

David Lloyd.

Concluded from page 55.

After Penn's departure Lloyd soon became a member of the Assembly, representing Philadelphia County, until 1710, except one year when he was elected by the City. The history of the Assembly during those nine formative years is largely the history of Lloyd's public life. He had secured the right to build an Assembly, with functions separate and distinct from the executive or the judicial, and this was largely accomplished during those nine years. There may be seen in it more than personal quarrels, or a body of Quaker representatives resisting the Proprietor and the Churchmen. An independent Assembly came into life during that time, and the work was largely due to the far-sightedness of David Lloyd.

The three lower counties on the Delaware refused to accept the Concessions. Lloyd urged that they should be accepted if their representatives were to sit in the same Assembly with those that were elected under the Concessions. They could not be a House, he insisted, if a part were elected by virtue of the Governor's writs and the other part were elected by the new laws or grants. This hastened the separation, and gave David Lloyd a more homogeneous body to mould into a House. Lloyd's opponent was James Logan, who saw in the Concessions the source of all the difficulties, and in Lloyd's efforts, an attempt to undermine the interests of the Proprietor. John Evans, the able young Governor, with unformed character and wide learning, stood between Penn, Logan, and Lloyd in this struggle. Evans' first effort was to reunite Pennsylvania and Delaware. Lloyd was in his way. He expected financial support from the Assembly, but his vigour in imprisoning and fining William Biles, an Assemblyman from Bucks County, for saying on the street, "The Governor is but a boy, we'll kick him out," led the Assembly to refuse a salary for part of the time, telling him in private to take it out of the Biles fine. The Governor claimed to have a commission from William Penn, directing him to convene and adjourn the Assembly at the executive pleasure. Lloyd showed him

the grant in the Concessions, and held that no proprietor had a right to insert in his instructions to a deputy anything contrary to the compact made with the people. On this issue Lloyd won the right for the Assembly to convene and adjourn by statute. The real bone of contention between the Governor and Assembly as guided by Logan and Lloyd was upon the method of establishing the Courts. The old act had been repealed by the Crown. Logan saw that if Penn ever succeeded in selling the Province to the Crown, as he was urging him to do, that the price would be enhanced if he could prevent the people from having the right to establish their own Courts through the acts of the Assembly. The Governor declared that the right of establishing Courts rested with the executive by ordinance. Lloyd insisted that the Assembly as the people's Representatives was the only constitutional method of establishing justice. Logan so managed this affair that Penn could see in Lloyd only an enemy bent upon his financial ruin. The granting of licences was a source of private income to the Governor. Lloyd wanted this power placed in the hands of the magistrates, believing that the authority that had to deal with the consequences of this traffic should be the same that granted the licences. Here again Logan led Penn to see that Lloyd's position was one that threatened to rob his deputy of a just emolument. Logan held that the Friends, with their conscientious principles against war and the use of oaths, were not suitable to hold public office, consequently the Governor's policy was one that delayed all legislation favourable to the use of an affirmation instead of an oath. The Friends felt that they should at least have the same rights in America as they had in England. Lloyd said that they should have more. Penn urged them to suffer rather than submit to the enforcement of the oath. Lloyd in this case was not inclined passively to suffer, and lose the hold upon public affairs which he insisted must be retained. He preferred to work in the Assembly, and, of course, in time won a victory for his people.

These things directed the attention of the people against Evans, the Governor. This was rendered the more easy because of the false alarm which Evans was foolish enough to plan, leading the Philadelphians to believe there was a French fleet entering the Bay. His motive was to see if the Quakers would not fight when the emergency occurred. This and the extravagant life he lived with William Penn,

Jun., turned the attention of the people against him. Lloyd strove to show that Logan was the cause and occasion of all their difficulties. In this Logan parried the blow, and made it appear to be directed upon the Proprietor; in this he gained at that time a victory for himself.

Toward the close of the Assembly in 1704, it was decided to make these things known to William Penn, and other Friends in England, who would see that justice was done. The day previous to adjournment, a committee, composed of David Lloyd and Isaac Norris, was appointed to draw up a paper that

would deal plainly with the Proprietor, concerning the privileges and immunities he had promised the people of this Province; and how inconsistent and repugnant thereto is his commission to his present deputy; as well as his former orders and proceedings in the administration of this government; and how the people of this Province are wronged and deprived of these privileges; and how they are injured in their properties; and what inconveniences have happened by occasion of the Proprietary not passing the bill for regulating officers' fees, proposed to him by the Assembly in the year 1701.

The following morning the Committee reported that their duties to the Assembly had prevented them from putting the paper into form. However, they offered nine separate complaints, of which the House unanimously approved.

The chief feature of these complaints was the fear that Penn would sell the Province, and leave the landholders unprotected. This, with complaints about the management of the land office, and the conduct of Evans and Logan, was all that the articles contained. It was agreed that the Remonstrance should be drawn up on these heads, and that David Lloyd, as Speaker, should sign the same, and that the usual committee that revised the Assembly's minutes should examine the Remonstrance. When Logan heard of this action he at once appealed to Isaac Norris, who was a member of the Committee to revise the minutes. Consequently there was a division, and Norris and one other member refused to have anything to do with the affair. Lloyd worded the Remonstrance, and sent it with a personal letter of his own to George Whitehead and two other Friends, with the request that they present the Remonstrance to William Penn. The only irregularity thus far was that the Remonstrance was not sent through Governor Evans, with his approval. This was not Lloyd's intention. The

document was a reflection upon the management of affairs by Evans and Logan, and Penn's insistence in retaining such representatives. The letter was Lloyd's own act explanatory to George Whitehead.

The packet was in a ship captured by the French, and the Remonstrance with the letter came directly into the hands of William Penn. Isaac Norris took the affidavit that the paper sent was not the article drawn up in the Assembly. He smoothed the affair over with the frequent assertion that the Remonstrance was not the act of the full Assembly. Logan declared that Lloyd had no right to sign and send such a paper after the Assembly adjourned; that he changed the minutes upon the subject without the consent of the Assembly. Penn took most offence at the letter written to George Whitehead, which he promptly forwarded to Logan, but retained the Remonstrance in spite of Logan's repeated requests for at least a copy of the same. Isaac Norris and a committee of Friends asked the next Assembly for a copy of the Remonstrance. Governor Evans demanded a copy. The Assembly replied that the Remonstrance was not their act, and refused. The House expressed regret that there should have been cause for such a Remonstrance, and that William Penn should have taken umbrage at its contents. The House had done more, it sent to New York to ascertain if the papers had been forwarded; and on the 19th of October, which was shortly after convening, it recorded that the "Remonstrance was read and directed to be read again"; but there is no mention of it being different from the one directed to be forwarded in August.⁷ At no time did the Assembly ever repudiate its act or bring any charges against Lloyd for irregularity in signing the Remonstrance. In 1711, when an anti-Lloyd Assembly was in session, Lloyd brought the matter before them. A committee, of which Isaac Norris was a member, made an investigation, reporting that the Remonstrance sent in 1704 was not identical with the resolves passed by the House at that time—that a copy of that Remonstrance could not be found—that David Lloyd said that the copy in his possession was a true duplicate of the original Remonstrance. After hearing the report, the House spent some time discussing the careless manner of keeping records, and resolved that hereafter two copies of the Journal of the House be made, and that one copy be

⁷ *Votes of Penna. Assembly*; vol. ii.; p. 95.

placed in the hands of the Secretary of the Council.⁸ Thus an anti-Lloyd Assembly reluctantly exonerated Lloyd from the charges made by rumour, and since recorded in history.

Logan's presentation of the matter to Penn was full of invective. Lloyd was called that "lurking snake," that "treacherous man," wholly void of any religious principles. By the time Penn had received the letter and Remonstrance, he was willing to call Lloyd by even worse terms, and insisted that Logan should have him impeached, and ejected from the Assembly, and forbidden to practise law "in any of my courts." Penn's charges, which had been previously suggested by Logan, were that Lloyd had acted as Deputy Master of the Rolls under Thomas Lloyd without appointment or commission from the Proprietary; that he had forged an order of the Assembly in issuing and signing the Remonstrance; and that as Master of the Rolls and Clerk of the Peace, he "suffered encroachments on my lots in the City and Manors in the Country, and recorded them without one caveat in favour of his master and patron, or my poor children."

Now that Penn was aroused and insisted upon prosecution, Logan replied,

I know not how we shall go about it. The letter sent in the Assembly's name thou hast not returned. As for those other charges against him I fear they will not hold. 'Tis in vain, I believe, to attempt it; he carries so fair with our weak country people, and those that long looked upon him as the champion of Friends' cause in government matters in former times; that there is no possessing them. His party is strong as that of the wicked and foolish.⁹

The idea of impeachment was abandoned. The Assembly of 1706 sent another Remonstrance, more direct and suggestive than the one of 1704 to which it referred. It was more regular in its issue, and brought no reflections upon David Lloyd, but on the contrary was instrumental in securing the removal of Deputy Governor, John Evans.

The difficulties growing out of the Remonstrance of 1704—the impossibility of securing an unprejudiced hearing with William Penn—the skill with which the Council was able to obstruct all legislation offered by the Assembly, convinced Lloyd that Logan was at the bottom of the trouble. Could he be removed from office, things would go on. There

⁸ *Votes of Penna. Assembly*, vol. ii. p. 95.

⁹ *Penn-Logan Correspondence*, vol. ii.; p. 119.

is every reason to believe that this view of Lloyd's was coloured with personal acrimony toward Logan ; but there is no evidence beyond that inspired by Logan that Lloyd had any feeling against Penn himself. Lloyd charged Logan with attempting to convert the privileges of the charter into an arbitrary government—with inserting a clause into Governor Evans's instructions, that no law was valid until approved by the Proprietary, and that the Governor could call and adjourn the Assembly without conforming to the Concessions of 1701—that he took from the Commissioners of Property their right to confirm patents and issue orders for resurveys—that he concealed from the Assembly the Lords Commissioners' reasons for their repeal of several laws, thus deceiving the people's representatives. Each of the charges was so worded as to appear that they were directly contrary to law.

Governor Evans hesitated to try the case, but the Attorney-General and the Assembly, reflecting Lloyd's opinions, told him that he was required by law to do so. After many delays the hearing was begun. Logan was to deny or admit each charge, and the House would attempt to prove such as he denied. Evans ordered the Attorney-General to read the first charge. Logan replied that he did not understand it ; he would have it explained or proved. Lloyd replied that the Secretary should not plead ignorance. He should have procured advice from those that knew the law. Evans then adjourned the hearing until the afternoon. By delays and excuses another hearing was avoided. He claimed that the Council was not endowed with the authority of the English House of Lords ; it was not a third Estate, and could not try impeachments. Lloyd replied that if the constitution was defective, the Governor should have implied the same before going so far—that he was now acting contrary to the best legal advice in the Province—that, according to the Charter, the right of impeachment was with the Assembly and the Governor and not the Council ; the House could impeach and the Governor sit in judgment upon the evidence—that while the Charter provided for no third Estate, the power was implied. Lloyd's reply is one of the ablest legal opinions given in the Province up to that date. Evans refused to act unless there was specific law requiring him to do so. Lloyd insisted that this ruling left the Province without judicial protection against men in the employ of the Proprietor.

The recall of Governor Evans and the arrival of Governor Gookin only aggravated matters. Logan could control Gookin with less effort than Evans. The Council would sanction no laws offered by the House. Lloyd held that the Council was not a party to legislation, that the Charter expressly placed it with the Assembly and the Governor. Again it was insisted that Logan was the obstructionist. Hearing that he was about to sail for England, and possibly fearing the nature of his representations, Lloyd overstepped his prerogative as Speaker of the House, and issued an order to the sheriff for his arrest. The Governor issued a contrary order. The sheriff consulted the best legal advice outside of David Lloyd, and refused to obey the Assembly. Logan escaped jail and sailed for England. The people arose and elected a new Assembly, not returning one of the former members. This was in October, 1710. For a year, Lloyd was not in the Assembly, and, for over a year, Logan was not in Philadelphia. The change was wholesome for each of them. They returned to their former duties in an attitude that later enabled them to work together upon a number of public matters. Only a shadow of the old feeling appeared in their pamphlet controversy in 1725.

In the autumn of 1711, Lloyd returned again to the Assembly, representing Chester County. He remained in the House, and was Speaker for one year, until he was appointed Chief Justice, in 1718. He retained the Chief Justiceship until his death, and in 1723 entered the House again, where he remained until within two years of his death. During this time he was Speaker four consecutive years. As Chief Justice, he interpreted the laws of his own making. He was Pennsylvania's first great lawgiver, who modelled his work upon the pattern given by William Penn. He gave to the Assembly a body and a form, establishing order, and locating the legislative function distinct and apart from the executive and the judicial. In this capacity the nation owes him a great debt. Pennsylvania owes to William Penn her soil and her democratic plan of toleration and individual freedom, to David Lloyd she owes the practical application of these hopes and dreams. Penn never became a Pennsylvanian; Lloyd was not only a Friend of Penn's making, but he was the first Pennsylvanian, the first great Commoner.

His early experiences in the Province mark him as a Welshman. His clear direct manner of expression, his

lack of diplomacy, his life of deeds without explanations, made him many enemies. His associations with Thomas Lloyd, his efforts in securing the Concessions of 1701, the right of affirmation instead of the oath, the struggle to have the right of issuing liquor licences in the hands of the magistrates instead of the Deputy Governor, his success in establishing a system of courts, his never failing sympathy for the under dog, all combined to make him a Pennsylvanian, and his faith in the final efficiency of the popular ballot made him an American.

His method, so free from personal explanations, created at that time many misunderstandings, and left him unprotected in history. As a Clerk of the Courts, and in obedience to the order of the magistrates, and the verdict of a jury, he, one time, wrote out the sentence for counterfeiting. The moment, some years later, that a cloud was upon his reputation, a petition came into Council from the prisoner stating that Lloyd added to his sentence, which was treason, forfeiture of goods, and life imprisonment. The Council was unable to find that Lloyd had done more than what had been commanded, but they added that the sentence was too severe for "one who had been only found guilty of dispersing bad money."¹⁰ Then again, an effort was made to blacken his character because of his purchase of land in Chester, which increased in value because he took legal means to render hitherto questionable titles valid. What had been a commons became private property, and there does not seem to have been a Swedish burying ground there as alleged. Another time, Daniel Pastorius, in petitioning against the administrators of the estate of the Frankford Company, claimed that a certain Henry Sprogel, one of the administrators, pretended to have bought the claims of the members in Germany, and was ejecting the innocent settlers by court orders, and depriving him of any compensation as agent for seventeen years, and was misrepresenting the other administrators, and had paid the four known lawyers in the Province to assist or remain quiet. After these petitions had been investigated by the Council, James Logan, with his characteristic freedom with the minutes, observes, that upon examination of the witnesses it appears "that David Lloyd was the contriver of the whole," and that he received as compensation a thousand acres of Benjamin Furley's land. In the petition,

¹⁰ *Minutes Penna. Provincial Council*, vol. i., p. 386.

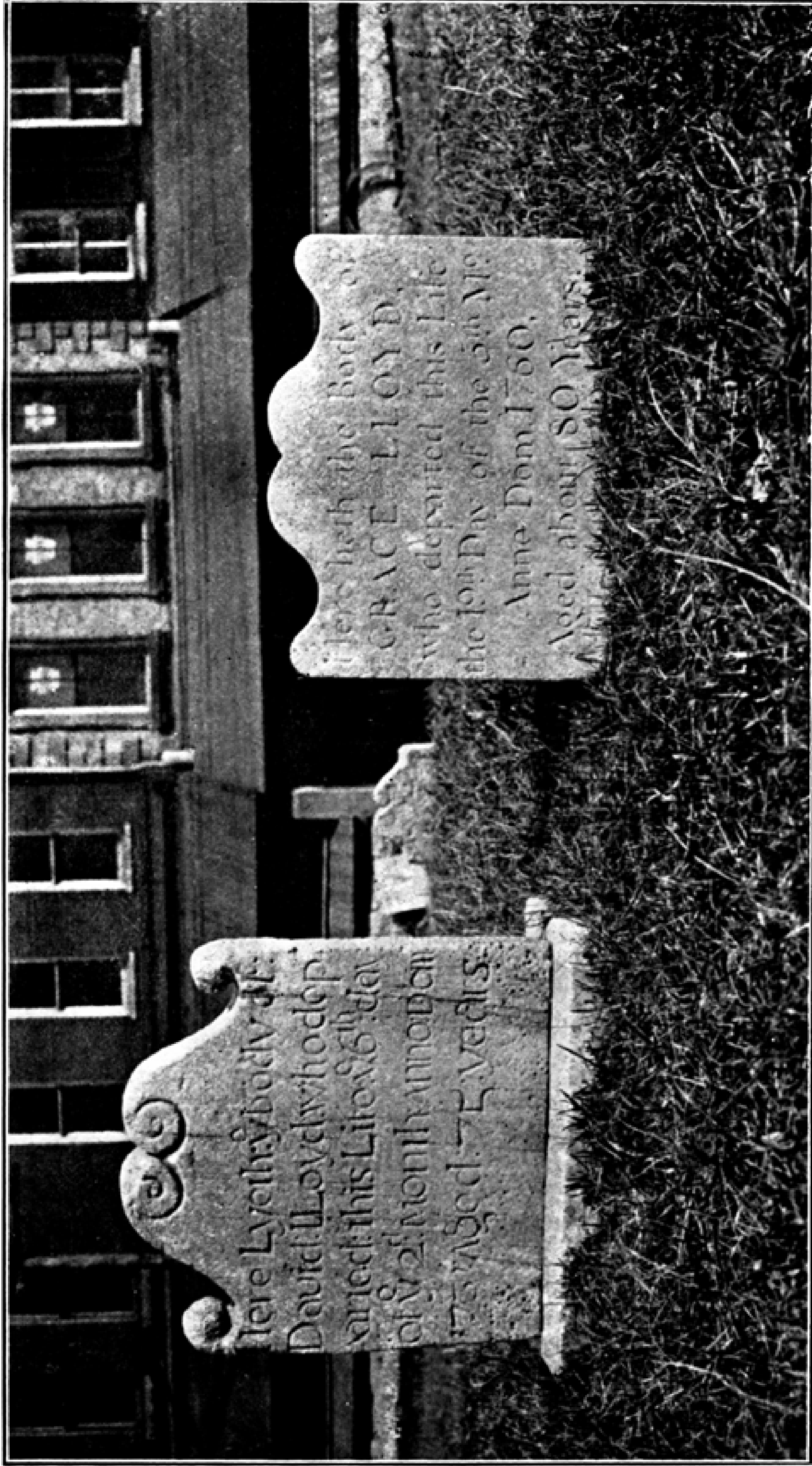
Pastorius said that the scheme was planned by David Falkner, one of the administrators. This matter appears to have come before David Lloyd's Monthly Meeting, but no action seems to have been taken.

That Lloyd grew wealthy and lived in a generous fashion is true. His salary as Chief Justice never exceeded £150 per year, and often that was in arrears. As late as 1724, the Attorney-General received only £60. Lloyd often received an additional salary as Assemblyman for extra labour in drawing bills. Doubtless the main sources of his wealth came from judicious purchases and sale of lands. The house he built in Chester in 1721, since known as the Old Porter House, from the mention of the parts reserved for the widow would indicate that plenty was the portion of his later years. Grace Growden, who was cut off by her father's will with five shillings, had reserved for her exclusive use, after her husband's death, the room in the north-west corner, known as the dining-room, the parlour in the north-east corner, and "the closet and milk-house adjoining, the old kitchen and the chamber over it, churn house and cider mill, cider press, and part of the garden."

In 1710, Jane Fen, an English woman, who became prominent in the ministry, entered the Lloyd family as "an upper servant such as we call in England, housekeepers, having all the keys, plate, linen, etc., delivered to me. They had a great family, and everything passed through my hands . . . After my arrival I did not live as an hired servant, with David Lloyd or his widow" . . . Jane Fen first saw David Lloyd in Haverford Meeting. She writes:—

After I was seated some time, David Lloyd from Chester, with his wife and several other Friends, came in. As soon as they were seated, it was as though it had been spoken to me, "These are the people with whom thou must go and settle." They being strangers to me, and appearing as persons of distinction, I said, "Lord, how can such an one as I get acquainted with people who appear so much above the common rank. . . ." I afterwards understood that David Lloyd and his wife fixed their eyes upon me, and felt a near sympathy with me, such as they had never known for a stranger before, and said in their hearts, "This young woman is or will be a preacher." They were both tendered, and it was fixed in their minds, that they were to take me under their care, and nurse me for the Lord's service, with a promise that His blessing should attend them. This I had from their own mouths after I lived with them.

From Jane Fen's account, it appears that David Lloyd sat either at the head or near the head of the meeting in

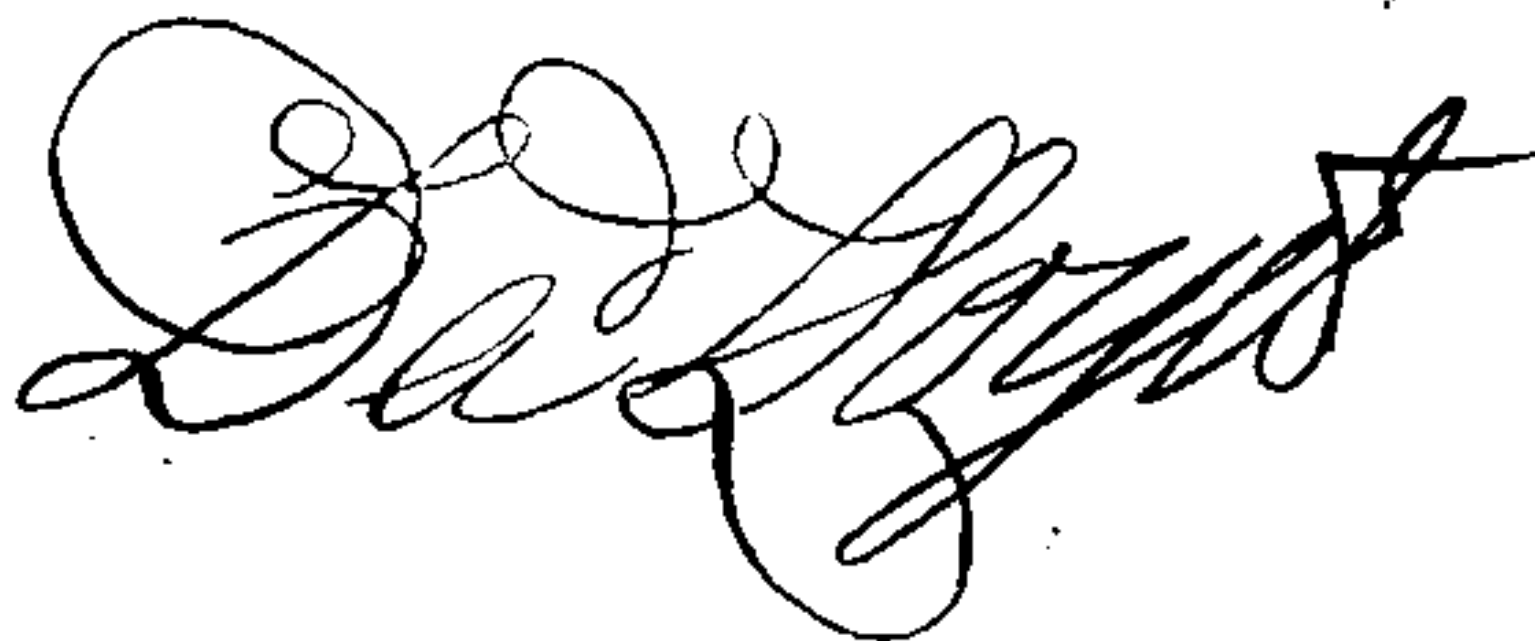


FRIENDS' GRAVEYARD AT CHESTER, PA. (See page 105.)

Chester as early as 1710. This was about the time the Sprugel affair was reported to the Meeting. Jane Fen travelled in the ministry through New England, in the Carolinas, and Barbados, and, in 1727, through England and Ireland, returning in 1730. She writes :—

Soon after my return David Lloyd was taken ill with his last sickness; during which I thought it my duty to attend on him as usual. On the 6th day of the second month, 1731, he departed this life; and in him I lost a father and a sure friend. In all the journeys I went, whilst he lived, he cheerfully supplied me with the necessaries requisite. He was exemplary in his family, treating all about him with humanity, choosing rather to be loved than feared. He was diligent in attending meetings for worship; and those of his servants who inclined to go to meetings, he allowed to perform that necessary duty."

JOSEPH S. WALTON



FACSIMILE OF SIGNATURE.

"*Friends' Library*, vol. i., p. 460. "Life of Jane Hoskens." Also published separately in 1771, 1810, etc. Thomas Chalkly wrote a beautiful letter to Jane Fen and Elizabeth Levis relating to their visit to the West Indies.

Friends on the Atlantic.

Affixed to page 457 of *The Life of Thomas Story*, included in the Gibson Bequest MSS. in D., is a list of sea stores for use by Thomas Story on his voyage from Barbados to England in 1714. The stores were shipped at The Bridge, and also at Speights-Town, under the care of Richard Poore. The live stock included 5 sheep, 7 turkeys, 5 hogs, 32 fowls, and 11 ducks.