to New Jersey there would be an inadequate military force remaining to defend their home area. Second, Burd suggested that the men might simply have objected to his leadership, but he denied knowing of any dissatisfaction within the battalion.  

Some of the men's objections may have had their root in Burd's inadequacies as a military leader, but other officers also found the Lancaster County militia very

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28. Thomas Mifflin (1744-1800) entered the Pennsylvania Assembly in 1772 after championing colonial rights during the Stamp Act controversy. He was elected to the Continental Congress but turned his attention to military affairs. Mifflin served as quartermaster-general of the Continental Army for a time, but he resigned in 1778 when he came under congressional criticism. After his military experience he turned again to politics and served at various times in Congress and the state legislature. He attended the federal constitutional convention and in 1788 he was elected to the Supreme Executive Council. Mifflin became the first state governor under the constitution of 1790, an office he filled until 1799. James H. Peeling, "Thomas Mifflin," DAB, VI, pt. 2, 606-608. James Burd to Brig. Gen. Thomas Mifflin, December 27, 1776, Balch, Letters and Papers, pp. xcviii-xcix
difficult to control. A unit commanded by Captain Peter Grubb, Burd's widowed son-in-law, earlier returned home when the men abandoned the Jersey campaign before their enlistments expired. In September when militia Colonel Mattias Slough attempted to march his Lancaster troops to join General Washington's Flying Camp he experienced difficulty with some of his officers who hid themselves to avoid service.29

Meanwhile, during the summer of 1776, young Edward Burd struggled with a military problem of a different kind. In late June he expected to be elected a major in the Reading militia then being organized. He assumed all officers would be required to take an oath similar to the one taken by delegates to the Convention, and he doubted whether he could conscientiously do so. Two days prior to Congress' Declaration of Independence Burd wrote Jasper Yeates, pleading for advice. Burd had previously decided to continue opposing independence, even if Congress declared it, but because Edward Shippen urged him not to be hasty in rejecting a commission, he was in a quandary. After receiving his uncle's letter, Burd went to Philadelphia to

discuss the matter further, only to find that both of his uncles had moved into the country. Pondering Shippen's advice and his own thoughts confused, he turned to his brother-in-law, Jasper Yeates, for additional help in reaching a decision.30

By July 4 Burd's position had become untenable. His county was to raise a battalion of militia to compose part of a 4,500 man Flying Camp authorized by state authorities, and the county committee still encouraged him to accept a major's commission within it despite his objection to taking an oath supporting independence. The aim of the war should be, Burd believed, a defense of America's rights. He did not oppose independence should it develop as a result of a defensive war, but he greatly objected to a declaration of independence.31

Shortly after appealing to Yeates for advice, Burd accepted a commission, but only after the county committee exempted him from taking the oath. After he again thoroughly explained his political ideas to the county committee its members agreed to waive the oath and to appoint him a militia major. Major Burd then left Reading on July 22 to join the

30. Edward Burd to Jasper Yeates, June 30, 1776, Yeates Papers, Correspondence, 1762-1780, HSP; Edward Burd to James Burd, July 6, 1776, Papers of the Shippen Family, VII, HSP.

31. Edward Burd to Jasper Yeates, July 2, 1776, Yeates Papers, Correspondence, 1762-1780, HSP.
York and Lancaster County troops at Trenton, New Jersey, before going to Amboy, New York, to serve under General Hugh Mercer, commander of Washington's Flying Camp.  

Sometime in August Burd and his unit moved to Long Island, across the bay from Amboy, while General Howe's forces continued to hold most of New York. On the night of August 27 Howe's army attacked the island while Washington attempted to transport his own troops across the East River to Manhattan. When the New England militia panicked under fire during the hasty evacuation the British forces inflicted heavy losses on the Americans and secured a large number of prisoners, among them Major Edward Burd. Conflicting reports of the attack reached Philadelphia, but several days after the battle Colonel Edward Hand, brother-in-law of Jasper Yeates and an officer in the Lancaster County Associators, wrote that Burd had been captured rather than killed as several members of his unit had reported.  

James Burd received a letter from his son in late November with assurances that the British treated him well. Unable to meet a request for money, he forwarded the letter

32. Edward Burd to James Burd, July 6, 1776, Yeates Papers, Correspondence, 1762-1780, HSP.

33. Edward Burd to James Burd, June 30, 1776, Yeates Papers, Correspondence, 1762-1780, HSP; Edward Shippen, Sr., Papers of the Shippen Family, XII, HSP; Dr. William Shippen, Sr. to Edward Shippen, Sr., September 2, 1776, Papers of the Shippen Family, XII, HSP.
to Jasper Yeates with a pledge that he would give a bond for any amount Yeates would send young Burd. After less than three months of captivity Edward Burd was exchanged for Major McDonald of the Royal Emigrants and arrived at Edward Shippen's Philadelphia home on December 11. Happy over the end of his short military career, Burd spent several days visiting his uncle's family before travelling to Reading, Lancaster, and Tinian to see friends and relatives.\textsuperscript{34}

During the summer Jasper Yeates chose to serve Congress in a civil role. In the early stages of the war it became apparent that the western Indians could be decisive. While Congress pondered the question of independence it also discussed how the Indians along the frontier could be won as allies or at least kept neutral. In early summer, 1776, Congress called for an Indian parley at Fort Pitt and appointed Jasper Yeates one of the commissioners to attend the meeting. Congress selected Yeates partly because of his association at Lancaster with the elder Shippen who had long

\textsuperscript{34} Edward Shippen, Sr. to Jasper Yeates, September 13, 1776, Yeates Papers, Correspondence, 1762-1780, HSP; Sarah Yeates to Jasper Yeates, September 14, 1776, Yeates Papers, Correspondence, 1762-1780, HSP; Edward Shippen, Sr. to Edward Shippen, Jr., November 30, 1776, Edward Shippen Letterbook, Shippen Papers, APS; James Burd to Jasper Yeates, December 4, 1776, Burd Family Papers, HSP; Edward Burd to Edward Shippen, Sr., December 12, 1776, Papers of the Shippen Family, VII, HSP; Edward Burd to James Burd, December 12, 1776, Papers of the Shippen Family, VII, HSP.
been involved in Indian affairs, both as a trader and as a negotiator representing the proprietary government.

In mid-July Yeates, James Wilson, and the other commissioners began their difficult journey to Fort Pitt. The objective outlined by Congress was simply to obtain an agreement with the Indians to remain at peace. The ability of the commissioners to do so was questionable, for some of the Indians had already become allied with Great Britain as a result of their loyalty to Sir William Johnson, British Commissioner of Indian affairs. 35

The commissioners arrived at Fort Pitt, after a slow and tedious journey, to discover that the Indians would arrive only after they completed their fall hunt. After waiting weeks for the principal chiefs to arrive the commissioners only partially succeeded in attaining their goals. They did negotiate for the loyalties of the Delaware, Shawnee, and Seneca tribes, however. Yeates arrived home in November to a very relieved wife and two ill children. He stayed only a short time in Lancaster before leaving with his wife for Philadelphia to report to Congress, unaware of the critical military situation. Arriving at Philadelphia, Yeates saw the apprehension over General Howe's threatening moves and immediately sent his wife back to Lancaster. He

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remained to complete his report of the Indian parley and later followed the fleeing Congress to Baltimore. 36

During the winter of 1776 the naivety of seventeen-year-old Edward Shippen, III, "Neddy," embarrassed his family politically. When the Shippens moved to the Falls of Schuylkill in early November young Shippen, a medical apprentice, remained in Philadelphia. In December, shortly before the mobilization of the city's militia, Shippen's master sent him into northern New Jersey. After finishing his task he remained away from Philadelphia to avoid service in the militia, which meanwhile had been mobilized to reinforce Washington's forces.

Sometime after he left Philadelphia young Shippen met James, Andrew, and William Allen, Jr. who had renounced any allegiance to the United States and were on their way to British lines. Under the influence of Andrew Allen who had resigned his commission in the American army and his post as a Pennsylvania delegate to Congress, young Shippen naively agreed to accompany them to Trenton, New Jersey, where General Howe and his junior officers warmly received them. Shippen had no plans to join the British army, and when the

36. Sarah Yeates to Jasper Yeates, October 29, 1776, Yeates Papers, Correspondence, 1762-1780, HSP; Jasper Yeates to Edward Shippen, Sr., November 28, 1776, Papers of the Shippen Family, XII, HSP; Jasper Yeates to Edward Shippen, Sr., December 7, 1776, Papers of the Shippen Family, XII, HSP; Jasper Yeates to Sarah Yeates, December 4, 1776, "Notes and Queries," PMHB, XL (1916), 119-120.
Allens left for New York he remained with Howe's troops, planning to return to Philadelphia with the first detachment of British forces which he supposed would soon march against the city. \(^{37}\)

Unfortunately for young Shippen members of the Pennsylvania militia captured him when General Washington's forces overwhelmed the Hessian garrison at Trenton on Christmas Day. Although unharmed, he lost his horse, bridle, saddle, and extra clothing. The incident prompted rumors that he had joined the Allen brothers in renewing his allegiance to the Crown, but Colonel Joseph Reed, Washington's adjutant-general and a close friend of the Shippen family, arranged to have the boy released after he became convinced Shippen had taken no part in the fighting nor had he renewed his oath to the Crown. His father, although perturbed over the incident, tempered his judgment by placing most of the blame upon the older Allen brothers. \(^{38}\)

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37. Edward Shippen, Jr. to Edward Shippen, Sr., January 18, 1777, Balch Papers, Shippen, II, HSP; Edward Shippen, III to Edward Shippen, Sr., March 11, 1777, Balch Papers, Shippen, II, HSP.

38. Joseph Reed (1741-1785) practiced law and was prominent in New Jersey politics before he moved to Philadelphia. In 1774 he became a member of the city's Committee of Correspondence, and the following year he served as president of the provincial convention. After the battle of Lexington, Reed became Washington's aide. In 1777 he was elected to Congress and the following year became president of the Supreme Executive Council. Richard B. Morris, "Joseph Reed," \(DAB\), VIII, pt. 2, 451-453; "Journal of Sergeant William Young," \(PMHB\), VIII (1884), 260; Edward Shippen, Jr. to Edward Shippen, Sr., January 18, 1777,
The long-awaited invasion of Pennsylvania by General Howe's forces finally began in September, 1777, when elements of the British army landed at the head of Elk Creek on the northern end of Chesapeake Bay, not far from Joseph Shippen's Kennet Square farm. Shippen apprehensively pondered the destination of the enemy troops, north toward Lancaster, or eastward toward Wilmington and Philadelphia. If the army moved to the east Shippen's farm would lie in the path of the British light cavalry. Should they march toward Lancaster his father's residence, as well as the Burds' and the Yeates', might be endangered. Assuming Philadelphia to be the destination of the British, Shippen planned to send his personal papers to Lancaster as soon as he perceived he was correct. He also asked his brother's advice on whether to remain at Kennet Square if the British marched through the area. Before an answer came he and his family, except for those children already sent to his father's home, hurriedly fled their farm when the forces moved toward Philadelphia. When American troops under General Nathanael Greene chose Brandywine Creek for an

Balch Papers, Shippen, II, HSP; Edward Shippen, III to Edward Shippen, Sr., March 11, 1777, Balch Papers, Shippen, II, HSP; Dr. William Shippen, Sr. to Edward Shippen, Sr., January 4, 1777, Balch Papers, Shippen, II, HSP.
unsuccessful attempt to halt the hostile army, British forces seized the Shippen farm and it suffered severe damage. 39

General Howe and his advancing army reached Philadelphia in late September and met a delegation led by John Penn on the outskirts of the city. Penn and his party implored Howe to spare Philadelphia from the looting and plundering New Jersey residents had endured. James Allen, who nine months earlier had led young Edward Shippen into the English lines, arrived with Howe's troops. According to persistent rumors, Allen would become lieutenant governor of the province, sharing his authority with Joseph Galloway, Benjamin Franklin's old supporter, who also joined the British. When the occupying army withdrew from the city the following year, however, neither man had received any substantial political power. 40

When Edward Shippen decided to remain within the Philadelphia area during the eight months of British occupation, relatives in Lancaster County feared for his family's safety. Their apprehension increased in early November when

39. Edward Shippen, Sr. to Joseph Shippen, Jr., November 7, 1777, Edward Shippen Letterbooks, Shippen Papers, APS; Joseph Shippen, Jr. to Edward Shippen, Jr., September 2, 1777, Papers of the Shippen Family, XII, HSP; Edward Shippen, Sr. to James Burd, November 24, 1777, Papers of the Shippen Family, VIII, HSP.

General William Alexander, "Earl of Stirling," and his aide spent a few days in Lancaster with the Yeates family. The general, like Major Edward Burd, was captured at the Battle of Long Island while his troops protected the American withdrawal, and he also remained imprisoned only a short time before being exchanged. In November, 1777, he confidently predicted that in only a few weeks "The Fate of Genl. Howe's Army" would be decided in Philadelphia.  

During the first eighteen months of independence Edward and Joseph Shippen appeared more concerned for their families' personal safety than for America's welfare. As soon as hostilities threatened Philadelphia, both moved with their families into the country, Edward to New Jersey and Joseph to Germantown and later Kennet Square. Under the

41. William Alexander (1726-1783), an unauthenticated British Lord, served on the New Jersey governor's council until he was suspended by William Franklin, the Loyalist governor. Stirling served with distinction in the defense of New York. After the Battle of Long Island, Washington commended him for his efforts to slow British advances and for covering the retreat of major portions of the American army. Stirling became an intimate of Washington who appointed him to the court on inquiry to determine the fate of Major André. Edmund Kimball Alden, "William Alexander," DAB, I, pt. 1, 175-176; Edward Burd to Jasper Yeates, October 23, 1777, Yeates Papers, Correspondence, 1762-1780, HSP; Edward Burd to Jasper Yeates, October 30, 1777, Yeates Papers, Correspondence, 1762-1780, HSP; Edward Burd to Jasper Yeates, November 16, 1777, Yeates Papers, Correspondence, 1762-1780, HSP; Jasper Yeates to James Burd, November 7, 1777, Papers of the Shippen Family, VIII, HSP; Alden, A History of the American Revolution, pp. 266-267; Duane, Passages from Marshall's Diary, pp. 160, 162.
circumstances, however, there was little reason to remain in Philadelphia. The end of the proprietary government eliminated their power and influence, and the closure of the courts temporarily ended their legal careers. Edward Shippen's age, inexperience, and passive personality disqualified him from military duty. While the Shippen brothers hesitated, radicals pushed ahead and effectively achieved leadership of the state's revolutionary government. With no reason to remain in Philadelphia, the brothers moved their families into the safety of the countryside.
CHAPTER 7

BENEDICT ARNOLD AND THE SHIPPEN FAMILY

The decision of Edward Shippen, Jr. to remain in the vicinity of British-occupied Philadelphia in order to protect his town properties elicited little, if any, criticism from his family or friends. Indeed, many prominent and usually conservative Philadelphians made similar decisions. For the Shippen family Philadelphia remained a socially pleasant city during the winter of the English occupation, despite the presence of the enemy army, or, in the case of three of the family's four young daughters, because of it. The family found many items scarce and expensive, but it did not suffer privation. Since the closing of the courts in May, 1776, Shippen had not pursued his practice of law, yet he managed to satisfy the family's needs with the income from his rentals. During the British occupation, however, the decline of his income forced him to draw upon his savings of coin. He sent most of the continental currency he obtained to his father in Lancaster, where its value was considerably greater than in Philadelphia.¹

Although he allowed his daughters to associate with young army officers, Shippen involved himself with the English administration only when necessary. When his cousin, prominent merchant Thomas Willing, and a number of the city's leading citizens petitioned General William Howe to allow the use of colonial currency, Shippen refused to sign the memorial. Nor did he allow his daughters to attend the "Meschanza," a festival staged in honor of General Howe who was relieved of his command of Philadelphia in favor of General Henry Clinton. Captain John André, later hanged as a spy by the American army for conspiring with Benedict Arnold, produced the extravaganza and initially planned to include three of the popular Shippen girls on the program. Prompted by several leading Quakers, their father objected to the immodesty of his daughters' Turkish costumes and refused to allow them to participate. To aid his brother, Shippen met with General James Agnew to present Joseph's claim for damages sustained by his Kennet Square farm during the Battle of the Brandywine.²

Soon after General Clinton assumed command of Philadelphia, he evacuated the city in order to strengthen his forces in New York and in the southern states. During the

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² Scharf and Westcott, History of Philadelphia, II, 899; Edward Shippen, Sr. to Edward Shippen, Jr., January 12, 1778, Edward Shippen Letterbooks, Papers of the Shippen Family, HSP.

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English evacuation the American army advanced toward Philadelph in hope of capturing any lingering enemy soldiers. Washington gave command of Philadelphia to General Benedict Arnold who began to reorganize an American administration. Arnold had previously shown his military ability during the Canadian campaign, but governing Philadelphia proved even more taxing. Those persons within the city who possessed provisions beyond their own needs or had supplies belonging to the British Crown were required to register them. The prohibition limited sales within the city until the inventory was completed. With shops closed Arnold took advantage of his authority to purchase goods on his own account, planning to resell them later. The venture earned Arnold the hostility of civil authorities and later led to his court martial. Arnold established his headquarters in the house formerly occupied by Governor Penn and lately vacated by General Howe and organized a household staff far more extravagant than his salary as a major-general would allow. After the American reoccupation and the restoration of order the city's inhabitants who had fled gradually returned to their neglected property, much of which had been occupied by the enemy army. The Council and most of Congress soon left their sanctuary, Lancaster, for Philadelphia.³

At first Philadelphians who recalled Arnold's military exploits welcomed his administration. Their enthusiasm soon waned, however, when disputes arose between the general and state authorities. Arnold further strained relations with his extravagant entertainment. Many Philadelphians thought Arnold's parties in poor taste when contrasted with Washington's army suffering severe hardships because of the financial instability of the national government. Criticism of Arnold's policies increased when rumors circulated of his unethical and illegal business transactions. Radical Whigs also complained that Arnold and his subordinate officers showed a shocking lack of discernment between "Whig and Tory Ladyes."  

In the early part of 1779 state officials submitted to Congress eight charges against General Arnold. A congressional committee in March issued a report that largely exonerated Arnold, but under continued pressure by Pennsylvania's Supreme Executive Council, Congress directed General Washington to appoint a courtmartial board to consider several of the accusations. The indictment charged Arnold with illegally issuing a pass to leave port to the captain

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Revolutionary Era (Gloucester, Mass.: Peter Smith, 1964), pp. 150-151; Edward Shippen, Sr. to James Burd, January 30, 1778, Papers of the Shippen Family, VII, HSP.

of the Charming Nancy, closing Philadelphia shops and then making secret purchases from them for his own profit, imposing menial duties upon militiamen, and appropriating public wagons for his own use. After months of irritating delay which intensified the bitterness between Arnold and the civil authorities, the courtmartial culminated with Arnold receiving only a mild reprimand.  

In spring and early summer, 1778, while the British prepared to evacuate Philadelphia, Congress allowed State authorities to release from parole the former proprietary officials. The Council released Joseph Shippen and several of the other parolees in May, but delayed Edward Shippen's discharge for several weeks until he had taken the loyalty oath to the state and national governments.  

With Congress and the state government again in Philadelphia pressure upon opponents of the constitution to cooperate increased. During the summer the Shippens, Burds, Yeates, and many others who had objected to the state's constitution, grudgingly signed the loyalty oath passed by the Assembly the previous year. Their decision to sign the oath came as a result of new legislation rather than a


changed attitude. On April 1 the Assembly had amended the act to prevent lawyers and other professionals from practicing if they had not signed the oath prior to June 1, 1778.  

In the immediate Shippen-Burd-Yeates family James Burd was the first to take the oath, sometime between January 28 and March 26, 1778. The elder Shippen followed in mid-May, and on June 1 his son Joseph signed the oath. The younger Edward Shippen signed the oath on June 24. The new act required that it be taken before June 1, but authorities often ignored this provision in practice. Edward Burd delayed taking the oath until the fall court term when he and over thirty other lawyers signed the oath in Philadelphia, upon being readmitted to the state judicial bar. Jasper Yeates, the member of the family most active in politics and the most opposed to courts operating under the Constitution of 1776, was the last to sign the oath. Yeates refused to attend any of the reopened courts in the spring of 1778, insisting that "in my idea, there is little law amongst us," but in the first week in November he reluctantly joined four hundred twenty other townspeople in taking the oath at Lancaster. Not until the following  

spring, however, did he travel to Philadelphia to be re-admitted to the bar of the state supreme court. 8

Edward Shippen planned to visit his family in Lancaster soon after the British evacuated Philadelphia, but because he preferred to wait until conditions in the city stabilized politically, he postponed his trip until late summer. After arriving as his father's home on August 3, he sat down to dinner with his father and Jasper Yeates the following day. 9

During the visit the Shippens and Jasper Yeates discussed the financial future of the elder patriarch and the possibility of public office for him and others in the family. A few days after Shippen's arrival his father wrote George Bryan, vice-president of the Supreme Executive Council, a former proprietary supporter, and an active revolutionist, and applied for the position of clerk of the


9. Edward Shippen, Sr. to James Burd, June 30, 1778, Papers of the Shippen Family, VII, HSP; Jasper Yeates to James Burd, August 4, 1778, Papers of the Shippen Family, VIII, HSP; Edward Shippen, Jr. to Edward Shippen, Sr., July 3, 1778, Papers of the Shippen Family, Box 1, HSP.
courts at Reading. He reported that his age prevented him from reapplying for the Lancaster office for "the times were so troublesome" and he "could not bustle about like a young man," but with the hope of some "tranquility" he knew he could handle the office at Reading. He then requested that his old friend mention the matter to the Council and use his "Interest with them."^10

The day Shippen wrote his letter, Attorney General Johnathan Sergeant also wrote Bryan and reminded him of the difficulty he had experienced in finding a qualified person to serve in the Berks County Office. He then suggested Edward Shippen, Sr. for the position. "It would be absurd for me," Sergeant continued, "to pretend to recommend a Gentleman so much better known to the Council than to myself." Nowhere in Sergeant's letter did he mention talking with Shippen, but because he wrote from Lancaster, Bryan must have assumed the two men had discussed the matter. Unfortunately for Shippen, the Supreme Executive Council had filled the clerk's office even before he had applied. With his failure to secure the Reading office, seventy-seven-year-old Edward Shippen acknowledged the end of his long

^10. Edward Shippen, Sr. to George Bryan, August 7, 1778, Pennsylvania Archives, Ser. 1, VI, 682-683.
years of public service and retired to spend his time in reading and gardening. 11

The effort of Edward Burd to obtain a state office met with greater success. Burd had left a temporary mercantile business and returned to his law practice in Reading in the summer of 1778. In August, through the influence of Edward Shippen, Jr., young Burd received the office of prothonotary of the supreme court, the position his uncle had occupied until the proprietary government was dissolved. When Burd reached Philadelphia for the Council to confirm his commission he had not yet taken the loyalty oath, although legally he ought to have done so before June 1. Not until the fall judicial term started and he began his duties as clerk of the supreme court did he take the oath and become readmitted to the Pennsylvania bar. 12

In applying for public office Shippen and Burd encountered little, if any, criticism for their family's having initially refused to sign the loyalty oath, for the younger Edward Shippen's decision to remain in Philadelphia during the British occupation, or for their earlier support


12. Pennsylvania Archives, Ser. 1, VI, 695; Edward Burd to Edward Shippen, Sr., August 22, 1778, Papers of the Shippen Family, XII, HSP; Edward Burd to Edward Shippen, Sr., September 8, 1778, Papers of the Shippen Family, VIII, HSP; Edward Burd to Jasper Yeates, September 2, 1778, Yeates Papers, Correspondence, 1762-1780, HSP.
of the proprietary government. The scarcity of Whig complaints at this time is significant considering later accusations that members of the family, especially Edward Shippen, Jr., were loyalist sympathizers.

When Burd moved to Philadelphia Edward Shippen's wife, Margaret, insisted that the young prothonotary lodge with the family, although the prospect of seeing Cousin Betsy so often made persuasion unnecessary. His uncle also offered him a part of the Shippen law offices for his practice and for his duties as prothonotary. By the fall of 1778 all members of the Shippen, Burd, and Yeates families had once more settled into their prewar activity of riding the long supreme court circuit.13

When Edward Burd obtained his uncle's former prothonotary position he overcame several objections to a marriage with his cousin, Betsy Shippen. Consequently, with the blessings of both families, Betsy, Edward Shippen's oldest daughter, and Edward Burd married in Christ Church on Thursday, December 17, 1778. The newly-wed couple moved into the Shippen home for several weeks before they established their own household in a home rented from Mrs. Francis, Betsy's grandmother. Although they began their marriage by living with the Shippens, the new groom optimistically hoped to "be

13. Edward Burd to Jasper Yeates, September 2, 1778, Yeates Papers, Correspondence, 1762-1780, HSP; Sarah Burd to Edward Burd, September 25, 1778, Papers of the Shippen Family, XII, HSP.
able to make both Ends meet at the End of the Year," because his wife, he believed, had "[pru]dence enough to conform her Expences & Manner of Life" to their circumstances.  

By the time of Elizabeth's marriage to Edward Burd her father had written to the elder Shippen that Peggy, his youngest daughter, was "much sollicited [sic] by a certain General on the Same Subject." Most of the family undoubtedly had heard of the courtship, for Philadelphia society had observed the relationship develop for some time. Benedict Arnold, thirty-eight year old widower and major general, became infatuated with Shippen's eighteen year old daughter and ultimately succeeded in winning her. Initially, however, Peggy responded unenthusiastically to the attention of the handsome officer more than twice her age.  

Members of the Shippen family observed Arnold's attentions toward Peggy with varying feelings. The elder Edward Shippen spoke highly of Arnold and favored marriage, although he had never met the general. In December, 1778,


15. Edward Shippen, Jr. to Edward Shippen, Sr., December 21, 1778, Balch Papers, Shippen, II, HSP; Van Doren, Secret Eistory, pp. 165-166; Young, Robert Morris, pp. 86-87.
However, he received a letter from his son advising him that whether a marriage took place between Arnold and Peggy depended "upon Circumstances" which he failed to specify. There are several possible reasons why Edward Shippen might have objected to the marriage: Arnold's deteriorating relationship with Pennsylvania civil authorities, the general's two sons from a previous marriage, the unsettled political conditions, the disparity in ages, or, as in the case of Edward Burd, the would-be groom's financial condition. By the new year, 1779, Shippen had already rejected Arnold's proposal. The refusal remained confidential and several close relatives, including Peggy's grandfather, continued to assume that the marriage would occur.  

By spring Edward Shippen withdrew his objections to the marriage. In late March, Arnold purchased "Mt. Pleasant," a ninety-six acre estate on the east bank of the Schuylkill River, near the Shippen's summer cottage. He bought the estate in hope of living there, but Mt. Pleasant, which a century later became Philadelphia's Fairmount Park, was to remain rented until the war allowed the family to

16. Klein states that Edward Shippen, Jr. favored Peggy's marriage to Arnold as a method to prove the family's loyalty to the Revolution. Klein, "The Shippen Family," 332; Edward Shippen, Jr. to Edward Shippen, Sr., December 21, 1778, Balch Papers, Shippen, II, HSP; Elizabeth Tilghman to Elizabeth Shippen Burd, January 29, 1778, Balch Papers, Shippen, II, HSP; Walker, "Margaret Shippen," XXV (1901), 35-36; Edward Shippen, Sr. to James Burd, January 2, 1779, Papers of the Shippen Family, VIII, HSP.
move there. Arnold's plans failed and he never lived the life of a landed gentleman, for upon the discovery of his treason two years later Pennsylvania confiscated the riverside estate. Shortly after Arnold purchased the estate, he and Peggy Shippen married at the Shippen's Philadelphia home. After the wedding the couple established their household in the city and awaited the day when they could move to their country estate. 17

Sometime in the spring of 1779, in an attempt to arrange a financial reward in return for substantial American military information, Arnold began communicating with British General Henry Clinton. Because his treasonous activities began about the time of his marriage to Peggy Shippen, she has sometimes been accused of instigating the conspiracy. The evidence that Peggy cooperated actively with Arnold's plan during the eighteen months before its discovery is largely circumstantial; however, she certainly knew of her husband's communications with Major John André, Clinton's aide, whom she had known during the British occupation. To believe the young bride capable of manipulating the strong-willed Arnold vastly overestimates Peggy's emotional strength. Peggy Arnold was a protected, naive, and emotionally weak individual, whereas Arnold always possessed a

dominant personality. Also, Arnold seldom ignored easy financial profit, honest or otherwise.\

During the summer communications between Arnold and André continued with the American general attempting to gain prior financial guarantees and André offering rewards only for specific information. In the middle of August Peggy Arnold received a friendly note from André in which he offered to supply her with sewing goods he knew to be in short supply in Philadelphia. Unluckily for Peggy, upon the discovery of Arnold's attempt to betray the fort at West Point, New York a year later, the letter cast serious suspicion upon her when discovered by Pennsylvania authorities.\

Through much of the summer negotiations continued between the American general and André. After Arnold received command of West Point communications culminated in General Clinton's offer of £20,000 for the surrender of the fort, its artillery, stores, and three thousand troops. West Point was a key to British offensive movements up the Hudson River to the north and west, for river barricades

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nearby prevented ships of the English navy from navigating the river and its tributaries beyond the fort.  

During the first week of August Arnold assumed command of West Point and established his headquarters across the river and two miles southeast of the fort in a wood frame house formerly owned by a loyalist, Colonel Beverly Robinson. Before the end of the month he was joined by his wife Peggy and his young son who had been escorted from Philadelphia by Arnold's aide, Major David Franks. With a tangible goal and reward in mind Arnold began to fulfill his part of the agreement by sending troops to gather firewood rather than repair the fort's defenses or the river barricades. He also arranged a clandestine meeting with Major André to settle strategy problems. Ultimately the direct talks resulted in André's capture and execution by the American army after his meeting with Arnold.

On Monday morning, September 25, 1780, two days after talking with André, Arnold and his aides sat at breakfast when Major James McHenry and Captain Samuel Shaw arrived and announced that General Washington, Marquis de Lafayette, and a small party of officers would arrive shortly. Washington's visit failed to perturb Arnold for

20. Ibid., p. 466; Edward Burd to Jasper Yeates, June 22, 1780, Yeates Papers, Correspondence, 1762-1780, HSP; Wallace, Traitorous Hero, pp. 220, 223.

he believed that André was again within the British lines. During the meal, Arnold received a message that a "John Anderson," the alias André used, had been captured with valuable American papers in his possession. With this turn of events Arnold decided to flee. Ordering his horse saddled, the West Point commander hurried upstairs to inform Peggy of his intended flight. His young wife collapsed into hysteria while Arnold made his successful escape to the Vulture, the English man-'o-war from which André had rowed ashore several days earlier.²²

As the first hours after the discovery of Arnold's treachery stretched into days, Alexander Hamilton, Washington's aide, summarized the attitude of the American officers present at West Point when he wrote that his own "feelings were never put to so severe a trial." Several of those at the Old Robinson house, including Washington, Lafayette, and Hamilton, knew Peggy Arnold before her marriage, and they gently sympathized with her. Seeing Peggy's irrational state redoubled their hatred of Arnold for having dishonored his country and for abandoning his wife.²³

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²³ Alexander Hamilton to John Laurens, October 11, 1780, Syrett et al., Hamilton Papers, II, 461; Alexander Hamilton to Elizabeth Schuyler, September 25, 1780, ibid., II, 441-442.
During her hysterical seizures Peggy accused everyone approaching her, including General Washington, of plotting the death of her six month old son, Edward Arnold. After succumbing to fatigue Peggy Arnold sank into extreme despondency from which the officers, completely convinced of her innocence, could do little to arouse her. The following morning Peggy recovered her senses sufficiently to converse with Lafayette and Hamilton. On September 27, two days after the discovery of her husband's treason, Peggy Arnold and her infant son began their return trip to the Shippen home in Philadelphia, again accompanied by Major Franks.24

No one at West Point could guess how Peggy would be received at Philadelphia, but prior to her departure Lafayette wrote M. le Chevalier, France's minister to the United States, requesting that he do all he could to protect Peggy from hostility for "it would be exceedingly painful to General Washington if she were not treated with the greatest kindness." Lafayette feared Philadelphians would vent their frustrations and hatred for Arnold upon Peggy. In a postscript he added: "You know the sentiments of the people and of the Assembly of Pennsylvania. Your influence and your

opinion, emphatically expressed, may prevent her from being visited with a vengeance which she does not deserve." 25

Safely aboard the Vulture, Benedict Arnold also feared for his wife's safety. From the man-'o-war he wrote General Washington a letter in which he attempted to justify his actions and requested that his former commander protect Peggy. Arnold assumed all responsibility for the conspiracy and insisted that his wife was completely innocent. He assured Washington that he had no fear for Peggy's safety while she was at West Point, but like Lafayette, he feared she might "suffer from the mistaken fury of Her Country." Arnold then requested that his wife be allowed to return to her family in Philadelphia or to join him within the British lines if she desired. 26

News of Arnold's conspiracy reached Philadelphia the day Peggy left West Point. The Supreme Executive Council, informed of Arnold's actions by supreme court chief justice Thomas McKean, ordered all papers belonging to the former military commander seized. The delay of several days between arrival of news of the West Point conspiracy and Peggy Arnold's arrival in Philadelphia spared her the humiliation of hearing mobs jeer her husband's name and seeing his effigy dragged about the streets. City crowds

paraded about a two-faced figure of Arnold bearing a bag of money and carrying a mask. The devil, robed in black, prodded the effigy with a pitchfork. A drum and fife corps playing the "Rogue's March" preceded the cart carrying the two figures. When those in the procession grew tired of dragging the effigy through the streets, they burned it publicly.27

With Arnold safe within the British Army, the Supreme Executive Council acted against his closest associates, who, it suspected, may have cooperated in the conspiracy. On October 2, the Council ordered Arnold's former aide, Major David Franks, to leave for the British lines within fourteen days and to submit a bond of £200,000 as a guarantee that he would not return until the war ended. Hannah, Benedict Arnold's spinster sister, left Philadelphia for Connecticut in early October accompanied by her brother's youngest child by his first marriage.28

The Shippens now faced the important question of whether Peggy would be allowed to remain in Pennsylvania. While the family waited anxiously for permission for her to


remain Peggy remained closeted within her room, much of the
time confined to her bed in "a kind of Stupor" or despondent
shock. Two letters discovered among Arnold's papers which
appeared to compromise his wife's loyalty contributed to the
family's anxiety. One was simply a personal note from Peggy
to her husband in which she wrote of attending a social
affair and described in uncomplimentary terms some of the
prominent ladies present. The second letter appeared far
more serious, for it was the note she had received from
André the previous year in which he offered to send her
whatever millinery goods she desired from British-occupied
New York. Some Philadelphians believed the letter to be the
instrument by which André began his clandestine correspond­
ence with Arnold. With the disclosure of the letters,
"popular Clamor" against Arnold, and indirectly against
Peggy, rose in intensity. 29

Two of the family's stronger allies were Washington
and Lafayette who firmly believed in Peggy's innocence. By
October 5 the Shippen family had requested the Council to
allow Peggy to remain in the state and they held some hope
that the petition would be granted. The Council assured the
family that it would take no action without first advising
Edward Shippen of it. Other prominent Philadelphians also

sympathized with the family, and in early October "a very affecting description of Mrs. Arnold's situation" appeared in a Philadelphia newspaper.\textsuperscript{30}

Arnold's activity in New York may have jeopardized his wife's situation in Philadelphia. The former general taunted American authorities by writing "an impudent letter to Congress informing them that he will not serve them any longer & they need not Expect it." He enclosed with the letter his commission as a major general in the United States Army. Rumors also abounded that Arnold informed British authorities of the identities of American agents secretly operating in New York.\textsuperscript{31}

For a time the Council seemed willing to allow Peggy to remain in Pennsylvania, but slightly over a month after Arnold's flight, and despite the Council's sympathy with the Shippens, it yielded to public opinion and ordered Peggy Arnold out of the state for the duration of the war. The fourteen-day eviction notice came after she promised to abstain from writing her husband and to accept no letters from him without sharing their contents with the Council. Neither Edward Shippen nor his wife wanted Peggy reunited with Arnold; they knew of no alternative, however, but to

\textsuperscript{30} Edward Burd to Jasper Yeates, October 5, 1780, Yeates Papers, Correspondence, 1762-1780, HSP.

\textsuperscript{31} Edward Burd to Jasper Yeates, October 5, 1780, Yeates Papers, Correspondence, 1762-1780, HSP; Pennsylvania Journal, October 11, 1780.
obey the order and send her to New York. After hesitating as long as possible Shippen accompanied his daughter and grandson to Paulus Hook, New Jersey, where on November 14 she took a ship to New York to rejoin her husband.32

The Shippens believed the order to be unjust and unnecessary, but they showed no animosity toward the Council. Writing to Jasper Yeates, Edward Shippen only noted sadly that his daughter must leave the state. "We had flattered ourselves for some time that she would have been permitted to remain with us, however it seems the public Safety forbid it." Edward Burd, Peggy's brother-in-law, was extremely bitter, and yet he directed his anger toward Arnold rather than toward the authorities who decreed Peggy's exile. Only James Burd, the least involved in the situation, harbored resentment against the Council, but even he resignedly accepted its decision.33

Except for Peggy's exile, the Arnold conspiracy had little lasting results on the Shippen family. There are several reasons for its failure to deeply injure the family. First, Arnold was intensely disliked by Philadelphians who willingly believed the worst of him; few were unhappy when

32. Wallace, Traitorous Hero, p. 261; Colonial Records, XII, 520.

he received command of West Point and left the city. Because of this long-standing detestation, Philadelphians were very anxious to lay the entire conspiracy on Arnold. When he dramatically abandoned his young wife, their hatred for Arnold increased while pity developed for Peggy and the Shippen family. Generals Washington and Lafayette reinforced the sympathy by their descriptions of the abandonment and by their early assurances that they believed Peggy innocent. After officials discovered the André letter among Arnold's papers, however, there was a segment of Philadelphians who began to suspect that Peggy had cooperated with her husband. Her presence in Philadelphia, even if innocent, would be a recurring irritant. Peggy's exile by the Supreme Executive Council was not a judgment of guilt, simply the removal of a potential political problem.
CHAPTER 8

RETURN TO THE BENCH

If the Arnold conspiracy had any effect on the career of Edward Shippen in the first half of the 1780's, it simply slowed its progress. After several years in which his law career appeared at a standstill Shippen became judge and president of Philadelphia County's Court of Common Pleas in 1784, an appointive position. The new post, obtained after political conservatives once again won control of the Assembly and the Supreme Executive Council, began a series of appointments which eventually led to a post on the state's highest tribunal. In the late 1780's occasional mercantile investments undertaken in cooperation with Jasper Yeates and Tench Coxe, Shippen's nephew, prospered as did his sales of unimproved land. Slow to sell in the later years of the war, by 1785 land became more valuable in response to increasing demand by individuals and speculators.

In the early 1780's, however, the nation's depressed economy reduced the income from Shippen's law practice and his mercantile investments. During the fall judicial circuit of 1781, when he and Jasper Yeates followed the courts to Reading, Carlisle, and Lancaster, they discovered their plight was a common one. Yeates complained of
"a great Deal of Business, little Sleep & less Money. All that we get of our Clients, is an Account of their Dis­tresses & their willingness to pay, if they had it." During the economic recession Edward Shippen and his brother sometimes sold parcels of unimproved land to meet current taxes and expenses, often for lower prices than they believed them worth. They conducted many land sales while they journeyed together around the judicial circuit, but because Edward lived in Philadelphia, he usually guided the final trans­actions.¹

In late 1781 taxes became delinquent on a number of their tracts, and the brothers received notice that the lands would be sold at sheriff's auction after ninety days. The areas involved ten thousand acres of land in three counties. Additionally, the Shippen brothers owned an interest in another nineteen thousand acres upon which the taxes were also delinquent. Joseph Shippen had been pri­marily responsible for the warranting and patenting of the lands years earlier, and consequently Edward knew little of the amount and location of the land. Current taxes were only £45 sterling, but because some payments had gone unpaid

¹. Jasper Yeates to Sarah Yeates, October 27, 1781, Yeates Papers, Correspondence, 1781-1788, HSP; Edward Shippen, Jr. to Joseph Shippen, Jr., February 27, 1782, Papers of the Shippen Family, Box 1, HSP.
since 1773, the Shippens were able to pay them only after selling several land parcels at reduced prices.\(^2\)

Edward Shippen frequently complained of heavy assessments on his improved properties. Assessors set the taxes on his farm at Marion at £150 monthly; taxes on his Chester County farm were £200 per month, and county authorities rated his other properties similarly. His home in Philadelphia, valued at £27,000, he believed in 1781 would be taxed at £3000. Despite his frequent complaints and the need to sell land to pay current expenses during the war's latter years, however, the family continued to fare better than many.\(^3\)

While Edward Shippen faced the economic troubles of the new nation as an urban dweller, his brother had different financial problems. After the Battle of the Brandywine in 1777, Joseph Shippen returned to his Kennet Square farm and attempted to augment his income by operating a general store for neighboring farmers. He arranged for Edward Burd to forward orders to Philadelphia merchants and keep him informed of changes in prices and the rate of currency exchange. Shippen hoped his neighbors would discover that his wares were more convenient to purchase and no more expensive

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2. Edward Shippen, Jr. to Joseph Shippen, Jr., December 28, 1781, Papers of the Shippen Family, Box 1, HSP.

3. Edward Shippen, Jr. to Edward Shippen, Sr., June 28, 1780, Papers of the Shippen Family, Box 1, HSP.
than those bought at Wilmington, Delaware, but after several months his business failed to prosper.  

In operating his store, Shippen became acutely aware of problems created by large price fluctuations and a depreciated currency. When he speculated on a reason for the country's economic hardship, he turned on America's French allies whom he blamed for the depreciated currency. He suspected French merchants of buying all available gold, thus increasing the currency-gold exchange rate. Shippen was largely incorrect. Competition of Americans for hard coin was the primary reason for the high exchange ratio. Believing his theory, however, Shippen favored a boycott of French goods, believing a stable currency more important than any aid received from France.

When his Kennet Square store failed to prosper after several years, Joseph Shippen moved to Lancaster in November, 1783. There he discovered living expenses at the inland town much higher than at Kennet Square. His financial troubles multiplied when he could not immediately sell his farm. As a result, he requested Edward Burd to collect several small debts owed him in Philadelphia, explaining he

4. Joseph Shippen, Jr. to Edward Burd, August 13, 1780, Papers of the Shippen Family, XII, HSP; Joseph Shippen, Jr. to Edward Burd, September 18, 1780, Papers of the Shippen Family, XII, HSP.

5. Joseph Shippen, Jr. to Edward Burd, August 13, 1780, Papers of the Shippen Family, XII, HSP.
expected to be under financial pressure for some time. Shippen's desire to collect his debts contrasted with his normal technique of allowing the debtor to take his own time to pay, meanwhile allowing interest to accumulate.\(^6\)

Edward Shippen, to supplement his own income from law practice and rentals, occasionally joined his nephew Tench Coxe, later to become assistant secretary of the United States treasury, and Jasper Yeates to buy large lots of cargo newly imported from France for later resale. Shippen provided a portion of the necessary capital while Yeates, and especially Coxe, managed the transactions. In the summer of 1781 the three men invested in a small mercantile venture that required about £100 each, but in scarce coin. At Coxe's request, Shippen tried to borrow the necessary gold and silver coin from farmers around Lancaster, but he soon concluded "It would require an Angel to prevail on most of our Farmers to lend out their hard money." The conservative farmers possessed little confidence in speculative investments. Shippen then sold his six-hundred-acre Chester...

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6. James Burd to Jasper Yeates, October 1, 1783, Burd Family Papers, HSP; Joseph Shippen, Jr. to James Burd, November 15, 1783, Papers of the Shippen Family, VIII, HSP; Joseph Shippen, Jr. to Edward Burd, December 29, 1783, Papers of the Shippen Family, Box 1, HSP; Pennsylvania Gazette, April 9, 1783.
County farm and used part of its proceeds for his invest-
ments with Coxe and Yeates.  

Over the next several years the Shippen brothers, 
Jasper Yeates, and Tench Coxe continued to engage in small 
commercial endeavors. In early 1782, Joseph sent a load of 
flour to Philadelphia, hoping a merchant ship could success­
fully run the English blockade and carry it to the profitable 
Cuban market. Despite the shortage of seaworthy boats a 
merchant ship with his flour safely aboard eventually 
reached Havana. Several months later Edward Shippen 
profited by buying part of a consignment of French dry goods 
which shortly before successfully ran the blockade. Lacking 
the necessary capital, he was so certain the cargo would 
prove a "handsome Profit" he agreed to purchase it and trust 
Jasper Yeates to advance £1000, half for himself, half for 
Shippen. Profitability of the transaction was virtually 

7. Tench Coxe (1755-1824), political economist and 
Philadelphia merchant, became assistant secretary of the 
federal treasury in 1789. Three years later Washington 
appointed him commissioner of the revenue. A staunch Feder­
alist in the 1780's and 1790's, he switched to support 
Jefferson in the 1800 election. Coxe favored domestic manu­ 
ufacturers and in 1787 attempted, unsuccessfully, to import 
models of the Arkwright machinery by way of France. Broadus 
Shippen, Jr. to Jasper Yeates, June 25, 1781, Yeates Papers, 
Correspondence, 1781-1788, HSP; Edward Shippen, Jr. to 
Jasper Yeates, July 4, 1781, Yeates Papers, Correspondence, 
1781-1788, HSP; Edward Shippen, Jr. to Jasper Yeates, July 
7, 1781, Yeates Papers, Correspondence, 1781-1788, HSP; 
Edward Shippen, Jr. to Jasper Yeates, August 20, 1781, 
Charles Roberts Autograph Letters Collection, Haverford 
College; Edward Shippen, Jr. to Joseph Shippen, Jr., April 
10, 1782, Papers of the Shippen Family, Box 1, HSP.
certain, for with the bay and the Delaware River closely watched, prices of imported goods were rising rapidly. Three or four merchant ships attempted earlier to slip out into the open sea only to find that escape was impossible.\(^8\)

In early 1783 news arrived in Philadelphia of the peace for which Shippen so despairingly yearned after taking his daughter to rejoin Benedict Arnold several years earlier. The peace, however, contributed to further decline in some sectors of the national economy which had been in danger of floundering for several years. During the war the British blockade forced up prices of imports and when it was lifted the country's domestic producers, many of whom prospered in response to the scarcity of goods, faced the loss of their internal markets to foreign manufacturers. Shippen feared that merchants would contribute to the problem of a depreciated currency by hoarding supplies of coin for later speculation. He believed that an economic solution could come only through strong state legislative action.\(^9\)

Shortly before the news of peace reached Philadelphia, Shippen became more distressed when financier Robert Morris threatened to resign as head of the national treasury. Morris had worked diligently for the economy of the

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8. Edward Shippen, Jr. to Jasper Yeates, July 6, 1782, Balch Papers, Shippen, II, HSP.

9. Edward Shippen, Jr. to Joseph Shippen, Jr., June 13, 1783, Papers of the Shippen Family, VIII, HSP.
fledgling nation and Shippen had serious doubt that his post could be filled adequately by anyone else. Believing that an unstable economy could destroy the nation in a way which Britain's armies could not, he concurred with Jasper Yeates, when Yeates rhetorically questioned that "If Mr. Morris with his large Credit, Abilities, Integrity & Whiggism cannot make matter do, Who will attempt it?" James Burd showed even greater disappointment than Yeates and Shippen when he heard that Morris threatened to resign. In his opinion, clearly an unrealistic one, had Morris occupied the position from the beginning of the war the United States government would have had a financial surplus instead of being in debt. Burd complained bitterly that "the Mismanagement of our Publick Money, Previous to his taking upon him That Burden, is beyond Comprehension." Fortunately for the credit of the struggling country, Congress persuaded Morris to remain at his post for another twenty months.10

Several months after Morris' threatened resignation, Shippen and Edward Burd watched while armed troops of the Pennsylvania Line marched on the Statehouse. The disgruntled, but peaceful soldiers protested that the Supreme Executive Council failed to pay them. Some congressional delegates, also meeting in the Statehouse, interpreted the

10. Jasper Yeates to James Burd, March 4, 1783, Papers of the Shippen Family, VIII, HSP; James Burd to Jasper Yeates, April 7, 1783, Burd Family Papers, HSP.
march as a threat to their legislative freedom and feared rebellion. Despite protests, John Dickinson, then president of the Supreme Executive Council, refused to order the state militia to disband the demonstration. He defended his refusal by reminding Congress that the soldiers were peaceful, but his arguments failed to convince some delegates who successfully insisted that Congress adjourn to nearby Princeton, New Jersey. As a result of the confrontation and the adjournment Edward Burd predicted that the courts of Europe would ridicule the United States when news of the congressional flight reached the continent.11

Early in 1784, Edward Shippen joined a group of Philadelphia businessmen to form a bank to rival the highly successful Bank of North America. They expected the venture to be profitable, for investors needed funds and the established bank, only two years old, had paid annual dividends averaging fourteen per cent.12

The Bank of North America had grown from a loose nucleus of men organized by Robert Morris in 1780 as the Bank of Pennsylvania. The short-lived bank was to use its financial resources to obtain war supplies for Washington's

11. Edward Burd to Jasper Yeates, July 10, 1783, Yeates Papers, Correspondence, 1781-1788, HSP; Pennsylvania Journal, June 24, 1783; Pennsylvania Gazette, July 2, 1783.

troops and to strengthen the financial independence and integrity of Congress at the expense of the states' powers. The following summer the group submitted a more substantial organizational plan to Congress, and in November organizers met at Philadelphia's City Tavern to elect directors. Several days later the bank's directors chose Thomas Willing, Edward Shippen's cousin and Morris' business partner, as president, a post he held until 1791 when he became the first president of the nationally-chartered Bank of the United States. Another close relative of Shippen, brother-in-law Tench Francis, Jr., became cashier, an office he held for ten years. 13

Subscribers of the Bank of North America consisted of a cross-section of the city's investor class, although financiers William Bingham and Robert Morris bought by far the larger number of shares, almost one hundred apiece at $400 Spanish dollars each. Most subscribers purchased fewer than ten shares, but the number purchased was of little consequence when stockholders elected directors. They elected William Bingham, purchaser of ninety-five shares, a director, but they also elected Timothy Matlack, Cadwalader Morris, and John Nesbitt, although each of the latter men purchased only

a single share of the bank's stock. Edward Shippen pur-
chased ten shares, but he failed to take an active part in
either organizing or participating in the bank's affairs.
After two years of operation the directors in January, 1784,
authorized a subscription of an additional one thousand
shares with a par value of $500 each, all of which went on
the market the first of February. 14

At about the time directors of the Bank of North
America publicized the new subscription, Edward Shippen and
another group of investors announced plans to organize a
competing bank. In a move to undersell the older bank's
offer, the new organization planned to sell their own stock
at $400 each and as soon as 700 shares were sold, the sub-
scribers would meet and elect a president and a board of
directors. The shares sold quickly and on February 5,
shareholders of the projected Bank of Pennsylvania met at
the City Tavern to elect directors. Edward Shippen and his
nephew, Tench Coxe, were among those chosen by the stock-
holders. Later the directors elected Shippen as president
and appointed Coxe to receive offers for shares.

Only a few days after formal organization, the
bank's officers applied to the Assembly for a state charter.
The Bank of North America responded to the competitive

14. Pennsylvania Gazette, March 3, 1784; Lewis, 
Bank of North America, pp. 19-20, 51-52, 119, 134; Pennsyl-
vanía Journal, January 14, 1784.
threat by requesting from the Assembly an opportunity to speak against the proposed charter, a petition the legislature denied. On March 10, a month after the new bank's organizational meeting, an Assembly committee reported out for a floor vote a bill containing the charter. Only a week after organizers began selling the bank's stock, Shippen confidently reported to his brother that over nine hundred shares had been sold and he had little doubt the Assembly would charter the bank. Should the legislature refuse, he and his colleagues determined to continue lobbying for the charter. 15

In the meantime, directors of the nationally-chartered Bank of North America suggested a plan which would eliminate the competitive threat. On March 1 its directors agreed to expand their February authorization from 1000 shares to an additional 4000 shares and to lower the price of each to $400; the bank would reimburse those who purchased shares earlier at the higher price. The directors then invited subscribers of the new bank to join as shareholders in the Bank of North America. Edward Shippen and directors of the Bank of Pennsylvania agreed to the proposal

and when their charter application came before the Assembly they withdrew it.¹⁶

Some secondary writers have written of the bank contest in contradictory terms. They describe the struggle as a radical-led Bank of Pennsylvania attacking a conservative Bank of North America. These same writers, however, label Shippen a loyalist. A contemporary writer, Attorney General William Bradford, simply called it a "Coalition Bank." He observed that

you might have seen the violent whig, the bitter tory, & the moderate man laying their heads together with the earnestness & freedom of friendship: the Constitutionalist and Republican were arm in arm: & the Quaker and Presbyterian forgot their religious antipathies in this coalition of interest . . . .¹⁷

Several years later, competing banks became involved in disputes between radicals and conservatives, but the brief struggle between the Bank of North America and the Bank of Pennsylvania was not ideologically motivated. In its request for a state charter, however, Shippen's colleagues used arguments later developed by the bank's radical foes. The supporters of the new bank claimed that breaking the monopoly of the older bank would result in an increase in credit and a lowering of interest rates. These


¹⁷. Quoted in Brunhouse, Counter-Revolution, pp. 150-151; Thomas, Political Tendencies, pp. 83-84; Gouverneur Morris to Alexander Hamilton, January 27, 1784, Syrett et al., Hamilton Papers, III, 500-503.
arguments, although spoken by conservative merchants, were readily appreciated by radicals within the Assembly. The following year when tensions increased between champions and foes of the state constitution of 1776, radicals amplified and used these same arguments against the conservative-dominated bank. In the present bank struggle Shippen's friends simply wanted to enhance their financial opportunities; the older bank had already shown how substantial profits could be obtained.

Edward Shippen and Tench Coxe, although very active in the abortive attempt to establish a new bank, failed to participate in the older one. Both had earlier purchased shares in the Bank of North America, but neither was among its original organizers. Most investors in Shippen's bank had no affiliation with the established bank. Shippen did not exercise his option to purchase additional shares in the older bank during the subscription period in February, or even after the compromise lowered their price and expanded them to an additional 4000 shares. Apparently he had little interest in bank management and planned to serve simply as a figurehead in the projected bank. After the compromise, Shippen withdrew completely from banking affairs and
confined himself to his law practice and occasional commercial investments.\(^1^8\)

After a period of relative political calm in which Pennsylvania conservatives learned to adjust to the constitution of 1776 and cooperate with their radical opponents, they gained control of the Assembly and the Supreme Executive Council in 1783. The conservative victory continued a trend that began earlier when voters elected John Dickinson president of the Supreme Executive Council. The election gave conservatives their first majority in the Assembly and the Council since the establishment of the state's constitution seven years before.\(^1^9\)

In 1784, utilizing the growing conservatism, opponents of the state constitution and the loyalty oath renewed their pressure for substantial governmental changes. They argued that the single house legislature sometimes violated the constitution, and the Supreme Executive Council was unwieldy, oppressive, and expensive. Conservatives also attacked the constitution for violating traditional whig concepts of balanced government. Without a separate executive and with the judiciary wholly dependent on the legislature, the document was clearly too radical.

\(^1^8\) Lewis, *Bank of North America*, pp. 136-139; Edward Shippen, Jr. to Joseph Shippen, Jr., March 20, 1784, Papers of the Shippen Family, VIII, HSP.

Critics of the state government were encouraged by a report issued the previous year by the Board of Censors, a state body charged with overseeing government. The board found deficiencies in the judicial system, some attributable to the constitution. It reported that the seven year tenure put judges under too much pressure from the Supreme Executive Council. The board also noted, contrary to the constitution, judicial salaries had not been permanently fixed. 20

Conservatives also argued against the wisdom of the test act that still made it mandatory for voters to sign a loyalty oath. They claimed that English immigrants readily signed the oath even though in the 1770's they actually fought the United States. Arguing that the oath kept only Mennonites and Quakers from voting, they insisted these voting blocs were necessary to counterbalance the newly-arrived English settlers. Despite renewed pressure for fundamental changes, the conservatives were unable to win a revision of the constitution. The Assembly did agree by a large margin, however, to abolish the loyalty oath for voters and to forbid from voting only those who had actively fought against the United States. 21


With Dickinson president of the Council and conservatives controlling the Assembly, Edward Shippen received his first public office since the overthrow of the proprietary government when he became judge and president of the Philadelphia County Court of Common Pleas. Four months later, in September, 1784, the Council appointed him a justice of the state high court of errors and appeals, a post he soon discovered carried more honor than remuneration.22

Within a short time Shippen complained that the judgeship of the court of common pleas yielded comparatively little income and unless the Assembly made "some allowances" he would be unable to continue serving on the bench. In an effort to remedy the situation he suggested a plan to the legislature which would increase the salary of the court's judges, but primarily because of objections from Philadelphia city magistrates who would be economically injured, the Assembly rejected it. Although Shippen had threatened to return to his law practice should the bill fail to pass, he reversed himself and retained his judicial posts.23

Voters of Philadelphia's Dock Ward elected Shippen their district magistrate in the fall of 1785. Shortly


23. Edward Shippen, Jr. to Joseph Shippen, Jr., January 1, 1785, Papers of the Shippen Family, VIII, HSP.
after receiving his commission as the ward's justice of the peace he also became president of the court of record for the city and president of the court of quarter sessions of the peace and jail delivery for both the city and the county. The posts were of little monetary value individually, but in combination they contributed a reasonable income and Shippen realized keenly that they might lead to other, more desirable offices.  

In his first charge to a grand jury as judge of the court of quarter sessions Shippen's examination of the roots of law and society revealed his typically eighteenth century thinking. He believed the original purpose of government "was to protect the individual Members of the community in the quiet and undisturbed Enjoyment of their personal Liberty, their property, and their lives." Continuing his discourse, he observed pessimistically that "the Depravity of human Nature is such, that no Sense of Religion, no Ties of Honor or Conscience have been found sufficient to restrain wicked Men from the Commission of crimes injurious to their fellow Citizens, without calling in the Aid of civil Government." His lack of faith in man's inherent goodness was indicative of many conservatives in the 1780's. Even many enthusiastic whigs who welcomed independence as a method of

releasing Americans from allegedly corrupt and autocratic rulers, harbored second thoughts when these human frailties survived the Revolution. Pessimists, however, were unable to stifle the enthusiastic excitement of nationalists who determined to put into practice many principles growing out of the independence movement.  

Judge Shippen believed that the end products of law enforcement should be punishment rather than reform so man's evil nature could be controlled through example. He observed that at present it was sometimes necessary "even to deprive the Offenders of their Lives to put it out of their power to repeat their Offences," but he favored a less harsh penalty. Should the United States abandon capital punishment, he believed it would "set an Example of [leniency?], moderation and Wisdom to the older Countries of the World."  

Shippen could not change his habit of thought to endorse the radical philosophy that provided much of the rationale for the Declaration of Independence and the American Revolution. As a jurist rather than a political leader he avoided situations that would force him into decisions or public statements that ran counter to his philosophy. Had he been an elected official who must answer to


26. Edward Shippen, Jr. to Grand Jury, October 24, 1785, Balch Papers, Shippen, II, HSP.
his constituents, his political beliefs and ideas might have changed over the years. When the British threat subsided, many revolutionary leaders returned to their earlier conservative positions. For Shippen a change was unnecessary for he had never abandoned his original philosophies. Shippen's isolation from the maelstrom of politics is an important key to the survival of his career through periods of diverse political stress.

Another reason for Shippen's easy return to the bench was his ability to avoid partisanship. Peter Stephen du Ponceau, secretary to Baron von Steuben, recalled that "Mr. Shippen, . . . though he was the father-in-law of General Arnold, was respected by all parties, and I visited often at his house, which was one of the most agreeable of the city." 27

After regaining a judicial bench in 1784, Edward Shippen began participating increasingly in Philadelphia's social and educational societies. Shippen's interest in humanitarian efforts coincided with a renewed public enthusiasm for human betterment that stemmed in large part from ideological arguments that justified the Revolution. Societies advocating the abolition of slavery, prison reform, better education for the public, and a wide range of social

welfare programs appeared to many Americans as methods to institutionalize in society the principles from which the Revolution sprang. Shippen, a conservative who doubted man's inherent virtue, rejected many politically radical theses but he saw a need for substantial, slow improvement of society through education and group effort. 28

In 1785 Shippen joined others in organizing an Episcopalian academy in Philadelphia and served on its board of trustees. The choice was apt for he had earlier been a board member of the College of Philadelphia, now the University of Pennsylvania, for almost twenty years. The organizers of the new academy hoped to duplicate the days before 1776 when the College of Philadelphia had been a dominant force on Pennsylvania's social and educational scene. They discovered that to do so was difficult under the new political and social conditions and without the strong personality of Provost William Smith. Some Philadelphians feared the academy would eventually overshadow the university. The new academy, however, never offered a real challenge to the older school. Trustees like wealthy merchant Thomas Willing, financier Robert Morris, and Judge Shippen possessed the necessary prominence, but their personalities lacked the intellectual brilliance and

aggressiveness that Provost Smith had brought to the school before the war. The academy survived, albeit inconspicuously, in the shadows of the University of Pennsylvania.29

In 1784 Shippen's interests went beyond banking and the bar when he became a trustee of a fire insurance company specializing in underwriting houses. The following year he became charter member in the formation of the Philadelphia Agricultural Society. On March 1, 1785, Shippen and twenty-two other agrarian enthusiasts met at Patrick Byrne's tavern, fittingly called the "Sign of the Cock," and listened to lawyer and agriculturalist John Beale Bordley relate plans for establishing an agricultural society. After discussing Bordley's ideas over the dinner table, the group agreed to organize formally in an attempt to stimulate new developments in farming and to disseminate agricultural knowledge. Most of those attending were not farmers in the strictest sense, but were city gentlemen with occasional agricultural pursuits. The group could serve as a "Who's Who of Philadelphia" in the social and commercial realm, if not in the agricultural one. Besides Shippen, other charter members included prominent merchants, financiers, and attorneys, Samuel Powel, Thomas Willing, Robert Morris, 

Colonel John Nixon, George Clymer, Richard Peters, Jr., Dr. Benjamin Rush, and Tench Francis, Jr. Like Shippen, several were also members of the American Philosophical Society.  

Shippen possessed an active interest in agrarian activities and several times he considered moving from Philadelphia to a rural farm. He seemed to envy his brother's mode of living at Kennet Square and later Lancaster, but when he moved from the environs of Philadelphia to a farm in New Jersey, it proved a trying experience. It is doubtful that Shippen could have been content away from Philadelphia; his law practice and his social and economic life were all oriented toward the city. Of the various family members, he was one of the more prosperous because he could function as merchant, city landlord, rural land owner, and all the while occupy the judicial bench.

Edward Shippen's occasionally expressed desire to move into the country may have been in part the result of family disagreements. He sometimes complained of the extravagance of his daughters, and he was frequently unhappy with his two sons, twenty-two year old Edward and

nineteen year old James. He allowed Edward to assume some responsibility in his commercial dealings, but it was soon apparent the youth lacked the maturity and judgement necessary for earning even a mediocre living in the mercantile business. In the spring of 1782 when Shippen went to his Chester County farm for several days, he authorized Tench Coxe to advance his son £300 or £400 if he needed it to conclude any business transactions, but he insisted that his son refrain from making any agreements without Coxe's advice. 31

The Shippen household was never a warm, happy one. Whereas young Edward was often irresponsible, his younger brother James suffered from emotional instability. In the spring of 1784 Shippen sent his younger son to Lancaster to visit his uncle, Joseph Shippen, for two or three weeks, "partly for the Establishment of his health & partly to get rid of a certain gloominess" which he contracted "by too much setting at the journal & ledger." Betraying symptoms of generational differences, Shippen asked his brother to try disciplining the boy and to insist that he come home at a "reasonable" time in the evenings, for he had "rather too much fondness for the [company?] of the other sex." 32

31. Edward Shippen, Jr. to Tench Coxe, March 28, 1782, Society Collection, Shippens, HSP.

32. Edward Shippen, Jr. to Joseph Shippen, Jr., March 7, 1784, Papers of the Shippen Family, VIII, HSP.
Because of his poor judgement young Edward Shippen often involved himself in financial entanglements. He graduated from the College of Philadelphia, studied for a short time at the University of Edinburgh, and occasionally practiced medicine, but he preferred to buy and sell dry goods and imported merchandise. By 1784, though only twenty-four years old, Edward Shippen had already become bankrupt after he and a partner opened a Philadelphia mercantile store in a building rented from his uncle. Shortly after this failure he joined Richard Footman in a wholesale dry goods store specializing in imports from the West Indies, England, and the Continent. No more successful than the other, this business also ended at a sheriff's bankruptcy auction. 33

In 1785, young Edward Shippen married Elizabeth Footman, the sister of his business associate. Edward Burd described Miss Footman as "a clever girl," but she never gave young Shippen the judgment and responsibility he needed so badly. Immediately after their marriage the young couple moved into a house on Market Street and converted its front

33. Edward Shippen, III to Joseph Shippen, Jr., June 16, 1784, Papers of the Shippen Family, VIII, HSP; Edward Burd to Joseph Shippen, Jr., October 10, 1784, Papers of the Shippen Family, VIII, HSP; Edward Shippen, Jr. to Joseph Shippen, Jr., July 7, 1785, Papers of the Shippen Family, VIII, HSP; Edward Burd to Joseph Shippen, Jr., December 14, 1785, Papers of the Shippen Family, VIII, HSP; Edward Burd to James Burd, December 21, 1785, Papers of the Shippen Family, VIII, HSP.
room into a store for groceries and dry goods. Within a short time Shippen again faced bankruptcy when his new mercantile effort proved no more prosperous than earlier ones. 34

During the time of his son's financial troubles in the 1780's, Edward Shippen's legal career prospered slowly even though his family life was less happy. His judicial ability, demonstrated in the common pleas court, and the development of a decided conservative trend contributed to his promotion within the state's judiciary. His family's happiness was dimmed in part by the extravagance of his daughters and by Peggy's marriage to Benedict Arnold. Disappointment over the achievements of his sons compounded his anxiety. In a sense, the attributes of coolness and objectivity that enabled him to succeed on the bench greatly inhibited deep emotional family ties and probably contributed to the inadequacies of his sons.

34. Edward Shippen, Jr. to Joseph Shippen, Jr., July 7, 1785, Papers of the Shippen Family, VIII, HSP; Edward Burd to Joseph Shippen, Jr., December 14, 1785, Papers of the Shippen Family, VIII, HSP; Edward Burd to James Burd, December 21, 1785, Papers of the Shippen Family, VIII, HSP.
The Treaty of Paris recognized American Independence in 1783, but for a time the new nation remained politically and economically unsettled, partly because of the war and the political changes brought by the change in government. In the opening months of independence, revolutionists in Pennsylvania enacted the constitution of 1776, a model of radical whiggism, however, one which aroused a decade and more of controversy as conservatives tried to revise or abandon the document.

Some of the disharmony ended in 1789 and 1790 when the national government and later Pennsylvania ratified new constitutions decidedly less radical than earlier ones. Almost as soon as political leaders solved the constitutional issues new debates began when Republicans and Federalists supported opposing sides in the French Revolution. Throughout the controversies Edward Shippen continued the role he had chosen in 1776, that of a non-participant.

Shippen objected to the state constitution of 1776 and, along with many members of the Pennsylvania bar, refused at first to take an oath pledging his loyalty to the state, believing it inimical to revising the document. In
1778 he and most other conservative attorneys finally signed the loyalty oath and returned to law practice when they realized that a revision of the new constitution was not imminent.

In the fall of 1787 county commissioners acted as hosts to Shippen, then judge of the court of appeals, and a number of other prominent Philadelphians at a dinner in celebration of the "raising" of the new county courthouse. As they ate and talked, one subject of their conversation was, undoubtedly, the newly-proposed national constitution which had been offered to the state legislatures only two weeks earlier. Delegates from the states had laboriously written the controversial document while spending most of the uncomfortable summer in Philadelphia.¹

Shippen's conservative temperament, political philosophy, and his recent economic problems put him within the ranks of those who favored the new government, although he made no public statements concerning the constitution. Other family members, however, were less reticent. Jasper Yeates attended the latter part of Pennsylvania's ratifying convention which agreed to the new national government by a margin of two to one. He contributed to the convention's discussions, and by keeping personal notes of convention

business, he fulfilled a role similar to that of James Madison at the national convention.²

The most outspoken proponent within the family of the new frame of government was Edward Shippen's strongly partisan nephew, John Shippen. Young Shippen severely condemned anti-Federalists who argued against the proposed constitution, and he became belligerent after reading of the occurrence of a disturbance in Philadelphia when Federalists attempted to celebrate the state's ratification of the document. He praised James Wilson for his "reasonable & judicious Reply" to the "Bludgeon bearing company" and savagely denounced those who objected to the constitution. Shippen bitterly cursed the anti-Federalists with "not a corporeal, but a mortal punishment; that they may be brought to a Sense of their Foolishness; that they may hide their Faces with Shame at the Thoughts of their Madness."³

In June, Philadelphia Federalists met at Eppley's Tavern to plan a city-wide celebration when the ninth and deciding state ratified the document. On July 4, with Edward Shippen and one of his former law students, Attorney General William Bradford, leading the "gentlemen of the bar," a parade opened the day-long celebration. The parade


³. John Shippen to Joseph Shippen, Jr., January 3, 1788, Papers of the Shippen Family, Box 1, HSP.
wound its way from South and Third Streets over a three mile course to William Hamilton's Bush Hill estate where the participants arrived about noon. Almost ninety floats and marching groups representing such diverse organizations and subjects as trade associations, the Federal Constitution, the French alliance, and the Pennsylvania Society of Cincinnati took part in the three hour parade. At Bush Hill James Wilson, a former member of the federal constitutional convention, addressed a crowd of an estimated seventeen thousand with "an eloquent oration" before the celebrants ate a late afternoon lunch. Illumination of a harbor ship, the Rising Sun, during the evening climaxed the day-long festivities.4

With radicalism waning, anti-constitutionalists won control of the Pennsylvania Assembly and called for a convention to modify the constitution of 1776. James Wilson

and Thomas McKean led the conservatives desiring to modify or abandon the document. William Findley who sat on the Council of Censors reviewing the state constitution since 1783 and Albert Gallatin, new to Pennsylvania politics but later to serve as Thomas Jefferson's secretary of the treasury, served as leaders of the Constitutionalists.

The controversy over the oath, like a number of earlier political issues, by this time had become largely irrelevant. Consequently the convention met in surprisingly harmonious sessions until February 26, 1790. Before adjourning to meet in August, the delegates ordered the proposed constitution printed and publicized during the summer. A second session of the convention quietly adopted the document in early September, 1790, after publicity failed to elicit wide-spread public excitement.\(^5\)

In the 1790 fall elections, the first held under the new state government, voters overwhelmingly elected gubernatorial candidate Thomas Mifflin. Mifflin, the last president of the Supreme Executive Council and formerly chairman of the state's constitutional convention, soundly defeated Arthur St. Clair, governor of the Northwest Territory, by a ratio of almost ten to one. The election continued the

harmony shown in the convention. Conservatives who later played leading roles as Federalists supported both candidates, although several of Mifflin's partisans earlier figured prominently as Anti-constitutionalists. Robert Morris, George Clymer, Benjamin Rush, and James Wilson were among the supporters of St. Clair, whereas Philadelphia merchants Charles Biddle and William Bingham aided Mifflin. Edward Shippen, although no political enemy of either candidate, gave his own allegiance to Mifflin's faction.

Governor Mifflin appointed moderates to offices, an easier task after adoption of the new constitution brought a period of harmony. In the politically peaceful interlude before politics of the national government polarized Pennsylvania; the state's voters were remarkably unified in thought. The year following Mifflin's victory over St. Clair, voters elected Federalist candidates to Congress and the state legislature by large majorities.6

Two of Mifflin's appointees were Edward Shippen and Jasper Yeates, both of whom the governor elevated to the state supreme court. In the complicated shifting of offices, Shippen resigned his commission as judge of the court of common pleas to fill the supreme court seat vacated by the death of George Bryan. Shippen's former prothonotary, James Biddle, became judge of the court of common pleas and his

6. Tinkcom, Republicans and Federalists, pp. 40, 47.
brother, Charles Biddle, receive the office of prothonotary.  

Five months later Jasper Yeates, Shippen's nephew by marriage, joined the court when Mifflin appointed him to the judgeship formerly held by Jacob Rush, brother of Benjamin Rush. When Yeates accepted the commission he joined another former Shippen law student, former attorney general William Bradford, on the high bench. Edward Burd, also a Shippen student, had been prothonotary of the court since 1778.  

Despite his political debt to Governor Mifflin, Shippen still refrained from participating actively in politics, an easy task for in the early 1790's party alignment in Pennsylvania had not as yet crystallized. Mifflin, governor until 1799, and his secretary Alexander Dallas, were in large part responsible for slowing political polarization when they chose a middle path between conservative Federalists and radical Republicans, choosing instead moderates of both groups. The legislature remained securely in Federalist hands, but Mifflin prevented party leaders 

7. Edward Shippen, Jr. to the President and the Supreme Executive Council, November 20, 1786, Pennsylvania Archives, Ser. 1, II, 91; Edward Shippen, Jr. to Joseph Shippen, Jr., October 2, 1785, Papers of the Shippen Family, VIII, HSP; Pennsylvania Archives, Ser. 9, I, 23-25; Colonial Records, XIV, 207.  

8. Colonial Records, XI, 566; Edward Shippen, Jr. to Jasper Yeates, March 22, 1791, Papers of the Shippen Family, XIII, HSP.
from taking full advantage of their position by refusing to make partisan appointments. 9

Ratification of the federal constitution hardly passed before foreign developments brought new internal discord. Ideologies similar to those which spawned American independence stirred the French to a civil war which many hoped would obtain social and political justice. Americans observed the rapidly moving French Revolution with mixed feelings. Members of the fledgling Jeffersonian-Republican party hailed the early years of the war as a natural extension of their own American experiment in self-government. The Federalists, however, strongly condemned the war's bloody excesses and its radicalism. In reaction to the ideological threat Federalists prepared their own philosophical and political defenses, fearing that foreign ideas might infect and pervert American institutions.

The Shippens were also apprehensive of France's political moves on the Continent. During the early years of the French Revolution, Peggy Arnold watched from across the English Channel and feared that England might also succumb to radicalism. In letters to Peggy her father tried to encourage her. Commenting on English conditions, he noted that "we in this Country, having a Republican cast, are apt to suppose there are many abuses in England, which

call for a Reformation," but he believed moderation the proper avenue to significant political change. Reforms were necessary in England, but "surely it is wiser to submit to those abuses for a time, than to risque a total Overthrow of the Edifice, by too sudden an Attempt to repair the rotten parts of it." Despite America's separation from Britain, Shippen's admiration for the institutions that had made England great were undimmed.¹⁰

Even while Shippen attempted to reassure his daughter political events in the United States gave him reason for uneasiness. Edmond Genet, representative of the revolutionary French government, toured the United States where he was met by large boisterous crowds. The winsome Genet arrived in Charleston, South Carolina, during the first week of April, 1793, but not until five weeks later did he meet with President Washington, and then only after having won many American supporters during his tour. The evening after Genet's reception with the President, Governor Thomas Mifflin, David Rittenhouse, Alexander Dallas, Johnathan Sergeant, and other Pennsylvanians who had drifted toward the Republican party feted the French diplomat.¹¹


¹¹ Alexander James Dallas (1759-1817), lawyer and later secretary of the treasury, immigrated to Philadelphia in 1783 where he soon began to practice law. In 1791 Governor Thomas Mifflin appointed Dallas secretary of the Commonwealth, an office he kept through Mifflin's
Genet's enthusiastic reception in America disturbed Federalist Philadelphia. To their relief the episode ended almost as quickly as it began when President Washington requested France to recall her envoy for violating American neutrality. When a new French government ordered Genet home to face political charges, he became disenchanted with the revolutionary regime and requested permission to remain in the United States. Before the affair ended Genet had alienated even strong Jeffersonians; however, the French Revolution remained an irritant in relations between Federalists and Jeffersonian Republicans for several years.  

In 1793, while the Genet dispute occupied the political arena, death touched the Shippen family when an epidemic of yellow fever struck the hot, humid city. Thomas Lea, husband of the last of the Shippen daughters to marry, was one of its victims. Seven years earlier Sarah Shippen had wed Lea, "a Merchant from Dublin [Ireland] of very good Character & in an excellent Way of Business" only to become an early widow. Following her husband's death Sarah Lea and


12. Tinkcom, Republicans and Federalists, pp. 76-78.
her young children moved into her father's Fourth Street home. The next summer Margaret, Edward Shippen's wife of over forty years died unexpectedly while he travelled the judicial circuit. When Shippen left Philadelphia on his legal tour his wife appeared in better health than she had been for some time. After the death of his wife, Shippen continued to live with his widowed daughter and her children.\(^{13}\)

Peggy, the youngest, had returned to England after several years living in New Brunswick, Nova Scotia; Betsy and Edward Burd lived in Philadelphia; and Molly and her husband, Dr. William McIlvaine, had moved to nearby Bristol soon after their marriage. Of his three sons, only Edward, married to Betsy Footman and living in Philadelphia, survived. James Francis died in 1785, the year following a visit to his uncle to overcome his "gloominess." A third son, four years old, had succumbed to illness in 1769.\(^{14}\)

Shippen's only surviving son, Edward, troubled his father for he appeared destined for failure. His frequent failures loomed all the larger when contrasted with the success of his brother-in-law, Edward Burd. A debt of £752

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\(^{13}\) Edward Shippen, Jr. to Margaret Arnold, December 24, 1793, Walker, "Margaret Shippen," XXVI (1902), 75-76; Edward Burd to James Burd, October 12, 1787, Papers of the Shippen Family, VIII, HSP.

\(^{14}\) Edward Shippen, Jr. to Margaret Arnold, June 29, 1794, Walker, "Margaret Shippen," XXVI (1902), 76.
owed his brother-in-law, Benedict Arnold, hung for years like a financial millstone about young Shippen's neck. In 1788 his father received a request from Arnold that he encourage his son to pay the debt. Arnold, however, failed to understand his brother-in-law's almost destitute financial condition or he hoped the elder Shippen would agree to pay the obligation. The older Shippen declined to pay the debt and secured his son's promise to give the Arnolds a bond of £752 sterling for the sole use of Peggy and her children. Should his son fail to honor the bond, Shippen promised to deduct the amount from Edward's inheritance and reimburse Peggy. The Arnolds objected to this but, knowing of no alternative, they accepted the offer. The financial arrangement collapsed when young Shippen could not even pay interest upon the bond and his father, after further thought, refused to insure the note. For years the debt remained a source of irritation within the family.15

A year and a half after Arnold's request for payment from his brother-in-law, Peggy visited Philadelphia for the first time since leaving the state in 1780. Peggy, then twenty-nine years old, remained in Philadelphia during the winter and until April, 1790, but the coolness of many of

15. Benedict Arnold to Edward Shippen, Jr., May 24, 1788, Charles Pelham Greenough Fuller Collection, Harvard College Library, hereafter HCL; Edward Shippen, Jr. to Margaret Arnold, July 14, 1788, Charles Pelham Greenough Fuller Collection, HCL.
her friends made her realize how wide a gulf remained between them. Later she commented "how difficult is it to know what will contribute to our happiness in this life; I had [thought?] that by paying my beloved friends a last visit I should ensure to myself some portion of it, but I find it far otherwise." Many Philadelphians accepted conscientious objectors, radicals, moderates, and conservatives, but even ten years after the event they found it difficult to accept one so close to treason. 16

During Peggy's visit to Philadelphia her brother continued to suffer financially in nearby Montgomery County. Edward Shippen had lost patience with his son's irresponsible actions and decided simply to ignore him. Young Shippen wrote his father twice during Peggy's visit, but he failed to receive an answer either time. Shortly before Peggy left Philadelphia, apparently without seeing her brother, young Shippen turned desperately to Edward Burd for help.

His letter to Burd revealed a pathetic state of affairs. Shippen lived on a small farm while he practiced medicine, but he could not financially sustain his family. His practice was not prosperous enough to permit him to own

16. Edward Burd to James Burd, April 30, 1789, Balch, Letters and Papers, p. 291; Edward Burd to Joseph Shippen, Jr., April 30, 1789, Papers of the Shippen Family, VIII, HSP; Pennsylvania Gazette, April 22, 1789; Peggy Arnold to Elizabeth Shippen Burd, July 5, 1790, Balch Papers, Shippen, II, HSP.
a horse. There were no other physicians within the area; his patients simply could not afford to pay for his services. He sharecropped the previous year, but after paying the owner he received only twenty bushels of wheat for his part of fifteen acres. It was almost time to plant spring crops again, but Shippen hesitated plowing for he hoped his father would help him move to a more prosperous area. In desperation, he believed himself wholly dependent on his father.17

Once again Edward Shippen felt compelled to aid his son and the young doctor soon moved to Burlington, New Jersey, where he resumed his medical practice. At the time, his father had financial problems also, but there is little doubt he could have financially helped his son if he chose, if only to allow him to farm some of the Shippen lands. The older Shippen never lived extravagantly, but as the master of two slaves, he lived comfortably from the salary of his judgeships and profits from sales and leases of land. Edward Shippen hoped that a period of seeming neglect might encourage his son to great diligence.18

After Peggy Arnold returned home she requested her father's help in investing money belonging to her children.

17. Edward Shippen, III to Edward Burd, March 12, 1790, Burd-Shippen-Hubley Papers, HSP.

She could purchase English bonds offering a maximum of six per cent, but she hoped her father could invest it for a higher return in Philadelphia. Peggy failed to mention it, but she may have also feared her husband would suggest alternate possibilities; Arnold frequently suffered financial reverses from his speculations and flamboyant living. Soon after receiving his daughter's letter, Shippen drew upon her London bankers for £2000 in bills of exchange, most of which he invested in Bank of North America stock. Until her death in 1805 Peggy drew upon the interest from her Philadelphia investments, often faster than it accumulated. 19

Before his son called upon him for financial assistance in 1788, Shippen had been pressed for money to pay high, and sometimes delinquent, taxes on the Shippen properties. In the fall of 1786 Bedford County officials planned to sell a portion of the Shippen tracts for unpaid taxes. The brothers paid some of the outstanding Bedford and Northumberland County taxes, but they experienced difficulty in paying them all when David Rittenhouse, tax receiver, insisted that payments must be made in specie, a medium the Shippens found expensive to obtain. Joseph Shippen later successfully

settled the delinquent taxes by negotiating with the county commissioners for a tax reduction.

Confusion over the status of their lands and poor accounting procedures utilized by the various county treasurers compounded their problems. Frequently, Edward Shippen complained of his inability to know not only to what county they owed taxes, but even in what county they owned lands. In an instance when he knew their Westmoreland County taxes were unpaid, the county treasurer told him he knew only of the delinquents whose names had appeared earlier in the local press, and the Shippen lands had not been listed. 20

Some of the confusion over the Shippen lands dated from the years when Joseph served as provincial secretary and was active in obtaining land warrants in both their names as well as names of other cooperating individuals. At the time, Joseph cared for most of the details involved in acquiring the unimproved lands, but in 1786 he lived at Lancaster and Edward Shippen was responsible for their taxes and sales, although his brother often possessed the necessary legal papers. In the case of the Bedford County lands, 

20. Edward Shippen, Jr. to Joseph Shippen, Jr., September 1, 1786, Balch Papers, Shippen, II, HSP; Edward Shippen, Jr. to Joseph Shippen, Jr., April 15, 1787, Papers of the Shippen Family, VIII, HSP; Edward Shippen, Jr. to Joseph Shippen, Jr., July 12, 1787, Papers of the Shippen Family, VIII HSP; Edward Shippen, Jr. to Joseph Shippen, Jr., November 7, 1787, Papers of the Shippen Family, VIII, HSP.
Joseph in late 1786 sent the papers to Philadelphia for tax settlement. His brother responded with additional questions concerning their taxes in Northumberland, Westmoreland, Fayette, and Washington Counties, "if we have Lands in all those Counties." Despite occasional financial reverses, however, the brothers successfully prevented any of their lands from being sold for delinquent taxes. 21

The nation's economy was in part responsible for the financial problems of the Shippens. In the summer of 1788 when Joseph Shippen returned home after collecting money from his tenants in western Pennsylvania, he complained that no more than a third paid any rent. Those buying land on terms paid little more than interest. Despite the nation's poor economy he reported that the future of Shippensburg, a village established by his father in the 1740's, appeared bright. While in Shippensburg Joseph laid out a new street, "Washington," surveyed sixteen town lots where the new street bisected King Street, and rented two of them. The town appeared destined to thrive largely because of a new wagon road linking it to Pittsburgh farther west. 22

21. Edward Shippen, Jr. to Joseph Shippen, Jr., November 2, 1786, Papers of the Shippen Family, VIII, HSP.

22. Joseph Shippen, Jr. to Edward Shippen, Jr., June 1, 1788, Papers of the Shippen Family, Box 1, HSP; Joseph Shippen, Jr. to Edward Shippen, Jr., May 10, 1789, Papers of the Shippen Family, Box 1, HSP.
The inability of tenants to pay their debts continued to hamper Joseph Shippen in the summer of 1789 when he moved from Lancaster to Chester County. After spending almost a year looking at available properties he bought a farm twenty-three miles from Philadelphia for £1260. He quickly sold his Lancaster store, but because he had been unable to collect rental monies, he borrowed £190 from Jasper Yeates to help make a payment on the farm, cover the cost of purchasing livestock, and pay for moving expenses. 23

Several years later the sale and rental of Shippen lands improved for a short time. Political stability, brought in part by adoption of the federal constitution and increased safety of the frontier areas, encouraged new enthusiasm for land which in turn prompted higher prices and increased sales. In 1794, after a French company announced purchase and anticipated settlement of 160,000 acres of Pennsylvania lands, Edward Shippen talked with John Nicholson, partner with Robert Morris, about the possible purchase of the Shippen properties for a similar speculative investment. Shippen then requested from his brother a list of their Wyoming Valley lands as well as their other tracts and a suggested price of each.

23. Joseph Shippen, Jr. to Edward Shippen, Jr., February 7, 1789, Papers of the Shippen Family, Box 1, HSP; Joseph Shippen, Jr. to Edward Shippen, Jr., May 10, 1789, Papers of the Shippen Family, Box 1, HSP.
When Joseph compiled the list he recorded a wide range of sizes and values. Lands along the Briar Creek, he believed, were good, and should be sold for at least £3 per acre. He also listed three tracts along the Pittsburgh Road and fourteen unsurveyed areas along the Connemaugh, Chest, and Clearfield Creeks. The largest of the fourteen tracts, almost seven thousand acres, was in Luzerne County. The Shippens usually favored money over land and in most cases they willingly sacrificed their properties for about a third of what they usually considered a fair price. When they heard of plans for English and French settlements along the Susquehanna River, however, they became less enthusiastic to sell their tracts for nominal prices. They made no sale to Morris and Nicholson who, in the meantime, invested heavily in land near the new national capitol. Later, in a more successful transaction, the brothers sold a large tract to a Scottish land company.24

Within two years the speculative bubble burst and some land dealers suffered severely. Edward Shippen's colleague, James Wilson, then on the bench of the United States Supreme Court, was one of the more prominent land speculators threatened with bankruptcy. Wilson had continued to obtain warrants for large land tracts despite his

24. Edward Shippen, Jr. to Joseph Shippen, Jr., January 17, 1794, Papers of the Shippen Family, VII, HSP; Joseph Shippen, Jr. to Edward Shippen, Jr., January 25, 1794, Papers of the Shippen Family, Box 1, HSP.
inability to pay for their surveying and patenting. He erroneously assumed he would be able to pay for the warrants from the proceeds of smaller tracts that he sold. Unable to do so, he unsuccessfully attempted to ward off complete bankruptcy by selling a number of warrants on thousands of acres to Edward Burd. Two other speculators facing ruin within the next several years were Robert Morris and John Nicholson, both of whom died penniless and in debt. Given such conditions, the Shippens believed their own best interests lay in selling their tracts whenever possible and investing the proceeds in bank stock.25

The recurring booms and busts of the land market and his son's ever-present financial difficulties were the only serious problems facing Edward Shippen during the 1790's. The conservative trend that developed in the late 1780's gave birth to state and federal constitutions that resulted in a renewed stability of purpose. Shippen profited by the change when Governor Mifflin elevated him to the state supreme court. In some ways the new conservatism brought Shippen the stability and equilibrium that he had not possessed since the proprietary government fell in

25. Edward Shippen, Jr. to Joseph Shippen, Jr., March 26, 1796, Papers of the Shippen Family, VIII, HSP; Joseph Shippen, Jr. to Edward Shippen, Jr., April 15, 1796, Papers of the Shippen Family, Box 1, HSP; Edward Burd to Jasper Yeates, August 4, 1796, Smith, James Wilson, p. 380.
1776. With the exception of his wife's death, Shippen's restrained personal life was a reflection of his legal one.
CHAPTER 10

FINAL ASSAULT

Edward Shippen's legal career, stretching over almost fifty years, culminated in 1799 when he became chief justice of Pennsylvania's supreme court after his colleague, Thomas McKean resigned to become governor. The most dramatic events of his long career occurred later, however, when the elderly chief justice and two of his associate judges became involved in an ideological contest between Federalists and radical Republicans. The radicals believed the Pennsylvania courts anachronisms of the pre-Revolutionary era, "bastions of aristocracy," and dangerous ot the new freedom and liberty of the common man.

Before Edward Shippen reached the apex of his judicial career in the late 1790's, family troubles dominated his thoughts. He worried increasingly over the welfare of his daughter, Peggy Arnold, then living in London. For "many months" she suffered from a "violent attack" in her head that almost proved fatal. Even after her physical health improved, Peggy, never an emotionally stable individual, became distraught over English domestic affairs which she believed followed the continent toward anarchy. The realization that an English upheaval similar to the one
experienced by France would probably end the family's crown pension compounded her fear. Peggy complained bitterly that "to see my Children's rising prospects blasted, would fill me with the utmost anguish."¹

When France's armies, then overrunning much of Europe, threatened to storm the English Channel Edward Shippen expressed fear for his daughter's physical safety. Professing to believe that an invasion would "bring real Calamity on the Invaders only," he betrayed his deep concern over the possibility of Peggy being "buffeted by those Infernal sansculottes." He also dreaded the damage that a Franco-American war might do to the growing economy of his own country. When President Adams began serious preparations for war against France Shippen remembered his earlier experiences during the Revolution and somberly commented that "war is a great Evil & I pray God to defend us all from the direful Effects of it."²

Shippen's fear that his daughter might suffer should an English revolution or foreign invasion materialize proved baseless, but several years later Peggy's health and finances became severely strained when her husband died after

¹ Margaret Arnold to Parents, May 20, 1797, Papers of the Shippen Family, Box 1, HSP.

² Edward Shippen, Jr. to Margaret Arnold, August, 1798, Charles Pelham Greenough Fuller Collection, HCL; Edward Shippen, Jr. to Margaret Arnold, July 16, 1798, Walker, "Margaret Shippen," XXVI (1902), 231.
an illness lasting several months. Benedict Arnold's death in June, 1801, left his widow in a precarious financial position. Shortly before he died Arnold had outfitted a privateer, but the venture, like so many others, collapsed into a nightmare of financial entanglements. Under very difficult conditions Peggy tried to satisfy her husband's almost insatiable creditors. With three of her older sons stationed abroad in the British army, and her young daughter Sophia and a small son with her in London, she turned to her father and to Edward Burd for financial assistance. Shippen had written his daughter earlier that he possessed far more unsold lands than available money, but he began financially assisting Peggy by sending her an annual gift of £100 sterling. 3

In the fall of 1803 several physicians diagnosed Peggy Arnold's "internal complaint" as cancer. Frequently she suffered so severely that she could not think lucidly, although she still went occasionally to the country when close friends made it possible. Her father and sisters tried to persuade her to return to Philadelphia, but Peggy

refused, believing it necessary to remain in England if she was to secure a prominent future for her children.\(^4\)

The following summer Daniel Coxe, Edward Burd's son-in-law, wrote Edward Shippen a confidential letter from London. Coxe was helping Peggy and her children and informed Shippen that his daughter was far sicker than she imagined; only through a miracle could she recover. Coxe expressed his concern for the future of Peggy's young daughter Sophia and her brother, William, who would be orphaned when their mother died. On Peggy's death and with their brothers abroad, the children would lack the financial security and the care they needed. To remedy the problem Coxe suggested that Shippen establish a trust fund for his grandchildren.\(^5\)

In August, even before Coxe's letter reached Philadelphia, Peggy died. After considerable thought Shippen invited his granddaughter to America, but he did not extend a similar invitation to her eight year old brother. Shippen's reluctance to encourage the children to come to America was largely a response to political conditions. By the time of Peggy's death the Federalists

\(^4\) Margaret Arnold to Richard and Henry Arnold, November 5, 1802, ibid., XXV (1901), 481-483; Margaret Arnold to Edward Shippen, Jr., June 2, 1802, Charles Pelham Greenough Fuller Collection, HCL; Margaret Arnold to Edward Shippen, Jr., November 2, 1803, Charles Pelham Greenough Fuller Collection, HCL.

\(^5\) Daniel Coxe to Edward Shippen, Jr., July 5, 1804, Charles Pelham Greenough Fuller Collection, HCL.
had lost in Pennsylvania and most of the other states and radical and moderate Republicans divided over further plans. The radicals, accompanied by vociferous rhetoric, hoped to eliminate all Federalists from government, especially those in the judiciary whom they believed conspired to thwart the democratic results of the Revolution. Only two weeks before his offer of a home for Sophia, Shippen won acquittal in an impeachment trial instigated by radical Republicans. The presence of Benedict Arnold's children in Philadelphia would certainly have aided the radical Republicans. Shippen, however, believed that Sophia would not be "mortified" by the public. Other members of the family thought differently and argued against either of the children coming to Philadelphia.6

Sophia refused to leave her younger brother and graciously declined her grandfather's invitation. Working in their behalf, Daniel Coxe obtained an increase of £100 in the children's pension, but he believed Sophia needed an additional £100 annually. When Peggy died she still had $4800 of her money invested in Pennsylvania bank stock, but because she drew upon the interest faster than it accumulated, she owed her father. Edward Shippen, however, aided

Sophia by sending her the £100 annual gift he had given to her mother for the past several years.\(^7\)

When Shippen did not make the children financially independent, Daniel Coxe secured a home for Sophia with a Mrs. Davis who operated a boarding house for young girls in similar circumstances. James Arnold, the children's twenty-five year old brother, was in Surinam, but he assured Shippen he would help care for the financial needs of his younger sister and would see that William, the "poor little orphan," had the same opportunities as his brothers.\(^8\)

Edward Shippen, despite his advancing age, for years had been in far better health than his daughter. His only health complaint, that of periodic headaches, he blamed on improper eating and attempted to remedy them by a diet consisting almost wholly of milk and vegetables. Occasionally, when the "malignant fever" struck Philadelphia as it did in the summer of 1798, he and his widowed daughter, Sarah Lea, and her children moved to the Shippen retreat at the Falls of Schuylkill as they had years before when the British army threatened the city. They remained at the cottage until cool weather alleviated the fever's threat,

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7. Edward Shippen, Jr. to Daniel Coxe, April 11, 1805, ibid., 332; Daniel Coxe to Edward Shippen, Jr., April 4, 1805, Charles Pelham Greenough Fuller Collection, HCL.

8. James Robertson Arnold to Edward Shippen, Jr., May 23, 1806, Charles Pelham Greenough Fuller Collection, HCL.
but because Edward Burd's family lived close by conditions were pleasant. At the time, Joseph Galloway Shippen, son of Joseph Shippen and now a medical doctor, treated the ill and protected the healthy during the epidemic. As part of a city-wide prevention program Dr. Shippen innoculated all indigents within the southwest portion of Philadelphia.9

Fortunately, Shippen's age did not seriously impair his health for in 1799 he became Pennsylvania's highest judicial officer. Shippen, then sixty-nine years old, welcomed the opportunity to become chief justice of the state supreme court with its prestige and increased salary, but he did not believe it "prudent" to hold the office for any length of time, "even if Providence" should prolong his life. He knew that the increased workload might damage his mental faculties or his physical health. He especially feared the infirmities of mind that old age often brings. His fear proved baseless for he continued to show the same good health and alertness of mind that his father had shown until the last few months before his death. In Shippen's case the extra work of the high judgeship caused few real

9. Edward Shippen, Jr. to Margaret Arnold, January 20, 1796, Walker, "Margaret Shippen," XXVI (1902), 224; Margaret Arnold to Edward Shippen, Jr., May 2, 1796, Charles Pelham Greenough Fuller Collection, HCL; Edward Shippen, Jr., to Margaret Arnold, August, 1796, Charles Pelham Greenough Fuller Collection, HCL; Scharf and Westcott, History of Philadelphia, I, 586.
health problems, and three years after his appointment he still rode the judicial circuit with his associate judges.\textsuperscript{10}

Governor McKean appointed Edward Shippen to the chief justice seat that he himself had vacated. In his election McKean, a moderate Republican, used the polarization of his own party's Jeffersonian French sympathizers and the British-leaning Federalists to good advantage by branding his opponents in both parties as "traitors, tories, French Aristocrats, British agents and British subjects, and their corrupt dependents, together with not a few apostate whigs."

Republican supporters, long deprived of political appointments, quickly deluged McKean with requests for state jobs. The new governor, however, used his power of patronage more discriminately than some of his more radical supporters hoped. He discharged some Federalist officeholders to provide opportunities for job-hungry Republicans, but over the objections of radicals he also appointed or promoted qualified Federalists, among them Edward Shippen.

The new governor had served with Shippen on the high bench for several years, and he held a high opinion of his appointee's ability. To fill Shippen's position as associate judge, McKean chose Hugh Henry Brackenridge from Pittsburgh.

\textsuperscript{10} Edward Shippen, Jr. to Margaret Arnold, December 30, 1799, Walker, "Margaret Shippen," XXVI (1902), 236; Edward Shippen, Jr. to Jasper Yeates and Hugh Henry Brackenridge, June 9, 1802, Balch Papers, Shippen, II, HSP.
Shippen was a Federalist, but Brackenridge was a vocal Republican who later worked to strengthen the moderate Jeffersonians in western Pennsylvania. Having participated with the old proprietary government as early as the 1750's, Shippen constituted a link with the elitist past, whereas Brackenridge symbolized the new democratic forces then gathering momentum under Jefferson. 11

Soon after the 1799 elections the radical wing of the Republican party began a political assault on the federal and state judiciaries, both largely composed of Federalists. William Duane, successor of Benjamin Franklin Bache as editor of the Philadelphia Aurora, and Dr. Michael Leib, newly elected to Congress, led attacks against the courts which they condemned as unresponsive to the needs of

11. Hugh Henry Brackenridge (1748-1816), dramatist, author, and jurist was brought from Scotland at age five by his destitute family. He was an ardent student and a classmate of James Madison and Philip Freneau at Princeton before he joined the American forces as a chaplain during the Revolution. During the war he wrote several plays dramatizing the American cause. Later he left the ministry to study law with Samuel Chase. After leaving Chase's tutorage, in 1781 Brackenridge moved to Pittsburgh and began a legal career, but he never completely abandoned his writing. Governor Thomas McKean rewarded Brackenridge's efforts to organize Republicans in western Pennsylvania by commissioning him a supreme court justice. Claude C. Newlin, "Hugh Henry Brackenridge," DAB, I, pt. 2, 544-545; Tinkcom, Republicans and Federalists, pp. 263-268; James H. Peeling, "Governor McKean and the Pennsylvania Jacobins, 1799-1808," PMHB, LIV (1930), 323-325; Pennsylvania Archives, Ser. 9, III, 1576; Lloyd, Early Courts, p. 141; Daniel Marder, Hugh Henry Brackenridge (New York: Twayne Publishers, Inc., 1967), p. 13.
the ordinary citizen. They also criticized the professional bar which, they claimed, used the common law to make justice too expensive and too complicated for the average person. By expanding the jurisdiction of the justices of the peace at the expense of the higher courts, Duane and Leib argued that justice would be administered more cheaply and better meet the needs of the common people. Beneath the profuse rhetoric of the radical Republicans lay a deep ideological mistrust of judges in the higher judiciary who, they believed, represented an entrenched aristocracy thriving on the misfortunes of the many. Both Duane and Leib opposed McKean's nomination, but later supported him in his successful bid for the governorship. They again turned against McKean when he vetoed legislative bills that would have expanded the lay-dominated lower courts at the expense of the higher courts controlled by the professional bar.  

12. William Duane (1760-1835) was a publisher and reporter for the newspapers in India and England before he arrived in Philadelphia after the Revolution. As an associate of Benjamin Franklin Bache, he succeeded him in the editorship of the Philadelphia Aurora in 1798. Duane was an active Republican who attracted controversy wherever he went. The Adams administration arrested him twice for sedition, but he was never convicted. Because of his vigorous support of Jefferson he moved to Washington, D.C. expecting to become the government's official printer. When a contract was not forthcoming Duane returned to Philadelphia to become a vocal leader of the state's radical Republicans. His vehement writings gradually alienated all but the most extreme Republicans. H. W. Howard Knott, "William Duane," DAB, III, Pt. 1, 468-469; Michael Leib (1760-1822), physician and ardent Republican, was born in Philadelphia of German parentage. Leib studied medicine under Dr. Benjamin Rush and was active in medical
An important victory for the radical Republicans in their effort to remove Federalist judges occurred in January, 1803, with the impeachment and conviction of Judge Alexander Addison, president of the court of common pleas for the western district of Pennsylvania. Addison, a confirmed and at times an obnoxious Federalist, irritated Republicans by his frequent use of the judicial bench as a sounding board for political views. After Addison repeatedly embarrassed his associate judge, John B. Lucas, before a grand jury, Lucas and a large number of his Republican friends petitioned the legislature to impeach Addison. In March, 1802, the House voted impeachment charges, and Addison's trial opened in Lancaster the following January. Alexander Dallas, leader of the state's moderate Republicans, and Joseph McKean, son of Governor McKean, were prosecutors.

After a trial of nine days the Senate convicted Addison by a vote of twenty to four.\textsuperscript{13}

Other incidents added fuel to the judicial controversy. Shortly after Addison's conviction and ouster from office, Edward Burd settled out of court a libel suit against William Duane. The dispute grew from an accusation Duane published in the \textit{Philadelphia Aurora} eighteen months earlier alleging that as prothonotary Burd had been guilty of unfairly selecting juries. The libel suit ended with Duane's apology, but rancor remained over the incident.\textsuperscript{14}

\textsuperscript{13} John Lucas (1758-1842) immigrated to Pennsylvania from France and settled on a farm near Pittsburgh where he began to practice law. He served in the State legislature from 1792 until 1798. In 1794 Lucas became judge of the court of common pleas. Voters in western Pennsylvania elected him to Congress, but he served only a short time before resigning in 1805 to become judge for the northern district of Louisiana. By investing in the potentially rich St. Louis area, Lucas developed a large estate. His private life, however, was less happy; a son was killed in a duel with Thomas Hart Benton. Melvin J. White, "John Batiste Charles Lucas," \textit{DAB}, VI, pt. 1, 485-486; Joseph McKeen (1764-1826) graduated from the University of Pennsylvania in 1782, studied law, and was admitted to the bar in 1785. When his father was elected governor, he appointed Joseph attorney general, an office he held for eight years, 1800-1808. Joseph McKeen was very active in promoting the coalition moderate Republican-Federalist group that supported his father. From 1817 until his death, McKeen served as judge of various state and county courts. James H. Peeling, "Joseph Borden McKeen," \textit{DAB}, VI, pt. 2, 77-78; \textit{Philadelphia Aurora}, March 13, 1802; January 6, 29, 1803; Ellis, \textit{The Jeffersonian Crisis}, p. 165.

\textsuperscript{14} \textit{Philadelphia Aurora}, April 4, 1803.
Judge Addison's intemperate behavior caused moderate Republicans and even some Federalists to support his removal, but radicals hoped for a wholesale removal of all Federalist judges. Their next opportunity came a month after Addison's conviction when Thomas Passmore, a Philadelphia shipper and tin goods manufacturer, submitted a petition to the legislature accusing the state supreme court of imprisoning him illegally and requesting the House of Representatives to determine whether impeachment charges should be initiated against Chief Justice Edward Shippen and Associate Judges Jasper Yeates and Thomas Smith.

Passmore's accusation resulted from a maritime incident the previous year in which he insured a merchant ship with a group of underwriters, including Andrew Pettit, a close relative of Governor McKean, and former congressman Andrew Bayard. When a controversial loss occurred Pettit and Bayard refused to pay their share of the claim even though the remaining insurers agreed to do so. The other underwriters then withdrew their own offers of compensation. Passmore secured a court writ of execution against the two insurers after a board of arbitration decided against them. Before the writ was executed, however, Pettit and Bayard claimed the award was too high and filed exceptions to the
decision of the arbitration board in the state supreme court.¹⁵

On September 8, 1802, Passmore, "in the fervor of momentary resentment," put on paper his thoughts concerning the two underwriters and posted the notice on a bulletin board at the Coffee House. The tavern-keeper saw the intemperate note, removed it, and gave it to Andrew Bayard. In the notice Passmore accused the two insurers of refusing to pay their debts and persuading others to do likewise. He also condemned Bayard as "a leir [sic], a raschal, and a coward."¹⁶

In retaliation Alexander Dallas, Bayard's attorney, requested Shippen's court to hold Passmore in contempt for allegedly attempting to influence the supreme court. On December 16 Passmore appeared before Shippen's court and argued that because the underwriters' exception had not been filed within the statuatory limitations there had been no case pending. He also denied any intention of trying to influence the court. Edward Shippen and his associate


¹⁶. Hamilton, Trial of Edward Shippen, pp. 5-8, 11.
judges, Jasper Yeates and Thomas Smith, ordered Passmore to apologize to Bayard for the incident. Passmore refused, insisting the court exceeded its authority by such a demand. In late December the judges declared him guilty of contempt and sentenced him to a fine of $50.00 and a jail term of thirty days. Soon after serving his sentence Passmore submitted his petition to the legislature. Before it could be acted on, however, the session ended.17

In January of the following year, 1804, while the Philadelphia Aurora continued to denounce Passmore's imprisonment as "arbitrary and wanton," the petition came before the House. After a committee heard testimony from Passmore and his supporters on March 16 the House agreed fifty-seven to fourteen to file impeachment charges against the three judges.18

The radical Republicans believed an impeachment of the supreme court judges an ideal test for their own views. The three justices were Federalists, leaders of the Pennsylvania bar, and, in the opinion of Duane and Leib, had used their contempt power arbitrarily. Indeed, because contempt powers were derived from English common law rather

17. Ibid., pp. 9-11; Philadelphia Aurora, March 14, 21, 1803; January 12, 1804; Ellis, The Jeffersonian Crisis, pp. 165-166.

than legislative law, many radicals believed the courts assumed them unconstitutionally.\textsuperscript{19}

The three justices began their defense by submitting a memorial and requesting its insertion into the legislative record. At first House members agreed, but later reversed themselves because of action by the only judge of the high court not involved in the controversy, Hugh Henry Brackenridge. Brackenridge, a Republican, had been out of Philadelphia during most of Passmore's trial, but he stirred up a political tempest by supporting his Federalist colleagues. In a letter to the House he defended the three judges and insisted upon being included among the defendants. House members angrily rejected Brackenridge's demand. Two weeks later, however, both houses passed by two-thirds vote a memorial requesting Governor McKean to remove Brackenridge from office. McKean, a champion of judicial independence and the professional bar, supported his former associates and refused to concur with the request.\textsuperscript{20}

On Monday, January 7, 1805, almost two years after Passmore's petition, the trial of the supreme court justices began with Senate Speaker Robert Whitelaw presiding. Shippen and his associate judges retained Alexander Dallas, the moderate Republican who had prosecuted Judge Addison.

\textsuperscript{19} Ellis, \textit{The Jeffersonian Crisis}, pp. 176-177.

Dallas was assisted by Jared Ingersoll, Jr., son of the vice-admiralty judge whose maritime jurisdiction virtually eliminated the need for Shippen's court before the American Revolution. Prosecutors were Nathaniel Boileau, who helped prepare impeachment charges against Judge Addison, and Caesar Rodney of Delaware. A year before Rodney served as manager of a United States House of Representatives committee that successfully prosecuted John Pickering, federal district judge for New Hampshire, on impeachment charges. Conditions surrounding the Pickering trial, however, were much different. Pickering had a long record of incompetence, alcoholism, and insanity. Jefferson and moderate Republicans reluctantly agreed to impeachment proceedings against the judge when he refused to resign and a trial appeared the only way to remove him.  

21. Caesar August Rodney (1772-1824) graduated from the University of Pennsylvania in 1789 and began studying law under Joseph McKean. He served at various times in the Delaware legislature, both houses of Congress, and as minister plenipotentiary to Argentina. A staunch Republican, he also acted as attorney general in the administrations of Jefferson and Madison. George H. Ryden, "Caesar Augustus Rodney," DAB, VIII, pt. 2, 82-83; Jared Ingersoll, Jr. (1749-1822) studied law in England during the early years of the Revolution. When he returned to Philadelphia in 1778 he began law practice with Joseph Reed. His legal abilities proved exceptional and he quickly rose to prominence. At various times he served as a delegate to Congress, attended the Federal Convention of 1787, acted as attorney general for Pennsylvania, and for a short time he was United States district attorney for Pennsylvania. Although a Federalist, he took little part in politics. Witt Bowden, "Jared Ingersoll," DAB, V, pt. 1, 468-469; Robert Whitehill (1738-1813), an ardent whig during the Revolution, remained radical throughout his life. He vehemently defended the
The prosecution of the supreme court judges soon revealed that the proceedings were an aggressive attack on the state's judiciary by radical Republicans in addition to a simple question of the court's powers. Arguing extensively from the Declaration of Independence and Pennsylvania's radical constitution of 1776, Boileau expressed faith that the Senate would "vindicate those rights" which Americans won in the Revolution. Special counsel Caesar Rodney followed, but unlike his collaborator kept to the narrower confines of the case by calling Passmore to testify and through him tracing the case from its beginning in 1802.22

The first evening when Shippen and Yeates sent Edward Burd a list of defense witnesses, they both exhibited considerable confidence. "Upon the whole," Shippen wrote, "we have not the least reason to be discouraged. I am much mistaken if the Majority of the Senate will not prove favorable to our Cause"; however, he carefully added, "but

Pennsylvania constitution of 1776 and while in the Assembly in 1787 fought adoption of the federal constitution. He objected to the state constitution of 1790 because of its strong executive and independent judiciary. From 1805 until his death he served in Congress where he introduced bills and amendments designed to limit judicial tenure to a term of years, provide for a simple majority vote in impeachment trials, and make judges removable by the president on joint request of both houses. James H. Peeling, "Robert Whitehill," DAB, X, pt. 2, 131-132; Hamilton, Trial of Edward Shippen, pp. 33-35.

as yet no certain Judgement can be formed." Yeates then added a short witty note to bolster the morale of Shippen's two daughters, Betsy Burd and Sarah Lea. Comparing the trial to a formal ball, Yeates noted that Boileau "did not cut a good Cottilion Step. . . . Passmore then cut in & made some sociable good Steps, but Alas; he exceeded the Bounds of all sober Probability, in some of his Steps." Confidently Yeates promised that "we shall give him a Tumble." 23

When the prosecution rested its case, Alexander Dallas began his defense of the judges. He first denied statements made earlier by Boileau that House members found the Pennsylvania bar uncooperative in prosecuting the trial. Actually, he insisted, the House had made no real attempt to secure representation. He also answered the ideological attacks of the prosecution. Referring to the prosecutor's insistence that the state's electorate would hold the Senate members personally responsible should they acquit the judges, Dallas denied that such was the case. Implicit within this dispute was the question of whether governmental bodies were democratic ones fully responsive to the changing opinions of voters as radical Republicans insisted. Moderate Republicans and Federalists believed the government a republic in which voters elected representatives to study

23. Edward Shippen and Jasper Yeates to Edward Burd, January 8, 1805, Papers of the Shippen Family, Box 1, HSP.
issues and act in their behalf. Dallas then began attempts to show that Passmore did, indeed, deserve the contempt citation he received. 24

For the next several days Dallas called various defense witnesses to collaborate his claim that the supreme court had dealt fairly with Passmore. Citing Blackstone, Jefferson, the state constitution of 1776, the United States Bill of Rights, and his own compilation of Pennsylvania law, Dallas tried to show that contempt citations were within the power and scope of the state supreme court. Should the Senate accept Dallas' views on the court's contempt powers it would be tantamount to accepting the English common law on which the powers were based. The radicals were loathe to recognize the common law for its use necessitated a professionally trained bar. 25

On Saturday, January 19, almost two weeks after the trial began Boileau reiterated his claim that the judiciary and the state's bar actively engaged in a conspiracy against the legislature and indirectly the sovereignty of the people. He denied, however, that the House committee allowed the

24. "A Friend of Justice" claimed that the legislature asked only six of the state's two hundred fifty attorneys to serve the House prosecutors. All six refused, five with good reason. Philadelphia Aurora, February 11, 1805; Hamilton, Trial of Edward Shippen, pp. 124-125.

threat of a conspiracy to "prejudice" their minds or "rankle" their hearts. Instead he claimed to see in the bar's alleged attempt to thwart justice "as nothing but the black vomit of an expiring faction, and a set of harpies sickening at the thoughts of the liberties of the people being rescued from their talon." Boileau claimed Judge Brackenridge's insistence to be included among the defendants was additional proof of conspiracy. 26

Throughout Boileau's arguments he attempted to convince the Senate that the court's power threatened the democratic rights of individuals. The "sovereign people," he warned, selected members of the legislature to be "guardians of their rights and liberties" and would hold them accountable for their stand in the impeachment trial. In response to Dallas' extensive use of documented precedents, the prosecution manager urged the court "not to establish a precedent which will ruin the liberties of your country. . . . I request you to look at enslaved Europe." Speaking of revolutionary France, he reminded the Senate that "the Bastille was not built in one day; the stones are laid one day after another; tyranny progresses insensibly." Boileau warned that "if [contempt] proceedings of this kind are sanctioned, a man without knowing the cause of his punishment, may be torn from the bosom of his family and

immured in a prison." Before such precedents could become irreparable, the legislature should "check it in its bud" lest tyranny should "blossom and ripen into maturity."27

Caesar Rodney followed Boileau and delved into the question of whether the state supreme court possessed jurisdiction to declare one in contempt. If not, did the court's action in imprisoning Passmore constitute a misdemeanor, and if so, was the contempt order grounds for impeachment? Before concluding his arguments Rodney expressed hope that the court would resist the temptation to follow political expediency. The Senate, he asserted, should "judge impartially, and decide, as justice would herself, upon argument, fact and law."28

When the court convened on Saturday, January 26, Senator William Reed called for an adjournment until noon Monday. During the one day recess the Senate decided its verdict. On Monday morning, immediately after convening Judge Whitehill ordered that a vote be taken on the impeachment charges. The Senate voted thirteen to eleven for conviction. Lacking a two-thirds majority, the impeachment charges failed.29

27. Ibid., pp. 313, 328-332.
29. Ibid., pp. 471-491.
Despite Rodney's plea that the Senate reach its decision on the basis of law and not of politics, the proceedings strongly suggested political partisanship, a fact the radical-oriented *Philadelphia Aurora* vigorously denied. The trial was a test of differing political philosophies; the dispute simply mirrored current Pennsylvania debate. Problems of slow legal adjudication, differing ideas concerning the independence of the judiciary, the validity of the common law, and a general suspicion of trained lawyers and jurists, especially Federalist ones, had been argued in the legislature and in the press for some time and would continue. The impeachment trials of Judges Shippen, Yeates, and Smith provided an opportunity for radical Republicans to challenge an allegedly covert reactionary conspiracy by the Federalist Judiciary.\(^{30}\)

After the Shippen trial public attention turned to another impeachment trial, that of United States Supreme Court Justice Samuel Chase, with Caesar Rodney again serving as a prosecutor. As in Shippen's trial the accusations were largely political, but because they involved a federal supreme court judge, Chase's trial

\(^{30}\) The *Philadelphia Aurora* editorialized that the impeachment trial would determine if the principles of the 1776 Revolution would rule the courts or "the dark, arbitrary, unwritten, incoherent, cruel, inconsistent, and contradictory maxims of the common law of England," January 12, 23, February 1, 3, 1804; January 14, 16, 24, 30, 1805.
served as a larger arena for the conflicting ideological concepts. The outcome of the Shippen trial must certainly have encouraged Chase and Chief Justice John Marshall, who had long insisted on judicial independence.  

Always one to find political wrangling distasteful, Judge Shippen could hardly rejoice over his trial. Although vindicated, the struggle over differing party ideology had taken an emotional toll from the old chief justice. He continued to participate in the activities of the court for the remainder of the year, but his age, ill health, and the bitterness of the past two years combined to make retirement necessary. On January 1, 1806, Shippen resigned his judgeship. The following day Edward Burd submitted his own resignation as prothonotary of the state supreme court.

Four months after Shippen's resignation he died at his home. The members of the Philadelphia bar, each wearing black crepe around his arm as a memorial to the long-time Pennsylvania jurist, accompanied his remains to their burial place at Christ Church Burying Ground. After four generations the prominence of the Shippen family in colonial and revolutionary Pennsylvania had ended.

32. Pennsylvania Archives, Ser. 9, III, 2200, 2202-2203.
APPENDIX A

SUMMARY OF THE SHIPPEN FAMILY,
1639-1848
Summary of the Shippen Family, 1639-1848

- Edward Shippen (1639 - 1712)
- Elizabeth Shippen (1640 - 1712)
- Joseph Shippen (1722 - 1777)
- Sarah Shippen (1724 - 1777)
- Esther Shippen (1730 - 1777)
- John Shippen (1733 - 1793)
- Mary Shippen (1738 - 1793)
- Peter Shippen (1740 - 1810)
- Charles Shippen (1742 - 1805)
- Mary Shippen (1744 - 1805)
- Edward Shippen (1746 - 1833)
- Elizabeth Shippen (1748 - 1833)
- Sarah Shippen (1750 - 1793)
- Thomas Lee (1752 - 1793)
- Dr. William Shippen (1755 - 1836)
- Alice Lee (1757 - 1836)
- Dr. William Shippen (1758 - 1836)
- James Shippen (1760 - 1820)
- Thomas Shippen (1762 - 1810)
- John Shippen (1764 - 1820)
- Charles Shippen (1766 - 1820)
- Charles Shippen (1768 - 1820)
- Elizabeth Shippen (1770 - 1830)
- Margaret Shippen (1772 - 1832)
- Benedict Arnold (1745 - 1801)
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