

**Delaware Tercentenary
Publications**

DELAWARE—

The First State in the Union

DELAWARE—

The First State in the Union

By
GEORGE H. RYDEN



Published by
Delaware Tercentenary Commission
Wilmington, Delaware
1938



Copyright 1938

PREFATORY NOTE

It was inauguration day in Washington, and the great parade was coming along Pennsylvania Avenue. When the delegation from the State of Delaware was seen to lead the van of state representatives, a lady from Virginia was heard to exclaim: "I thought Virginia was the first State in the Union! Was not the first English settlement in America made at Jamestown, Virginia, in 1607? Why should Delaware be first?" The answer that the perturbed lady received will appear somewhere in this treatise.

G. H. R.

University of Delaware
March 29, 1938

PART I

DELAWARE AND THE ANNAPOLIS CONVENTION

The failure of the Articles of Confederation to provide for a strong government, establish the credit of the United States on a firm basis, as well as make for freedom of trade and navigation among the several States, became especially apparent after the close of the Revolutionary War. Several attempts were made by the Confederation Congress to secure amendments to the Articles, but, since it was necessary for all the States to ratify an amendment before it could become a part of the fundamental law of the land, no amendments were ever adopted. Always some State legislature would oppose a change.

The attitude of the State of Delaware with regard to granting more power to the central government was, however, singularly enlightened and consistent. In the very year of the signing of the treaty of peace, 1783, the General Assembly of Delaware, on June 21, passed an act in response to a resolution of Congress for establishing the credit of the Union, and on the same day it authorized the State's delegates in Congress to ratify a change of part of the eighth article of the Articles of Confederation, which provided "that all charges of war and all other expenses that have been or shall be incurred for the common defense or general welfare" shall be defrayed by the United States "out of a common treasury." Three years later (June, 1786), while the General Assembly was in the midst of electing commissioners to the Annapolis Convention, and drawing up instructions for them, it passed a bill proposing to amend the Articles of Confederation to the extent of investing the Congress of the United States with power to levy duties for a period of fifteen years upon goods imported into the State from foreign countries, and to establish a fund for the payment of interest on the public debt.

Since the purpose of this treatise is not to relate in detail events that took place in Delaware before the Constitutional Convention in Philadelphia in 1787, but rather to tell what happened in Delaware after the signing of the Constitution on September 17 of that

year, the writer will content himself merely to sketch briefly a few pertinent facts which might serve as a sort of background to Delaware's ratification of the Federal Constitution.

In June, 1786, in response to communications received from Virginia, Massachusetts, Pennsylvania, and Maryland, the Delaware General Assembly elected five commissioners (any three of whom could act on behalf of the State) to attend the Annapolis Convention, which was scheduled to open on the first Monday in September (the 3rd). The commissioners elected were: George Read, John Dickinson, Richard Bassett, Jacob Broom, and Gunning Bedford, Junior. The three first named attended the convention, to which only nine other commissioners came, representing four other states, namely, New York, New Jersey, Pennsylvania, and Virginia. John Dickinson was elected Chairman of the Convention and George Read served on a committee of five, which was appointed to determine what the Convention should do. A report to the States and Congress was adopted by the Convention, signed by John Dickinson, and sent with a covering letter by him on September 14th. This report recommended to the Congress that another convention be held in May, 1787, in Philadelphia for the purpose of revising the Articles of Confederation.

The copy of the report sent by Dickinson to the President of the Delaware State, Nicholas Vandyke, was forwarded by the latter to the General Assembly under date of Dover, October 24, the House of Assembly receiving it the next day. No action was taken, however, with reference to the report during the Fall session of the legislature, the apparent reason being that the members of the General Assembly felt that the Confederation Congress in New York should take the initiative in calling the proposed convention in Philadelphia, since, under the Articles of Confederation, it alone had the authority to sanction such a step. But, when the Congress procrastinated, and seemingly hesitated to assume such a responsibility, Delaware joined a group of States, led by Virginia, which virtually forced the Congress to act. As a matter of fact, the actions of Virginia, New Jersey, Pennsylvania, North Carolina, Delaware, and Georgia were not constitutional. Nevertheless, the moves of these six States served to impress upon the members of the Congress the urgency of the matter of revising the Articles, and supplied the necessary moral support that a weak body, like the Congress had then become, required, before it could muster

enough courage to grant the necessary constitutional sanction.

When the Delaware General Assembly met in January, 1787, the Report of the Annapolis Convention, as a matter of course, came before it for serious consideration. On January 12, Gunning Bedford, Junior (a member of the Delaware Commission who had not been in attendance at Annapolis) introduced a resolution in the House of Assembly, which was seconded by Richard Bassett (a member of the Delaware Commission, who together with John Dickinson and George Read had attended the Annapolis Convention). The resolution was as follows: "That the address from the commissioners of the several States, assembled at Annapolis in September last, for the purpose of forming a system of commercial regulations for the United States, be referred to the consideration of a committee of five to report thereon." The resolution was adopted and the members appointed were Messrs. Bedford, Porter, Davis, Shankland, and Moore.

PART II

DELAWARE AND THE FEDERAL CONSTITUTIONAL CONVENTION AT PHILADELPHIA

Five days after the above action had been taken by the House of Assembly, George Read, a member of the Legislative Council (upper branch), wrote from New Castle, Delaware, to John Dickinson (then living in Wilmington, Delaware) a long letter in which he suggested that the deputation it was proposed to send to Philadelphia should have its powers restricted to the extent of preventing its members from voting for "any alteration in that part of the fifth article in the present Confederation, which gives each State *one vote* in determining questions in Congress."

On February 2, George Read was appointed a committee of one in the Legislative Council to prepare and bring in a bill for appointing commissioners to the proposed Philadelphia convention "for the purpose of revising the Articles of Confederation." The next day Mr. Read presented to the Legislative Council such a bill, which, by special order, was read a second and third time, passed, and sent to the House of Assembly. That body promptly passed the bill the same day (Saturday, February 3) after one amendment by the House and one by the Council had been accepted by both branches of the legislature.

At a joint session of the General Assembly on the same day, the same persons elected the previous June as commissioners to the Annapolis Convention were elected as delegates to the Philadelphia Convention, namely, George Read, Gunning Bedford, Junior, John Dickinson, Richard Bassett, and Jacob Broom, all but John Dickinson being members of the General Assembly at the time. As in the case of the Annapolis delegation, any three members of the Philadelphia delegation could act on behalf of the State of Delaware.

Since the resolutions authorizing the sending of a deputation to Philadelphia were drawn up by George Read, the suggestion that he had made in his letter to John Dickinson with reference to limiting the powers of Delaware's delegates was naturally in-

cluded. The clause relating to this matter reads as follows: "So always and Provided, that such Alterations or further Provisions, or any of them, do not extend to that part of the Fifth Article of the Confederation of the said States, finally ratified on the first day of March, in the Year One thousand seven hundred and eighty one, which declares that 'In determining Questions in the United States in Congress Assembled each State shall have one Vote.' "

On February 21, eighteen days after the General Assembly of Delaware had adopted the above-mentioned resolutions, the Confederation Congress in New York adopted resolutions approving the holding of a convention in Philadelphia on the second Monday in May "for the sole and express purpose of revising the Articles of Confederation and reporting to Congress and the several Legislatures such alterations and provisions therein, as shall when agreed to in Congress and confirmed by the States render the Federal constitution adequate to the exigencies of government and the preservation of the Union." These resolutions were sent to all the States by Charles Thomson, Secretary of Congress.

When the Constitutional Convention, in pursuance of the call of the Congress, met in Philadelphia the following May, the Delaware delegates brought with them credentials which had been signed by President Thomas Collins at New Castle on April 2. These credentials merely quoted the resolutions adopted by the General Assembly on February 3.

The most outstanding of the five Delaware delegates were John Dickinson and George Read, the head of the deputation. John Dickinson was the author of the famous "Farmer's Letters," and, as chairman of a committee of the Continental Congress that framed the Articles of Confederation in June and July, 1776, he brought to his task, as one of the framers of the second Federal Constitution, a thoroughly informed mind as to the weaknesses of his first creation. He had opposed the adoption of the Declaration of Independence in 1776 and had thereby lost some of his popularity in that year, but later he had been entrusted with many important public duties. George Read had been a member of both the First and Second Continental Congresses, and, although he was an indifferent speaker, he possessed great ability as a lawyer. He voted against the adoption of the Declaration of Independence on the fourth of July, but signed the document when it was ready for signatures on the second of August, 1776. In

short, Dickinson and Read were no radical revolutionists like Samuel Adams, of Massachusetts, and Patrick Henry, of Virginia, but when the time arrived to build a solid frame of government, following the chaotic period of warfare and financial distress, their talents were put to effective use.

In the Philadelphia Convention, John Dickinson favored a strict limitation of the powers of the Federal executive, and he thought that he should be removable upon the request of the State legislatures. Moreover, he felt that the Federal executive should be elected by the people directly. He favored the election of the members of the lower house by the people and of the members of the upper house by State legislatures. He argued for a national judiciary and thought State laws should be declared void if found contrary to the Federal Constitution. Dickinson thought that the members of both houses of Congress should receive the same compensation and that the Federal Government should pay the salaries, not the States individually, as obtained under the Articles of Confederation. He opposed the right of courts to declare Federal laws unconstitutional and favored a proposal for the removal of judges. He favored the supreme court having jurisdiction both as to law and fact. He opposed the importation of slaves and he opposed Federal intervention in the States on the application of the State legislatures. He favored the creation of a council for the president, thus following the example of the State of Delaware, which under its first constitution provided for a privy council of four to advise the State president. Finally, it should be noted that Dickinson was the author of a clause in the section of the Federal Constitution concerning the formation of new States. This clause prohibits any State being "formed by the junction of two or more States or parts of States, without the consent of the legislatures of the States concerned, as well as of the Congress." It was inspired no doubt by a latent fear among the people of Delaware that Pennsylvania might be tempted at some future time to annex Delaware by force.

George Read's record in the Constitutional Convention is almost as impressive as that of John Dickinson. He, too, favored a strong national government and proposed that senators be elected by the State legislatures. He voted for the proposal to veto State laws when in conflict with the Federal Constitution and favored permitting the Senate to amend revenue bills. He thought the

western lands belonging to some of the States should be divided up. Favoring life term for senators, he thought they should represent the whole people rather than the individual States. He thought the Congress should be given increased powers of legislation but objected to giving the Congress the power to override a presidential veto. Read opposed residence as a qualification for representatives. He wished to prohibit the issuance of paper money and he opposed the appointment of militia officers by the States.

Although Gunning Bedford was less active in the Constitutional Convention than Dickinson and Read, he showed independence of thought and action. He favored a weak executive. He thought he should be elected only for three years and be ineligible for a second term. He also favored a proposal to make the executive removable upon the request of the state legislatures. He made a motion that general powers of legislation be vested in the Congress and opposed any veto by the executive of laws passed by that body. He opposed a general negative on State laws, and also opposed the appointment of judges by the executive. Bedford in a moment of passion stated that Delaware would seek an alliance with a foreign power rather than agree to a constitution which might make it possible for another state (Pennsylvania) to annex her.

Jacob Broom rarely spoke in the Convention, but his vote was recorded in a number of interesting questions. Unlike Bedford, he wanted a strong executive and favored a life term. He also thought the executive should be elected by electors selected by the State legislatures. He wanted the Senators elected for a term of nine years and favored equal representation for the States in the Senate. He also thought the Federal Congress should have the power to veto State laws by a two-thirds vote.

Richard Bassett seems to have been the least active of the Delaware delegates in the Convention. In fact, Professor Max Farrand's *The Records of the Federal Convention* only mentions three acts by him, namely, his attendance, his voting against granting the Federal Government the right to negative State laws, and his signing the Constitution.

Although the Delaware delegates had been especially enjoined against voting for any proposal that would destroy the equality of the States in the Congress, they, together with the delegates

from the other small States, were obliged finally to accept the provisions of the so-called Connecticut Compromise whereby the equality of the States was maintained in the Senate but not in the House of Representatives.

The signatures of all the Delaware delegates were affixed to the Constitution on September 17, that of John Dickinson being affixed by George Read at Dickinson's written request, the latter having been obliged to return to Wilmington on account of illness and some urgent business.

A session of the Delaware General Assembly was held during the early part of June, but with a reduced attendance. Four of its members were in the Delaware Constitutional delegation, namely, George Read, of the Legislative Council, and Gunning Bedford, Richard Bassett, and Jacob Broom, of the House of Assembly, and only the last named seems to have been present at Dover. The economic depression of the country at the time was reflected in the reception by the General Assembly of six petitions from Sussex County, containing 443 signatures, praying for an emission of paper money. To relieve the financial situation in Sussex County the House of Assembly passed a bill to extend the time for the collection of unpaid State taxes for the year, 1786, in that County, but the Legislative Council rejected it. Strong opposition also developed in the General Assembly against an emission of paper money and the petitions from Sussex County went unheeded.

PART III

THE FEDERAL CONSTITUTION IN THE DELAWARE GENERAL ASSEMBLY

Expecting that the Constitutional Convention in Philadelphia would complete its work before the end of August, the General Assembly, as an indication of its desire promptly to further the cause of a stronger federal government, adjourned to the 27th of that month in the hope that at that time it could take action on the work of the Convention. This is quite evident from the Minutes in the Journal of the House of Assembly for Wednesday, August 29. They state: "Whereas the Legislature of this State impressed with the expectation of having reported to them at this Session, such a system of Government as should be recommended by the Federal Convention for the adoption of the several States, and being desirous of giving the same the earliest attention for the purpose of relieving the Union from the embarrassment of their present inefficient System, adjourned to meet at this time; but the said Convention not having completed the business delegated to them, and the present engagements of divers of the Members not admitting their regular attendance at this busy Season of the Year;

"Therefore Resolved That this House now adjourn to the thirtieth Day of September next; and it is hereby adjourned accordingly."

In the Fall elections Jacob Broom, Gunning Bedford, and Richard Bassett were not returned to the House of Assembly. Hence, only George Read of the Delaware Constitutional delegation was a member of the General Assembly when the Federal Constitution was submitted by the Confederation Congress for its consideration. Read was one of the two holdovers of the three members of the Legislative Council from New Castle County. Thomas McDonough, newly elected member of the Legislative Council from New Castle County in the place of George Craghead, was chosen Speaker of that body and Thomas Rodney of Kent County was chosen Speaker of the House of Assembly.

The members of the House of Assembly elected on October first besides Thomas Rodney, the Speaker, were: For New Castle County: Alexander Porter, Thomas Evans, Isaac Grantham, Henry Latimer, Thomas May, Thomas Robinson, and Joshua Clayton; for Kent County: James Raymond, John Gordon, Mark McCall, Jehu Davis, John Revell, and John Vining. The Judges of Elections for Sussex County not having made any returns, no members for that County appeared.

Thomas Rodney having been seated as Speaker of the House, that body unanimously chose James Booth as Clerk. Joseph Harper was appointed Door-Keeper and Sergeant-at-Arms.

The members of the Legislative Council who were present during the Fall session of 1787, besides Thomas McDonough, the Speaker, and George Read, were James Tilton, John Baning, and John Cook, of Kent County, and Daniel Polk and Alexander Laws of Sussex County. Nicholas Vandyke, of New Castle County, and Isaac Horsey, of Sussex County, were absent during the whole session. James Sykes was elected Clerk of the Legislative Council and Benjamin Crooks, Sergeant-at-Arms.

On Wednesday, October 24 (the first day of a quorum in the House of Assembly), a message of the same date was received from President Collins in which he referred to several public letters, lately received from the Federal Government in New York, which he was sending to the House of Assembly, including a letter from the Secretary of Congress, Charles Thomson, dated September 28, enclosing a copy of the proposed Federal Constitution.* In commenting on Charles Thomson's letter and enclosure, President Collins stated: "With the above-mentioned Letter of the 28th of September, the Foederal Constitution as reported by the late Convention of the States, is now transmitted to you conformably to the unanimous resolution of Congress thereon; in order to be submitted to a Convention of Delegates, to be chosen by the people of the State, for their assent and ratification: And I cannot upon the present occasion, avoid recommending it to your attention, as a subject of the most important consideration, involving in

*NOTE: The letter of the Secretary of Congress of September 28 and the printed copy of the Constitution, Resolutions, and Letter to the President of Congress—all dated September 17, 1787, and printed by Dunlap and Claypoole of Philadelphia—are in the Delaware State Archives in Dover, Delaware. A note in the handwriting of George Read appears at the top of the copy of the constitution to wit: "His Excellency Thomas Collins Esqr., President of the Delaware State from his Hble Servt G: Read."

its adoption not only our prosperity and felicity, but perhaps our national existence."

Following the reading of President Collins' message, the House of Assembly adopted a resolution "That the aforesaid new Constitution proposed for the United States, be referred to a Committee of five to report thereon." The five committeemen were: John Vining and James Raymond, of Kent County, and Joshua Clayton, Alexander Porter, and Henry Latimer, of New Castle County.

The Journal for the House of Assembly for October 24 then says: "Three Petitions from divers Inhabitants of New Castle County, were read, declaring their entire approbation of the Foederal Constitution; and praying that the most speedy measures be adopted for calling a Convention for the ratification of the same, on the part of this State." A fourth petition was received by the House later on. Three of the petitions were long ones and almost identical in language. One petition was considerably shorter. The long petitions were signed by 23, 51, and 86 persons, respectively, and the short one by eleven persons, making a total of 171 signatures.

One of the long petitions reads as follows:

"A Petition of the Freeholders and Inhabitants of the County of New-Castle to the General Assembly of the Delaware State.

"Whereas the Citizens of this State have for some time experienced great inconveniences and disadvantages, which in the Opinion of your petitioners have chiefly proceeded from a want of a more efficient general Government of the Union and as the late general Convention appointed to meet at Philadelphia, have with the most auspicious unanimity agreed upon and recommended a foederal Constitution for the excellent purposes of forming a more perfect Union, establishing Justice, providing for the common defence, promoting the general Welfare, and securing the blessings of Liberty to the Citizens of the United States and their Posterity. And have resolved that the same be laid before the United States in Congress Assembled, and afterward submitted to a Convention of Delegates chosen in each State by the people thereof, under the recommendation of its Legislature for their Assent and Ratification—

"Your petitioners therefore having had the satisfaction to hear that Congress have approved the Constitution above mentioned,

most earnestly request your honorable Houses to appoint a time as early as may be convenient for the election of Delegates to the State Convention, in order that the Citizens of Delaware may prove their Zeal for the general welfare by a speedy ratification and adoption of a plan of Government which your petitioners trust will be attended with the most desirable consequences of Peace, Stability, Efficacy, and Prosperity in all the Confederate States, respect and Confidence to foreign nations, and meet the Applause and cordial approbation of all the true Votaries of Liberty whatever Country they Inhabit.

"And your Petitioners as in duty bound will pray."

The Journal of the House of Assembly for October 24 continues:

"Two Petitions from divers Inhabitants of New Castle County were read, praying that the Legislature of this State will offer for the acceptance of Congress, under the new Constitution when adopted, a cession of District within this State, not exceeding ten Miles square, for the Seat of Foederal Government, and over which Congress shall exercise exclusive Legislation." Another petition was received by the House later. All the petitions were different in handwriting, although identical in language, and were signed by 20, 38, and 82 persons, respectively, a total of 140 signatures.

The petitions were as follows:

"To the Honorable the Representatives of the Freemen of the Delaware State now in General Assembly met.

"Whereas in the eighth Section of the first article of the plan of Foederal Government agreed upon by the late General Convention it is resolved 'That Congress shall exercise exclusive Legislation in all cases whatsoever over such district (not exceeding ten miles square) as may by cession of particular States and the acceptance of Congress become the Seat of the Government of the United States.'

"Your Petitioners taking into consideration the central situation, plentiful supplies of every kind of provision, and other great conveniences which would be afforded to the seat of Congress by its establishment in Delaware, and being likewise sensible of the many advantages which would be derived to the Citizens of the State in general, and moreover actuated by a Foederal zeal to discover an early disposition to accommodate the United States in an Object of such importance We therefore request that your Honor-

able Houses will immediately adopt the necessary measures, by such act or resolution as you in your wisdom may judge expedient, by which an offer may be made of granting to Congress a district of the Delaware State for the purpose above mentioned either in some particular described place, or in any part of the State which Congress may think proper to make choice of."

Some of the more prominent citizens of Delaware who signed the petitions about the Federal Capital, were the following:

Jas. Latimer	John McKinly
Thomas Duff	William McKennan
J. Patten	Peter Walraven
Nehemiah Tilton	Peter Jaquet
Andrew Barratt	George Bush
William Killen	Timothy Hanson
David Finney	James Broom
John Jones	Sven Justis
Gunning Bedford, Junior	William Robeson
Nicholas Ridgely	N. Delaplain
Jonathan Rumford	Zacharias Derickson
James Lea, Jr.	Charles Paulson
Jas. A. Bayard	Joshua Todd
Samuel Hollingsworth	Henry Geddes
Joseph Warner	Samuel Delaplain
Peter Brynberg	James Delaplain
Nicholas Way	Justa Walraven
James Adams	Robert Scott Titterington
Joseph Capelle	Isaac Griffin
Joseph Shipley	Joseph Shallcross

All the petitions presented to the House of Assembly urging speedy ratification of the Federal Constitution and praying the General Assembly to offer to Congress a tract of land ten miles square for a national Capital were referred to the Committee on the Federal Constitution, to which Committee the printed copy of the Constitution had already been referred.

The next day (October 25) the House of Assembly received a report from the Committee on Elections and Privileges (Messrs. Porter, Davis, and Clayton) upon the failure of Sussex County to send its members to the House. The Committee reported "That there is no return of members elected to serve as Representatives in Assembly from the County of Sussex; and as business of the utmost consequence to the Happiness, Prosperity, and Existence of this State, is now depending before the House, they suggest

the necessity of conducting the same in such manner, as would be most conducive to unanimity and concord; and therefore conceive it necessary that an enquiry should be made why the returns of the Election, for the said County of Sussex, have not been transmitted to this House; or that measures be adopted to compel the Sheriff of that County to make his returns, as speedily as possible, if an Election has been held; that the business of this State may be transacted with utmost strength, harmony, and expedition."

The House having approved the Committee's report, it was resolved to summon the sheriff of Sussex County or other returning officers to explain, if an election had been held, why no return had been made to the House.

The same day (October 25) the Committee on the Foederal Constitution brought in their report, which was read and ordered to lie on the table. It was necessary to investigate the Sussex County election before so important a matter as the ratification of the Federal Constitution could be decided upon.

Since one-third of the House of Assembly was not present, due to the absence of the Sussex County members, it was necessary to change the quorum in order to carry on legally the business of the House. Consequently, on Saturday, October 27, Joshua Clayton introduced "a Bill for altering the Quorum." It was promptly passed by the House and concurred in by the Legislative Council the same day.

Beginning on Monday, October 29, the House of Assembly conducted an investigation of the Sussex County election that consumed all of its time until Wednesday, November 7. It received eight petitions, signed by many citizens of Sussex County, who protested the election of members to the House of Assembly as having been unfair. Upon demand of the House, Thomas Laws, the Under-sheriff of Sussex County, reported that the following had been elected: William Peery, John Tennant, Nathaniel Waples, George Mitchell, Rhoad Shankland, Charles Polk, and Nathaniel Hayes. The election of these men, however, was declared illegal and void on November 7.

The next day, November 8, the Speaker of the House, Thomas Rodney, resigned, and was succeeded by Jehu Davis, who was unanimously elected to serve for the remaining part of the legislative year.

To prevent a repetition of irregularities in electing members

for the General Assembly from Sussex County and to prevent irregularities in electing delegates from that County to the State Convention for considering the Federal Constitution, the General Assembly heeded petitions from citizens of Sussex County to remove the voting place from Lewes to some more centrally located place. A bill for that purpose was passed on November 9, the transfer to be only a temporary one, however, i. e., for the elections to be held in that year of 1787.

In the meantime, on November 7, the House of Assembly, with only the New Castle County and the Kent County members present, took into consideration the report of the Committee on the Federal Constitution. After some discussion, the report was recommitted, and, a second report having been brought in by the Committee, it was agreed to and sent to the Legislative Council for its concurrence.

On November 9 the Legislative Council returned the resolutions for assembling a State Convention to the House of Assembly with seven amendments, which were promptly acceded to by the House. The next day (November 10) the resolutions as amended were returned to the Legislative Council and as agreed to by both Houses they were as follows:

"In the House of Assembly of the Delaware State,
Friday, P. M., November 9th, 1787.

"Whereas the Convention of Deputies from the United States, lately assembled at the City of Philadelphia, have proposed a Constitution for the said States, to be submitted to a Convention of Delegates chosen in each State by the people thereof, under the recommendation of its Legislature, for their assent and ratification; and that each Convention assenting to, and ratifying the same, should give notice thereof to the United States in Congress assembled;

"And whereas the United States in Congress assembled have *unanimously resolved* that the said Constitution, with the resolutions and letter accompanying the same, be transmitted to the several Legislatures, in order to be submitted to a Convention of Delegates chosen in each State by the people thereof, in conformity to the resolves of the Convention made and provided in that case;

"And whereas it is the sense and desire of great numbers of the good people of this State, signified in petitions to this General Assembly, that speedy measures should be adopted to assemble

a Convention within the State for the purpose of deliberating and determining on the said Constitution;

"Resolved, 1. That it be, and hereby is, recommended to the freemen and inhabitants of this State, who are qualified by law to vote for Representatives to the General Assembly, that they choose suitable persons to serve as Delegates in a State Convention for the purpose herein before mentioned, that is, for the three Counties the same number of Delegates that each is entitled to of Representatives in the General Assembly, to wit: ten for the County of New Castle; ten for the County of Kent; and ten for the County of Sussex.

"2. That the elections for Delegates aforesaid, in the respective Counties of this State, be held on Monday the 26th day of this instant November, at the same places where the general elections for Representatives to the General Assembly are or may be by law appointed to be held; and that the same be conducted by the officers who conduct the said election of Representatives, and agreeably to the rules and regulations thereof; and that the persons so elected to serve in Convention, meet at the Town of Dover on the Monday following.

"3. That the Delegates who attend the said Convention be entitled to the same allowance per diem as Representatives to the General Assembly are entitled to receive for their attendance; which said allowance shall be paid by the State Treasurer, upon receiving an order for the same, signed by the President of this State.

"4. That the President or Commander-in-Chief transmit to the Convention aforesaid, when met, an authentic copy of the Federal Constitution aforesaid.

"5. That the proposition submitted to the General Assembly, by petition from divers of the freemen resident in the upper part of this State, of ceding to the United States a district within the State for the Seat of the Government of the United States, and for the exclusive legislation of Congress, be and hereby is recommended to the particular consideration of the Convention.

"6. That for the information of the citizens of this State the Clerk of this House cause the aforesaid resolutions to be published in the Delaware Gazette, and procure one hundred copies to be printed, and transmitted to the Sheriffs of the several Coun-

ties, to be by them fixed up at the most public places in their Counties respectively.

“Signed by order of the House of Assembly,

JEHU DAVIS, *Speaker.*”

PART IV
THE FEDERAL CONSTITUTION IN THE DELAWARE
CONVENTION

The election of ten delegates from each county to the State Convention took place on November 26, as ordered by the General Assembly. The delegates elected were as follows:

For New Castle County:

James Latimer
James Black
John James
Gunning Bedford, Senior
Kensey Johns
Thomas Wattson
Solomon Maxwell
Nicholas Way
Thomas Duff
Gunning Bedford, Junior

For Kent County:

Nicholas Ridgely
Richard Smith
George Truitt
Richard Bassett
James Sykes
Allen McLane
Daniel Cummins, Senior
Joseph Barker
Edward White
George Manlove

For Sussex County:

John Ingram
John Jones
William Moore
William Hall
Thomas Laws
Isaac Cooper
Woodman Stockley
John Laws
Thomas Evans
Israel Holland

Although the voting place in Sussex County had been temporarily removed from Lewes to Vaughans Furnace to insure a fair election of delegates to the State Convention as well as of representatives to the House of Assembly of the State legislature, the voting on November 26 by no means proceeded peacefully. The same disturbing elements complained of to the General Assembly at its recent session as having prevented a free election in the previous month of October, were again abroad with firearms, intimidating hundreds of voters, if one is to believe the petitions that were sent to the State Convention on December 3 and to the General Assembly the following month. Two petitions, dated November 28, and signed by almost one hundred persons in Sussex County, were addressed to the State Convention, protesting the election of the Sussex County delegates, but, since the Convention was in session only five days, it probably contented itself with a mere reading of the petitions, laid them on the table, and accepted the election returns from Sussex County as valid. Its action thus foreshadowed a similar action by the General Assembly in January, when that body accepted the election returns from Sussex County and permitted the representatives from that county to take their seats.

A large majority of the members of the State Convention were farmers, the rest were of the legal profession or held official posts. It is interesting to note that two members of the State Convention had been members of the Philadelphia Convention, namely, Gunning Bedford, Junior, of New Castle County, and Richard Bassett, of Kent County. In other words, these two men were afforded the opportunity to ratify in Dover what they had helped to create in Philadelphia. Both of these men also were elevated to high positions under the new government when it began to function. Gunning Bedford was appointed by President Washington the first judge of the United States District Court for the District of Delaware and Richard Bassett was elected by the General Assembly one of the first two United States senators for the State of Delaware.

Gunning Bedford, Senior, a cousin of the younger man of the same name, of New Castle County, had held several political offices and in 1796 he was elected Governor of his State. Kensey Johns, of New Castle County, first succeeded George Read as United States Senator and later as Chief Justice of Delaware. In

1830 he succeeded Nicholas Ridgely as Chancellor of Delaware. Two other delegates to the State Convention from New Castle County had been prominent in military affairs during the late war, namely, James Latimer, who, as Lieutenant-Colonel, and Thomas Duff, who, as Major, in the county militia, had been elected by the colonial legislature in 1775 as members of the Delaware Council of Safety, and had continued as officers throughout the war.

The outstanding members of the State Convention from Kent County besides Richard Bassett were Nicholas Ridgely and Allen McLane. The former rose to high distinction in 1801 when he succeeded William Killen as chancellor, which office he held until his death in 1830. Allen McLane had been a colonel in the Revolutionary War, having performed distinguished services on Long Island and at Princeton, in the vicinity of Philadelphia, at Paulus Hook, at Stony Point, and during the siege of Yorktown. He was the forebear of several distinguished descendants, his son, Louis McLane, becoming Secretary of the Treasury and Secretary of State in President Jackson's administration.

The State Convention met in Dover on Monday, December 3, as instructed by the General Assembly, but, since the minutes of the Convention have been lost, we have no knowledge of its proceedings except that it elected James Latimer, of Newport, in New Castle County, as its President, that Thomas Collins, President of the State, transmitted an authentic copy of the Constitution to the Convention on Tuesday, December 4, and that on Thursday, December 6, it unanimously ratified the Federal Constitution, the resolution of ratification being signed by all thirty members of the Convention the next day, December 7. By this act the State of Delaware gained the great distinction of being the first State to ratify that instrument and by the same token it became the first State in the Union under our present form of government. Pennsylvania followed Delaware's lead on December 12, as did also New Jersey on December 18. These three states, bordering on the Delaware River and forming the Middle States of the Union, were the only States to ratify the Constitution during the year, 1787. They led the rest with Delaware in the van.

The resolution signed by the members of the Delaware State Convention in Dover on the momentous day of December 7*

*NOTE: The original resolution of ratification was engrossed on parchment, and is deposited in the Delaware State Archives at Dover. It is one of the State's greatest treasures.

(now designated by authority of the General Assembly as "Delaware Day") is as follows:

We the Deputies of the People of the Delaware State, in Convention met, having taken into our serious consideration the Foederal Constitution proposed and agreed upon by the Deputies of the United States in a General Convention held at the City of Philadelphia on the seventeenth day of September in the Year of our Lord One thousand seven hundred and eighty seven, Have approved, assented to, ratified, and confirmed, and by these Presents, Do, in virtue of the Power and Authority to us given for that purpose, for and in behalf of ourselves and our Constituents, fully, freely, and entirely approve of, assent to, ratify and confirm the said Constitution.

Done in Convention at Dover this seventh day of December in the Year aforesaid, and in the year of the Independence of the United States of America the twelfth. In Testimony whereof We have hereunto Subscribed our Names.

Since it is impossible to penetrate the veil of secrecy that for lack of records has surrounded most of the proceedings of the Delaware State Convention, one may perhaps be justified in making a conjecture or two as to who were the most influential in bringing about the happy and successful result. The ground work, of course, had been laid by John Dickinson and George Read, neither of whom were delegates in the Dover Convention. John Dickinson in Delaware, like Alexander Hamilton and John Jay, in New York, and James Madison, in Virginia, wielded courageously his pen on behalf of the Constitution. He wrote nine letters over the *nom de plume*, *Fabius*, shortly after the close of the Philadelphia Convention, powerfully urging speedy ratification. In commenting on this phase of Dickinson's manifold activities, Charles J. Stille, his biographer, says: "These letters, without pretending to the comprehensiveness and force of argument which characterize many of the papers of *The Federalist*, had a wide influence. They were probably intended for a more numerous, and possibly a more popular, audience. Doubtless they did much—as Mr. Dickinson's writings always did—to remove prejudices, and they certainly proved that it was possible for the strongest and most conscientious advocate of State sovereignty to support warmly the adoption of the Constitution, and to do it in a tone of wise moderation."

Since Dickinson's letters were published anonymously, not

even George Washington, President of the Constitutional Convention, knew who the author was when he first read them. His appreciation of them was none the less keen, as we learn from the following extract from a letter written by him to a John Vaughan: "The writer of the pieces signed *Fabius*, whoever he is, appears to be master of his subject; he treats it with dignity, and at the same time expresses himself in such a manner as to render it intelligible to every capacity. I have no doubt but an extensive republication of those numbers would be of utility in removing the impressions which have been made upon the minds of many by an unfair or partial representation of the proposed Constitution, and would afford desirable information upon the subject to those who sought for it."

The fact that so many petitions were signed by persons living in New Castle County would naturally lead one to believe that the four delegates to the Philadelphia Convention from that County, namely, George Read, John Dickinson, Gunning Bedford, Junior, and Jacob Broom had to some degree influenced the circulation of the petitions. Moreover, it must not be forgotten that George Read was a member of the General Assembly that acted so promptly in calling the State Convention, and that Gunning Bedford, Junior, and Richard Bassett, members both of the Philadelphia Convention and the Dover Convention, naturally were able to explain to their fellow delegates in the Dover Convention the significance of a speedy and unanimous ratification. In that Convention, too, was Kensey Johns, a protégé of George Read, who without a doubt labored valiantly for the ratification, if only to please his benefactor. Nicholas Ridgely, of Dover, represented a conservative family in Delaware, and naturally the new frame of government appealed to him as destined to bring order out of a chaos in the country. The Revolutionary officers, James Latimer, President of the Convention, Thomas Duff, and Allen McLane could be expected to be influenced by the example of their great leader in the late war, George Washington, but the writer suspects that they were even more moved by the prospect of helping to save from collapse the nation for the independence of which they had so bravely fought on the battlefield.

In conclusion it can be stated definitely that the Delaware delegates in the Confederation Congress had for some time sought to have the seat of government transferred from New York to a

more centrally located place. In view of this fact, and since the resolutions of the General Assembly of November 10, calling the State Convention, had referred to the petitions from persons in the upper part of the State relative to a Federal district in Delaware, and had recommended the matter to the Convention for its "particular consideration," it is possible that the members of the Convention thought a speedy ratification might influence the new Federal Government to accept an offer from Delaware in the event it should be made. It is doubtful, however, whether the Convention took any definite steps toward making such an offer, although in his message of December 4 to the Convention, President Collins, in transmitting the resolutions of the General Assembly calling the Convention, referred in particular to the fifth section of the resolutions (relating to the Federal district) and advised the Convention to "do as in your Wisdom you may think meet in the premises."

BIBLIOGRAPHICAL NOTE

Most of the manuscript material consulted in preparing the foregoing treatise on the relation of the State of Delaware to the Federal Constitution is deposited in the State Archives at Dover, Delaware. Other material, especially with reference to the Annapolis Convention, was found in the Emmet Collection which is deposited in the Manuscript Division of the New York Public Library.

The original printed Journals of the House of Assembly of the General Assembly of Delaware, which are deposited in the State Archives, supplied the most important data concerning the part played by that branch of the State legislature in the movement for a stronger central government, and the manuscript minutes of the Legislative Council from 1776 to 1792 (printed by the Historical Society of Delaware in 1887) are my authority for references to the deliberations of the upper branch of the legislature.

Printed works which were consulted besides those already noted are as follows: *The Records of the Federal Convention*, by Max Farrand; *The Life and Times of John Dickinson*, by Charles J. Stille; and *The Life and Correspondence of George Read of Delaware*, by William Thompson Read.

Short accounts of the Delaware Convention appeared in most of the newspapers of the day. The account in *The Boston Gazette*

for December 24, 1787, is printed as Appendix A. Copies of a number of the accounts are in the University of Delaware Library.

APPENDIX A

The Boston Gazette, December 24, 1787

PHILADELPHIA, December 12.

Delaware State Convention.

The Deputies of the State Convention of Delaware met at Dover, on Monday the 3d instant (December) and a house being formed, they elected James Latimer, Esq. President.—On Thursday they ratified the Federal Constitution by an UNANIMOUS vote, and on Friday EVERY MEMBER signed the ratification as follows:

"We the Deputies of the people of the Delaware State in Convention met, having taken into our serious consideration, the Federal Constitution, proposed and agreed upon by the Deputies of the United States, in a General Convention, held at the city of Philadelphia, on the 17th day of September, in the year of our Lord one thousand seven hundred and eighty-seven, have approved of, assented to, ratified and confirmed, and by these presents, DO, in virtue of the power and authority to us given for that purpose, for, and in behalf of ourselves and constituents, FULLY, FREELY and ENTIRELY APPROVE OF, ASSENT TO, RATIFY AND CONFIRM the said CONSTITUTION."

APPENDIX B.

PETITIONS FROM SUSSEX COUNTY TO DOVER CONVENTION

To the Honourable the Convention for the Delaware State, to be held at the Town of Dover on the third day of December next

The Petition and Remonstrance of divers Inhabitants of Sussex County most humbly sheweth.

That your Petitioners were notified by Resolves of the two Houses of the General Assembly, and published by their Order that the Election for Choosing Persons to represent this County in said Convention, was to be held on the twenty sixth day of this Instant at the old Furnace usually called Vaughans Furnace that in pursuance of the Resolves of the General Assembly your Petitioners

intended to repair to the place of Election, for the purpose of choosing persons to represent this County in said Convention: but they were alarmed on being informed that Rhoads Shankland one of the persons chosen at said Election to represent this County in the House of Assembly the ensuing year had declared "that there were Cannon at the place" and that John Woolf the Coroner of the County had said "they were determined to carry the Election or loose their lives" and these two Gentlemen being seen on the Sunday evening preceeding the day going towards the place at the head of a party of men armed with Muskets, and further Information of other bodies of armed Men going to the place appointed for holding the Election, your Petitioners were apprehensive they could have no share in the said Election without risking the Effusion of Blood rather than do which the greater part declined going. These apprehensions it appears were well founded, for some hundreds of men armed with muskets were paraded near the place of Election on the day and made prisoners of some of your Petitioners, by cocking a musket and threatning to fire upon them and then detaining them in custody untill Orders were procured from Nathaniel Mitchell, who they said was their Commanding Officer, for their dismissal. Thus by an armed and unlawful force have some hundreds of the Freemen of this County been deprived of the right of free Suffrage which by a Law of this State, and by the Fundamental Principles of all Republican Governments, is declared to be the Basis of the Liberties of the Peoples and that the one cannot exist when the other is destroyed.

Your Petitioners impressed with a proper sense of the critical and important situation of public affairs, at this time when the sense of all Classes of Citizens ought to be had on the Federal Constitution proposed by the Convention of the United States lately held at Philadelphia, and knowing that it cannot be considered as binding on them without the assent expressed either by themselves or by their Representatives freely chosen Do hereby solemnly remonstrate against the Legallity of the Election of those persons returned by the Sheriff of this County to represent the same in said State Convention.—

Your Petitioners therefore firmly relying on the wisdom and impartiality of your Honorable Body humbly pray, that you would be pleased to enquire into the truth of the Facts, stated in this Petition, and if they appear to be true, that you would also be

pleased to reject the Sheriffs Return and Order a new Election to be holden for the purpose of choosing persons to represent this County in your Honorable Body, that your Petitioners may have an opportunity of exercising their right of free Suffrage, on so important an occasion as the present, freely and without interruption. And your Petitioners as in duty bound will ever Pray &ca.

[Names on one petition:]

November 28th 1787

William Peery	John Hall
Abel Notingham	Eli Coulter
George West	Wm. Coffin
Robert Hopkins	Archibald Hopkins
Aaron Peery	William Frame
Charles Conley	William Hopkins
Samuel Hudson	Robert Coulter
John McKnitt	William Mathews
Joh Campbell	William Knox
Robert Hood	James Rickerts
Andrew Colter	Jesper Wyatt
Joseph Hazzard	Joseph Staton
James Wiley	William Lingo
John Tam	John Holland
Marnix Virden	Hugh Stephenson
Henry Martin	Nathaniel Hatfield
James Vent	Richard Rolenson
Thomas Coulter	John Conway
Wm. Young	John S. Dorman
Josiah Martin	James Fergus
John Martin	John Woods
John Mustard	Samuel Wilbank
William Hall	John Dutton
John Coulter	James Hall
David Hazzard	William Fitchett
Robert Stevenson	John Ennis
John Stephenson	Joshua Hall by order
Woodman Stockley	William Jordan Hall Junr

[names on the other petition]

Nov. 28, 1787.

Richard Green
John Little
John Paynter
William Paynter
Hinmon Roades
Hebron Dodd
William Dodd
James Gordon
John Chambers
John Gordon
Nathaniel Gordon
Leaven Ennis
James Newbold
William Thompson
William Steel
Nathaniel Steel
Peter Marsh

Andw Camraen
Thomas Marsh
William Still
Peter Harmonson
Gilbert Mariner
William Roach
Paul White
Robert White
Levi Roach
Thomas Fisher Son of Adam
Seyned by Order
Robert Mariner
John Orr by Order
Charles Oliver
John Fleming
William Hurt
Henry Edger Junr

Early Colonial Taxation In Delaware

Early Colonial Taxation In Delaware

By

M. M. DAUGHERTY

For the Tercentenary Commission

Published by

Delaware Tercentenary Commission

Wilmington, Delaware

1938

Copyright 1938

PREFACE

The fiscal system in Delaware is in many ways unique. Its history is as old as that of the State, and it grew out of the experiences of the colonists in their endeavors to build homes and to organize a government under conditions wholly different from any with which they had had experience. Of course most of the features of our fiscal system are of modern origin, but to a larger extent than most informed people realize, early history conditioned those modern origins. It is the purpose of this brochure to bring out the effects of these conditioning influences upon the evolving fiscal system.

The author wishes to take this opportunity to acknowledge his especial indebtedness to Mr. Henry Clay Reed, Assistant Professor of History at the University of Delaware, who very kindly read the first draft of this treatise, and pointed out errors and omissions. He is indebted to Dr. George Herbert Ryden, Professor of History at the University of Delaware, and State Archivist, for his constructive criticism of the manuscript, and to Mr. Leon de Valinger, Assistant State Archivist, for having given the author the benefit of his judgment on several points. If any errors remain, they are the author's fault alone.

M. M. DAUGHERTY

Newark, Delaware,
Delaware Tercentenary Day,
March 29, 1938.

EARLY COLONIAL TAXATION IN DELAWARE

CHAPTER I

TAXATION IN DELAWARE BEFORE THE COMING OF WILLIAM PENN

1. The Swedish Period, 1638-1655

The first permanent settlement of Europeans in what is now the State of Delaware was effected by a limited liability corporation.¹ In fact the modern corporation can truthfully be said to have originated in the great foreign trading companies which came into existence in Northern Europe in the sixteenth century.² These organizations were generally very large, but the New Sweden Company, under whose auspices Delaware was settled, was very small, for its capital was only twenty-four thousand florins.³ Its resources were larger, though, than is indicated by its capital, for it was in effect a subsidiary of the Swedish Government.⁴ Like a modern corporation, it did not just spring into existence but grew out of the efforts of a promoter, Willim Usselinx, who had previously promoted the Dutch West India Company which settled Manhattan and later governed the Colony on the Delaware.

Usselinx seems to have been fired with a missionary zeal, and travelled over Northern Europe enlisting support for the new project. The charter under which the Swedish West India Company was promoted, signed on June 14, 1626 by Gustavus Adolphus,

¹Samuel Hazzard, *Annals of Pennsylvania*, 1609-1682 (Philadelphia, 1850), pp. 16-21.

²*Encyclopedia of the Social Sciences* (New York, 1931), Vol. IV, p. 414.

³J. Franklin Jameson, *Willim Usselinx*, Paper of the American Historical Association (1887), Vol. II, No. 3, pp. 183 and 184.

⁴Amandus Johnson, *The Swedish Settlements on the Delaware* (Philadelphia, 1911), Vol. 1, p. 105.

King of Sweden, gave the company a life of twelve years.⁵ As originally planned, it was not to be a corporation subsidiary to the Swedish Government, although the stockholders and the Swedish Government had a community of interest in the new project⁶ and it was given a monopoly of trade between Sweden and the New World and parts of the Old. Its objects were to extend the dominions of the King of Sweden, Christianize the heathen, and enrich its stockholders.⁷ Among the ways by which it proposed to accomplish the last object were the growing of tobacco and raising silk worms. The corporation, like its modern counterpart, was expected to share in the cost of government, for its charter provided that to that end a tax of four per cent was to be levied on its imports and exports, and in addition the government was to receive one-fifth of the ores and one-tenth of the fruits of the soil. As an inducement to prospective settlers, the company proposed a ten-year tax exemption for them, after which time they were to pay a five per cent duty on imports and exports. The receipts from the latter tax were to be used in New Sweden for the benefit of the local government.

Because of wars in Europe it was impossible to get the colonization under way within twelve years. However, owing to the pertinacity of Usselinx the project was not allowed to die, although before the settlement could be effected it was necessary to reorganize the scheme and get a renewed grant of authority from the Swedish Government.⁸

The original charter provided that Usselinx would receive for his services one-tenth of one per cent of the value of all the purchases and sales of the new colony. He never received any of this commission, but he did receive advances to enable him to continue his promotion activities.⁹

That there was no tax levied on the settlers for ten years does not mean that there were no governmental expenditures for that period, for the charter of the company provided that Swedish law should be followed as far as possible, and to protect and govern the colony the company sent three civilians and thirty-two military

⁵Jameson, *op. cit.*, p. 114.

⁶*Ibid.*, p. 98.

⁷Hazard, *op. cit.*, pp. 16-20.

⁸Jameson, *op. cit.*, pp. 183-184.

⁹*Ibid.*, p. 137.

men," whose cost to the company amounted to 2,619 rixdalers per year, a sum provided from the excise tax on tobacco imported into Sweden from Holland, together with one-third of all the confiscated smuggled tobacco. Ironically enough, tobacco imported from Holland, not that raised in the colony, paid the duty which bore the expenses of the colony. It is noteworthy that the principal item of expense of maintenance was Governor Printz's salary, which was twelve hundred rixdalers per year."

The principal economic activity of the colony was that of a post, trading in furs and tobacco. Of the ninety people employed by the company in 1644, twenty-nine of them were engaged in growing tobacco, but the greater portion of tobacco sent to Sweden was purchased in Virginia." Also, Rising, the Swedish governor, reported that the climate was too cold for silk worms to thrive.

The dictatorial methods of Governor Printz had engendered dissatisfaction in the colony, and when Rising was made governor he undertook to appease the colonists by drawing up an ordinance for governing the colony. An important provision of this ordinance was that if a colonist did not pay his land tax for three years he could be dispossessed. However, it is probable that the tax spoken of was a rent rather than a tax, because his company owned the land.¹³

When Governor Rising was sent to govern the colony he was instructed to make the cost of governing the colony as self-defraying as possible.¹⁴ In order to accomplish this objective, Rising proposed that one hundred per cent ad valorem duty be levied on the importation of liquor, that a duty of from two to four per cent be levied on goods brought to the colony by Swedish boats, and from four to six per cent on goods brought in other boats.¹⁵

The fur trade had been a Company monopoly, but Rising allowed the colonists to join in it and levied a tax of two per cent on all furs exported.¹⁶ Fines were imposed, the receipts presumably

¹³Johnson, *op. cit.*, pp. 451-456.

¹⁴Carolus David Arfwedson, *A Brief History of the Colony of New Sweden*, Reprinted from the Proceedings of the Pennsylvania German Society, Vol. XVIII (Upsala), p. 29.

¹⁵*Narratives of Early Pennsylvania, West New Jersey and Delaware*, Edited by Albert Cook Myers (New York, 1912), pp. 110-116, 120. (Hereafter cited as "Narratives").

¹⁶*Narratives*, pp. 139, 147.

¹⁷Johnson, *op. cit.*, Vol. II, p. 499.

¹⁸*Narratives*, p. 146.

¹⁹Israel Acrelius, *The Founding of New Sweden*, (Boston, 1898), p. 62.

going to the Company treasury." That Governor Rising was a forward looking person is borne out by his proposals for the up-building of the colony. He proposed to set aside a cottage and a piece of land for the use of a minister of the gospel,¹⁸ and wanted to levy a tithe on all the products of the colony, of which would be used half for the support of a church and half for the support of a school. He thought, too, that land should be set aside for the support of education and the maintenance of the poor. Also, he saw the desirability of connecting the Delaware and Chesapeake Bays by a canal, and actually began to open roads between the settlements.¹⁹ The annual cost of his government in 1655 was about 4,404 rixdalers.²⁰

2. The Dutch Period, 1655-1664

When the Dutch took over the colony in 1655, Jean Paul Jacquette was made vice-director.²¹ He was instructed to levy a tax on liquors:

"To provide for the great expenses and costs already incurred for Fort Casimir and still to be incurred, he (Jacquette) shall, following the laudable custom of our Fatherland and of this place (New Amsterdam), demand and have paid the tavernkeeper's excise in conformity to that, which is paid here, to wit:

For a hogshead of french or rhenish wine.....	fl 20.-.
an anker of the same wine.....	fl 4.-.
for an anker of brandy, spanish wine or distilled water (spirits)	fl 7.-.
for a ton (tun) of imported beer.....	fl 6.-.
for a ton of New-Netherland beer.....	fl 4.-.
or a larger or smaller cask in proportion.....	.-.

He shall also demand this excise from those, who drink in company or at drinking bouts, but from those, who lay it up for home-use, he shall demand no excise until further orders."²²

A florin was about forty cents, an anker ten gallons, a tun 252

¹⁸*Narratives*, p. 150.

¹⁹Johnson, *op. cit.*, p. 462.

²⁰*Narratives*, p. 140.

²¹Francis Vincent, *A History of the State of Delaware* (Philadelphia, 1870), p. 235.

²²*Charter to William Penn and Laws of the Province of Pennsylvania Passed Between 1682 and 1700*, Compiled and Edited by Staughton George, Benjamin M. Nead, Thomas McCamant, *Preceded by the Duke of York's Laws in force from the Year 1676 to the Year 1682* (Harrisburg, Pennsylvania, 1879), p. 430. (Hereafter cited as "Charter").

²³*Documents Relating to the History of the Dutch and Swedish Settlements on The Delaware River*, Edited by B. Fernow (Albany, 1877), Vol. XII, p. 116. (Hereafter referred to as "Colonial Documents").

gallons. He was also instructed²³ to levy a tax of twelve stivers, about twenty-four cents, on each morgen (about two acres) of land " . . . in order to prevent the immoderate desire for land." This early use of the taxing power to mould a social institution was a preventive rather than a cure for any condition, because the Swedes had not made any grants of land, though some fiefs were granted.²⁴

At that time tobacco was one of the principal products of the colony, and as such it often played the role of a medium of exchange, because it had many of the qualities necessary for a medium of exchange: cognizability, divisibility, exchangeability, etc.; but it did not have the quality of homogeneity which is so necessary. To insure that quality for local conditions as well as for the export trade, the local government established the office of tobacco inspector. For every hundred pounds of tobacco inspected the inspector was paid ten stivers, six by the buyer and four by the seller.²⁵

By 1656 the Dutch West India Company became greatly indebted to the city of Amsterdam, and in order to appease its creditor, ceded to that city one-half the colony on the Delaware. The city then began a vigorous campaign to recruit settlers, promising them freedom from taxation for ten years and thereafter liability to no higher tax than the lowest in New Netherland.²⁶ This exemption did not mean that they were not to pay the four per cent import duty, nor the eight per cent export duty, but freedom from direct taxation. Moreover, the settlers were to be free from tithes for twenty years and one-half the tithes when assessed were to be applied to supply public works and public servants. The city also gave the immediate encouragement of food for a year, seeds to plant, etc.²⁷

After the colony was divided, a schout (an officer whose duties were a combination of those of sheriff and prosecuting attorney) was appointed for each part. For the company's colony that office was filled in 1657, but the city's colony went without a schout

²³*Ibid.*, pp. 115-116.

²⁴Acrelius, *op. cit.*, p. 106.

²⁵Vincent, *op. cit.*, p. 283.

²⁶*Ibid.*, p. 280.

²⁷Christopher Ward, *The Dutch and Swedes on the Delaware 1609-64* (Philadelphia, 1930), p. 271.

until 1659.²⁸ It appears that in 1661 in New Amstel this officer was paid a salary. Later in 1673 he received one-half of all civil fines and one-third of the fines arising from criminal cases.²⁹ The exact duties of the schout are not clear, but it was at least proposed that the schout should make a list of all the Swedes and Finns in order that they might be taxed four hundred guilders for the maintenance of the Court.³⁰

1657 and 1658 were years of extraordinary rainfall so that the colonists could not raise their customary crops; malaria attacked them and in general they suffered. It was then in order to stave off disaster that the company instituted a public building program, a sort of P. W. A. expedient.³¹

When William Beekman was made governor of the city's portion of the colony, he was paid fifty guilders per month and given two hundred guilders per year in lieu of rations. His office was chiefly that of a collector of customs on peltry exported, which from his reports seems to have been quite a difficult task, for smuggling was easy and profitable.³²

The city of Amsterdam was not successful with its activities as a colonial proprietor, for by 1659 it had spent 165,200 guilders with but little return.³³ Moreover, the two authorities on the river were continually clashing. Accordingly, to avoid these jurisdictional disputes, the city was deeded the entire colony in December 1663;³⁴ whereupon Alexander D'Hinoyossa, the governor of the reunited colony, tried to enforce a monopoly of trade in tobacco and furs, but only succeeded in formulating such strict rules of trade that a great many of the most enterprising of the colonists left.³⁵

3. The English Period Under the Duke of York, 1664-1682

In 1664 when the English gained control of the colony, Captain Robert Carr being sent to take charge of it, was given instructions to take the "profits customs and rents belonging to

²⁸Leon de Valinger, "The Development of Local Government in Delaware, 1638-1682" (Unpublished M. A. Thesis, 1935. Library of University of Delaware), pp. 46-47.

²⁹*Charter*, p. 453.

³⁰Vincent, *op. cit.*, p. 277.

³¹*Colonial Documents*, Vol. II, pp. 50, 60-62, 69; Vol. XII, pp. 200, 231, 236.

³²Vincent, *op. cit.*, p. 301.

³³Benjamin Ferris, *A History of the Original Settlements on the Delaware* (Wilmington, 1846), p. 111.

Vincent, *op. cit.*, p. 375.

³⁴Johnson, *op. cit.*, Vol. II, p. 669.

their present Master;"³⁵ in other words, to continue the form of taxation he found. In addition to continuing the system found, he imposed an export and import tax of ten per cent on all goods.³⁶

Shortly after the English gained control of the colony one of the original inhabitants, known locally as "The Longe Finne," but claiming to be the son of the Swedish general Koningsmark, started a rebellion. This so incensed the English that Governor Lovelace at New York suggested to Carr that he should levy such heavy taxes on the Delaware colonists that they would have time to think of nothing else.³⁷

In 1669 the first grant of land in which there was a stipulated ground rent was made by the English.³⁸ It was from Governor Lovelace to Peter Cock, and consisted of "fively acres or Twenty-five Morgen" for which land Cock was required to pay for ground rent one bushel of wheat if it were demanded of him. This granting of land for a stipulated ground rent was destined to become the manner in which all subsequent titles were acquired.

The tax on the importation of liquor had long been levied in the Colony, and it might be inferred from the amount of trouble arising from liquors being sold to the Indians that the quantity taxed was sufficient to raise a considerable revenue.³⁹ It is possible that the palates of the Indians were not very discerning so that a locally distilled product would purchase from them about as many "beever" skins as an imported brandy. At any rate, a local distillery sprang up and a tax of one guilder per "can" was levied on its produce. The proceeds of this tax were spent for the construction of a block house or fort.⁴⁰

In 1673 the Dutch regained temporary control of the colony, but they did not have time to make any radical changes in its life,⁴¹ for the Treaty of Westminster gave the English New Netherlands. Sir Edmond Andros, Governor of New York, was by virtue of his

³⁵Original Land Titles in Delaware Commonly Known as the Duke of York Record. 1646 to 1679 (Wilmington, n.d.), p. 423.

³⁶*Charter*, p. 23.

³⁷Samuel Smith, *History of New Jersey* (Reprinted Trenton, 1877), p. 53.

³⁸*Pennsylvania Archives*, Edited by Gertrude MacKinney (1931), Eighth Series, Vol. I, Dec. 4, 1682-June 11, 1707, p. 29. (Hereafter referred to as

³⁹*Records of the Court of New Castle on Delaware 1676-1681* (Published by the Colonial Society of Pennsylvania, Lancaster, Pa., 1904), p. 425. (Hereafter referred to as N. C. Records).
"Archives").

⁴⁰*Charter*, p. 448.

⁴¹*Colonial Documents*, Vol. XII, p. 509.

position governor also of the Delaware Colony. His representative on the South River, who was called sheriff or schout, in conjunction with the local justices of the peace administered the colony. Meantime the magistracy administered a homespun justice without benefit of counsel learned in the law. Of course, the great majority of cases coming before the courts were trivial neighborhood quarrels, and there the justices, mostly Swedes and Dutch," probably settled according to Dutch and Swedish customs. Theoretically in 1676 the Duke of York's laws were placed in effect, but it was only much later that they actually took effect, because the court at New Castle did not get a copy of the laws until October, 1678."

When Andros became governor, by letter he appointed a deputy governor and several justices of the peace and gave them instructions about administering the government. They were instructed in regard to taxation in the following words:

"That no Rates bee Imposed or Levyes of money made wthin the Towne of New Castell, River or Bay, by any under what denomination soever without the approbation of the Governr unlesse upon extraordinary occasion, in case of necessity of wch the Governr to have a prsent accompt sent him. That uppon the Levy of any Rates, there bee a faire accompt kept, both of the Receipts and disbursements, wch accounts to be given in to the next Gennall Court there to be past & then sent to the Governr for his allowance, until wch not to be a snfficient discharge."

In accordance with Governor Andros' instructions the local officials set up a court at New Castle and began administering justice there. It soon becoming apparent that there would be an accumulation of funds from fines imposed, the court wrote to the Governor:

"There being no prison for the securing of debtors fugetieves and malefactors, who often make their escape for want of the same. Wee therefore desire his honors order for the erecting of a prison wch we immadgine would bee convenient to stand in ye forte and that yor Honor will Lykewyse prscribe what Allowance prisoner shall have and by whome to bee paid Also that the Sherrife may be responsible in case of escapes.

There was by the last Generall Court here an order made allowing 40 gilders for every woof's head to be Levyed from ye Publicq of wch said order wee Inclosed send his honor a copy desiering yor Honors approbacon uppon the same Severall of the Justices & others haveing

⁴²*Colonial Documents*, Vol. XII, p. 515.

⁴³*Ibid.*, p. 608.

⁴⁴*N. C. Records*, p. 7.

laid out monney on ye said acct and Lykewyse further desire his honrs order Impowring us to raise a Levy for the defraying of small publicq charges. Itt being now tyme for payment: And whereas itt often happens that fynes are Imposed by the Court, uppon particular persons: wee lykewyse desire his honors grant that all such fynes may henceforth be converted for the defraying Publicq Charges in Repairing of the forte, Building of a Prison or the Lyke (allowing the sherrife out of the same what yor honor shall thinke fitt) as also that all fynes heretofore Imposed and not as yet paid may be Lykewyse converted to the same use.

Lastly and Chiefly wee are constraigned to tell yor Honor that Incaise Sloops and vessels be henceforth prmitted to go upp & downe the River, trading with the people & getting all the Reddy and best pay (as they now do) that this place will in a short tyme bee deserted and come to nothing (wch then will make this River as bad as Maryland) for the merchants and traders here duely supplying the People their wants in the Summer, trust to be paid att the cropp of wch they are Putt by Pujs the sd sloops & vessells."⁴⁵

The last paragraph was not included for the purpose of reflecting on Maryland, but to give us a glimpse of credit practices of the time. This passage indicates that the settlers bought supplies on credit, promising to pay when the crops were harvested in the fall. Credit prices were doubtless more than cash prices, and there was a strong temptation for the settlers to buy from strangers for cash. This same situation exists throughout the Southern States today.

It was some time before the Governor answered:

"You may cause a prison to bee built in ye forth & the Sherrife is to bee Responsible for prisoners, For the allowance or fees you are to be directed by the Law booke (with regard to former custome and practice. I: do Confirme the order made aboutt killing of Wolves, for the prsent yeare & till further order. As to fynes I: doe grant them to the Court for the Jeare Currant, and for the twoo Yeares Last past (Since the English Governmt) to bee applied for Publicq uses for the wich the Sherrife and Receiver or Receivers are to bee called to accompt and pay in the same to the Courts order who are to make a Returne to the Governor how disposed of; The Sherrife for his paynes in Collecting or Levying the same to have five shillings in the pound, and for extraordinary Charge, either att New Castle upp the River or into the bay, to be further allowed by the Courts, as there shall bee cause. And Lykewyse toward the farther defraying of Publicq charges in the Towne of Newcastle, as also upp the River & in the Bay, a Levy allowed to bee made of one penny in the pound uppon every Mans Estate, to bee Taxt by indifferent prsons thereunto

⁴⁵N. C. Records, pp. 22-23.

appointed by the Respective Courts, and by the sd Courts to bee disposed of accordingly whereof an accompt to be given hither to the Governor.

The former orders prohibiting Sloopes & vessels going up the River above New Castle to trade, are to bee duely observed aas heretofore, and are to bee taken that none goe upp. And a Weighhouse is Lykewyse allowed to bee built in the Towne of New Castle, for the wch you are to appoint an officer to bee sworne thereunto."⁴⁴

The Court replied:

"As to the Levy of a penny in the pound wch yor honor was pleased to allow The People Live so far distant and their Estates for the most part soe Inconsiderable, that we can find noe Convenient way to discover the vallue of their said estates, and if discovered to bring itt in a valluable manner to Receive. But if yor Honor will bee pleased to allow of a Levy to be laid by the Pole as those of Virginia and Maryland doe and have Continued itt for so many Jears not finding out a more easie and better way, then the Levy can bee easier made and Received."⁴⁵

The Court made up a set of expense and levied taxes as follows:

"Woofls heads in all	55 at 40 gildrs
Pr head as it was ordered)
by ye generll or high Court) f 2200:
To ye Clarcq Eph: herman allowed by)
the Court as will appear by their) 300:
order	
To ye High Sherrif for Collecting	
the abovesd sumes allowed	625:
	<hr/>
	gilders f 3125:

The Court calling over the List of all Tydable prsons in this Courts Limits doe find that for ye payment of ye above sd sume, from every Tydable prson must bee Collected and Received the sume of twelve gilders and ten styvers and the same to bee paid in either of the following species vizt: Wheat at 5 gilders Rey at 4 gilders & Barley att 4 gilders pr schipple Indian Corne att 3 gilders pr schipple Tobacco att 8 styvers pr lb porke att 8 and Bacon att 16 styvers pr lb or els In Zewant or skins att pryce Courrant: and for ye Better effecting and Collecting of the above, The Court have thought fitt to order that the High sherife Captn Cantwell doe Collect and Receive the same sume of twelve gilders & ten styvers from every Tydable prson In the annexed List set downe allowing unto the sd high Sherrife for

⁴⁴N. C. Records, p. 38.

⁴⁵N. C. Records, pp. 65-66. Maryland in 1642 levied a poll tax of 20 pounds of tobacco. Herbert L. Osgood, *The American Colonies in the Seventeenth Century* (New York, 1930), Vol. II, p. 348.

his sallary after ye Rate of 5d In ye pound, and that hee the said high sherrife bee accomptable to the Court betweene this and ye 25th day of the month of march now next ensuing the date hereof: The court doe also Give a speciall ordr & Command to sd High Sherrife that hee also Collect and Receive the dyke monny according to ye former order of this Court bearing date the 8th of february 167 6/7, as also all the fynes wch were Imposed By this Court and also by the High Court sence the first coming In of his honor Governor Andross untill this date: and In case any prsons shall Refuse the payment of their Just dues either of ye Pole monny, dyke monny or fynes, The sd High Sherrife is hereby Impowered by the Court to use Restraint upon any Refusing as before and after such Restraint to call together twoo of the neighbors and appraise the goods so strained as above, Returning the ouerplus (if any bee) to the owner and hee the sd High Sherrife to deliver In ye accompts and bee accomptable to the Court of all his said Receipts betweene this and ye 25th of march aforesaid.”⁴⁸

A guilden was worth about a third of a shilling. In addition to the formalized taxes spoken of above, there were other taxes levied in the form of labor necessary to open roads and build dikes.

“Whereas his Honor the Governor att a speciall Court held in the Towne of New Castle the 13th & 14th day of May 1675, did order that Highways should bee cleared from Place to place wthin the Precincts of this Governmt and where as Itt is found that there is great necessity for a good Highway betweene this Towne & oppoquenemen Creek:

The Court have therefore thought fitt to order that the Inhabitants of oppoquenemen Creek, St. Georges Creek and prcincts do wth the first Convenience betweene this and the last day of february next make & cleare a good and Passable Highway twelve foot broad from the sd oppoquenemen to the Red Lyon, and do appoint Mr John Larkinton to bee overseer of the same, who is hereby Impowred to warne all the sd Inhabitants that is to say out of every family one to attend the same worke, and in case any one shall Remaine absent and not attend att the tyme by overzeer prfixt To pay ten Gilders for every dayes neglect and do further Require Mr Caspares Herman & Dick Laurens wth the first convenience to flnd & marke outt the best way, for the Rest to cleare as above.”⁴⁹

However, the roads ordered to be opened were still unopened in 1678 when a penalty of a fine of one hogshead of tobacco was imposed;⁵⁰ but still in spite of this in 1679 the roads were not opened.⁵¹

⁴⁸N. C. Records, pp. 157-158.

⁴⁹N. C. Records, pp. 43-44.

⁵⁰N. C. Records, p. 265.

⁵¹J. Thomas Scharf, *History of Delaware, 1609-1888* (Philadelphia, 1888), p. 414.

The labor requirement for building dikes was imposed on all the males, with the penalty that if one did not do his share, he was to be fined double the amount which he owed. The court continued the 8th of February 167 6/7:

"The Charges of the makeing upp of the dykes being taken into Consideration; The Court order the Sherrife (according to his Honor the Governors order) to Levy from those who did not worke to the same duple the fine wch is vizt for Mistrs Blocqs dyke twenty Gilders, and for the Towne Dyke fourthy Gilders; Provyded notwithstanding that incase any prson (who is prict downe by the then overzeers can make appear to have not ben absent from the sd worke such prson or prsons shall be excused and what hee otherwyse ought to have paid shall be deducted and passe for good paymt against the acct: of such overzeer as shall so wrongfully have prict him downe. The Court allowing the acct of disbursements of Mr Moll to the sume of 818 gilders wch he hath paid for an towards the sd worke wch is to bee Repaid him out of the above sd: funds: and the Sherrife to have for collecting according to the Governors orders."⁸²

The reason, of course, for the ineffectiveness of these large fines is the lack of means for their enforcement. When the Governor allowed the poll taxes, the court wrote that it would be necessary to send soldiers to collect the poll taxes and fines imposed.⁸³

"And whereas yor honor hath ben pleased to admit of a Levy by the Pole, wee find that the same can not be Laid wth out a generll meeting, or high Court of all the Justices once a Jeare, whereof in or former Letter bearing date the 8th of february wee have made mention to yor honor wee therefore humbly desier that his honor will take the same in Conideration, and that ye same meeting or generll Cort may begin in September next, so that those whoe have Long sence disburst their monny for the publicq accompt, may know where to bee Repaired for wth out the same no prson will for ye future bee willing to disbourse for any publicq acct: & if so no Workemen will bee to be had and no publicq worke goe forward: and as for a Treasurer wee appoint Mr John Moll and desier his Honor to nominate the Treasurers fees."⁸⁴

The officials of the government were paid on a fee basis. When Captain Christopher Billop was commissioned commander on the South River and collector of customs, he received one-third of the value of all condemned goods sold. Another one-third went to the King (i. e. the local government), and another third

⁸²N. C. Records, p. 59.

⁸³*Ibid.*, pp. 98-99.

⁸⁴N. C. Records, pp. 999-100.
Colonial Records, p. 590.

to the informer. Likewise, the officials of the court were paid from court fees.⁵⁵ Witnesses were also paid from that source, at the rate of five guilders per day.⁵⁶ The fee system was the generally accepted method of paying public officials. That it became burdensome is shown by the fact that the court complained to the governor concerning it in at least three instances. In two, the complaint was against the high cost of surveying fees. For New Castle County the governor set the price for that service at ten shillings per fifty acres.⁵⁷ In Sussex County the complaint was that a higher charge was made than in Maryland, so that people settled in Maryland.⁵⁸ In Maryland the scale was one hundred pounds of tobacco for the first one hundred acres, fifty pounds for the next one hundred, etc., so that the total payment for surveying one thousand acres was three hundred and fifty pounds of tobacco. But in Sussex County it was one hundred pounds per one hundred acres with no deduction allowed for larger areas. The third complaint was against the twenty-five per cent fee charged by the sheriff to collect the poll taxes levied in 1676.

However, after going to the trouble of collecting poll taxes to pay the bounties on wolves' heads, the court decided that it was an ineffective way of combating the evil, and ordered that wolf traps be built to catch them.⁵⁹

"An order for ye makeing of Woofepitts.

The Court taking into Concideration the dayly & Continuall spoyle & damadge wch ye Woolves Committ uppon the stockes of the Inhabitants, and that the said woolves (notwithstanding the former order of the Laest high Court allowing 40 gilders for each Wolfe head) are no wayes more destroyed than heretofore: Itt was therefore this day Resolved and ordered by the Court for the good of the Country in generall that att or about the places, neighborhoods & plantations hereafter mentioned by the Inhabitants thereof bee made and erected fitting wolfe pitts or houses wherein the said varmin may bee caught & destroyed, the same to bee made by the first of the month of May next uppon ye forfeiture and penalty of seventy and fyve gilders each partee neglecting the same: The severall Constables from tyme to tyme are to see that this order bee fulfilled and observed, and alsoe that the said pitts or houses bee in good order well bayted & tended:

⁵⁵N. C. Records, p. 110.

⁵⁶*Ibid.*, p. 124.

⁵⁷*Ibid.*, p. 132.

⁵⁸Scharf, *op. cit.*, p. 1202.

⁵⁹N. C. Records, p. 177.

They to Informe agst the neglectors, and to haue halfe of the forfeiture for their paynes."⁶⁰

There were poor, of course, among the colonists, and measures had to be taken to care for them at public expense. In 1656 Jacques and his council arranged to set aside a portion of the fines for that use.⁶¹ In March of 1680 we find Thomas Spry, doctor and lawyer, collecting a bill for services rendered:

"Doctor Thomas Spry haueing often before and now againe Earnestly desiering that ye Court would bee pleased to order ye Deacons or Pooremasters of this Church of New Castle to pay him ye sd Spry ye sume of Three hundred gilders Due to him for Curing Evert Branties Legg etc: The Court takeing the business in Consideration haue thought fitt to order, That ye sd Deacons shall Deliver unto sd Doctor Spry ye Cowe belonging to ye Poore att prsent upon halfe Increase wth hans Schier after ye tyme shall bee Expiered for 200 gilders: and yt the vendu master Eph: Herman shall pay ye remaining 100 gilders to ye sd Spry out of ye Cowe sould in vendu unto mr Peter alrichs."⁶²

By 1680 all the area between Duck Creek on the north and Mispillion River on the south had about one hundred taxpayers. They were nominally under the jurisdiction of the court at Horekill (Lewes), but as it was quite an undertaking for them to attend that court, some sixty miles away through unblazed trails, they induced the governor to erect another court on St. Jones Creek⁶³ which political entity by evolution became Kent County.

⁶⁰*Ibid.*, pp. 176-177.

⁶¹de Valinger, *op. cit.*, p. 71. *Colonial Documents*, Vol. XII, p. 158.

⁶²*N. C. Records*, pp. 411-412.

⁶³*Colonial Documents*, Vol. XII, p. 664.

CHAPTER II

TAXATION IN DELAWARE AFTER THE COMING OF WILLIAM PENN

1. During the Legislative Union, 1682-1704

When William Penn became proprietor, he was given a charter defining his powers of government. This charter provided that he was to govern according to the laws and usages of England, and the King in turn stipulated that he would not levy any taxes on the new colony without the consent of the proprietor, of the assembly, or the Parliament in England.

"And further, our pleasure is and by these presents for vs, our heires and Successors, Wee doe Covenant and grant to and with the said William penn, and his heires and assignes, that Wee, our heires and Successors, shall att no time hereafter sett or make, or cause to be sett, any impossicon, custome or other taxacon, rate or contribucon whatsoever, in and vpon the dwellers and inhabitants of the aforesaid pvince, for their Lands, tenements, goods or chattels, within the said province, or in and vpon any goods or merchandize within the said pvince, or to be laden or vnladen within the ports or harbours of the said pvince, vnless the same be with the consent of the pprietary, or chiefe Governor and assembly, or by Act of parliament in England."⁶⁴

Laws that were passed in the colony were to be sent within five years to the Privy Council in London,⁶⁵ and if the Council did not abrogate them in six months, they were to be valid. Penn could only tax with the advice and consent of the freemen of his colony.⁶⁶ Before Penn left England for his new colony, he drew up with the approval of the King a frame of government. The fourth article of that document reads:

"That no money or goods shall be raised upon, or paid by any of the people of this province, by way of a publick tax, custom or contribution, but by law for that purpose made."

And further,

"all fees . . . shall be moderate . . . and hung up in a table."⁶⁷

Another article read that schools should be encouraged, although it did not provide that the expense should be publicly

⁶⁴*Charter*, p. 89.

⁶⁵*Ibid.*, p. 85.

⁶⁶*Archives*, 8th Ser., Vol. 1, p. xxx.

⁶⁷*Charter*, pp. 99-100.

borne.⁶⁸ Penn also provided that until an assembly could be elected by the people that the Duke of York's laws should govern.⁶⁹

However, the colony was not long without laws of its own making, for the low prices at which Penn sold land, some at as low as ten cents per acre down payment with a quit rent of one-fourth cent per acre, combined with unsettled conditions in Europe, the prospect of religious freedom, and local self government extensively advertised, caused a great influx of settlers.⁷⁰ There were soon people enough for a parliamentary system to begin to function.

Penn's original grant from Charles II embraced only the province of Pennsylvania, but on August 24, 1682 the Duke of York deeded to him the "three lower counties" or the territories on the Delaware;" that is to say, he acquired title to the land which had not been previously granted to individuals. Before a form of government was established, these counties petitioned Penn to be united in form of government with Penn's upper colony: "A Petition for an Act of Union betwixt the Freemen of the Three Lower Counties, *Newcastle, Jones's, and New Deal*, and the Freemen of the Province of *Pennsylvania*, that as one united Province, they may be endowed with the same Privileges of Law and Government."⁷¹ This petition was granted⁷² under a form of government very democratic for that time, each of the six counties, the three in Delaware together with Bucks, Philadelphia, and Chester Counties in Pennsylvania, electing six representatives to the Assembly, and three to the Council.⁷³

For a revenue measure to have validity it had to have the approval of the Assembly, but that body could not originate such bills.⁷⁴ Also Penn appointed three representatives from each county to the "Council," the upper legislative chamber which in addition was an advisory body to the governor. Before an election of the Assemblymen, it drew up legislative proposals which constituted

⁶⁸*Ibid.*, p. 95.

⁶⁹*Ibid.*, p. 298.

⁷⁰*Narratives*, p. 208.

⁷¹*Archives*, Ser. 8, Vol. I, p. lxx.

⁷²*Ibid.*, p. 5.

⁷³Judge Rodney thinks that Penn inspired the petition. (Richard S. Rodney, *Early Relations of Delaware and Pennsylvania, Historical Society of Delaware Papers*, New Series II, p. 13).

⁷⁴Ferris, *op. cit.*, p. 142.

⁷⁵*Archives*, Ser. 8, Vol. I, p. 5.

the platform upon which the candidates for the Assembly sought office. The first Assembly met for three weeks and enacted sixty-one laws. Among these were no tax laws, but a revenue was incidentally raised, for numerous offenses, among which was the drinking of healths, were made punishable by fines payable to the governor. The only mention of taxes was in a declaration that anyone who levies or pays a tax without the consent of the people and the governor should be considered a public enemy, and that no tax law was to be valid for more than one whole year.⁷⁶ These provisions in regard to taxes were next year declared a fundamental law, i. e., an embryonic constitutional provision, unrepealable without the consent of governor, council, and six-sevenths of the representatives.”

The Assembly of 1682 was only for the purpose of enacting laws that might provide a frame of government under which the colonists could live until they became orientated, a mere stop-gap procedure. The Assembly of 1683 was the first one which really took in hand the matter of public administration. The most numerous revenue measures then enacted were again incidental to other objects, for they were laws making a great many more offenses punishable by fines. This Assembly also provided an export tax on skins sent to any country except England, the proceeds of which went to the governor;⁷⁸ and levied a tax of a penny per ton on all vessels of over twelve tons, a benefit tax for the purpose of providing buoys in the river and bay.⁷⁹ The Assembly also levied import taxes on strong liquor at the rate of two pence per gallon, on cider at one penny per gallon, and on all other goods at one per cent ad valorem,⁸⁰ and provided a method by which the counties could levy direct taxes:

2. The Law About County Levies

“Whereas, there is a Continual occasion for a publick stock to defray the necessary Charges in each County, for the support of the Poor, building of prisons, or repairing them, paying the salary belonging to the Assembly, paying for Wolfs’ Heads, the Judges expence, with many other necessary charges. Be It Enacted that once every year, and oftener, if occasion be The Justices shall either at their Quarter

⁷⁶*Charter*, p. 123.

⁷⁷*Ibid.*, pp. 155-160.

⁷⁸*Charter*, p. 138.

⁷⁹*Ibid.*, p. 165.

⁸⁰*Ibid.*, p. 138.

Sessions, or at a Sessions for that purpose appointed, Calculate the publick charges of the County & Shall allow all Just Accompts, and make a Rate or assessment for the speedy raising the Sd. sums payable from the County, to Defray the Said accompt so as aforesaid allowed."⁸¹

One-half of the amount was to be levied on land and one-half on polls. An absentee landowner did not escape the poll tax; moreover, he was taxed one-half more on his lands. In addition to giving the counties power to levy taxes, the law gave them something for which to spend their tax money; namely, roads. It was enacted that within eighteen months the counties should build roads and bridges from the southernmost parts of Sussex County to Philadelphia.⁸² In order to execute this ambitious undertaking, every county court was told to appoint at least three overseers who had power to summon all the inhabitants to work on the roads, under penalty of a fine of one pound sterling for refusal. The law further provided that ferries should be built and operated on a fixed toll basis of two pence for a person and four pence for a horse. Interestingly enough, no mention was made of wheeled carriages, probably because there were none. It was permissible for the justices to farm out the operation of the ferry. If no one were willing to undertake its operation, that duty devolved upon the county court.⁸³

The county officers were compensated by a fee system which was "hung up in every court." Since there were relatively few functions of government performed by the province, there were correspondingly few needs for a provincial revenue. There were no publicly supported schools, as is shown in the following quotation:

"The Govr and Provll Councill having taken into their Serious Consideration the great Necessity there is of a Scool Master for ye Instruction & Sober Education of Youth in the towne of Philadelphia, Sent for Enock flower, an Inhabitant of the said Towne, who for twenty Year past hath been exercised in that care and Employmt in England, to whom haveing Communicated their Minds, he Embraced it upon these following Termes: to Learne ta read English 4s (four shillings) by the Quarter, to Learne to read and write 6s by ye Quarter, to learne read, Write and Cast accot 8s by ye Quarter; for Boarding

⁸¹*Ibid.*, p. 233.

⁸²*Charter*, p. 137.

a Scholler, that is to say, dyet, Washing, Lodging, & Scooling, Tenn pounds for one whole year."⁸³

Nevertheless, if a colonist did not take advantage of the opportunity to send his children to school sufficiently long for them to learn to read the scriptures and write by the age of twelve, he could be fined five pounds.⁸⁴

Two more laws were enacted, which though they did not decree direct taxes, were destined to affect the State's finances profoundly. One of these laws was that requiring "ordinaries" or taverns to have licenses from the governor.⁸⁵ The other was that allowing the governor to "chuse" the magistrates. This combination of enactments was later to result unfavorably for the colonists by giving the governing authorities a source of income sufficient for ordinary purposes, and thereby enabling them to maintain themselves without a grant of funds from the Assembly.

Still another important enactment, and one which was indicative of local financial conditions, was the provision that fees and taxes could be paid in country produce.⁸⁶ It was necessary to endure this inconvenience because, being a debtor county, the tendency was for coins, universally accepted money, to be paid away for imported merchandise. In order to attract or to prevent other colonies from draining coins away from it by similar laws already in existence, the Assembly joined the procession by overvaluing English money twenty-five per cent.⁸⁷

For several years after the assembly meeting of 1683 the chief financial legislation was the continuation and extension of the laws then made. The import tax on liquors was continued by a levy of twelve pence per gallon on all strong spirits, and two pence on beer and cider.⁸⁸ Also as a police measure was enacted in 1684 a law providing that every person had to put himself upon the county registry and pay a fee of three pence.⁸⁹ But this enactment was short lived, being repealed in 1690.

⁸³*Minutes of the Provincial Council of Pennsylvania from the Organization to the Termination of the Proprietary Government* (Published by the State, Philadelphia: Printed by Jo. Severns & Co., 1852), Vol. I, March 10, 1683, to November 27, 1700, p. 91. (Hereafter cited as "Provincial Minutes").

⁸⁴*Charter*, p. 142. The writer has seen no evidence of any corrections.

⁸⁵*Ibid.*, p. 139.

⁸⁶*Ibid.*, p. 146.

⁸⁷*Charter*, p. 145.

⁸⁸*Ibid.*, p. 170.

⁸⁹*Ibid.*, p. 170.

Mention has been made of the levy of 1683 on the ship owners for the purpose of providing buoys in the river. This tax presumably was collected, for in 1687 the Assembly requested that steps be taken to install the buoys. At the same time they requested that the council see that the roads be provided.⁹⁰

The local governments had power to levy taxes, but these taxes were not necessary for the pay of local office holders, for their living came from fees determined by the provincial assembly, except those of the surveyors, which was the office of most profit in the Province. However, in 1690 the Assembly included this office in its fee regulating activities by enacting that the first one hundred acres of land, or one city lot, should be surveyed for six shillings, and each unit thereafter at three shillings.⁹¹

3. King William's War

For many years the people of the colony had lived at peace with the Indians. They had had little or no contacts with the French. They had heard of the difficulties that the province of New York was having with the French and Indians above Albany, but they were not greatly excited about them. The predominant sect still was that of the Quakers, who were opposed to military force; the trouble was hundreds of miles off, through a trackless wilderness; New York was another province. Aside from religious convictions, a militia did not appeal to the people of the colony because it would cost money, nor in addition could they see any immediate need for one. They were soon, however, to be faced with the necessity of providing for one.

William Penn's power as governor was revoked in October 1692 and Colonel Benjamin Fletcher, by charter, was made governor of Pennsylvania and "the territories," as well as governor of New York.⁹² This change in the charter alarmed some of the people, for they feared that their laws might now be void. When Fletcher arrived in the colony in April 1693, he brought with him a letter from the Queen ordering the colonies of New England, Maryland, Virginia, and Pennsylvania, including the three Counties on the Delaware, to assist in the defense of the colony of New York;⁹³ and this letter he lost no time in presenting to the Assembly.

⁹⁰ *Archives*, Ser. 8, Vol. I, pp. 79-81.

⁹¹ *Charter*, pp. 187-188.

⁹² *Charter*, p. 189.

⁹³ *Archives*, Series 8, Vol. I, p. 129.

The Assembly in turn presented the Governor a "Petition of Right,"⁹⁴ setting forth that the laws under which they were living were made under the authority of a Royal charter, and had been sent to England and not disallowed. The petition then listed some ninety laws which the Assembly prayed to have declared in force. The governor refused to allow the petition, taking the position that he could not approve or deny the laws by title; and further he asserted that these laws had never been sent to England for approval.⁹⁵ The Speaker of the House said that the laws *had* been sent to England. After some searching they found the book of laws and presented it to the governor.

"His Excell. told them, Hee could take no notice of that book unless it wer attested for a true Copie by the Gor, secretarie, or Mr of the Rolls: these scripts of paper are handed about from one to another, and everie one may alter them att pleasure.

Mr Lloyd. May it please the Gor, I did see some of those Laws, & doe know that they wer delivered in to the privie Councill by Mr penn: & being no wayes disallowed, they must needs be of force.

His Excell. This is the first time I have heard of that, nor doe I conceive it to be true. By the king's Lres pattents, yor Laws are to be made, ordained & published under Mr penn's seal, & these condions are not performed: you cannot produce me one Law soe enacted.

John White. May it please the Governor, wee are but poor men & of inferiour degree, and represent the people, and wee cannot have the boldness to say to the Gor freelie, becaus thou art soe farr above us, & putts an awe upon us. We wold willinglie be resolved of this point, that we may be ready to doe the other part which perhapps may be ended in hours & not take up dayes; But it's hard that all our proceedings in Courts of Judicature, &c. are grounded upon no foundation, having no Law, then consequentlie void, & all for want of forme."⁹⁶

The governor being anxious that the Assembly vote a supply bill that would provide him with funds to equip troops to go to the assistance of the settlers around Albany, and the Assembly being equally anxious about their previous laws being declared valid, the latter saw its opportunity to trade.

"Att a Councill held att philadelphia the 31st of May, 1693, post meridien. . . .

John White, david Loyd, Small. Carpenter and Edward Blake, from the house of representatives bring in and offerr the Bill of supplie for the government, which they say is read two times in their house,

⁹⁴*Charter*, pp. 188-191.

⁹⁵*Provincial Minutes*, Vol. I, p. 413.

⁹⁶*Ibid.*, p. 417.

but not passed, and desires to know what is become of the other bills they had sent up; whether they are passed or not, or what amendments are made, &c.

His Excell., Gentl., This is no bill. I will not look upon it untill it be passed ye house & signed by the Speaker. I have sent you word formerlie that the Speaker was to cause be wrote under each bill: 'This bill being three times read, is assented unto by the House of representatives and ordered to be transmitted to the Governor and Councill for their assent thereunto; and then signed by order of the house: his name.' But this you will not follow becaus bid to doe it.

Mr. White. May it please the Governor not to take it amiss that the representatives are desirous to know what is become of the other bills, ere they proceed to the passing of it: They Judge it the practice of the Comons of England and their right, therefore pray Governor excuse it and peruse the bill.

His Excell. Gentl., If you did design to Compliment me with the sight of this Bill before it was passed yor house, you might have followed other measures. I can take no notice of it here untill it come signed by the Speaker & past the house. I will not Looke upon it.

Mr. Lloyd. To be plain with the Governor, here is the Monie bill, and the house will not pass it untill they know what is become of the other bills that are sent up.

Mr. White. May it please the Governor, The house doe not know but those bills the Governor may see Cause to Lay aside may be the bills they putt the greatest value upon, therefore pray thee to excuse it, and Condescend to them in that thing .

His Excell. Gentl., You have not dealt fairlie by me; you have no candor; you have sitt these fifteen dayes & nothing done: no vote mentioning those Laws ever came to my hand untill you surprize me with 13 bills; & again more, some of which are directlie opposite to their Maties Lres patents. I came not here to make bargains nor expose the king's honour. I will never grant anie such for all the monie in your Countrie. You have had her Maties Letter before you, and Let the house Consider what they are doing: I must be accomptable at whitehall for everie thing that is transacted here in this assembly. I shall be sorrie if I can be able to give you no better character; and in short, you must expect to be annexed to New yorke or Maryland. I will not Look upon the Bill untill it will be three times read & signed by the Speaker.

The Representatives did throw down another bill upon the table and withdrew."⁹⁷

After the governor had approved the other laws the assembly passed an act levying a penny in the pound, or in modern terminology, 41.67 cents per \$100 of assessed value.⁹⁸

⁹⁷*Provincial Minutes*, pp. 426-427.

⁹⁸*Ibid.*, pp. 428-429.

"1st June, 1693.

Att an Assembly Held att philadelphia the first day of June, 1693, 5 a clock morning. . . .

The Councill Having sett two hours, Ordered that Pat. Robinson, Esqr. doe wait upon the House of Representatives, and demand of them an ansr to that message concerning the Queen's Lettr, according to promise Last night, in writting, & whether they have anie further Bills to offerr.

John White and Edward Blake from the Representatives brought a Roll of Laws, annexed to a petition of right, which Laws the assemblie doe petition may be ordered to be putt in execuon by the officers in the government, & a bill giving one pennie in the pound to yr Maties.

His Excell. did say: Gentl., you have not dealt kindlie by mee. I suppose becaus you doe not know mee. However, I shall cause this Bill to be read, & then send to the speaker and the whole house. I suppose I shall give them satisfaction. This might have been done five dayes agoe.

Mr. White. May it please the Governor not to take it amiss from anie particular member of the house, for as wee differ in face, so also in mind; It was not delayed through any disrespect to the Governor, but that it doth take up some time to bring men's thoughts and tempers to agree. I hope the Governor will part with us in Love.

His Excell. You may tell the house that I shall send for them as soon as I have perused the bill.

The Bill of the pennie in the pound read three times. Ordered pat. Robinson, Esq. doe call the speaker and Assembly.

The Speaker and assembly present.

His Excell. said: Mr. Speaker and you gentl., The representatives of ye province, there is one bill that you have passed giving the pennie in the pound to their Maties, for which I am obliged to thank you. It would require several amendments, but I am in haist. I could wish you had given that monie, as you call it, for support of the government of the province, by another name; It would a been more suteable & pleasing if you had taken some notice in the bill of the Queen's letter; But I shall not insist, and as for that part yrof which you design for mee, I shall putt it to that use which their Maties shall require me."⁹⁹

This tax was on all kinds of property, real and personal. All freemen who had been out of servitude for six months or longer and who were not rated at one hundred pounds or more were assessed a capitation tax of six shillings. The proprietor and his deputies, and those whose net estates were worth less than thirty pounds were not taxed.¹⁰⁰

The method of assessing the tax was for two or more members

⁹⁹*Provincial Minutes*, pp. 428-429.

¹⁰⁰*Charter*, pp. 221-224.

of the Assembly from each county to meet with at least three of the justices "or other substantial free holders" to assess the rates and appoint the receivers or collectors. The county constables were to be the assessors and were to receive three pence per pound of money collected ($1\frac{1}{4}\%$) for their trouble. The tax receivers were to receive six pence per pound ($2\frac{1}{2}\%$) for their work. Half of the levy was to be paid by the tenth day of the ninth month, which was really the tenth of November, and the other half by the tenth day of the second month (April 10) of the year 1694. The assessors and collectors had no option about serving; if they refused, they could be fined at the discretion of the court. Goods could be distrained for taxes. The taxable had the right to appeal to the board of three assessors if he were not satisfied with his assessment. The tax receivers were to turn their receipts over to a treasurer appointed by the Governor. The treasurer was to receive one shilling per pound (5%) for his commission. The total commission was thus 8.75 per cent. The tax could be paid in good merchantable country produce at current prices.

Not only did the Assembly enact a state-wide levy; it also authorized county levies.¹⁰¹ The county levies were to be raised in the same manner as the state levy, and the overseers of the poor were to have their claims satisfied out of the first revenue. One additional law was passed in the session of 1693 authorizing the establishment of a post office; that is, it authorized one Andrew Hamilton to conduct a post office, and regulated the charges he could make.¹⁰² From Philadelphia to New York the charge was four and a half pence; from Philadelphia to Boston it was fifteen pence; and proportionate charges were made to other destinations. However, this authority was of little immediate use, because we find Hamilton in 1697 asking for a subsidy to get a post office started.¹⁰³

But then, as now, it was one thing to levy taxes, another to collect them. Therefore, in 1694 the governor appointed a committee to look into the assessment and collection of the taxes.

"The Committee appointed by his Excellie the 23d of May instant, to inspect the execuon of the act of Assemblie granting the pennie per pound, Reported to his Excellie in Councill, that having examined the

¹⁰¹ *Charter*, p. 233.

¹⁰² *Ibid.*, p. 224.

¹⁰³ *Archives*, Ser. 8, Vol. I, p. 201.

severall rates of the rexive Counties, did find that in most of the Counties there have been great errors & partialitie Comitted by the assessors in Undervaluing their owne & others estates, whereby the whole amounts but to 760lb. 16s. 2d. monie of pennsilvania; In monie of Newyork to about 700lb; in English monie about 560lb: Which 60lb. may come short in the Sallaries for collecting the same & in Runawayes, so that the Nett produce may be about 500lb. English money.

The Rates of the Several Counties, with what is paid to the Receiver generall, and what is in arrears.

	L	S	D		L	S	D		L	S	D
Countie of philadelphia,	314	11	11		242	0	0		72	11	11
Countie of Newcastle,	143	15	0		000	0	0		143	15	00
Countie of Sussex,	101	01	9		45	0	0	Arres.	56	01	09
Countie of kent, Rated	88	02	10	paid	61	8	4		26	14	06
Countie of Chester,	65	00	07		58	1	0		6	19	7
Countie of Bucks,	48	04	01		000	0	0		48	4	1
	<hr/>				<hr/>				<hr/>		
	760	16	2		406	9	4		354	6	10

And the said Committee Likewise Humblie offerr to his Excellie in Councill. that warrants be forthwith Issued to the rexive Collectors of the severall Counties, requiring them that they speedilie send up the arrears, which was accordinglie order'd."¹⁰⁴

The 760 pounds was the total levy; the 406 pounds was the amount collected by 1794; and the 354 pounds was the amount then in arrears.

Because one of the "laws of greater moment" stated that tax laws were not to be valid for more than a single year made it necessary to reenact such laws each year. Therefore, in 1694 when the reenactment of the county tax law came before the council, it protested to the governor, saying that the 1693 law allowed the justices, who were not the representatives of the people to levy a tax without the consent of the grand jury, which was the local representation of the people. Under the charter or commission given Fletcher, he chose twelve councilmen as advisers, any three of whom were a quorum. However, the governor took the same view, finding that the method proposed was not according to the law of England.

One of the laws which Fletcher signed in 1693 in order to get the tax bill enacted regulated the fees that could be charged by public officials. In 1694 when the Assembly attempted to amplify this law, Fletcher vetoed the bill saying that the settling of fees

¹⁰⁴*Provincial Minutes*, pp. 461-462.

was a prerogative of the Crown.¹⁰⁰ Governor Fletcher and the Assembly continued at odds, each striving to have his way. Fletcher sought to maintain the prerogatives and authority of the governor; the assembly sought to establish its own authority and chose the field of taxation as the battle ground upon which to contend for supremacy. Unswervingly Fletcher contended that the Queen's letter commanding the colony to send military aid to the province of New York was meant to be obeyed. Also he pointed out the wisdom of frontier aid, saying that the military weakness of the colony was such that it could be conquered by five hundred men so fast as they could walk through it.¹⁰⁰ Contrarily the Assembly stressed the youth and weakness of the colony. However, it could have done something, but instead the Assembly chose to use the opportunity offered by the Governor's demand to trade for something it wanted.

A second opportunity of the same kind presented itself when the Assembly next year enacted a bill levying a penny in the pound and appropriating the first £400 to pay Fletcher's Deputy Governor Markham and Speaker Lloyd for their services. This bill was accompanied by a new act of settlement, and in order to get the one it seemed that Fletcher would have to approve the other. Nevertheless, Fletcher vetoed the bill, stating that the assembly lacked confidence in him, the Queen's officer.¹⁰¹ But he said he would approve a bill if the money were presented to the Queen with the request that it be given to Markham and Lloyd. Further he took the opportunity to remind the Assembly of the Queen's letter in regard to assistance to New York; but knowing that the religious persuasion of the colonists would not permit them to vote appropriations for war purposes, he cannily fitted the request to the tenderest conscience.¹⁰¹

"The Speaker and Representatives being present, His Excellencie said: 'Mr. Speaker & you gentl. of the Representatives of this province, you may Remember that I did desire you to doe something which I thought needfull for their Majesties service and your own preservation in a way agreeable to yor owne principles, which is to feed the Hungrie and Cloath the naked. The Indians of the five nations are a Barrier and Defence to you & all the English Colonies on the main; your saftie and interest is Concerned; they are poor and naked; and in

¹⁰⁰*Provincial Minutes*, p. 471.

¹⁰⁰*Ibid.*, pp. 410-422.

¹⁰¹*Provincial Minutes*, p. 463.

this time of warr have Lost the Libertie of hunting which is their onlie support. They are objects of yor charitie. . . .'¹⁰⁸

Under these terms the use of the proposed appropriation would be much the same as if it had been for war; namely for bribing the Indians to become allies to the English. But still the Assembly would take no action other than giving the governor the disposal of all the funds over £400 which it had allowed to be raised by the bill which the governor had vetoed, a sum that the governor believed would be almost nothing. Several other bills were presented and signed; several were vetoed,¹⁰⁹ among them one paying the Assemblymen six shillings a day. For reason of his veto the governor said he thought that their old allowance of three shillings a day, which came from county funds, was a sufficient amount. Indications are that he thought them overpaid at any price. Then in anger he dissolved the Assembly: it was his last official act in the province.

4. The Government Restored to Penn

When the colonial government was restored to Penn in August 1694,¹¹⁰ who immediately appointed Markham as his deputy, Markham started to conduct the government in accordance with Penn's former charter, and had again a council elected by the people instead of one appointed by the governor.¹¹¹ At a Council meeting on May 25, 1695 a "new frame and model of government" was considered,¹¹² but the Council could not agree on any new frame.

They were informed that the Queen had sent a letter commanding that eighty men and officers,¹¹³ or two thousand pounds sterling, a sum of money equivalent to the cost of maintaining that number of soldiers for a year, had been determined as the share of the Province toward the conduct of the war. Colonel Fletcher, who was still governor of New York, demanded that the men be sent immediately, and this demand left Lieutenant Governor Markham in an unenviable position. The Council considered the situation and recommended that a meeting of the

¹⁰⁸*Ibid.*, p. 463.

¹⁰⁹*Provincial Minutes*, p. 471.

¹¹⁰*Ibid.*, p. 474.

¹¹¹*Charter*, p. 559.

¹¹²*Provincial Minutes*, p. 485.

¹¹³*Ibid.*, pp. 480, 487.

Assembly should be called; but even though the matter was urgent, the Assembly should not be called until after harvest."¹¹⁴

According to Penn's frame of government, the Council should have proposed and published bills before the election of the Assembly upon which the Assembly later would be asked to pass. The Council did not do this; it just went home. This indifferent attitude that the Council took in regard to furnishing military assistance was as embarrassing to Markham as it had been to Fletcher, for one of the promises given by Penn was that if the Province were restored to him, he would protect it against the attacks of the enemies of their Majesties' government, and assisting in the defence of Albany was the official interpretation of his obligation.

Finally a meeting of the whole Assembly was called for September 9.¹¹⁵ When the Assembly met, both houses resolved themselves into a joint committee of the whole to consider what could be done about the military demands. (It was deemed necessary to have this grand committee to circumvent the omission of the publication of proposed bills.)¹¹⁶ The committee of the whole was probably too large to work effectively, for the governor appointed a committee of four, two from each house, to make a report.¹¹⁷ This committee reported a money bill proposing a tax of one penny per pound, and a poll tax of six shillings. This revenue was to be appropriated: two hundred fifty pounds for the support of the government; three hundred pounds to Governor Markham, for his services; and "The surplus for defraying the debts of the Government." The Assembly accompanied this tax bill by an act of the settlement, the contents of which are not now known, but which doubtless redressed some of their grievances. When these two bills were presented to Markham, he said:

"Gentl, You have delivered mee these two bills together, as if you meant to tack ym soe the one to the other, as that I must pass both or neither. Gentl, you know I allwise Recommended to you the effectual Consideraon of, & ansr to her late maties Letter, & his Excellie Gorr Fletcher's demands yrupon; This was the prime & principall (if not the onlie) occasion of my calling and of yor coming together att this time, (for wee formerlie had Laws enough, and men

¹¹⁴*Provincial Minutes*, p. 481.

¹¹⁵*Charter*, p. 560.

¹¹⁶*Ibid.*, p. 561.

¹¹⁷*Ibid.*, p. 562.

enough to execute them.) You have indeed in some manner Considered it. But as you have brought these two bills together, it would seem you would have ym past together. But Gentl, To be plain and above board with you, If you'll first pass the monie bill, designed (as you say) to ansr the Queen's Letter, in what manner & under what title you please, Ile give sanction to it, Leaving the bill about the act of settlement to a further debate. Gentl, In the monie Bill you have Considered mee, and I as much thank you as if I had received yor offer; But I desire to be totallie left outt of it, rather than the late Queen's Letter should remain unanswered. And I assure you, Gentl., I shall not assent to the passing of anie bill or bills whatsoever till that be past first.'

Then a member of Councill spake to this effect: that in the parliament of England the people had allwise their privileges granted to them befor they gave anie monie, & yt the monie bill used to be the last; & tho' wee can pretend to no equalitie with them, being a poor province, yet we are to proceed in some sense in a parliamentarie way in our degree.

Then the governor said: 'Gentl, You Have now satt well nigh three weeks & have done next to nothing; The onlie thing I called you for was to answer the Queen's letter, and his Excellie Governor Fletcher's demands yrupon. I have oft prest you to it, & do now again. . . .'

'But Gentl., Since there's no Likelihood of obtaining from you anie ansr to the Late Queen's Letter, nor to his Excellie Govr. Fletcher's Demands thereupon, Unless Ile enter upon and grant you a Charter of privileges, I dissolve you, and you are hereby dissolved.' ¹¹⁸

Next year Markham called another session of the Assembly for the purpose of acting upon the still insistent demand that the province furnish troops. But this time he had reversed his position and in accordance with Fletcher's charter, appointed the Council.¹¹⁹ The Assembly were, they said, willing to enact a supply bill if Markham would restore to them the form of government they had before Fletcher was made governor. In reply Markham stated that no man was a more zealous charter advocate than he, and upon suggestions of the House, he appointed a committee of members from both houses to settle their differences.¹²⁰ These were cleared finally by the Assembly's passing two bills, one an act of settlement,¹²¹ the other raising a penny in the pound.¹²²

The form of the bill and the provision for the assessment

¹¹⁸*Provincial Minutes*, pp. 494-495.

¹¹⁹*Charter*, p. 564.

¹²⁰*Ibid.*, p. 567.

¹²¹*Ibid.*, p. 245.

¹²²*Ibid.*, p. 253.

and collection of the tax were like those of the tax bill of 1693. A county tax bill was also passed,¹²² which differed from the bill of 1693 in that the grand jury and the justices together levied the tax. A third financial bill was passed levying a fine of twelve pence against persons "who shall smoak tobacco in the streets,"¹²⁴ the proceeds to be applied to the purchase of fire fighting equipment.

The frame of government provided among other things that the Assemblymen should have property qualifications,¹²⁵ although these were not very exclusive, it being required only that one own fifty acres, ten whereof were seated and cleared, or otherwise worth £50 to vote or serve in the Council or Assembly. Both houses were made elective and the Assembly could originate money bills. The counties were to continue to pay the Assemblymen four shillings per day and two pence each mile each way for traveling expenses. But the act of settlement was silent on the subject of taxation. However, like the previous frame of government, it could not be altered except by the consent of the governor and six-sevenths of the elected representatives of both houses.

Of course, it was to be expected that it would take some time to collect the three hundred pounds to comply with Fletcher's request; so the money was borrowed.¹²⁶ Colonel Fletcher in New York insisted that they should have sent the two thousand pounds requested rather than a mere three hundred, and in 1697 he insisted that the two thousand pounds be sent immediately,¹²⁷ whereupon the council and assembly of that year unanimously adopted the following resolution:

"Att a Committee Consisting of Several members of Council & Assemblie, appointed to Consider of Governor Fletcher demands of a further assistance to ye Governmt of Newyork, May ye 4th, 1697; Having read his Letter, & weightilie considered ye same, wee can do no less than acknowledge his & that government's regard & Candor to us, in applying ye 300lb. which hee pleases to mention, sent from this governmt as intended, viz: to feed & cloath the distressed Indians. Onlie this wee wold desire, hee might be given further to understand, that ye sd 300lb. was about Six mo's borrowed att Interest, upon ye Credit of an act of Assemblie for raising ye same, & is not yet repaid:

¹²²*Ibid.*, p. 256.

¹²³*Ibid.*, p. 260.

¹²⁴*Charter*, p. 247.

¹²⁵*Archives*, Ser. 8, Vol. I, p. 196.

¹²⁶*Ibid.*, p. 195.

Therefore, Considering ye Infancie & povertie of this governmt, which also Lyeth under other considerable debts, Wee do not find wee are capable att present to raise any more money for yt service, which wee desire or Gor may accordinglie repsent, with or readiness to observe ye king's farther Comands, according to or religious psuasions & abilities. Signed by ordr of ye Committee."¹²⁸

Records now extant indicate that either the assessments were very low in proportion to the value of the properties, or that the estates were still inconsiderable. For example, in New Castle Hundred a hundred and fifteen people were assessed a total of £50, 12s, 8d, a little over \$2.20 per taxable. Only nine persons were taxed one pound or over.¹²⁹ Again an investigation of the method of levying and collecting the tax convinced the Assembly that the performance was most lax, and a new law was accordingly passed speeding up the collectors.¹³⁰ Thus the provincial Assembly, by the use of its sole power to tax, won its second battle for self-government.

One of the main financial reliances of the colonial government was that of import and export duties. Tobacco, then as now, had a broad back upon which a heavy load of taxes could be saddled. The method of saddling, though, has changed. Now it is on the consumption of tobacco; then it was on its production or, technically, its exportation. The principal tobacco growing region was then Kent County, and as there was no port collector in Kent County, it is reported that some of the exporters of tobacco paid no tax. This condition the Assembly of 1698 sought to remedy by providing that the exports of Kent County should be cleared through the collector at New Castle.¹³¹

Another broad back upon which a tax load was always saddled was spiritous liquors. Sometimes the saddling was done in the form of an import tax; sometimes as an excise; and sometimes as a license. In 1699 a law¹³² was passed further restricting the keeping of an "Ordinary or Publick Drinking House"; no one was permitted to engage in such a business unless he had from the governor a license which could be issued to him only on the

¹²⁸*Charter*, p. 570.

¹²⁹"Miscellaneous papers relating to the Three Lower Counties" (Manuscripts in Historical Society of Pennsylvania), p. 54.

¹³⁰*Charter*, p. 263.

¹³¹*Ibid.*, p. 268.

¹³²*Charter*, p. 286.

recommendation of a magistrate. Liquor was also taxed on special occasions:

"The Request of ye Magistrates at the Whore-Kill being taken into consideracon, wherein they desire reperacon of the Damages and Losses they susteyned by the Privateers the last Winter, they may be permitted to lay an Imposition upon strong liquors. It is allowed of & consented unto, and the Magistrates there have hereby power to levy & receive upon each anchor of strong liguors spent or disposed of amongst them the value of foure guilders in wampm, & this to continue for one year only . . ."¹³³

It was not long before this law in regard to taverns was used to the detriment of the powers of the Assembly, because the revenues created by it, together with fines and marriage licenses, afforded the governor modest yet sufficient funds without further grant. A couple not wishing to wait for the bans to be published could be married by obtaining a license from the governor. There was not much demand for these licenses; for one reason, because they cost money. Although the licenses were supposed to be a grant of dispensation by the governor, the Justices of the Peace kept a supply of signed forms on hand. The ministers considered this a governmental scandal.¹³⁴

Presently, the Assembly, unable to agree with the governor, tried to force him to accede to its wishes by withholding the appropriation for his salary until he acceded to their demands,¹³⁵ but could not because the governor, with this law on the statute books giving him the appointment of the justices, would appoint only those who would recommend many people to be licensed. Since the revenue, one pound per ordinary, was a perquisite of the governor, the funds from this source made him independent of the Assembly, unless there were an extraordinary demand for revenue, such as for the defense of New York.

5. The Return of William Penn

Penn, returning to the colony in 1699, found it very much disrupted by strife between the various factions. This damage he set about repairing, but little financial legislation was enacted for a couple of years. One of the insistent desires of the colonists

¹³³ *Provincial Minutes*, Vol. XII (July 1, 1672), p. 499.

¹³⁴ Acrelius, *op. cit.*, p. 357.

¹³⁵ Acrelius, *op. cit.* p. 118.

was for a new frame of government, or constitution. Accordingly, at a meeting of the Assembly called for the 10th of May, 1700 a new constitution was discussed, but nothing being done,^{135a} another meeting was called for October 10 upon the urgent occasion of deciding upon a frame of government.¹³⁶

When the Assembly met in New Castle, it was again reminded that its annual obligation to the defense of New York was two thousand pounds. It is not now possible to say just what action was taken in regard to this reminder. This much, however, is certain: that there were powerful influences, both in America and in London, which were trying to bring about the downfall of the proprietary government,¹³⁷ and to this end the assertion was made, among others, that that form of government was impotent in time of war. Nevertheless, however much difficulty the colonists had with one another or with the various governing officials, they still preferred the proprietary form to any they were likely to get. So even though we cannot be certain about the motivating power behind it, there was a bill passed levying two thousand pounds.

To raise this sum it was first proposed that a tax of three pence per pound and twelve shillings per head should be levied,¹³⁸ but the representatives of the upper and lower counties immediately engaged in a squabble over these rates. Then it was proposed that a tax of two pence and eight shillings be levied.¹³⁹ Finally it was proposed that the three pence bill be passed, but one penny of the three be returned to the three lower counties because of their extraordinary charge in legislation. All the members for the upper counties voted for the bill, and all the members for the lower counties against it.¹⁴⁰ It was finally decided that a levy of two thousand pounds be made, and that the county quotas be stated in the bill, the amounts to be levied by counties being:

Philadelphia	£1,023
Chester	325
Bucks	225

^{135a} *Archives*, Ser. 8, Vol. I, p. 233.

Provincial Minutes, p. 601.

¹³⁶ *Archives*, p. 243.

¹³⁷ William Robert Shepherd, *History of Proprietary Government in Pennsylvania* (Columbia University, Studies in History, Economics and Public Law, Vol. VI, New York, 1896), pp. 502-508.

¹³⁸ *Archives*, Ser. 8, Vol. I, p. 271.

¹³⁹ *Ibid.*, p. 273.

¹⁴⁰ *Ibid.*, p. 274.

New Castle	182
Kent	139
Sussex	106

And this bill being passed by the house¹⁴¹ and the council, became a law.¹⁴²

The preamble to the bill mentions the proprietor with great respect and gratitude, so that one might be led to believe from a reading of the bill that it represents an act of pure generosity. But such may not have been the case, for suspicion is aroused by the fact that the exact amount demanded by Fletcher should be voted to Penn. Possibly the colonists thought that if they were not more generous in the defense of Albany that the proprietary form of government would be displaced by that of a royal governor. Or possibly they thought that this bill would be a sort of card that Penn might play if it were impossible in any other manner to stave off the recall of the charter. At any rate, having had a short experience with royal government, they did not want it again, perhaps permanently.¹⁴³

They also voted a county tax¹⁴⁴ of one penny in the pound, the regular provincial tax of one penny in the pound,¹⁴⁵ and a liquor tax,¹⁴⁶ but one searches the statutes in vain for a new frame of government.

Although, by the time the Assembly of 1701 met, peace on the New York frontier had been made, it was again reminded that it should participate in the defense of Albany, this time by assisting to the extent of three hundred and fifty pounds in the erection of a fort above Albany.¹⁴⁷ On that occasion the Assembly replied that it could not comply, as the colony itself needed fortifications, that taxes were heavy, that they were behind in their quit rents, and besides all that, the neighboring colonists had not helped.¹⁴⁸ However, Acrelius says that the people were not pressed for quit rents; rather that they were let run on for years. Also, a missionary writing back to Sweden in 1697 said taxes were light.

¹⁴¹*Archives*, Ser. 8, Vol. I, p. 277.

¹⁴²*Statutes at Large of Pennsylvania*, Vol. II (1896), p. 114.

¹⁴³Albert S. Bolles, *Pennsylvania Province and State* (Philadelphia, 1899), Vol. I, p. 186.

¹⁴⁴*Statutes at Large of Pennsylvania*, Vol. II, pp. 34, 94.

¹⁴⁵*Ibid.*, p. 109.

¹⁴⁶*Ibid.*, p. 105.

¹⁴⁷*Archives*, Ser. 8, Vol. I, p. 278.

¹⁴⁸*Narratives*, p. 329.

Since 1683 it had become customary for the Assembly annually to provide that a county levy be collected. The successive acts were almost exact repetitions of the law of 1683 which left the county levy at the discretion of the local justices and grand jury. One of the heavy county expenses was the expenditures for judges' salaries. The lowest courts consisted of the magistrates courts; the next higher were the circuit courts consisting of three magistrates sitting four times a year, and above these courts were the appeal courts which could try capital offenses. The sheriff met the judges of the provincial courts on circuit at the edge of his county and escorted them during their stays in the county; also he paid them twenty shillings per day for salary and expenses from the funds of the county.¹⁴⁹

6. Taxation in Delaware after the Dissolution of the Legislative Union, 1704

When the new charter was finally agreed upon in 1701, at the instance of the representatives of the three lower counties, a postscript was added, allowing the three lower counties to have a separate legislature, if they so demanded it within three years.¹⁵⁰

Accordingly, in 1704 the "Territories" or the "Three Lower Counties on the Delaware" withdrew from the union with Pennsylvania. William Penn remained governor and proprietor, but the representatives of the people of the two colonies no longer met together. The charter which he granted, while it provided for a large measure of self-government, did not mention taxation, so that if Penn had attempted any arbitrary taxation, it is difficult to say what redress the colonists would have had. Penn acquired the three lower counties by a deed which gave him title to the land, but did not mention any authority to govern the people. While the two colonies were united, the legal provisions of Penn's charter to govern had secured the people of the three lower Counties against any arbitrary action; but when they were separated, the provisions for government granted to Penn no longer applied. Indeed, it seems reasonable to think that the lack of any grant of governing power to Penn is the reason that none of the laws en-

¹⁴⁹*Charter*, pp. 318-319.

¹⁵⁰*Archives*, Ser. 8, Vol. I, p. 392.

acted by the Provincial Legislature of Delaware were not regularly sent to England for approval.¹⁵¹

It seems that the view that Penn held no power to govern was entertained by the Privy Council in 1701 when it reviewed the laws passed at the meeting of the Assembly held at New Castle in November 1700.

"Ordered that the acts of Pennsylvania passed at Newcastle in November, 1700, lately received from Mr. Penn, be sent to Mr. Attorney-General for his opinion in point of law; and whereas it is not evident to this board that Mr. Penn has any right to government in the three lower counties (whereof Newcastle is part), ordered further that Mr. Attorney's opinion be desired whether His Majesty's approbation of the said acts so passed at New Castle would not be an acknowledgment of that right which otherwise does not appear to belong to him."¹⁵²

But the Penn manuscripts, "Papers Relating to the Three Lower Counties," in the Pennsylvania Historical Society,¹⁵³ show that the Lords of Trade and Plantations ordered the Penns, Thomas and Richard, to bring the laws of the colony to a hearing on Friday, November 12, 1756. They were presumably brought, for an expense account amounting to £7, 19, 6 was submitted for so doing.

Accordingly, so far as any written provisions of legal powers were concerned, the colonists and the Proprietor, as represented by his deputy or lieutenant governor, acting together, could enact any law they pleased. Possibly one of the reasons for the original neglect of any provision for a form of government was that the territory to be governed was relatively small and the population sparse. As late as 1740 the under-secretaries of State in London did not know where New Castle, Kent, and Sussex Counties were, thinking them in New England or New Jersey.¹⁵⁴

Shortly after the three lower counties were separated from the province of Pennsylvania, the Delaware Assembly authorized the erection of a fort at New Castle; and in order to finance this structure, the Assembly levied a tax on ships passing up the river. The tax was one-fourth pound of powder per ton of vessel on all vessels owned by residents along the river, and one-half pound

¹⁵¹C. M. Andrews, *List of the Journals and Acts of the Councils and Assemblies of the Thirteen Original Colonies Preserved in the Public Record Office in London*, American Historical Association, Annual Report (1908), Vol. I. This volume gives a complete list of acts sent for approval.

¹⁵²*The Statutes at Large of Pennsylvania*, Vol. II, p. 457.

¹⁵³pp. 225-235.

¹⁵⁴*Archives*, First Series, Vol. I, p. 588.

per ton on all others, except ships of war. Tonnage duties paid in shot and powder were not peculiar to Delaware. Several colonies levied such taxes, Maryland as early as 1650.¹⁵⁵ This tax brought a great outcry from Philadelphia, the Pennsylvanians claiming that such a tax was of the same economic significance as a tax on their goods. After much quarrelling with Pennsylvania, the tax on resident vessels was omitted.¹⁵⁶

In 1705 the Delaware Assembly passed an act for one penny in the pound, which it was thought would yield about two hundred pounds. This was the first tax the people had been obliged to pay since the acts of 1701.¹⁵⁷

Except for the two instances given, from the time that Delaware separated from Pennsylvania until 1727, there were no new taxes levied for general state purposes; and even in 1727 the tax then levied on peddlers had for its purpose their suppression rather than the raising of revenue,¹⁵⁸ the preamble of that act reciting that since peddlers were becoming numerous and untrustworthy, they should be regulated by a tax. Those who travelled about with a horse paid an annual tax of twenty-five shillings; those travelling on foot paid fifteen shillings. This is the second instance of a repression tax in Delaware. The revenue went to the governor.

The local officials were paid by fees; the counties could levy taxes on polls and property, if they saw fit. The provincial governor had certain perquisites which supplied him. The Assemblymen and the judges were paid from county funds. But soon the necessity of levying even a county tax was obviated by the issuance of paper money.

¹⁵⁵Osgood, *op. cit.*, p. 361.

¹⁵⁶Memoirs of the Historical Society of Pennsylvania, "Penn and Logan Correspondence," (Philadelphia, 1872), Vol. II, pp. 180, 189, 192, 232, 241, 242.

¹⁵⁷*Ibid.*, p. 84.

¹⁵⁸*Del. Laws*, Vol. I, Chap. 59a.

CHAPTER III

PAPER MONEY ERA

When the colonists arrived on the shores of the Delaware, they found that the Indians had a medium of exchange well suited to their purposes. Called "sewant" by the Dutch, "wampum" by the English, this native medium of exchange consisted of beads of cockle shell, made by a laborious process. An industrious Indian's most diligent efforts enabled him to manufacture wampum only to the value of a few pence a day.¹⁹⁹ Both black and white beads were used, the black being worth twice the white. Six white shells, or three black, were worth one farthing. A beaver skin had the value of twelve feet of sewant. As long as the beads were smooth, the sewant was acceptable, and it was tested for this quality by the strings of beads being drawn across the bridge of the appraiser's nose. Commonly it was measured by the yard, the yard equalling the span from the tip of the nose to the end of the finger of the outstretched arm. The colonists complained that the Indians sent their tallest members to trade. However, when the colonists began to manufacture wampum themselves, they became so efficient in production that the quantity produced reduced its value so much that presently it could no longer be used as a medium of exchange.

There seems to have been no period from the time of settlement until 1723 when there was not a necessity for the law to provide that it would be legal for debts to be discharged in country produce. The reason for this lack of a circulating medium is that the colonies were debtor countries with the balance of trade with the outside world running against them and draining them of their coin. It is not to be thought that there were no efforts made to prevent this drainage. All the colonies tried to prevent it, Massachusetts even going to the extreme of coining its own money 22½% lighter than standard.²⁰⁰ The most popular means, however, was the legal over-valuation of foreign coins. As early as

¹⁹⁹Charles J. Bullock, *Essays on the Monetary History of the United States* (New York, The MacMillan Company, 1900), p. 8.

Vincent, *op. cit.*, p. 73.

²⁰⁰Bullock, *op. cit.*, p. 18.

1683 English money was by law over-valued 25%,¹⁶¹ and it is to be inferred that in 1696 cash brought a premium of about 20%.¹⁶² In 1698 the Assembly again endeavored to attract coin by over-valuing Spanish pieces, specifying the value at which Spanish coins would be legal tender:¹⁶³ "Peru pieces of eight, not less than Twelve pennyweight and Lyon Or dog dollars shall pass att six shillings . . ." The Spanish pieces of eight contained 386.8 grains of fine silver, the English shilling 85.93 grains. On this basis the Spanish dollar had a mint parity of 4 s 6 d in English money. The legal rating then was one-third over its mint ratio.

This over-rating of foreign coins was nothing new, nor was it confined to the Province and Territories. As early as 1642 Massachusetts rated the dollar at five shillings, and one year later Connecticut did the same. In 1645 Virginia rated it at six shillings, but one year later lowered it to five. From 1671 to 1697 nine colonies advanced the price of the Spanish dollar, each colony seeming to try to outdo the others. In 1703 a royal proclamation was issued, and in 1707 an act of Parliament was passed requiring that the Spanish piece of eight should not be rated at over six shillings.¹⁶⁴

The chief reason for this competitive legal depreciation of the colonial coin currencies was the belief that specie, by raising the rates at which it should be received, could thus not only be retained more easily within its own borders, but attracted from neighboring plantations. As early as 1635 a New England observer wrote: "If we do observe those States which do soonest and most raise their Money, we shall find that they do most abound with Money; and that Trades and Manufacturers do most flourish there,"¹⁶⁵ an observation which has a strangely familiar ring.

Another provision noticeable throughout early colonial history is the provision for payment in local produce. One authority¹⁶⁶ quotes court judgments "for 172 pounds of pork, and two bushels of wheat, being the balance of an account brought into court." Another read, "thirty-two shillings for a gun, and 150 pounds of

¹⁶¹*Supra*, Chapt. II, 2.

¹⁶²*Narratives*, p. 438.

¹⁶³*Charter*, p. 275.

¹⁶⁴*Statutes at Large of Pennsylvania*, Vol. II, pp. 445-448.

¹⁶⁵Bullock, *op. cit.*, p. 23.

¹⁶⁶Bolles, *op. cit.*, p. 175.

pork for a shirt." Another was "1000 of six penny nails, and three bottles of rum." Still another ran:

"The prsons hereunder named being nott Come to worke att the highway according to former order of this Court were for their neglect & Contempt fyned as followeth vizt

Joseph holding	200 lb of tobbo
Tho: Jones	200 lb of tobbo
Robberd Tallent	200 lb of tobbo
John Street	200 lb of tobbo
William Grant & Daniel Makerty	200 lb of tobbo
for going away agst ye overseers will	
John Bercker	400 lb. of tobbo" ¹⁶⁷

The necessity of resorting to barter being an inconvenience to all concerned, the colonists tried to prevent the outflow of money by the same means that are now generally tried: that is, they endeavored to remove the cause of the outflow of coins by restricting the importation of things which could be produced at home. This result the colonists endeavored to secure when in 1701 a law¹⁶⁸ was enacted requiring everyone who had forty acres of cleared land to keep ten sheep, and forbidding the killing of calves. The intention of the law is clearly expressed in its preamble which says that the coins of the province are being exported to the province of E. Jersey to pay for beef imported.

However, the provision for the acceptance of "country pay" was neither invented on the shores of the Delaware, nor was it ever confined to those shores. By 1631 Massachusetts had made corn a legal tender.¹⁶⁹ Maryland and Virginia used tobacco as legal tender long before it was so used on the Delaware. It was not until 1694 that Massachusetts discontinued to accept taxes in country pay.¹⁷⁰

As with the use of wampum and the legalizing of "country pay," Delaware did not originate colonial paper money. Rather, finding herself in the same economic position as the other colonies, she adopted the same expedient that her neighbors had adopted. Bullock¹⁷¹ says:

"Massachusetts had led the way, in 1690, with an issue of bills that were used to defray the expenses of a disastrous military expedition.

¹⁶⁷N. C. Records, p. 265.

¹⁶⁸Archives, Ser. 1, Vol. II, p. 27.

¹⁶⁹Bullock, *op. cit.*, p. 10.

¹⁷⁰*Ibid.*, p. 11.

¹⁷¹*Ibid.*, p. 33.

Her example proved contagious; and, by 1712, New Hampshire, Rhode Island, Connecticut, New York, New Jersey, North Carolina, and South Carolina had issued quantities of bills of credit in order to meet the outlays occasioned by Queen Anne's War."

The reason for this issuance of bills of credit is that during a war it becomes necessary for the government to command a large portion of the purchasing power of the community, and to secure that command very much faster than it can by taxation. The modern state confronted with a similar situation, issues bonds. These colonial issues were, in modern terminology, tax anticipation warrants with a legal tender backing.

The second issue of paper money was made by South Carolina in 1712. This issue differed from that of Massachusetts in that it was "secured" by being lent at interest upon the security of real or personal property.

How long the Middle Colonies would have held out against a note issue under ordinary circumstances is problematical, but extraordinary circumstances soon arose. Beginning early in 1720 prices began to fall;¹⁷² a business recession had set in, and by 1722 the colony of Pennsylvania at least, and presumably Delaware, was in the midst of a severe depression.¹⁷³ Of course, there was considerable debate about the causes and cure of this state of affairs. Some said that interest rates were too high; some proposed a debt moratorium; some wanted to devalue the money; some wanted more beer and liquor made; some proposed a prohibition on the export of money; others a restriction of employment.¹⁷⁴ All these arguments have a somewhat familiar sound.

There are no available figures in regard to the balance of trade in the Delaware counties, but by and large, it must have been the same as that of the Province, which was for the several years of the period under discussion as follows:

	Exports	Imports ¹⁷⁵
1720	£ 7,929	£ 24,532
1721	8,037	21,548
1722	6,882	26,397

¹⁷²Anne Bezanson, Robert D. Gray, Miriam Hussey, *Prices in Colonial Pennsylvania* (University of Pennsylvania Press, Philadelphia, 1935), Table XI, p. 425. It is to be remembered that the Mississippi bubble broke in 1720.

¹⁷³Shepherd, *op. cit.*, p. 405.

¹⁷⁴*Ibid.*, p. 405.

¹⁷⁵Shepherd, *op. cit.*, p. 405.

1723	8,332	15,993
1724	4,057	30,325
1725	11,981	42,210
1726	5,960	37,635

On March 2, 1723 the colony of Pennsylvania issued fifteen thousand pounds¹⁷⁰ of paper money to be lent out at interest. On March 25, 1723, Delaware followed suit and issued five thousand pounds¹⁷¹ of paper money or "Bills of Credit." Since the Delaware law by which these bills of credit were issued is no longer extant, and since the known portions follow the law of Pennsylvania, it may be worth while to examine the law of Pennsylvania. First, in regard to the denominations there were:

6,000	notes of	20s. each
4,000	" "	15s. each
6,000	" "	5s. each
4,000	" "	2s. 6d. each
6,000	" "	2s. each
8,000	" "	1s. each

These figures seem to indicate that the primary purpose of the issue was to provide a circulating medium rather than to inflate the currency. A second point was the legal tender provision. In addition to providing that the bills were to be accepted in payment for all public dues, there was a clause providing for their full legal tender. A third point of interest is the method of getting the bills into circulation. Eleven thousand pounds of the issue were to be lent out on mortgage to landowners owning land worth twice the value of the loan received, but no more than a hundred pounds to be lent to any one person. Twenty-five hundred pounds were to be used to retire the debts of the Province, and fifteen hundred pounds given to the three Pennsylvania counties to assist them in the construction of public works. Perhaps the most interesting point is the provision for their retirement: "Whereas the true and regular sinking of the said bills of credit will very much conduce to the keeping of the value of the same," all the bills were to be "sunk" as they were paid in to the loan offices established in the act.

¹⁷⁰*Statutes at Large of Pennsylvania*, Vol. III, Chap. CCLXI.

¹⁷¹Richard S. Rodney, *Colonial Currency in Delaware* (Delaware Trust Company, Wilmington, 1928).

The bill provided that the borrowers on mortgage were to retire their loans in eight years. Those used to retire the provincial indebtedness were to be sunk by an especial tax on liquors and upon the importation of slaves. To insure that these earmarked revenues would be used for that purpose, a commission was named in the act to see that the revenues arising from the acts were devoted to the specific purpose of retiring that part of the issue. The fifteen hundred pounds lent to the counties were to be retired by a special tax of a penny in the pound on general property.

As far as we know, the Delaware act followed the Pennsylvania act, except that it was more conservative. It established a loan office in each county; but forbade the loan of more than sixty pounds to one person. Judge Rodney says that the net revenue arising from it went to the Provincial treasury, but certainly some of the later issues provided that it should go to the county treasurer. The interest rate was 5%. The interest and principal were payable in bills of credit, and when these repayments were received, the notes were to be burned.

The provision for the limitation of the amount of issue was the real security behind the bills of credit, not the formal mortgage in the commercial sense, with which the individual loans were secured, for the taking of mortgages was only a conservative way of getting the bills into circulation. If they had been paid out for governmental expenses, and the quantity equally limited, they would have held their value equally well. But if this last method of emitting them had been used, it would have been a much more difficult matter to control their quantity, because very many more people have appetites for escaping taxes than for having mortgages on their homes. These colonies which did not make provisions for the retirement of their issues soon found their economic affairs sinking in a sea of paper money.¹¹⁸

The first issue of paper money was followed in November of the same year by a second, for six thousand pounds¹¹⁹ under similar provisions of issue and retirement. The provisions for retirement were enforced, and by 1726 it was found that £ 2,750 had been paid in and destroyed. These retirements probably had a deflationary effect, and doubtless deflations were as painful then

¹¹⁸Bullock, *op. cit.*, Chap. IV.

¹¹⁹Rodney, *Colonial currency in Delaware*.

as now. At any rate, the Assembly provided that for the future, notes upon repayment should be lent out again, not burned.

This provision for the destruction of the paper currency, however laudable from the standpoint of conservatism, illustrates the difficulty of so manipulating the currency that it will increase in value. There never seems to have been a time when there was enough money. When the bills were destroyed, the per capita money supply decreased, so that it became more difficult to repay the remainder. However, one is not to infer that the colonists entered lightly into the continued issuing of paper money. It became one of the main topics of discussion, and according to Benjamin Franklin, the proponents were the debtor class and the opponents were the creditors. Franklin himself wrote on paper money¹⁸⁰ in 1729, when he was only twenty-three years of age. His argument encompasses about as many economic fallacies as one is likely to find in a paper of twenty pages. He cogently presented the economic theories of his day, mistaking a circulating medium for loanable capital, holding the labor theory of value and the fructification theory of interest. One of his epigrammatic statements runs: "For, as bills issued upon money security are money, so bills issued upon land, are in effect coined land." However fallacious his arguments may appear to the modern professional economist, with the lessons of two hundred years of disputation and research behind him, they won the day then.

By the end of 1729, if the original provisions for retirement had been fully carried out, practically all the eleven thousand pounds of the two issues of 1723 would have been destroyed. It is reasonable to suppose, however, that only the £ 2,750 actually destroyed up to 1726 went out of circulation, and that £ 8,250 or thereabouts remained in circulation. But the population and presumably the trade of the colony was increasing, and needed more rather than fewer means of payment; in fact, more were needed if the existing price level were to be maintained.

In 1729 Governor Keith, who was prone to cater to the popular interest as contrasted to that of the proprietor, was succeeded by Patrick Gordon who did not share the same feelings. In addition, he had been told by the Penns that he was not to ap-

¹⁸⁰ Benjamin Franklin, *A Modest Inquiry into the Nature and Necessity of a Paper Currency*, Works, Edited by Jared Sparks (Boston, 1836), Vol. II, pp. 253-277.

prove any issue of paper money which did not exempt their revenues from its operations. In that year, after some polite words with the governor, the Assembly passed an act emitting twelve thousand pounds. The same general provisions applied to this issue as to the former except that it was to be "sunk" in sixteen years instead of eight. Within five years £ 3,750 had been paid in and destroyed. To remedy the situation caused by their retirement a loan of twelve thousand pounds was authorized. By December 1739 Governor Thomas reported that the total of all outstanding issues was £ 17,250.

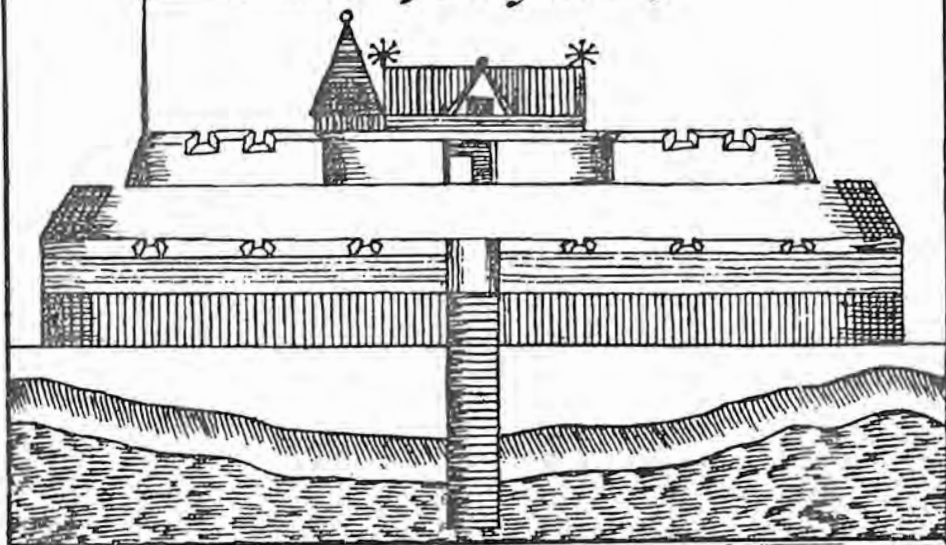
One hundred years after Delaware was settled it had fully come into the paper money era. From then until the Revolution the contest to maintain the value of the currency was between the growth of population and trade on the one hand and the emission of paper money on the other. Until the Revolutionary War the race was neck and neck. A patriotic Assembly at the request of the Continental Congress made Continental Currency legal tender in Delaware.¹⁸¹ When Continental Currency depreciated to almost nothing, the mortgages were paid off with that depreciated medium. Delaware's currency was sunk beyond redemption. It was finally called in at 75 to 1.¹⁸²

¹⁸¹*Laws of Delaware*, Vol. II, Chap. 40, p. 599.

¹⁸²*Ibid.*, p. 801.

Colonial Military Organization

Treffaldigheed =
 Fort in Nova Suecia, som-
 del af Ingeniøren Sverre Jørgen Lin-
 dkesterom Anno 1654 og 1655, ar-
 muerat og Fortificeret .s.



Scala Rhynlandica på 12 fædige Roeder .s.

12. 24. 36. 48 60 72 84 96 108 120

Colonial
Military Organization
in Delaware
1638-1776

By
Leon de Valinger, Jr

Published by
Delaware Tercentenary Commission
Wilmington, Delaware
1938

Copyright 1938

PREFATORY NOTE

The manuscript material, on which much of the following treatise is based, is on deposit in the Public Archives of the State of Delaware at Dover. This material consists of:

Returns of Captain John Shannon's Company for the period August 20, 1746 to October 20, 1747;

Captain John Shannon's book of accounts with his company during the years 1746 and 1747;

Militia acts passed by the Assembly of the Three Lower Counties-on-the-Delaware during the years 1756-1757;

The expense account of Ensign William McMechen, surgeon of the Delaware troops raised for the expedition to western Pennsylvania in 1759;

Report of a Committee of the Assembly of the Three Lower Counties to examine the accounts for the campaign of 1759;

Court records of New Castle, Kent, and Sussex Counties for the colonial period.

In addition to the manuscript records, the chief sources used were the published records of the States of Delaware, Maryland, Pennsylvania, New York, and New Jersey.

L. deV. Jr.

Dover, Delaware,
April, 1938.

C O N T E N T S

The Swedish Period 1638-1655	7
The Dutch Period 1655-1664	15
The English Period 1664-1776	
Under the Duke of York 1664-1682	22
The Penn Proprietorship 1682-1776	25
King William's War 1689-1697	26
Queen Anne's War 1702-1713	28
War of Jenkins' Ear 1739-1742	30
King George's War 1744-1748	37
French and Indian War 1754-1763	43
Appendix A	52
Appendix B	54
Appendix C	56

COLONIAL MILITARY ORGANIZATION IN DELAWARE

THE SWEDISH PERIOD: 1638-1655

From our histories we learn that military forces played an important part in establishing and maintaining colonies in North America. The English who settled at Jamestown, Virginia, the Pilgrims at Plymouth, Lord Baltimore in Maryland, and the Dutch in New Netherland all depended upon their military establishments for the protection and advancement of their settlements. The settlement made by the Swedes in 1638 at Fort Christina (now Wilmington, Delaware) was not an exception to this rule. Accordingly we find that the settlers arriving in New Sweden in the spring of that year on the *Kalmar Nyckel* and the *Fogel Grip* were all soldiers under the command of Mans Nilsson Kling. Immediately after landing, the efforts of the new arrivals were directed toward the erection of a fort near "The Rocks" or landing-place. This structure was in the form of a square "with sharp arrow-like corners, three of which were mounted with artillery." Surrounding it was a palisade and earthen ramparts which were completed about the middle of May 1638. Following the completion of the fort, which was named Fort Christina in honor of their Queen, Governor Minuit turned over the command of the fort and its twenty-three men to Mans Kling before departing for Sweden.

Apparently there had been some friction at Fort Christina, for, preparatory to sending the second expedition in 1640, the Swedish chancellor was requested to instruct the Governor of the Province of Elfsborg "to secure about twenty-four young men to garrison the fort, as it was advisable that it be manned by Swedish people only, as the Swedes and Dutch did not get along very well." When the second expedition arrived under the command of Peter Hollender Ridder, in the spring 1640, Mans Kling was probably pleased to turn over his command of the garrison to another. The new commander found the fort in a bad condition and in a position that did not command the traffic on the South or Delaware River. He then proposed to the home government that a new fortification be built at a controlling position on the Delaware River, so that the Swedish interests in the River might be protected.

The wisdom of this suggestion was apparently seen by those of authority in Sweden, for the instructions for Governor Johan Printz, dated August 15, 1642, contained an article to the effect that he should ". . . select a suitable place for still another fortress, either at Cape Henlopen, or on the place called Jacques Island (Chester Island) or wherever else a good site for the purpose may be seen and present itself" Printz was further instructed to select a site so situated that the fort erected there could close the River and also afford a good harbor for Swedish vessels.

In pursuance of these instructions Printz selected a site for the new fortification and work was begun on it about March 1, 1643. The construction progressed so rapidly that early in May the fortifications were strong enough to compel foreign vessels to strike their flags. This stronghold, located on the east shore of the Delaware River below the present town of Salem, was named Fort Elfsborg, in honor of the fortress at Gothenburg. Fort Elfsborg was of earthen construction, after the English plan, with three angles close by the River and its armament, the heaviest in New Sweden, consisted of "eight 12 pound iron and brass guns and one mortar." The garrison of 13 soldiers, quartered here under the command of Sven Skute, was also the strongest in the colony. Judging from a communication sent by the Dutch Commissary, Andreas Hudde, from Fort Nassau to his superiors in New Amsterdam the erection of Fort Elfsborg accomplished its purpose for he complained that Printz "held the river locked for himself."

All efforts of the Swedes at fortifying were not ended with the erection of Fort Elfsborg, for during the year 1643, Fort Christina was repaired, a blockhouse was erected at Upland (Chester), and Fort New Gothenburg was built at Tinicum Island for the protection of the seat of government moved there from Fort Christina. Fort New Gothenburg, built of pine or hemlock beams laid one upon the other, was well armed and had a garrison of eight soldiers which made it the second strongest fortification in the River. Although Fort Christina was the first stronghold established by the Swedes, it was not as well fortified as the others, and it did not have a permanent garrison. This may seem strange especially since Fort Christina was the port of entry for New Sweden, and since the colony's magazine or warehouse was located there.

The increase of military strength was beneficial to New Sweden in that it fostered new settlements, extended the fur trade, caused more land to be cultivated, and generally developed the colony. However, in the end the whole enterprise failed for at least one reason, namely that in extending his frontiers, Governor Printz weakened his established settlements. His policy would have succeeded entirely if he had reinforcements from the homeland, but such was not the case. He apparently recognized his weakness, for in his report of June 20, 1644, he asked for ". . . at least a hundred soldiers, on account of the arrows of the savages, also 12 six-, four-, and three-pound cannon balls, more powder and lead." Again in 1647 when reporting on the progress made in fortifying the country he adds ". . . if we had sufficient people, ammunition and other necessary means, we should certainly not only be in a position to maintain ourselves in the places, but also be enabled to settle and fortify other fine places." By March of 1652, Printz was not so much concerned about combating the "arrows of the savages" as he was with repelling the Dutch, who had moved from Fort Nassau to below Fort Christina and had there established Fort Casimir (New Castle). In addition they had purchased land from the Indians which had previously been sold to the Swedes, and they obstructed the trade in the River with their fort. To relieve this acute situation Governor Printz immediately requested more soldiers and two warships to be stationed in the Delaware for about two years. This request, like his previous ones, was answered with silence from the mother-country. He was attempting to hold the territory now included in the present States of Delaware, eastern Pennsylvania, and western New Jersey, with only a very meager force of soldiers.

The lack of supplies, reinforcements, or even news from Sweden, the encroachments of the Dutch, and the unrest among his own people was more than Governor Printz could endure. He therefore left the command of the colony to his son-in-law Johan Papegoja, and returned to Sweden to seek aid for the colony. The next year, 1654, a new governor, Johan Rising, arrived with a number of colonists, soldiers, and supplies. His first concern was the conquest of Fort Casimir. This was accomplished very easily by Captain Sven Skute, Lieutenant Gyllengren, and twenty or thirty musketeers who gained the fort from the Dutch without any bloodshed. At the time of the surrender the fort was manned by only

nine soldiers, some of whose muskets were with the armorer for repairs. The fort mounted twelve iron cannon and one three pound brass gun, but there was no powder for them, only 63 cannon balls, and 1000 bullets for the soldiers muskets. As the fort was taken on Trinity Sunday, it was renamed by the Swedes Fort Trefaldighet, that is, Fort Trinity.

What appeared to be an easy conquest turned into a bitter defeat, for in the following year, 1655, Governor Pieter Stuyvesant, at the head of seven war vessels and three hundred soldiers, came to the South River from New Amsterdam. After securing the surrender of Fort Trefaldighet, which was renamed Fort Casimir, his forces surrounded Fort Christina and prepared to besiege it. After twelve days of preparations for battle and frequent communications with the Dutch, Governor Rising realized the futility of attempting to withstand the forces of Stuyvesant, and accepted his articles of capitulation. With this act was brought to a close Swedish rule on the Delaware.

Having thus traced the military activities in New Sweden from its beginning, we shall now consider the functioning of this military system. The records on this subject are fragmentary. Enough remains, however, to afford us an idea of the soldiers' situation in this colony.

Just as the settlers of New Sweden were responsible to the trading company and the sailors of the vessels that brought them over were under the authority of the Swedish Admiralty, so also were the soldiers the servants of the Crown rather than of the company. Thus the governor or director of the Colony of New Sweden exerted both civil and military authority. The commanders under him at the forts and blockhouses other than Fort Christina and Fort New Gothenburg also exercised military, civil, and commercial authority, for in addition to their military duties they controlled the supplies for the soldiers and colonists and conducted the Indian trade as well. As military officers, the commanders led their forces against attacks of Indians or other intruders, acted as the police agents in the earlier years of the colony, supervised the erection and maintenance of fortifications, and attended to the drilling and training of their men.

The life of the soldiers in New Sweden was probably not an enviable one. They garrisoned the various forts and blockhouses in the colony and were employed part of the time in erecting new

fortifications or repairing decayed ones. It was part of their duty also to accompany the commissary or commander into the Indian country on trading or surveying expeditions, to act as messengers on journeys overland to New Amsterdam or to Maryland, to quell disturbances and to apprehend those who violated the laws. When not engaged in any of these numerous duties the soldiers could be hired out by the day to the free farmers to help them with their crops. It can readily be seen, therefore, that they led arduous lives and it is not surprising that, as one author says, "they were always dissatisfied with their position and anxious to leave." Their dissatisfaction may be explained by the fact that during the early years of the colony all of the soldiers were not enlisted men. Some of the soldiers sent over were banished from the homeland in lieu of the death sentence for some crime committed, while others, who had committed some lesser offence, were sent to New Sweden instead of being imprisoned. A few of these soldiers returned to Sweden upon the recommendation of the governor. In some cases the soldiers died before permission for their return was obtained, but in other cases there was no hope of ever returning home. Men in the latter situation could not help being dissatisfied, especially when they saw some of their comrades-in-arms returning to Sweden and saw the servants of the company becoming freemen and landholders. Under such conditions there were naturally some desertions. But deserting soldiers were not often successful. If they were not apprehended by their own commander, or if they escaped capture by the Indians or death from privation in the wilderness, they might still be detained by the authorities of the next colony. No matter what differences might exist between governors of neighboring colonies, they seem to have been scrupulous in adhering to the policy of returning or detaining fugitives as well as transmitting correspondence and messages.

With the development of the Colony of New Sweden there were also changes for the improvement of the military establishment. Governor Printz was successful in stopping the practice of making a penal colony of the settlements on the Delaware.

Henceforth no criminals or legal offenders were sent over, which undoubtedly helped matters. To improve further the conditions of the settlers and soldiers, an ordinance was passed by Governor Printz in 1654-5, which granted liberal concessions to the people. Under the terms of this ordinance the soldiers re-

ceived free passage from Sweden, if they remained in the colony for three years. If the soldiers stayed three or more years, they received, besides free passage, a reward in money and merchandise, and in addition they were given title to a piece of land. Even with these liberal allowances there were still desertions and dissatisfaction because of the tyranny of Printz, the lack of supplies and of news from Sweden, and also, no doubt, because of the growing fear of the Dutch settlement at Fort Casimir. This last fear was not imaginary, for with the erection of the Dutch stronghold, Fort Elfsborg was no longer the key to the River and for that reason was abandoned. There is the tradition, however, that Fort Elfsborg was deserted because the great number and the ferocity of the mosquitoes made life unbearable there.

We have considered the progress of the military establishment of New Sweden and the status of the commander and of the soldiers. Now we may consider the structure of the Swedish colonial military organization itself. The first expedition under Peter Minuit in the *Kalmar Nyckel* and the *Fogel Grip*, we know, was composed wholly of soldiers. Their organization included besides the governor, a commander, a provost-marshal, the commissary, and twenty soldiers. In 1642, the military roster included the governor, a lieutenant, the head guard, a gunner, a chaplain, a corporal, a provost-marshal, a drummer, a trumpeter, and 24 common soldiers. Under Governor Rising the personnel was increased considerably. The muster-roll of 1654 listed the following:

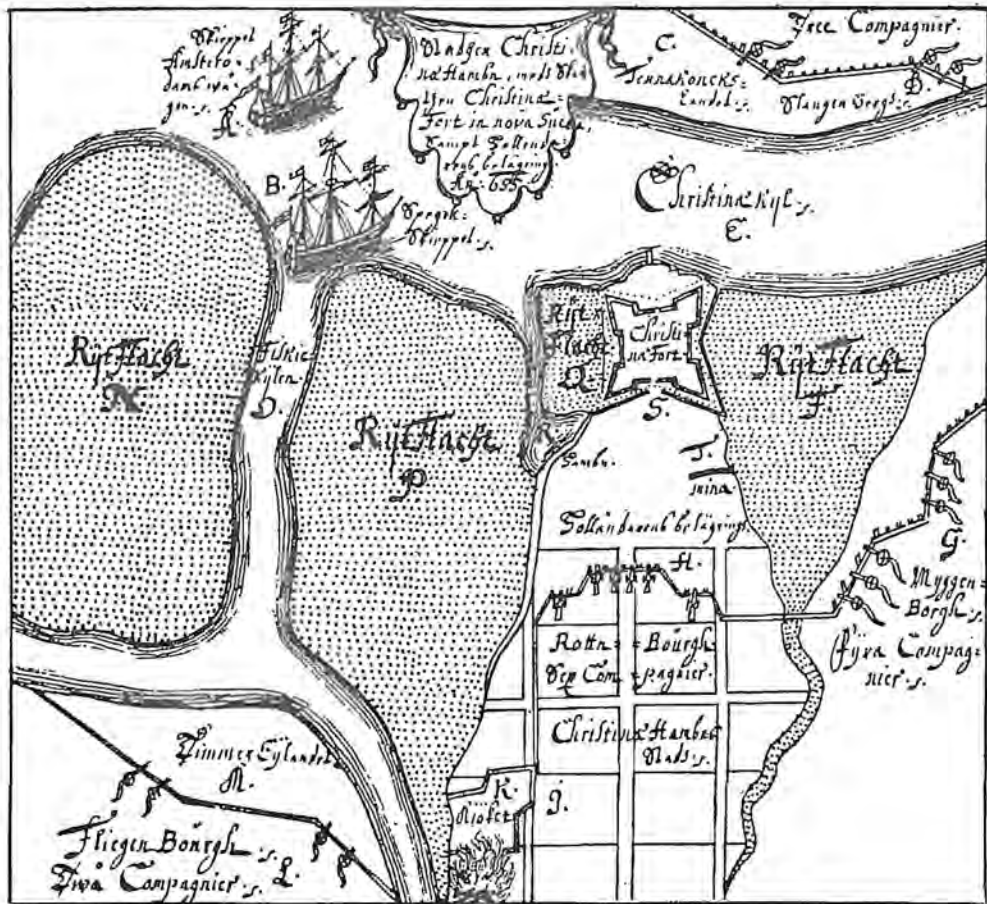
director	sergeant
commander	armorer
2 lieutenants	engineer
ensign	provost-marshal
watchmaster	drummer
head gunner	trumpeter
constable	muster clerk

about 50 common soldiers.

The chaplain and the barber-surgeon may also have been included on the Crown's payroll of officers.

Besides the changes in the personnel of the military organization in New Sweden, there was also another important development. That development was the formation in New Sweden of a militia system, which was later to be of considerable value to the

States in the Delaware River Valley. We have noted that at the time of the first settlement of Fort Christina, in 1638, the whole military force was concentrated there. Later, in 1644, we find that Fort Christina did not have a permanent garrison; there were only three soldiers stationed there. In the absence of records to prove the point, but knowing that Fort Christina was the more densely populated settlement and that the supplies for all New Sweden were located there, we may infer that Governor Printz was depending on the colonists, under the leadership of the commissary and the three soldiers, to defend that place. Later, on August 31, 1655, when the Dutch under Director Stuyvesant had surrounded Fort Christina and were about to storm it, Elswick, the commissary at Fort Christina, hastened to the settlements along the River as far north as Kingsessing. He assembled the colonists, told them "that the time had come in which they could show their fidelity to Her Royal Majesty of Sweden by helping to defend Her Majesty's fortresses." He found the people quite willing to come to the defense of Fort Christina. The action of these people in leaving their own homes and villages to go to the defense of those in another part of the colony can be construed as the earliest form of our present militia system in Delaware.



THE DUTCH PERIOD: 1655-1664

The military system, following the surrender of New Sweden to the Dutch in 1655, was similar to that under the Swedes, except that it was less complex than that developed during the governorship of Johan Rising.

Director Stuyvesant left the Delaware territory shortly after the capitulation of Fort Christina because of trouble with the Indians at New Amsterdam. As a provisional commander he placed Captain Dirck Smidt in charge of the newly acquired territory. Within a short time Captain Smidt was replaced by Jean Paul Jacquet, who was appointed vice-director of the settlements on the South or Delaware River. According to the terms of his instructions he was to have command of all officers, soldiers and freemen within his colony. There were other articles in his instructions on the subject of military affairs that deserve consideration. These articles provided that within Fort Casimir (which had become the seat of the colony with the temporary abandonment of Fort Christina) he should have charge of the keys, the magazine and the watch-word and command of the subordinate officers. Officers and soldiers were not to be absent from the fort and Indians or Swedes were not to be permitted to remain within the fort without his consent. He was the presiding officer of the council, which, in military cases and such cases as involved the property of the Dutch West India Company, was to comprise the director, the secretary, the lieutenant and the two sergeants. In civil cases the two sergeants were replaced by two responsible freemen. The vice-director was to keep Fort Casimir in a state of defense, to see that the fort was properly guarded and to supervise the training and discipline of the soldiers. Furthermore, if any of the soldiers requested permission to cultivate the land, some of them were to be discharged from their military service even though their term of enlistment had not expired. Those so discharged were required to give a written promise to help with the defense of the fort, if it should be attacked. It is significant that the vice-director was also to "make all the freemen living around there now or who may come in the future, give the same

promise under oath." Should they refuse to take this oath they were required to leave the colony. Here obviously was a tendency to use the militia rather than regular troops for colonial protection.

One of the first duties that Vice-Director Jacquet performed, following his arrival at Fort Casimir in 1655, was to make an examination of the fortifications. The inspection disclosed that the walls and batteries were decayed and that, if they were to be repaired properly, it would be necessary to rebuild them from the ground up. The outer works had been greatly damaged by high water, which had broken and undermined them. In order to defray the expenses of repairing the damaged fort there was imposed on liquors a tax which ranged from 20 florins on a hogs-head of French wine to 4 florins on a tun of New Netherland beer. Also under this act there were provisions prohibiting the sale of strong drink to the Indians and prohibiting persons from buying and selling arms or other equipment distributed to the soldiers, on penalty of having the articles confiscated and paying a fine in addition.

In all probability the people were still repairing and strengthening the fortifications as late as November 8, 1656, for on that day the community was assembled and one of the subjects under discussion at the meeting was the request to cut some palisades for the protection of the fort. The fact that the people agreed unanimously to undertake this work is sufficient evidence that they regarded it as very necessary.

A few days later Governor Stuyvesant received instructions from the Directors of the West India Company informing him that the names of Fort Christina and Fort New Gothenburg were to be changed to Altenae and Kattenburg, respectively. Each place was to be occupied by eight or ten soldiers "to protect the Swedes. now our subjects, and to awe the natives as well as those of other nations."

During the year 1657 several important events occurred in the settlements on the Delaware. In pursuance of an order from the Directors of the Dutch West India Company, the colony at Fort Casimir, or New Amstel, as it was renamed at that time, and the land between Christina River and Bombay Hook was ceded to the City of Amsterdam. Director Stuyvesant then sent Captain Marten Krygier and Ensign Dirck Smidt, with about fifty soldiers, from New Amsterdam to Forts Casimir and Altenae. They were to

regulate military affairs on the South River, to take an inventory of the contents of Fort Casimir and to transfer the company's ammunition and military supplies to Altenae. It was also during this year that Vice-Director Jacquet was replaced by Jacob Alrichs, who became commissary-general of the city's colony of New Amstel.

One of the first duties of Alrichs was to make a survey of the fortifications at Fort Casimir and Altenae. The report of his survey shows that Fort Casimir was badly decayed and damaged. He enumerated what repairs had to be made in order, as he said, to be "in position of defense, mostly [against] the Swedes, who still [nourish] great hopes to be re-instated" At Altenae he found the fortifications in a tumble-down condition, as no garrison had been there for some time.

The year 1658 provided further developments in military affairs on the Delaware. Willem Beeckman was appointed by the Dutch West India Company to the position of Commissary at Altenae. In this office he had the authority over the officers, soldiers and freemen in the Company's settlements. One of his chief duties at first was the suppression of smuggling by the use of the military forces under his command. In pursuance of this duty he experienced much difficulty, as it was necessary for him to place soldiers on all ships stopping at New Amstel and to inspect their cargoes. It was on such occasions that his authority came in conflict with that of the City's commissary-general.

The Swedish settlers in the vicinity of Tinicum requested through their magistrates that the soldiers of the company stationed at Fort Altenae assist them in an emergency. This request was granted and probably other concessions were made, for in the same year Director Stuyvesant reported to the Council at Fort Amsterdam that the Swedes on the South River had chosen as their officers "Captain Sven Schuti, Lieutenant Andries d'Albo, and Ensign Jacob Swenske." This action clearly indicates the establishment of a militia unit. Beeckman in commenting on the use of the Swedes in the event of an emergency said "they would be more cumbersome than useful." Nevertheless, he kept on good terms with them in case of trouble with the Indians or the English, who began to cause the Dutch some concern at this time. We find also that Stuyvesant's action of allowing the Swedes to have their own militia organization was not popular with the Directors of the Dutch West India Company. Under date of October 14,

1659, they sent him a letter of rebuke in which it was pointed out that they suspected the Swedes and that he had given them a weapon which could be used against the Dutch " . . . not only by forming them into a militia company, but also by placing them under the command of officers of their own nationality" The Directors were of the opinion that the Swedes should have been separated and placed in communities with the Dutch. The Swedish militia officers were therefore ordered discharged and Dutch officers appointed in their place. Presumably this was done.

The same year, 1659, was a troublesome one for those directing the colonial affairs on the Delaware. In a communication to the Directors in the Netherlands, Stuyvesant told of the bad condition of the city's colony of New Amstel. There were hardly thirty families left in the settlement, as the others had removed to Maryland or Virginia. The military forces had also dwindled away. Of the fifty soldiers assigned to New Amstel, when it became the city's colony, only eight or ten remained; about sixteen others had been transferred to the trading post established at Hoornkill in 1658; and the remaining two dozen had either removed, died, or deserted. Affairs were not much better with Commissary Beeckman at the company's colony of Altenae, for he reported to Stuyvesant in the middle of September of 1659 the desertion of a soldier and added "we have now only 13 men besides the Sergeant . . ." To make matters worse, Captain Nathaniel Utie came to New Amstel and demanded the surrender of the territory to Lord Baltimore. Although Captain Utie did not attempt to take possession at this time, he probably could have done so, for the colony was weak and could have offered very little resistance. He did, however, threaten to take New Amstel by force within three weeks, if it was not surrendered peaceably.

Following Lord Baltimore's action toward the Dutch settlements on the Delaware, Captain Martin Krygier was sent from New Amsterdam with fifty soldiers to the relief of New Amstel. He and Secretary Van Ruyven presented a not very flattering report to Commissary Alrichs of the condition of military affairs at New Amstel as they found them. They pointed out that Director Stuyvesant had weakened his own forces by sending fifty soldiers to New Amstel. This, they said, was not necessary as Alrichs could have recalled the sixteen soldiers from the Hoornkill. It was the policy of those in authority gradually to reduce

the number of soldiers when there were enough citizens in the Colony to protect themselves.

Furthermore, they found that although the citizens at New Amstel were unwilling to enlist under the City's officers they would serve under Captain Krygier. To remedy this situation, therefore, it was proposed to Jacob Alrichs that some citizens of New Amstel be enlisted and sent to New Amsterdam and that there should be left in their place a corresponding number of the soldiers who had come with Captain Krygier. It was to be understood, however, that the soldiers who remained under this arrangement were to be stationed at Fort Altenae, under Commissary Beeckman, as they too would not serve under the officers at New Amstel. Captain Krygier also complained that the City's soldiers at New Amstel would not obey his commands.

Commissary Alrichs and his Council replied to this reprimand that it was unjust and not true. Their reply pointed out that they knew that the soldiers were to be withdrawn when the colony became strong enough, but the colony was weak and it was, therefore, the duty of the West India Company to maintain an armed force at New Amstel to protect the settlement. They added that, in the case of non-protection, the City would be justified in demanding full satisfaction for all damages and losses suffered. Alrichs pointed out that colonists were willing to enlist and go to New Amsterdam in order to defraud the City by not paying their debts. The controversy between Krygier and Alrichs promised to be lengthy and involved as Krygier reported to Stuyvesant, who in turn wrote to the Directors. Alrichs on the other hand planned to send Lieutenant Alexander d'Hinoyossa to Holland with a remonstrance about the affair. The sudden death of Alrichs brought the affair to a close. D'Hinoyossa then became the City's Vice-Director at New Amstel.

The next few years saw few developments in the military establishment. In March of 1660 Beeckman informed Stuyvesant of the rumor that Lord Baltimore was coming in three or four weeks with 500 men. He wrote about the conditions at Altenae that "there are only a few musket or gun balls on hand here and no balls or case-shot whatever for the cannon." He asked whether the decayed batteries should be repaired. A month later he reported that gabions were being placed on the fort and that further repairs would be made. In the meantime d'Hinoyossa, if we may

believe the reports of Beeckman, had been administering affairs at New Amstel in a tyrannical and high-handed manner. He had appropriated the property of the colonists and of the City to his use, and on June 8, 1662, Beeckman again reported that he (d'Hinoyossa) "strips his fort of the palisades and burns them under his brew-kettle." He was also accused of having sold to the Indians the new muskets sent from Amsterdam.

From a letter of Beeckman to Stuyvesant, dated December 28, 1663, we learn that the fifty farm-laborers who had arrived in the colony during the previous July were hired out to the farmers. At the same time they were engaged as soldiers at an annual pay of 100 guilders and board by the meal during service. Later, in the same year, the Dutch West India Company transferred its remaining territory on the Delaware River to the Burgomasters of the City of Amsterdam. With this action was ended the rivalry that existed between Beeckman and d'Hinoyossa. New Amstel became the principal settlement in this territory, Fort Altenae being practically deserted. Unfortunately, New Amstel did not retain long its prominent position, for in 1664, under the orders of James, Duke of York, New Amsterdam was seized and Sir Robert Carr was sent to demand the surrender of the Dutch settlements on the Delaware. The English stormed the fort at New Amstel, renamed it New Castle, and then took possession of the entire Delaware River Valley.

To summarize, it can be stated that the Dutch, like their Swedish predecessors, garrisoned their fortifications at first with professional soldiers and officers. Later the ranks of the soldiers were supplemented with men enlisted locally, and, with the passing of the years, the Dutch depended on the militia units for their defense. It is clear that the authorities advocated the use of militia instead of regular soldiers when the colony was strong enough; that the freemen, and laborers as well, were subject to military service in an emergency and that for a time even the Swedish settlers had their own militia company.

Finally it should be pointed out that the Dutch militia system was apparently unsuccessful in emergencies, for, when such occurred, soldiers were hurriedly sent from New Amsterdam to reinforce the Delaware colonies. The Dutch authorities thus learned at an early date what many Continental officers were to learn about American militia later. The whole blame, however, should not be

placed on the Dutch militia men, for, as was the case at New Amstel, the commander became so tyrannical that the people left the colony. Consequently, there was no militia to call forth in an emergency.

THE ENGLISH PERIOD: 1664-1776

UNDER THE DUKE OF YORK 1664-1682

With the surrender of the Dutch settlements on the Delaware in 1664 to the English, a new regime began. There were changes made, not only in the social and economic life of the settlements, but in governmental procedure as well. The developments made at this time in the military system had a lasting effect on the colony that became the State of Delaware.

Following the capitulation of New Amstel, which was renamed New Castle, the main body of the English troops returned to New York leaving a small force of soldiers to garrison the newly acquired territory. In this respect the English did just as their Swedish and Dutch predecessors had done. Although the English later used the militia system extensively in their colonies, we do not find it was in force under the Duke of York until August of 1668. At that time Captain John Baker, at Albany, received orders for the regulation of the militia. A similar order was not given for the settlements on the Delaware until two years later. The order probably would not have been given then, if the Indians had not murdered some of the settlers. In accordance with the instructions from Governor Lovelace, dated August 24, 1670, to Captain Carr, he was to repair the decayed fortifications at New Castle, enlist men to supplement his small garrison and muster the settlers into watches in order to prevent surprise attacks from the Indians. If these instructions were complied with, this was the first English militia organization in the Delaware River Valley.

Recurring murders, committed by the Indians on the east side of the Delaware River in the fall of 1671, resulted in the passing of an ordinance by the Executive Council at New York for the defense of the Delaware settlements and plans were made to wage war with the Indians. Among the many provisions of the ordinance was a section ordering the establishment of a militia at New Castle and the adjoining settlements on the Delaware. This law stated "That every Person that can beare Arms from 16 to 60 years of Age, bee allways provided with a convenient proportion of Powder

& Bullett fitt for Service, and their mutuall Defence, upon a penalty for their neglect herein to be imposed by the Commission Officers in Command according to Law." The published *Duke of York's Laws* containing the laws in effect in the territory governed by the Duke, provided for a fine of five shillings per day for each absence from militia duty. The militia law stipulated that each inhabitant should provide himself with at least one pound of powder and two pounds of bullets. In the event that the militiamen could not provide themselves with arms and ammunition, these should be furnished them by the governor from the colony's magazine. Other sections of the ordinance enacted by the Executive Council prohibited the sale of ammunition to the Indians and placed an embargo on the shipping of provisions from the Delaware settlements.

The correspondence exchanged between Captain Carr and Governor Lovelace reveals that Carr was censured for not complying with the provisions of the ordinance. Carr defended himself by stating that he had been ill and could not supervise the military preparations in the colony. He also explained that of the twenty soldiers at first assigned to him only ten remained, and he asked how it was possible with such a small number of men to keep the fort at New Castle in proper condition. Captain Carr then proposed that a small blockhouse be erected at a convenient place in New Castle, where a constant watch could be maintained, as the fort was in ruins and of little value in defending the settlement. Permission was granted for such a blockhouse, and partly to defray the cost of erecting it, a tax was levied on each distiller of strong drink.

A visit of Governor Lovelace to New Castle in the spring of 1672 caused several changes there. The *Duke of York's Laws* became effective in the Delaware settlements, New Castle was made a bailiwick with Captain Carr as Bailiff or High Sheriff, and Edmund Cantwell was commissioned Captain of a company of foot soldiers to be raised in the Town of New Castle. With these changes Captain Carr became more of a civil authority than a military officer, and Captain Cantwell was placed in charge of a militia company to be raised locally for the protection of the town.

In July of the same year, the Magistrates at the Hoornkill requested, not that defenses be erected, but that a tax be levied on the liquor sold there to repay for damages caused in the previous winter by privateers. These incursions were probably the first of

a number that were later to harass the Hoornkill (Lewes) and caused action of a military nature to be invoked from time to time.

There were apparently no other military developments (aside from a brief return to Dutch authority in 1673) in the Delaware settlements until September of 1676, when Governor Edmund Andros appointed Captain John Collier to be commander at New Castle and the neighboring settlements. He was charged with the command of the militia and was directed to see that it was drilled, disciplined and well armed. At the same time the justices at New Castle received instructions from the Governor, among which was an order that the authority over the militia was to be exercised by the Crown, rather than by the local justices. This order and the text of the instructions in Collier's commission indicates that, although the militia had become the prevailing means of defense in each locality, it was still not regulated by the local authorities.

In November of 1676, the Justices of the Court of New Castle addressed a petition to Governor Andros stating that the militia service of watching the fort at New Castle was burdensome to those who lived a distance from the fort. They also requested that the fines collected by the court be used for defraying the expenses of fortifying. The Governor replied that, instead of using the fines, a tax of one penny per pound should be levied to pay the costs of fortifying, and that only those inhabitants within a mile of New Castle would be required to stand watch in the fort. The latter response was not pleasing to the Justices at New Castle for on February 8, 1676/7, they pointed out that the restriction of watch duty only to those inhabitants living within a mile of New Castle would be unfair to some in the settlement called Swanwick as the division line would fall within that village, thus causing some of the people there to stand watch in the fort while their neighbors would be relieved of that duty. The Justices said that this division had caused much discontentment among the people. Andros apparently proposed that those at Swanwick be exempt from militia duty, for, in June, 1677, the Justices at New Castle said the exemption of the people there would mean that "most part of the Toune [New Castle] will probably fly theither so to bee free from ye same and chiefly those who are no house-keepers so that the strength of the Toune will thereby much decrease." The Justices then requested that a few soldiers be sent to watch the fort and serve the commander and the court, as had been the

practice with their predecessors. They said further "that there is no keepinge of a forte without Souldiers and that it is better to have no forte than a fort without some to keepe it." We may conclude from this statement that the authorities at New Castle had difficulty getting the people to render militia service when there was no imminent danger. What action Governor Andros finally took on this request is not known. If he did comply, it certainly was a step backward in the development of the militia system in Delaware.

During the next few years a series of events took place that are worthy of our attention, although not of great importance. The activities of Major John Fenwick in the vicinity of Salem (New Jersey) caused the authorities in New York so much uneasiness that Lieutenant Johannes de'Haes was ordered, with twelve militia men, to apprehend Fenwick and bring him before the Court of New Castle. In August of 1677, Captain Christopher Billop was appointed commander for the Delaware settlements. About this time consideration was given to the construction of redoubts at Appoquinimink (near Odessa) and at Verdritige Hoek (near Wilmington). During the latter part of 1677, the Justices at New Castle complained to the Governor of the misuse of the fort by Captain Billop. In the following year Peter Alrichs was appointed to succeed Captain Billop. At the Hoorncill, in the meantime, Captain John Avery had succeeded Captain Paul Marsh as commander and president of the court. Because of his high-handed actions, Avery was complained of by the Justices to Governor Andros. The year 1680 witnessed the commissioning of Captain Brokhalls as commander for the settlements under the jurisdiction of the Court of New Castle, and two years later the whole Delaware territory was formally transferred from the authority of the Duke of York to William Penn.

THE PENN PROPRIETORSHIP 1682-1776

There was a clause in the charter of King Charles II to William Penn, for the Province of Pennsylvania, which without doubt was distasteful to Penn and his Quaker associates. The clause was repeated in the grant of March 22, 1682, from the King to his brother, James Duke of York, for New Castle and the territory within twelve miles of it, which in turn was conveyed to Penn.

This clause provided for levying, training and mustering the inhabitants into militia companies, also for waging war even beyond the limits of the Province. Penn, however, did not include a similar provision in his "Frame of Government" for the Province of Pennsylvania and the Lower Counties on the Delaware. The Quakers were opposed to the bearing of arms, repelling invasions or putting down insurrections. They also contended that protection should be provided for them by the English government. Later they agreed not to oppose the organization of military units by those who had no scruples about bearing arms. For a considerable time the Quakers controlled the government of Pennsylvania and refused to raise a militia or appropriate funds to help defend the Province against its enemies. Despite the intentions and efforts of Penn and his associates not to engage in warfare, his proprietorship and that of his heirs became involved in five colonial wars.

KING WILLIAM'S WAR, 1689-1697

The first of the inter-colonial wars waged by France and England for the possession of the New World was known as King William's War; it lasted from 1689 until the Treaty of Ryswick in 1697. During that period the effects of the war were felt in the Province of Pennsylvania, but the brunt of the conflict, as far as Province of Pennsylvania and the three Lower Counties were concerned, was borne by the Delaware Counties.

Following the declaration of war in 1689, the King sent orders for the defense of the Province and called for ships to be sent to the West Indies against the French. Captain John Blackwell, then Governor of Pennsylvania, in response to the orders of the Crown, suggested the establishment of a militia, but the council, composed largely of Quakers, reminded him that they were conscientiously opposed to such action. At the same time the members of the Assembly of the Lower Counties petitioned the council that the settlements along the Delaware River be placed in a state of defence against the enemy. Since the council did very little in response to this petition the Lower Counties on their own accord formed a militia for their protection. By 1693 the incursions on the Delaware River by privateers or pirates, no doubt stimulated by the French, had become so frequent that, when Governor Ben-

jamin Fletcher recommended the erection of a fort near New Castle, the council readily gave its consent. As a further precaution against the attacks on towns and shipping in the Lower Counties, a watch of two men was established in 1695 at Cape Henlopen. The watch was maintained daily from five in the morning until seven at night and, in the event of an enemy vessel being sighted, an express rider was to be dispatched through the Lower Counties to Philadelphia.

During the next few years the appearance of French vessels in the Delaware Bay was more frequent, and in 1698 the Town of Lewes was plundered by the crew of a French sloop. The court of Sussex County had more than once petitioned the governor and council to afford some protection against such depredations, but without avail. In retaliation for the council's inactivity the inhabitants of New Castle raised such a disturbance at the 1699 election that no representatives either for council or assembly were chosen.

Although King William's War had been concluded two years previously and the treaty of peace had been signed, there were still raids on shipping in the Delaware by pirates or privateers, who had either not heard of the end of hostilities or found free-booting too lucrative to give up. The people of New Castle, in 1699, protested their defenseless situation and asked the governor and council for protection. The council promptly reminded them of their refusal to elect representatives and told them that it was their own fault if the fort at New Castle was inadequate to protect the town. It was also pointed out that larger defenses would incur too great an expense. With that response the petition was postponed until the arrival of the Propriator. This inaction on the part of the council, together with other factors, was largely responsible for the establishment of a separate Assembly for the Lower Counties in 1704.

Thus we have seen that in the first inter-colonial war the Delaware Counties were harassed by the enemy, serving as they did as a buffer for the protection of Philadelphia and its commerce. Even though the Lower Counties were united with the Province of Pennsylvania and under the authority of its governor, the people of New Castle, Kent, and Sussex Counties had to rely solely on their own devices for protection, because of the procrastination of those in authority in the Province. As an aftermath to the war, the Lower Counties, in 1701, prepared an address and

sent it by Colonel Robert Quarry to the Board of Trade in England. The address, requesting protection from the French privateers, pointed out the dangers to which the Lower Counties had been exposed and complained that when Penn had been appealed to for help he had "answered either with silence or ineffectual discourse which we charitably attribute to his persuasion." In July of the same year Penn called a special session of the Assembly relative to a communication from the King commanding support for the defense of New York. In response to this message the delegation from the Lower Counties asked the Proprietor to explain to the king that "His Majesty hath not been pleased to take notice of us in the way of protection, having neither standing militia nor persons empowered to command the people in case of invasion" They added further the hope that their defenseless condition be considered and that a contribution would not be required of them for fortifications elsewhere, before they were able to provide adequate protection for themselves.

QUEEN ANNE'S WAR, 1702-1713

Toward the end of the year 1702 news was received from England of another struggle with France for the possession of the settlements in North America. This struggle, known as Queen Anne's War, lasted until 1713 when the Treaty of Utrecht was signed and the English gained possession of Nova Scotia, Newfoundland and Hudson's Bay, while certain fishing rights in the northern waters were reserved to the French. Along with the news of the beginning of another war came orders from the queen to Deputy-Governor Andrew Hamilton for placing the colony in a state of defense. As there was then a rift between the provincial and territorial members of the Assembly, little attention was given to the governor's message in which he called attention to the queen's orders and to the defenseless situation of the province. The governor's warnings about preparing for attacks by the enemy were not groundless. In August of 1703, the Town of Lewes was greatly alarmed by the appearance of and an attempted landing by the crew of a French privateer of about one hundred and twenty tons and mounting twelve large guns. Although the town was not attacked, for the captain and crew seemed to be more interested in a supply of fresh water than in plunder, the people of the Lower

Counties were very much disturbed; their experiences with the French during King William's War most likely were still fresh in their minds.

The year 1704 witnessed the commissioning of John Evans as Deputy Governor of Pennsylvania and the Lower Counties. Like his predecessors, he had a hard struggle with the Quakers when the organization of a militia was proposed. During the summer of that year he issued a call for militia with the result that three companies were raised in New Castle County, two in Kent, and two in Sussex. In the Province not much attention was given to his order because of the conscientious scruples of the Quakers against bearing arms. Unfortunately the muster rolls of the companies raised in the Lower Counties at that time have not escaped the ravages of time.

Two years later, at the 1706 session of the Assembly of the Lower Counties, the governor suggested the erection of a fort at New Castle. An act was passed by the Assembly and approved by the governor for the erection of such a fort. The expenses of building it were to be defrayed by a duty to be imposed on all vessels (except war ships and those owned in the River and Bay) which passed the fort on their way up the River. The amount of the duty was a half of a pound of powder per ton for each vessel and, in addition, when passing the fort in either direction, the captain was required to go ashore, report and secure permission to pass. The penalty for not complying with this regulation was a fine of five pounds, a forfeiture of five pounds for contempt, and twenty shillings for the first gun, thirty for the second, and forty for every one thereafter that it was necessary to fire in order to stop the vessel.

Despite the many complaints of the people of the Province, and particularly those of Philadelphia, that this tax was a bold infraction of the privileges granted in the charter, the plans for the fort continued. In the winter of 1707 Captain Rednap of the Queen's Engineers arrived from New York and erected the fort. Upon the completion of the fort and when the officials were ready to enforce the collection of the tax, the sloop *Philadelphia*, under Richard Hill, boldly violated the act by passing the fort amid the fire of its guns. There were numerous repercussions from this action, but finally the objectionable features of the act, namely the

taxes, were abandoned and John Evans was succeeded by Charles Gookin as Deputy Governor.

Because of the lack of records, an account of Queen Anne's War in Delaware must necessarily stop with the year 1709. In May of that year a French ship landed 160 men at Lewes and plundered it. The Provincial Assembly, instead of sending aid to Lewes or appropriating money for the defence of the place, sent a resolution of sympathy to the people for the "suffering recently borne by them from an attack by the enemy." They did, however, ask that vessels be dispatched from New York to intercept the French in the Delaware Bay. Shortly after this episode some of the prominent men in the Lower Counties drew up an address to the Lords of Trades and Plantations, complaining that, because of the attitude of the proprietor and the Quakers, they did not have sufficient power to enact laws necessary for public welfare and that they were in a defenseless condition. It is not to be supposed that the enemy, who was still ravaging the eastern seaboard, had ceased activities in this vicinity. In fact, a French privateer in August of 1709 attempted to land at Lewes and, failing, proceeded up the Delaware River. In the absence of evidence to the contrary, we may assume that for the next five years of the war period the people of the Lower Counties were raided by the privateers and that little or no assistance for their defense was given them.

WAR OF JENKINS'S EAR, 1739-1742

After about a quarter of a century of peace, another inter-colonial war broke out in North America. This war between England and Spain, in which France later became an ally of Spain, began in 1739. Although little known, this war assumed considerable importance. The name of this war, oddly enough, was "The War of Jenkins's Ear." It was so called because during the Parliamentary debates on the subject of war with Spain, one Captain Robert Jenkins, of the English vessel *Rebecca*, testified that his ear had been severed by Spaniards, who boarded his vessel. After this incident, excitement ran high in Parliament. The people caught up the cry of "Jenkins's Ear", verses were composed on the subject, merchants petitioned for redress, preparations were made for war and, on October 9, 1739, a formal declaration of war was issued by the king.

Delaware's participation in this obscure and little-known war was by no means insignificant. On June 14, 1739, the king had authorized privateering on Spanish ships. The news of this was conveyed to the Assembly of the Lower Counties on October 23d, when Governor George Thomas addressed them at New Castle. He told the Assembly that commissions of marque and reprisal upon Spanish ships had been issued and that it was expected that France would join the conflict. In conclusion he said, "I must in a particular manner recommend to Your Consideration the Defenceless Condition of this Town and the Town of Lewes, which from thence and their Situation may be Surprized, plunder'd and burnt by a Force too Shameful to be mentioned." The governor then returned to Philadelphia and attempted to place the Province in a state of defense. As in previous wars the Quaker element in the Assembly opposed the governor's pleas. An idea of their attitude may be gained from this extract of their message of January 21, 1739, to the governor: "That we have many natural Advantages is true; we are situate upon a River of difficult Navigation, far distant from the Sea, and not easily to be attacked from thence, New Jersey lies between us and the Ocean; New York and New England between us and the principal Settlements of the French; Maryland, Virginia, South Carolina, and Georgia between us and the Spaniards" Two days later the governor sent his reply to the Assembly. One section of it is important enough to quote: "I agree with you that there is not any Reason to apprehend that they will attack us by Landing on the other side of the Jersey's. But you seem to have forgot that tho' the Lower Counties are between you and the Sea, they are in as defenceless a Condition as yourselves; and that you may be attacked that Way unless you are assured that they likewise will be so civil as to be at the Expence of Arming themselves for your Defence. The Navigation of your River has been reckoned difficult; but it is now so well known that near Three Hundred Vessels come up from the Sea every Year and return to it again in safety. . . ."

Thus the controversy went on between Governor Thomas and the Provincial Assembly until April 14, 1740, when the news of the declaration of war with Spain was announced amid the firing of cannon, exclamations of "God Save the King!" and other expressions of joy. At the same time the governor, in response to a letter from the Duke of Newcastle, issued a proclamation ordering

the recruiting of troops for service in the West Indies against the Spaniards. Despite the protests of the Quakers, the response to the call to arms was gratifying to the governor. By July 29th, of the same year, seven companies of one hundred men each had answered the call. This enlistment, which was later increased to eight or nine companies, was more favorable than those of the other colonies, namely; Massachusetts, five companies; Connecticut, two companies; Rhode Island, one company; Virginia, four companies; Maryland, three companies, North Carolina, four companies; and New Jersey, three companies.

Of the eight companies of men sent to Carthagenia, in the West Indies, from Pennsylvania and the Lower Counties we do not know the number of Delaware men. We do know, however, that there was at least one company from the Lower Counties, and there may have been more. Unfortunately, the muster rolls of Pennsylvania for this war are not extant. This circumstance may be explained by the fact that the names of the men enlisted were kept secret in order, as the governor said, "to prevent their being arrested & confined for trifling Sums which they might raise by their Labor before the King should call for their Service." The Quakers, on the other hand, contended that the secrecy about the lists of men raised was to conceal the names of the indentured servants enlisted. Although we do not know the names of the enlisted men, the names of the officers of the Pennsylvania companies have been preserved, and it may be possible to determine which of the following men commanded the troops from the Lower Counties:

captains: Archibald Gordon, Thomas Freame, William McKnight, Thomas Lawrie, William Thinn, Robert Bishop and Thomas Clarke.

ensigns: Enos Dexter, Edward Harrison, Richard Cager, George Barr, Peter Grung, Vincent Marshall and Charles Mathew.

1st. lieuts.: Archibald Graham, St. John Leader, William Mills and Richard George De la Vallee (adjutant).

2nd. lieuts.: John Clifford, Robert Spicer, Henry Hodge, James Sandilands, Anthony Palmer, Thomas Beckeley and James Forster.

We have seen that by July 29, 1740, seven companies of one hundred men each had been recruited in accordance with the governor's proclamation. These troops were billeted in the towns

and villages adjacent to Philadelphia in order that there would be no disorder or drunkenness in that city. The troops were to leave their encampments by the latter part of August in order to meet Colonel Gooch at the Virginia Capes in the middle of September before sailing to the West Indies. All during their period of encampment the governor and the Provincial Assembly were indulging in an exchange of messages that accomplished nothing except to arouse hatred. The governor requested that the Assembly make an appropriation for the support of the Pennsylvania soldiers that were soon to join Lord Cathcart in the West Indies. The Assembly refused the support because it claimed that the governor had ordered the enlistment of indentured servants; a problem which was to harass the authorities in the subsequent colonial wars. It was the contention of the Assembly that the loss of these servants caused so much damage to the owners that the provincial treasury should be required to reimburse the masters. For this reason the Provincial Assembly refused to appropriate money for supplying and transporting the troops until the servants had been released. The governor refused to take this step because, in his opinion, the other troops would thus become dissatisfied and mutiny. Both factions displayed such strength that the Provincial Assembly never appropriated the money for the troops and the money had to be raised by private subscription.

While the Pennsylvania Provincial Assembly and the governor were bombarding each other with messages, the Assembly of the Lower Counties, in response to the governor's request of August 6, 1740, passed "An Act for Raising the Sum of One Thousand Pounds for Defraying the Charges of Victualling and Transporting the Troops Raised Within this Government for the Expedition Against Some Part of the Spanish West Indies." When the act had been passed and was delivered to the governor by a committee, they asked that, in accordance with his promise, all the servants enlisted from the Lower Counties be discharged. The committee reported back to the Assembly on August 11th, in part ". . . that he [the governor] would, so far as lay in his power, make good the Promises by him in relation to the Servants inlisted and belonging to the Inhabitants of this Government. . . ."

Governor Thomas, on October 21st, informed the Assembly of the Lower Counties that he had communicated to the his Grace the Duke of New Castle the compliance of the Lower Counties

with the request to feed and transport the soldiers to the West Indies. The governor also at this time laid before the Assembly an accounting of the £1000 they had delivered to him. Four days later David French, the Speaker of the Assembly, informed the governor that the Assembly was well pleased with the disposition he had made of the £1000 raised for feeding and transporting the troops. Under the provisions of this act the £1000 was obtained by drawing £400 from the Trustees of the Loan Office of New Castle County, £333:6:8 from the Trustees of the Kent County Loan Office, and £266:13:4 from the Trustees of the Sussex County Loan Office. These amounts were to be repaid to the Loan Offices by an annual tax laid on the inhabitants.

It was also during the 1740 session of the Assembly of the Lower Counties that "An Act Providing for the Security and Defence of the Town of Lewes . . ." was passed. Under the terms of this act the governor was to appoint two officers to keep a watch in Lewes, and all the freemen of the town and vicinity between the ages of fifteen and sixty-three, were to provide themselves with arms and ammunition in order to respond to an alarm for the protection of the town. Additional sections of this militia law for Lewes established drill days, defined the alarm signal, designated Market Street in Lewes as a place of rendezvous, forbade pilots from guiding vessels up the Delaware Bay and River and provided that the fines collected for violating this act should be used to purchase arms and ammunition for the Town of Lewes. This was a unique act among the militia laws of this State, in that it was the only one that provided for a militia in a particular town of the Delaware territory, rather than for the whole territory. It is also noteworthy that many of the provisions of this act were included in later militia laws.

The next development in the war that affected the Lower Counties was the proclamation issued on September 28, 1741 by Governor George Thomas in response to the request of Brigadier General Wentworth for more troops to be sent to supplement the American Regiment serving in the West Indies. What response there was to this proclamation we do not know. It may be assumed, however, that about three hundred men were raised at this time in the Province of Pennsylvania and Three Lower Counties. We know that seven hundred men were enlisted and sent to the West Indies in 1740 and in later years Ferdinando John Paris, the Eng-

lish Agent for the Lower Counties, told the English Privy Council that one thousand fighting men had been sent against the Spaniards. If his figures are correct they would account for three hundred men as enlisted in 1741.

Shortly following the second call for soldiers, Governor Thomas sent a message of importance to the Assembly of the Lower Counties on October 21, 1741. He said that reports from London indicated that France was ready to enter the conflict, if it had not already done so. For the protection of the Lower Counties he urged the establishment by law of a militia and outlined some of the provisions that such a law should include. A section of his message gives a good account of conditions in the Lower Counties at that time: "I cannot leave this Subject without particular recommending to your Consideration the naked and defenceless Condition of the Towns of New Castle and Lewes. If the Guard in the latter be not augmented by an addition of Men from the County, and three or four Field pieces provided to be drawn upon light Carriages by Horses from one place to another, as Occasion shall require (which will be of more Service considering the Situation of the place than a Battery) the Inhabitants I fear, upon a Rupture with France, will quit it. And I am not without Apprehensions, that, as the Spanish Privateers took many Prisoners on the Coast last summer, they may have received such Information as may embolden even them to attack it the next Spring. New Castle is without any Guard at all; but as the County is very populous, such a Number may be drawn out of it to join the Inhabitants of the Toun, as may render the Duty very easy to both."

On the day following the reading of the governor's message Thomas Noxon, the Speaker of the Assembly, sent a reply to Governor Thomas, thanking him for his interest in the protection of the Delaware Counties and assuring him that serious consideration would be given his proposals for their defense. The speaker added: "And we think it a Happiness that we have a Governor, who is so willing to concur with us in everything that is reasonable for the Benefit and Safety of the people we represent." This was a very different kind of a message from those that were being sent by the Pennsylvania Assembly in reply to the governor on the same subject.

In compliance with petitions from the people of New Castle

County and from those of the Town of New Castle, the Assembly, on October 28th, decided to prepare a bill for the establishment of a militia. The following day the militia bill was read the first time and passed with amendments. After a second reading on October 31st, the bill was ordered to be engrossed. No time was lost in the passage of this bill, for on the same day the governor proposed amendments which the Assembly accepted and then gave the bill the third and final reading, after which it was passed and signed by the Speaker. At the same time the governor requested the names of suitable men to whom commissions in the militia should be issued.

The militia law thus enacted provided: "That every Freeholder and taxable Person residing in this Government (except such as are hereafter excepted) shall, on or before the First Day of March next, provide himself with the following Arms and Ammunition, viz. One well fixed Musket or Firelock, one Cartouch-Box, with twelve Charges of Gun-Powder and Ball therein, and Three good Flints, to be approved of by the Commanding Officer . . . and shall be obliged to keep such Arms and Ammunition by him, during the Continuance of this Act . . ." Persons guilty of violations of this part of the law were subject to a fine of forty shillings. The act further provided that all male persons, except those exempted, between the age of seventeen and fifty years were to enlist and also cause their servants to enlist before March 1, 1741/42. There were to be four muster days each year on the last Saturdays of March, May, July, and September, when the militiamen were to drill with arms and ammunition for not more than four hours a day. For failure to enlist or appear at muster a person was penalized with a fine of five shillings. Quakers were exempt from militia service on payment of two shillings six pence to the Poor Fund. Others exempt from duty were: Justices of the peace, physicians, lawyers, millers, and those physically unfit, but they were all to keep arms and ammunition and attend the general muster in case of an alarm. Forty shillings was the fine for disobeying this section of the law. Ministers of the Gospel were the only ones totally exempt under the militia law. Other sections of this law described when and how the alarm was to be given in the event of an attack by the enemy. Another portion of the law set forth that, "No bought servant, negro or mulatto slave shall be allowed to bear arms or be mustered in any militia

company within this Government." This clause was inserted because of the suspected negro plot, uncovered in 1741, to burn New York City. This militia law was to be in force for the period of three years or as long as the war continued.

Judging by the speed with which this act was passed, we may suppose that it was well received by all except the Quakers, for on March 5, 1741 they petitioned the Assembly to exempt them from paying the sum of two shillings six pence to the Poor Fund. Apparently no attacks on the Delaware Counties occurred in the year 1741, and in the following year the War of Jenkins's Ear was brought to a close. In this war we discern a further development in military affairs in Delaware. Instead of only organizing a militia for the protection of its own territory the Delaware Counties enlisted men for a foreign expedition, and in addition appropriated one thousand pounds for their support.

KING GEORGE'S WAR, 1744-1748

After a short interval of two years the peace of North America was again disturbed by the sound of drum and fife as "beating orders" were issued throughout the colonies for the enlisting of men for King George's War, which was really part of the War of the Austrian Succession. Again, France and England contended for supremacy in North America. On April 9, 1746, the King's orders to Governor George Thomas, of the Province of Pennsylvania and the Lower Counties, called for the raising of four hundred men to join the regular forces in a proposed expedition against Canada. Accordingly, on June 9th, Governor Thomas issued a proclamation reciting the royal order and calling for the enlistment of men. He then issued commissions to Captains Trent, Shannon, Deimer and Perry, each of whom were to raise and command a company on this expedition. Each company was to consist of one hundred men, four sergeants, four corporals, and two drummers in addition to the commissioned officers. The companies thus raised were to be marched to Albany and were to be brigaded there with the troops under the command of Brigadier General William Gooch, who was Governor of Virginia, (1727-1749) and who had had extensive service with the colonial troops in the previous war.

Of these four companies, our attention will be directed to

that of Captain John Shannon, as he recruited largely from the Delaware Counties. The officers serving with Captain Shannon were Lieutenant Jacob Kollock, Jr., and Ensign Robert Bully. Of the non-commissioned officers the only ones known were: sergeants James Davis, John Hugg and Charles Robertson; and corporals Duncan Douglass and Thomas Carty. Fortunately the muster roll of this company is not lost. It has, in fact, been published in *Delaware Archives* and includes the name, age, birth place, enlistment date, and occupation of each man. Apparently there was no difficulty getting men to enlist and serve at the pay of sixpence sterling per diem, for Captain Shannon's commission and "beating orders" were issued June 25, 1746 and by September 16th, Governor Clinton, writing from Albany to Sir William Johnson, reported that the four companies from Pennsylvania had arrived. There Captain Shannon's Company was placed under the command of Colonel John Roberts, who in December of 1746 was given command of the troops from the southern provinces as General Gooch declined serving on the expedition. We may assume that, as in the case of the other troops, they drilled, guarded the frontier and made preparations for the Canadian expedition. The services and further activities of these Delaware men are not known exactly, but may be deduced, to some extent, from some monthly returns of these troops recently discovered. These returns and an account of the supplies furnished Captain Shannon's Company have hitherto been unknown and for this reason the latter document is printed as an appendix of this monograph.

An examination of the monthly returns or reports of this company show that on August 20, 1746, there were one hundred men in the company, listed as follows: one captain, one lieutenant, one ensign, four sergeants, four corporals, two drummers, and ninety privates. The report of October 20, 1746 was the same except no ensign is shown and the sergeants had decreased to one. However, by December 20th, of the same year, the ensign and sergeants were accounted for, but the number of effective privates had decreased to seventy-nine. Of these, two were dead and nine had deserted. The next return, made February 19, 1746/47, was the same as the previous one with the addition of one more to the list of dead. The ranks of this company now seemed to decrease steadily. On April 20, 1747 there were only seventy-two effective privates. The death list increased to eight, one had been

taken by the Indians, and there were nine desertions as reported in the December return. Two months later the number of dead amounted to fifteen so that there were only sixty-five fit for duty besides the officers, non-commissioned men, and two drummers.

In response to a request from Sir William Johnson for troops to strengthen a garrison, Colonel John Roberts, under date of August 22, 1747, replied that the camp was very sickly and that those who had recovered were too weak to do duty. The return of Captain Shannon's Company for August 24th substantiates the colonel's statement. There were in the company at that time, besides the officers, four sergeants, four corporals, two drummers, thirty-eight fit for duty, three sick, thirteen dead, and thirty-six who had deserted. On September 9th, the number of troops fit for service had decreased to thirty-three, the sick had increased to eight, and the deaths and desertions remained as previously. By September 17, 1747, the force of the epidemic that was sweeping the camp was felt by Captain Shannon's Company. At that time there were only six private soldiers fit for duty, thirty-five were sick, thirteen were dead, and thirty-six had deserted. This return of troops was dated from Greenbush, which was located on the east side of the Hudson River about a mile below Albany. Previous to August 25, 1747, the troops had been posted to the north of Albany to protect that place from attacks of the Indians and French. The Council of the Province of New York complained bitterly to Governor Clinton that the encampment at Greenbush would be ineffective in defending Albany from an attack.

The Delaware troops, under Captain Shannon, apparently recovered from the epidemic, for on October 20, 1747, a report of the company listed, besides the offices, non-commissioned officers, and drummers, thirty-seven soldiers fit for duty, sixteen dead, one taken by the enemy, and twenty-six deserted. This is the last return of this company, for, on October 28th, orders were given to abandon the expedition against Canada, and about the middle of the following month the troops were disbanded. Very fortunately a further record of this company of early Delaware soldiers has survived. It is the account book kept by Captain John Shannon of his expenses and of the disbursements to the men of his company. From these accounts may be gleaned some interesting bits of information. On June 26, 1746, the day after he received his commission and "beating orders," Captain Shannon paid £1:15:0

for mending a drum; a very necessary expenditure for one about to begin enlisting soldiers. After returning to the Lower Counties from Philadelphia on June 26, 1746, Captain Shannon journeyed to Wilmington, Christiana Bridge, Grubbs, Ogetown, New Castle, St. Georges, Duck Creek, Dover, Noxentown, Red Lyon and several other places on his recruiting tour. Another entry in the account book shows that from August 3, 1746 to June 24, 1747, Joseph Morgan was ensign of this company and not Robert Bully, who had been named in the commission issued to Captain Shannon.

From the same source we find a list of those men who were mustered out and received their pay at the end of the campaign.

They were:

Nicholas Russell	Thomas Black
John Jones	John Ensley
Bartholomew Crowley	David Nocholas
Sol Evans	Joab Harmon
Robin McAfee	John Bambury
Anthony Parcker	Thomas David
Isaac Bennett	John Garey
Garrett Cordbird	John Hugg
James Rayans	Paul Lappin
Alex. McCabe	George Miller
Daniel Cook	Jno. McNight
Alex Smith	Michael O'Donaly
Hall Davis	John Hamon
Daniel Goodfellow	Thomas Taylor
James Davis	John Neale
Duncan Douglass	Henry Miller
Charles Robertson	Thomas Roark
Thomas Carty	Henry Futhey
Constantine Rowell	William Davies
	John Buckman

It is a matter of interest to know the names of the deserters shown in Captain Shannon's record. Those that he has listed are:

Felix Gallaher	William Karr
Thomas Harvey	James Standings
James Henderson	William Tuckfield
Isaac Herlock	Richard Wood
James Issely	James Wells

Having followed Captain Shannon's Company to the end of their service let us now see what occurred in the Lower Counties as King George's War progressed. An express rider, arriving in

Philadelphia on July 13, 1747, informed the authorities that a company of about one hundred French or Spaniards had landed in lower New Castle County and that, after threatening the lives of James Hart and Edmund Liston, they had plundered their homes and carried off their slaves. This was not the end of the attacks on Delaware territory. On September 14th, and again on September 25th, 1747, the Town of Lewes and the shipping in the Delaware River and Bay were harassed by the French privateers under Captain Lepay and others. In response to news of these attacks and the pleas for protection, the Provincial Assembly in Philadelphia replied that they ". . . could only lament their & the good People of Lewes Town's unhappiness in being thus remedilessly exposed to any Attempt the Enemy should please to make."

Having observed the ineffectual attempts of Governor George Thomas to secure the passage of a militia act, and, realizing from the attacks by the enemy on the Lower Counties, the defenseless state of the Province of Pennsylvania, Benjamin Franklin in November of 1747 published a pamphlet called *Plain Truth*. He set forth in it the lack of protection of the province, criticised the Quakers for opposing the militia law and censured the wealthy merchant class for not contributing to a military organization. After making a strong appeal for a militia, he drafted a plan of association that was well received. Not long afterward as many as 10,000 people in the Province and Lower Counties had formed themselves into military units. As more associators organized for the defense of the Lower Counties, we find that during the latter part of 1747 and early in 1748 two regiments of ten companies each had been formed in New Castle County under the command of Colonels John Gooding, Sr. and William Armstrong. Seven companies were organized and officers appointed in Kent County, but what was done in Sussex County we do not know, since the returns of that County are not in existence. In the spring of 1748, the Provincial Council placed an embargo on the pilots of Lewes to prevent them from guiding vessels up the Delaware River. Later the Lewes pilots petitioned that the embargo be removed as the New Jersey pilots were still following their occupation, and they asked that they be allowed to do the same. The Council on June 3d, appointed Abraham Wiltbank of Lewes to be the official observer for the purpose of giving notice of privateers entering Delaware waters. Later the embargo on the pilots was removed.

It was about this time that the people of the young Borough of Wilmington constructed a "bomb-proof battery and magazine" at the "Rocks", where the Swedes had built a fort one hundred and ten years previously. The "bomb-proof battery" was reputed to equal, if not exceed, "any on the continent for strength and beauty." Charles and David Bush and Dr. John McKinly supervised the erection of these defenses and although the Quakers did not help in the building of them, they did contribute to payment of materials for these works.

The associators had not been organized without good cause, for toward the end of May 1748, New Castle was threatened with an attack by a Spanish privateer. New Castle had a fort for its protection, but it lacked sufficient artillery, there being only four cannon in the town. To augment this force four six-pounders were rushed from Philadelphia, although they could hardly be spared, for that town also expected to be attacked. When the privateers came within gun-shot of New Castle the people there opened fire and were successful in driving them away. There were no further attacks on the Lower Counties as a treaty of peace was concluded at Aix-la-Chapelle later in the same year. Under the terms of this treaty the stronghold at Louisburg, which had been captured through the brave efforts of the New England men under William Pepperell, was returned to France, much to the disgust of the New Englanders. We have seen that in King George's War the Delaware Counties furnished at least one company of one hundred men for an expedition against Canada. In addition to these troops, there were other Delaware men distributed among other forces raised for the protection of the English Colonies. Besides these soldiers, and in the absence of an official militia, we have found that at least three regiments of associators were raised in the Lower Counties for the defense of Delaware towns and homes. The organization of associators in Delaware during King George's War was an interesting military development, for all men served voluntarily in these unofficial bodies, whereas in the previous war (War of Jenkins's Ear) service was compulsory under the militia law passed for that war only.

FRENCH AND INDIAN WAR, 1754-1763

Unfortunately the Treaty of Aix-la-Chapelle proved to be only a truce of a few years, for the signatories of this treaty were not satisfied with the outcome. Thus we see in 1754 England and France again contending for control of North America in the last inter-colonial war, which in America is known as the French and Indian War and which continued for nine years. In this conflict the incursions of the enemy were made not so frequently on the ports and sea-coast towns of the colonies as on their frontiers. Thus the theatre of war was transferred from the Atlantic Coast to the valley of the Ohio River, where the French had erected a chain of forts, chief among which was Fort Duquesne. The middle colonies, Pennsylvania (including the Delaware Counties), Maryland, and Virginia were making every effort to assist in the common defense of their frontier settlements. In 1755 the military authority of the provincial governors was superseded by General Edward Braddock, who assembled his entire force of 2,000 men at Fort Cumberland, and from there began his fatal march against Fort Duquesne.

The Delaware Counties in preparation for the arrival of General Braddock and his forces passed, in 1754, an act for raising one thousand pounds for His Majesty's use. After the arrival of Braddock's troops, it was found that the supplies that had been collected in advance of his coming were not adequate. The colonies were then pressed for provisions, and horses and wagons for transporting them. Although the Lower Counties could not comply with the request for money, they did send a load of provisions and a herd of cattle to the general as is shown by Governor Robert H. Morris' letter from Philadelphia, on June 9, 1755:

"Dear Sir: I have just time by the bearer to tell you that he brings in his wagon the several things expressed in the list enclosed, which you will order to be received from him, and with my hearty wishes for the General's health and success, desire he will do the little government of New Castle, Kent, and Sussex the honor to accept of this small token of their regard for him and the cause in which he is employed.

"Some days ago, fifty very fine oxen went from hence and

The Commis^r for Delaw^y Govern^r to W^m McMechen 1760 Dr

Aug 19	W ^m Varial & Malister s ^r W ^m Pector & Timm 4/6 Drift & Young 5/6	15	0
2	To sund ^y Expenses Extraordinary for Dist ^y of Prison ^y & Prison ^y & Prison ^y	3	6 4
June	Drift & on Demand 4/6, W ^m Pector: Daniel, s ^r Lett. Malister 2/6	12	—
	Phil: Stom. Townsend 3/6 Phil: Pector: That 3/6 W ^m Varial Robinson 4/6	11	6
12	Drift & 3 ^d 4/6 Candles & s ^r 1/6, W ^m Varial, Jones 5/6 & s ^r 1/6 & s ^r 1/6	12	6
16	W ^m Pector: That 4/6, Impl. Mellet. Daniel 1/6 P. p. l. adieu That 4/6	0	—
17	W ^m Varial Robinson & Jones 6/6, W ^m Pector: Tim. Williams 4/6	11	—
18	W ^m Cordier: Timothy 4/6 W ^m Varial: Jones 4/6, W ^m Pector: Daniel 4/6	13	9
24	W ^m Varial Jones 4/6, East Daniel 2/6 Candles & s ^r 2/6	9	6
	W ^m Stom: Daniel 4/6, Lett Robinson 2/6, 3 ^d Daniel 2/6	9	6
Oct	To p ^d for medicines at Camb ^r 4/6 wrapping Paper 11, Broad Stape 8/6	10	4
	To p ^d the Carriage of the medicine Chest from Philad ^a to Cashole	1	5 —
oct	To p ^d the Freight of 3 ^d from S ^r Bond to W ^m Pector	10	—
	To p ^d the same back to S ^r	7	6
	To my Pay as Surgeon from Oct 17 th to Decemb ^r 24 th both Days Included, 74 Days @ 6/1 & Day	22	4 —
	To my Pay as Ensign, 74 Days @ 5/ & Day	18	10 —
	To amt ^y of the Sinec Pay as s ^r Roll Delivered	109	1 —
	To amount of Subsistence as s ^r Roll Deliv ^d	19	19 —
		£120	16 11
	To 28 Days Subsistence @ 1/6 & Day	1	11 6
		£102	0 5

Expense Account of Surgeon William McMechen in the French and Indian War (see Appendix C.)

are to be joined by one hundred fat sheep at Lancaster, which the General will put to such use as he thinks fit, upon the present service.

"I am Sir, your most humble servant,

Robt. H. Morris."

Following the defeat of Braddock's forces the colonies became panic-stricken and hastened to provide means for their own protection. Accordingly on March 24, 1756, the Assembly of the Counties of New Castle, Kent, and Sussex passed a militia act for their defense because, as the preamble of the act states: ". . . the Subjects of the French King and their Savage Indian Allies have . . . in the Most Cruel and Barbarous Manner Attacked and Murdered Great Numbers of his Majesty's Liege Subjects Inhabitating near the Frontiers of the Neighboring Provinces and laid Waste a great extent of Country." This militia act was practically the same as the one passed for the Lower Counties in 1741, except that more authority was given to the militia officers and Quakers were exempt from militia service without paying a tax as formerly. The final provision of this act was that it should be in force for one year. Because of this section of the militia law, it was necessary in the next year to enact new militia legislation, as the war with France was still in progress. Consequently, on November 5, 1757 the Assembly of the Government for the Counties of New Castle, Kent, and Sussex passed an act nearly identical with that one of the previous year for the defense of the Lower Counties. In this act, however, care was taken to specify that it should be in force "so long as the War proclaimed by his Majesty against the French King shall continue and no longer."

Following the enactment of the 1756 militia law we find that regiments were formed and the officers chosen for them. There were two regiments for New Castle County; the Upper and Lower Regiments. The officers of the Upper Regiment were Colonel William Armstrong, Lieutenant-Colonel John Finney, Major John McKinly and the following captains: for New Castle Hundred, Richard McWilliams and Alexander Porter; for White Clay Creek Hundred, Rees Jones and Samuel Patterson; for Mill Creek Hundred, Evan Rees and Thomas Gray; for Christiana Hundred, James Latimer, Andrew Frauberg and Thomas Ogle, Jr.; for Brandywine Hundred, William Empson and Emanuel Grubb. Jacob Van Beb-

ber was Colonel of the Lower Regiment of New Castle County, David Witherspoon was lieutenant-colonel and Thomas James was major. The captains were: for St. George's Hundred, John Jones, John Vance and Adam Peterson; for Appoquinimink Hundred, William Williams, Alexander Chance and George Gano; for Red Lion Hundred, Jacob Gooding; and for Pencader Hundred, Thomas Cooch and Lewis Thomas.

A regiment of militia was also formed in Kent County at this time under Colonel John Vining. John Brinckle and Andrew Caldwell were the lieutenant-colonel and major respectively. The captains were, for Duck Creek Hundred, David Clark and Charles Hillyard; for the Town of Dover, John Clayton; for Dover Hundred, Caesar Rodney; for Tidberry, John Caton; for Little Creek Hundred, John Barnes and John Brinckle; for Murderkill Hundred, Daniel Robinson and William Rhoades; and for Mispillion Hundred, Thomas Clarke, Robert Killen and Benjamin Brinckle. The Sussex County Regiment was commanded by Colonel Jacob Kollock, Lieutenant-Colonel Ryves Holt and Major Jacob Phillips. The captains of this regiment were the following: for Broadkiln Hundred, John Haveloe and Joseph Cord; for Cedar Creek Hundred, Benjamin Wyncoop and Thomas Till; for Lewes and Rehoboth Hundred, David Hall and John Newbold; for Indian River Hundred, Cord Hazzard and Burton Waples.

The 1757 militia act provided that the regiments should be formed by the first of January 1758, but the few company returns extant indicate that by March 29th, the first muster day, the regiments had been organized, and in most cases the officers were the same as those serving under the 1756 militia law. Fortunately there were no attacks on the Delaware Counties, but they remained prepared, for the threat was ever present. In May of 1756 the English Board of Trade reported to the Privy Council that, "The Governor represents that this Province [Pennsylvania] is in no condition to defend itself, but must fall on easy Prey to almost any Invader" From a letter of General Loudoun to Lord Cumberland, dated August 20, 1756, we get another glimpse of the conditions in the Province of Pennsylvania: "I have just received a letter from Governor Morris with an account that Fort Granvil has been taken by a Body of French and Indians Commanded by a French Officer and that the Fort at McDowals Mill has been abandoned by the Provincials." It is true that these at-

tacks took place on the frontier in the western part of Pennsylvania, but the towns in the eastern part of the Province of Pennsylvania and in the Delaware Counties were constantly dreading attacks.

In March of 1758, Governor William Denny advised the Provincial and Lower Counties Assemblies of a message received from England asking for several thousand men from Pennsylvania and the provinces to the southward to rendezvous under Brigadier-General Forbes at the place he designated. On March 20th, General Forbes wrote to Governor Denny asking: ". . . that the Officers and Soldiers raised in Pennsylvania for the Service are [be] Able Bodied good Men, capable of enduring fatigue . . ." He also stated that they were to be paid four pence per diem in lieu of provision when they began their march. The Pennsylvania Assembly, on March 25th, introduced a bill to raise 2700 men to act with the British forces and with those of the Lower Counties, Maryland, and Virginia.

We do not know what legislative action was taken by the Assembly of the Delaware Counties for raising men, but we know that by the middle of April 1758, the officers had been commissioned and three companies were being raised in the Lower Counties* Each company was to consist of one captain, one 1st lieutenant, one 2d lieutenant, one ensign, four sergeants, two corporals, and one hundred privates, two of whom were to be drummers. The staff officers for the three companies were to include a major, an adjutant, a surgeon, a quarter-master, and a brigade major. The officers of the companies from the Lower Counties were the following:

- Richard Wells, major
- William McMechen, surgeon
- Henry Van Bibber, adjutant
- French Battell, quarter-master
- Joseph Shippen, brigade major
- Jacob Gooding, Jr., captain
- Henry VanBibber, 1st lieutenant
- Archibald Finney, 2d lieutenant
- George Wells, ensign
- John McClughan, captain
- John Wright, 1st lieutenant
- John Bryan, 2d lieutenant
- William McMechan, ensign

*See Appendix B.

French Battell, captain
Robert Hodgson, 2d lieutenant
Benjamin Catin, ensign

Partial muster rolls of these three companies are published in volume I of the *Delaware Archives*.

Now that we have seen the establishment of the three companies of enlisted troops from the Delaware Counties, let us try to piece together the fragments of their service during the expedition of 1758. After many difficulties Brigadier-General John Forbes assembled at Raystown (now Bedford), Pennsylvania, and at Fort Cumberland, Maryland, a force of nearly six thousand men, among whom were the three Delaware Companies. General Forbes, directed his attention on the capture of Fort Duquesne and in order to accomplish it directed Colonel Bouquet to superintend the construction of a military road toward that place. The road begun in July was north of the route taken by General Braddock and it was guarded by a series of small forts, which could be used as supply depots. Such a road progressed slowly and as the French Indians were aggressive and troublesome, a force of 813 of Colonel Bouquet's soldiers were sent under Major Grant to reconnoitre Fort Duquesne. Arriving in the proximity of the Fort on September 14th, they were attacked by a large force of French and Indians, which for a time threatened to annihilate the English and provincial troops. A return of the soldiers from the Lower Counties in this engagement shows that two were killed or missing and twelve returned not wounded.

Another return made on October 3, 1758, at Raystown, where General Forbes had his headquarters, shows that the forces of the three companies from the Lower Counties comprised:

commissioned officers

1 major
2 captains
5 lieutenants
3 ensigns

staff officers

1 adjutant
1 quartermaster
1 surgeon

non-commissioned officers & privates:

10 sergeants
3 drummers
213 fit for duty
9 sick at advanced posts
4 wounded in hospital
25 on commands on the frontiers

About the middle of the following month General Forbes, against the advice of Washington, Bouquet, and others, decided to advance against Fort Duquesne. By forced marches his troops were able to cover fifty miles in five days. On November 24th the advanced column was within twelve miles of Fort Duquesne. They were at a loss to explain the distant sounds of explosions, but at daybreak on the 25th, they crossed the ridge and looked down on the smoking ruins of Fort Duquesne. The French forces had been decreased for the winter and being surprised at the speed with which the soldiers of General Forbes advanced and knowing that they could not maintain a prolonged defense, they blew up the fort, threw their guns into the river, and fled. Thus the Ohio Valley was at last won.

The soldiers of the Delaware Counties were at Raystown on October 3d, and it is safe to conclude that they went on the march against Fort Duquesne, for General Forbes threw all his forces into that advance. After possession was taken of the fort and it was renamed Fort Pitt, the forces of General Forbes were mustered out or went into winter barracks, except for two hundred soldiers from Pennsylvania, who were to join with those of Maryland and Virginia in guarding the frontier. We may assume that the Delaware men were mustered out and returned to their homes, the campaign being over.

Early in May of 1759, three companies of men were enlisted in the Counties of New Castle, Kent, and Sussex for another expedition to the Pennsylvania frontier. The purpose of this expedition was to guard the settlements, strengthen fortifications and build new forts. To have done these things with the troops already enlisted, it would have been necessary to take them away from places that would then become unguarded. The officers of these three companies of Delaware men were: Captains John McClughan, French Battell, Henry Van Bibber and John Wright; Lieutenants Benjamin Catin, Archibald Finney and William Conwell; Ensigns William McMechan, Ryves Holt, Jr. and Jonathan Caldwell. Although Captain McClughan received his commission on May 21st, before the other captains, and had served as a captain in the previous campaign, his commission was revoked despite the fact he was well recommended by Colonel Bouquet, under whose command he had served. In the organization of these three companies we find that they were brigaded with the third battalion of

the Pennsylvania Regiment under Colonel Hugh Mercer, Lieutenant-Colonel Patrick Work, and Major Edward Ward. Probably the only staff officers that the Lower Counties companies had were Brigade-Major Joseph Shippen, Captain James Young, paymaster and commissary, and Ensign William McMechan, the surgeon.

By June 15, 1759, some of the Delaware soldiers had orders to march immediately to Carlisle, Pennsylvania. The surgeon's medicine chest, which had been supplied with medicines from Sears and Parker, Philadelphia druggists, had been moved from Philadelphia to Carlisle. We find from the surgeon's accounts, submitted to the Assembly of the Lower Counties, that on October 6th, of the same year, the medicine chest was moved from Fort Burd to Fort Pitt and then back again.* It may be safe to conclude that as the three companies moved from one location to another their surgeon attended them and had the heavy medicine chest moved also in order to care for his men when his services were needed. Where these three companies went or what they did, other than what has already been related about them, is not known. From the same account of Surgeon McMechan we find that he served as an ensign for seventy-four days. The other officers and men may, or may not, have served that long. Besides the men enlisted in the three companies, there were at least twenty-four men from the Lower Counties who served with the other companies of the Pennsylvania Regiment during this campaign.

Fortunately there is extant an unpublished report of a committee of the Assembly of the Delaware Counties showing the expenses of the campaign of 1759. This report shows that £7000 had been appropriated for the King's use and placed in the Loan Office of New Castle County. Of this amount £1480:18:5½ had been paid out by John Finney and George Munro, Commissioners for New Castle County. Caesar Rodney and Joseph Caldwell, Commissioners for Kent County had received £1450, of which they spent £1217:6:6 for enlisting, clothing, paying, and subsisting Captain French Battell's Company. The Sussex County Commissioners, David Hall and Jacob Kollock, Jr., had received £1450 and had expended £1318:19:2 for enlisting, clothing, paying, and subsisting Captain Wright's Company. Of the whole amount of the £7000 appropriated £6444:6:6½ had been spent by the commis-

*See Appendix C.

sioners of the Counties of New Castle, Kent, and Sussex to defray the expenses of the expedition. There was returned to the commissioners some bounties of soldiers who did not go on the campaign, so that there was due to the public from the Trustees of the Loan Office of New Castle County the sum of £609:13:51½.

Having followed the activities of the militia and enlisted soldiers during this war, let us now see what legislative action was taken at this time. On November 5, 1757, an act was passed for twelve months entitled: "An Act for Extending Several Sections of an Act of Parliament . . . intituled, An Act for punishing Mutiny and Desertion, and for the better payment of the Army and their Quarters." The purpose of this act was to protect the citizenry when the soldiers were billeted among them and to decrease desertions.

The militia laws have already been cited and we have mentioned that in 1759, £7000 was appropriated for the King's use to levy, clothe, pay, and subsist three companies of men for an expedition to the frontier. Toward the end of the war William Pitt negotiated the payment to the colonies of a portion of the money they had advanced for the use of the Crown. On October 22, 1762, Governor James Hamilton in a message to the Assembly of the Lower Counties advised them that they were to receive from Parliament a reimbursement of £3745:17:10. The Assembly thanked Governor Hamilton profusely and on October 25th, introduced a bill to authorize persons to receive this money from England. The same day a motion was introduced to repay, with the Parliamentary grant, the damages suffered by the masters of servants who enlisted during the war. The next day, October 26th, a petition was received from the people of New Castle asking that the money already appropriated for finishing a fort and battery there be used for building a free wharf. Two days later James Craig of New Castle County petitioned for payment of £14:5:0 for providing quarters for soldiers. The Assembly allowed him £7:2:6, but the petition for £64:11:6 from James Murphey (a soldier of Captain Jacob Gooding's Company), who had been captured by the Indians, was not allowed. The question of reimbursing masters of enlisted servants was put to a vote on October 26th, and was defeated by a vote of ten to seven. Again, on November 2d, an attempt was made to revive the issue, but the proposal was again defeated.

In the following year the Treaty of Paris ended the French and Indian War and France relinquished to England all her possessions on the mainland of North America east of the Mississippi River except New Orleans. Spain ceded Florida to England in exchange for Havana, which had been captured during the war; and Spain received from France all the territory west of the Mississippi and New Orleans. Thus ended the last inter-colonial war in North America and the last struggle between England and France for supremacy there.

From the end of the French and Indian War, in 1763, there were no military developments in the Delaware Counties until 1774 and 1775, when militia laws were passed and defenses were prepared. But those activities necessarily belong to the Revolutionary War, which is beyond the scope of this study.

We have thus traced the development of military defense in what is now the State of Delaware from the time of the first permanent settlement by the Swedes in 1638 until 1776, when the Three Lower Counties-on-the-Delaware became the Delaware State. During those years a militia organization developed that served as the pattern of the Delaware defense system until the time of the Great War in 1917.

APPENDIX A.

Memorandum. of Provisions Recd. from Governor Clinton.
Or by his order —

Cattl. &c.

To 8 Casks of bread

To 4 Barrels of pork & 40 d.^o beef }

To 5 Baggs of pees. }

16 Kettels & 16 Leadels }

Rcd. 17 Seventeen Tents

To 17 Sett of Tent powels [poles]

To 69 Cuttlases. & 99 pr. of Shoes

Do 5 quire of Catrige paper

To 1 Barrel of Rum & 1 Tarce [tierce]^a of Rice

To 1½ Tarce of Gammons^b at 27½

^a Tierce, a cask larger than a barrel and smaller than a hogshead, in which salt provisions, rice, et cetera are packed for shipment.

^b Gammon, the buttock or thigh of a hog, salted and smoked or dried.

		To 1 Firkn ^c of Butter & 17 mattets
		To 1 C. C. of Flower [flour] Bought. of Mr. Killen....£1....3....4
8 br. ye. 8th.		To 1 Barrel of Beef & 1 Do. bread pr .ye. Wagons.
[1746]		To 2 barrels rum pr. ye. Battos. [bateaus]
10		Do. pr. Mr. Kollick in Do. 4 bbs. porck 3 Do. Bread
		To 1 Barrel of Rum not full
Octr. ye. 22		To 2 Barrels of Bread 2 do. of Beef 1 do. of Pork
		To 1 firkin of Butter
		To Blanketts
Oct: ye. 26		To 3 B.B of Pork by Mr. Lawrie
		To 4 bb of Bread by do. & 1 firken of Butter
Oct: ye 27		To 3 bb of Rum & 4 bbs. of Bread
29		To 5 bb of Bread To 4 Barrels of Pork
31		To 8 bbs. of Pork To 8 B B of Bread
Novr. 1st		To 6 bbs of Bread To 3 Large Casks Do To 1 Cask of Rice
Novr. 4		To 6 Large Cask of Bread one Cask of Pork one Do Rice
9		To 1 Barrel of Rice one Do beef one Do Rum 1/2do Beef
29		To 1 Barrell of pork one Barrel of Beef one do Rum
Dec. 8		To 1 Barrel of pork by Kollock
18		To 4 Barrels of meat by a Sled
		To 1 B.B of flour from Mr. Holland by Mr. Stevenson
		To 3 B.B of Bread from Do
19		To 2 B B of Pork and one Teirce of Beef
		To 4 B B of Pork & Beef } 31 To 2 B B of Beef & Pork
		Jan To 2 Do Bread
27		To 4 B B Do } 2 To 25 Sceple ^d of peas
29		To 3 B B Do } 9 To 1 B B of flour
		To 3 B B Do } 12 To 2 B B of Rum
		To 1 Cask Contain- ing 26 Gammons }

^c Firkin, a small wooden vessel or cask of indeterminate size used for butter and lard.

^d Schepel, a Dutch unit of measure equal to about three pecks.

Acct. of provision Since I gave a list of

			Jan	
January	21	Four Barrels of Bread	22	one Hogshead of Rum
	23	Eight Barrels of Pork	26	Two B B of Bread
	27	Two Do of Bread	28	Seven Baggs of Do
	30	Eight Do of Pork	Feb	27 Sceptles of peas
Feb.	7th	Two Barrels of Beef	12	Two barrels of Beef
		one hhd. of Rum		
9th	March	two Barrels of Bred		
	12	{ 16 Sceptle of peas		
		{ one Teirce of bread		
		{ one Barrel of Flour		
	12	17 Sceptle of Peas		
	14	2 Barrels of flour		
	16	14 Sceptle of peas		
	17	2 Barrels of Bread		
April	16	{ One Cask of Flour		
	[1747]	{ and two barrels of pork		
	18	{ One Barrels of Beef		
	27	{ one Hogshead of Rum		
	29	{ one Barrel of pork		
May		Thirty gallons of Rum		
		one Barrel of meat		
		Two Barrels Do		
June	13	One Barrel of Flour		

APPENDIX B.

Letter Relative to Support of Delaware Soldiers in the
French and Indian War

To BENJAMIN CHEW ESQUIRE
PHILADELPHIA.

SIR —

Yours by Major Shippen is now before Us. We are much obliged to you for the pains you have taken with the General to relieve Us from the heavy burthen of supporting our new raised Forces, they are very fine Fellows, in high Spirits, and quite ready & impatient to March.

You very well know the Bounty Cloathing & subsisting our Troops hath already drained us of great part of our Cash, & that an additional number of Officers must run as much in Debt, You well know the risk that We as acting Commissioners would run by exceeding our Power, for this Reason we hope his Honor the Governor will excuse us.

We are very willing Major Shippen should have an additional allowance for what Services he may do our Companies this Campaign, & We shall Use our Interest with the next Assembly to allow him what may give satisfaction—

His Honor signified as his opinion (when at New Castle) that each Captain should pay their own Men, and as that trouble will be but little & will please the Men, We think that an Officer For the purpose would be an additional charge & without advantage, therefore We hope his Hon. will not insist.

We for the same Reason Judge one of the Lieutenants or Ensigns, may answer the end of Quarter Master & Adjutant without further expence, or any disadvantage —

We have provided a Chest of Medicines & We shall be obliged to you if you will take the charge of Ordering Drums & Colours to be sent to Lancaster.

We doubt not that you will use your best Offices with the General & Governor in behalf of this small Government Your Interest & inclination will induce you to do Us all the good Offices in your Power, which will give us great pleasure And much Oblige

Sir

Your most Obedient Humbl Servts

JNO FINNEY

THOS COOCH

New Castle May 23d 1758.

APPENDIX C.

Expense Account of Surgeon William McMechen in the French and Indian War

The Commissrs. for Delawe. Governt. to Wm. McMechen Dr. 1760
[The Commissioners for Delaware Government to William McMechen,
debtor 1760]

May 19	Gutt. Variol p McAlister 5/. Gutt Pector:McFinnie 4/6 Dressgs p Young 5/6	£ 15: 0
[1759]	[smallpox inoculation ¹ for McAlister 5/. chest drops ² for McFinnie 4/6 Dressings for Young 5/6] To Sundry Expences Extraordinary for Diet p ye men at ye Fairs a 8d p meal	3: 6: 4
	[To sundry expences extraordinary for diet for the men at the fairs at 8 pence per meal]	
June	Dressgs p McDonald 4/6, Gutt.Spasm: OFarrel 5/. Cath McAlister 2/6	12:
	[Dressings for McDonald 4/6. spasm drops for OFarrel 5/. cathartic for McAlister 2/6] Pil: Stom Townshend 3/6 Pil asthm: Hart 3/6 Gutt Variol Robinson 4/6	11: 6
	[Stomach pills for Townshend 3/6. asthma pills for Hart 3/6. smallpox inoculation for Robinson 4/6]	
12	Do p Do 4/, Candles p sick 1/; Gutt Variol Jones 5/ Pulv Refrig Nig p Do 2/6	12: 6
	[Ditto for ditto 4/, Candles for the sick 1/; smallpox inoculation for Jones 5/, black cool- ing powder for ditto 2/6]	
16	Gutt Pector: Hart 4/6, Empl; Mellil: OFarrel 1/ Empl: adhes Hart 2/6	8:
	[Chest drops for Hart 4/6, honey plaster for OFarrel 1/, adhesive plaster for Hart 2/6]	
17	Gutt Variol Robinson & Jones 6/6, Gutt Febo Tim Williams 4/6	11:
	[Smallpox inoculation for Robinson and Jones 6/6. fever drops for Timothy Williams 4/6]	
18	Gutt Cardiac McNulty 4/6 Gutt Variol Jones 4/9, Gutt Spasm OFarrel 4/6	13: 9
	[Heart drops for McNulty 4/6, smallpox inoculation for Jones 4/9, spasm drops for OFarrel 4/6]	
22	Elect Variol Jones 4/6, Cath OFarrel 2/6 Candles p sick 2/6	9: 6
	[Syrup for smallpox for Jones 4/6, cathartic for OFarrel 2/6, Candles for the sick 2/6] Gutt Stom: OFarrel 4/6. Cath Robinson 2/6, Do OFarrel 2/6	9: 6
	[Stomach drops for OFarrel 4/6. cathartic for Robinson 2/6, ditto for OFarrel 2/6]	

Augt	To pd for medicines at Cumbd 4/ wrapping Paper 10d, Broad Tape 5/6	10: 4
	[To money paid for medicines at Cumberland 4/, wrapping paper 10d, broad tape 5/6]	
	To pd the Carriage of the medicine Chest from Philada to Carlisle	1: 5
	[To paid the carriage of the medicine chest from Philadelphia to Carlisle]	
Octob.	To pd the Freight of Do from Ft Burd to Ft Pitt	10:
	[To paid the freight of ditto from Fort Burd to Fort Pitt]	
	To pd the same back to Do	
	[To paid the same back to ditto]	
	To my Pay as Surgeon From Octob 17th to Decembr 29th both Days Included, 74 Days a 6/ p Day	22:4
	[To my pay as surgeon from October 17th to De'ember 29th both Days included, 74 days at 6/ per day]	
	To my Pay as Ensign 74 Days a 5/ p Day	18:10
	[To my pay as ensign 74 days at 5/ per day]	
	To amt of the mens Pay as p Roll Delivered	109: 1
	[To amount of the mens pay as per roll delivered]	
	To amount of subsistance as p Roll Delivd.	19:19
	[To amount of subsistance as per roll delivered]	
		<hr/> £180:16:11
		1:11: 6
	To 28 Days Subsistance a 1/6 p Day	
	[To 28 days subsistance at 1/6 per day]	<hr/> £182: 8: 5

¹Smallpox inoculation was introduced into England by Lady Mary Wortley Montagu in 1718. She accompanied her husband on a mission to Turkey and while there learned their method of inoculation and had her own children treated. Vaccination for smallpox was not scientifically done until 1796 by Dr. Edward Jenner.

²The chest drops may have been a treatment for either pleurisy or tuberculosis.