

Barracks for the Borough: A Constitutional Question in Colonial Lancaster

By Jeffrey L. Scheib

The old military barracks which stood at North Duke and East Walnut streets in Lancaster have become rather well known since the Bicentennial as a place of internment for over two thousand Hessian soldiers, prisoners of war during the American Revolution. However, it is perhaps less well known that the barracks were already fifteen years old at the outbreak of the Revolution. The barracks were built by the Pennsylvania provincial government near the end of the French and Indian War in response to complaints by Lancaster citizens that British soldiers had been forcibly and illegally quartered in their homes.

Complaints and conflicts over quartering soldiers were not unique to Lancaster. During the French and Indian War, 1755-1763, the British government found it necessary to send large numbers of troops to America. British army officers were determined to have quarters for their men without respect for the opinions of colonial authorities. On the constitutional grounds that the army must be subject to civilian control, and according to the republican principle that undue military power is a danger to liberty, Americans throughout the colonies vigorously resisted attempts by British commanders to forcibly quarter troops without permission from the colonial legislatures. Their resistance met with varying degrees of success.¹

Englishmen had a long-standing hatred for the quartering of soldiers in private homes. As early as 1628, the Petition of Right complained of the practice. In the late 1620s, the government of Charles I and the Duke of Buckingham had impressed soldiers for ill-advised wars on the Continent without the wherewithal to house and feed the men. The soldiers were forcibly billeted in private homes, the owners of which they robbed and insulted before terrorizing the countryside in armed companies, plundering, raping, and murdering. In response, the House of Commons demanded that the king acknowledge that "no man is forced to take soldiers, but inns, and they to be paid for them." The Glorious Revolution of 1688 finally settled the question in England, establishing the constitutional principle that the army is subject to control by Parliament, the civilian government. Beginning in 1689, Parliament annually passed the Mutiny Act, which, among other things, prohibited quartering in private homes when the home-owner objected. Troops were to be quartered in inns and public houses and the tavernkeepers paid a fixed rate. In 1723, 1754 and 1756, Parliament made some provisions of the Mutiny Act specifically applicable in the colonies but not the sections covering quartering. Parliament did not pass a Quartering Act for the colonies until 1765. In the meantime, no one knew what effect war had on the Mutiny Act because there had been no clear precedents for quartering in England since 1689.²

Trouble over quartering broke out almost as soon as the French and Indian War began. In 1755 General Edward Braddock, commander of the ill-fated expedition sent against the French at Fort Duquesne (Pittsburgh), threatened to quarter troops forcibly, darkly warning the Pennsylvania Assembly that he would "take care to burthen those colonies the most, that show the least loyalty to his Majesty."³ The Assembly quickly passed a quartering bill based on the Mutiny Act which included statements on the rights of Englishmen. However, this law was disallowed by the Privy Council in July 1756, just as the Earl of Loudoun arrived in America as the new British commander-in-chief.⁴

Loudoun was determined to have quarters for his soldiers whenever and wherever he needed them. He decided to billet a battalion of royal troops in Philadelphia. The Assembly passed a second Quartering Act on December 8, 1756, making no mention of quartering in private houses. Unfortunately, there were not enough public houses in the city to hold all the soldiers. Colonel Henry Bouquet, in command in Philadelphia and in need of quarters for his men, obtained a warrant from Governor William Denny allowing him to quarter men in private homes.⁵

The warrant to Bouquet precipitated a fearful row between Governor Denny and the Assembly. The legislators saw the forced quartering as a clear violation of the rights of the people, a true act of despotism. The Assembly was incensed at the governor's conduct; the representatives felt

he was toadying to Lord Loudoun when he should have been safeguarding the rights of the people. Loudoun ended the dispute by threatening to seize quarters for his soldiers. The Assembly backed down and agreed to rent houses for the troops.⁶

Loudoun got his way in Pennsylvania by threats; his bullying was equally successful in New York. In 1756 he forcibly quartered two regiments in Albany in defiance of a New York law and over the vain protests of the Albany City Council, which claimed his actions "assumed a power over us Very inconsistent with the Liberties of a free and Loyal People . . ."⁷ Massachusetts, on the other hand, was more successful in its conflict with the earl over quartering. In 1757 the Massachusetts legislature was able to keep one jump ahead of Loudoun's demands for quarters, appropriating money to build barracks at Castle William in Boston and passing a law permitted billeting in public houses. As one author has written, "Despite Loudoun's bluster, the quartering of troops was still technically dependent upon an act of the Massachusetts legislature. Thus, Massachusetts had effectually upheld the procedural political forms that allowed colonists to lay claim to the rights of Englishmen in regard to Quartering."⁸

It is against this background of previous controversy over quartering in Massachusetts, New York, and especially Pennsylvania, that complaints about it began to emerge in Lancaster. Perhaps it was inevitable that the issue should surface in the town, given Lancaster's strategic location and importance in the struggle against the French and the Indians. The borough was centrally located in the province, on the main route from Philadelphia to the frontier and convenient for communication with both East and West. Quite early in the war, it became "a safe and convenient place for the storage and distribution of war material."⁹

Lancaster figured prominently in troop movements during the war. On March 18, 1757, Colonel Bouquet mentioned the town in a plan for an assault on Fort Duquesne. Bouquet proposed to have the British regulars muster at Lancaster, while the provincial forces gathered at Fort Littleton and Fort Shirley in preparation for the expedition. In the middle of May 1757 Colonel John Stanwix and five companies of the First Battalion of the Royal American Regiment were present in the borough.¹⁰

On October 2, 1757, Lord Loudoun wrote to Governor Denny explaining his intentions "to have the greatest part of the Troops I send into your Province quartered in the back Settlements, in Reading, Lancaster and York, in order to cover them from any inroads of the Enemy or Indians . . ."¹¹ Accordingly, Colonel Stanwix and the First Division of the First Battalion of the Royal Americans went into winter quarters at Lancaster about November 30, remaining there until the middle of the

following April. That winter the troops took over the house of one Sebastian Graff, or Groff, and used it as a guardhouse. (Groff complained about this to the Assembly and was paid £12 4s 2d for his inconvenience.) Five hundred or more soldiers were billeted in the borough each succeeding winter.¹²

Lancaster was actively involved in preparations for the Forbes expedition, which captured Fort Duquesne on November 26, 1758. Wagons and supplies were assembled in the town before being dispatched westward. Troops were constantly passing through or stopping in the borough as General John Forbes began his drive against the French. Three examples of movements involving the town convey an impression of the activity in the borough. On May 29, 1758, General Forbes wrote to Colonel Bouquet to inform him that he was ordering three companies of the Delaware provincials to march to Lancaster. Forbes planned to use the borough as the anchor of a chain of military posts extending westward to Fort Littleton. Four days later colonel John Armstrong and the First Battalion of the Pennsylvania Regiment were in the town en route to open communications to Raystown. In the middle of June three companies of highlanders departed from Lancaster, where they had presumably been stationed for some time, for Carlisle, under orders from Colonel Bouquet.¹³

It appears that it was during the Forbes expedition that the billeting of troops in the borough really began to rile Lancastrians. While there may have been some earlier difficulties, such as Sebastian Groff's experience the previous year, the townspeople did not begin to complain to their elected officials until three months after the successful conclusion of the Forbes campaign. Perhaps the actions of soldiers wintering in the borough after the Forbes expedition finally drove the townspeople to action. At any rate, it was not until the end of February 1757 that the grievances of the citizens appear in the records.¹⁴

On February 28, 1759, the Committee of Grievances of the General Assembly reported the following to the House:

That in Violation of a positive Act of Parliament for preventing Mutiny and Desertion, and for the better Payment of the Army and their Quarters, several Sections of which have been extended hither by an Act of General Assembly, some of the Military Officers have attempted by Menaces, and other illegal Methods, to extort Billets from the Magistrates of the County and Borough of *Lancaster*, for quartering Soldiers on private Houses, but failing of their Purpose, have proceeded to open Violence, and thereby forced Numbers of his Majesty's Troops into the Dwelling-houses of the Inhabitants, taking their Beds and other Necessaries from them, for the Use of the Soldiers . . .¹⁵

Governor Denny was duly notified of the grievance of the Lancaster inhabitants in an address March 2.¹⁶

On March 6 there was presented to the House "A Petition from the Burgesses, Assistants, &c. of the Corporation of the Borough of *Lancaster*

and other Inhabitants.” The petition explained that the residents of Lancaster had been “greatly oppressed” by the quartering of a large number of soldiers since the beginning of the Forbes expedition. It concluded with a plea that the House, “in their next grant of Supplies to the Crown, will be pleased to appropriate a Part thereof to the useful and necessary Purpose of erecting Barracks in the said Borough . . . “This petition was reinforced by a similar one from “divers Inhabitants of the Borough of *Lancaster*,” received March 8, which also requested the construction of barracks in the community.¹⁷

Meanwhile, Governor Denny had passed the complaints of the Lancaster residents on to General Jeffrey Amherst, the new British commander. The general replied that it was absolutely necessary to billet troops in private homes when there were neither barracks nor sufficient inns (as Amherst believed was probably the case at Lancaster) to house them. “(If . . . the Magistrates refused them Billets, they could not do less than make their Quarters good, which is an old Practice wherever the Seat of War lies,” Amherst wrote.¹⁸

The Lancastrians were not the only Pennsylvanians with complaints about quartering in the spring of 1759. For example, a resident of Chester County presented a petition to the Assembly complaining that a number of Colonel Montgomery’s Highlanders had been quartered in his home without permission from a magistrate. Also, a number of Reading innkeepers asked to be reimbursed for billeting troops in 1756, 1757, and 1758. They also requested construction of barracks in Reading.¹⁹

In response to these complaints, the legislature took action. First, the House voted to pay all tavernkeepers for quartering soldiers. Second, a committee was appointed to examine the laws of the province germane to the issue. (As a result of this, a provincial law entitled “An Act for Extending Several Sections of an Act of Parliament, . . . Entitled an Act for punishing Mutiny and Desertion, and for the better payment of the Army and their Quarters,” which was due to expire at the end of April, was re-enacted.) Third, the Committee of Grievances was ordered to investigate further the complaints of the Lancaster inhabitants.²⁰

The Committee of Grievances of the House for 1759 consisted of Thomas Leech, William Masters, Griffith Owen, John Morton, Emanuel Carpenter, James Wright, William Allen, James Boone and Lodowick Beeting. Of these nine, Emanuel Carpenter and James Wright were two of Lancaster County’s representatives in the House (Isaac Saunders and James Webb were the county’s other two representatives). In accordance with the order of the House, the Committee collected affidavits from several Lancaster inhabitants, including Burgesses Joseph Pugh and Bernard Hubley.

After due consideration, the Committee concluded, “(T)he Oppression is of so extraordinary a Nature, that it calls for immediate Redress . . . ”²¹

The House directed the Committee to draft an address to Governor Denny regarding the problem in Lancaster. This was done, and the final document was signed by Speaker of the House Isaac Norris on April 11, 1759. Isaac Saunders and James Webb then carried the address up to the governor, who promised to consider it, along with the affidavits of the Lancaster citizens.²²

The address began, “A CONTINUANCE of the distressed Situation . . . of the Inhabitants of the borough of *Lancaster* calls on us . . . again to remonstrate to your Honour.” It continued:

. . . (T)he military Officers have, by Force, quartered a large Number of Soldiers on the private Houses of that Borough, committing great Outrages on the People, by Seizing of their Possessions and Property, assaulting their Persons (Magistrates not excepted) in a violent Manner, and by obliging them to pay Sums of Money for their Quarters, or to receive the Troops into their private Families, notwithstanding the Magistrates offered to provide convenient Houses for the Accommodation of the rest of the Troops, which were not billeted on the public Houses.

Furthermore, the officers had played favorites in their billeting, “to the great Terror of the Inhabitants.”²³

The representatives did not elaborate further on the “outrages” committed upon the inhabitants of Lancaster. Nor did they preserve the affidavits of the citizens in their records, so precisely what the soldiers did to provoke the townspeople to seek redress is largely a matter for conjecture. The generalizations enumerated in the Assembly’s address to Governor Denny sound like ritual incantation and provide few answers to the question of what the troops actually did.

It seems reasonable to assume that major crimes such as rape or murder would not have failed of mention in the records, but the gravest offense catalogued by the Assembly was apparently extortion, “. . . obliging them to pay Sums of Money . . . or to receive the Troops . . .” (Perhaps some officers saw an opportunity to line their pockets at the expense of Lancaster’s home-owners.) Quite likely, most of the soldiers’ offenses were of the petty variety. It is easy enough to imagine these British soldiers, stationed at what to them must have seemed the end of the civilized world, with time on their hands, getting into mischief out of sheer boredom. Perhaps they imbibed too much in local taverns and brawled in the streets or picked fights with the townspeople. They probably used barrack-room language within earshot of the goodwives and daughters of the community. Perhaps those soldiers quartered in private homes carelessly broke some prized possessions which the owners had zealously preserved as memorials of the Old Country. Maybe they stole a chicken or two now and then. And

it requires little stretching of the imagination to picture these same troops making fun of the accents and customs of Lancaster's German inhabitants, displaying the Englishman's typical disdain for foreigners.

All of which, of course, is not to deny that having coarse and unmannerly strangers forcibly thrust into the bosom of one's family is reason enough to complain quite vehemently to one's elected representatives.

In any case, the Assembly complained to the governor that there was no justification for these actions on the part of the military. Moreover, the inhabitants of Lancaster had shown such "loyal and affectionate Zeal" in forwarding the Forbes expedition that they should have been exempt from such shabby treatment. The Assembly feared the people would be discouraged from assisting future campaigns because of this ill usage. In conclusion, the legislature exhorted Governor Denny to exert his "utmost Endeavors to obtain that Relief which is due to the People entrusted to your Care and Protection."²⁴

Despite the Assembly's exhortation, Governor Denny does not seem to have done anything, leaving the initiative up to the House. Before the Assembly adjourned for a month on April 21, a committee which included James Webb, Isaac Saunders and Emanuel Carpenter, all representatives from Lancaster County, was appointed to prepare plans for a barracks to house five hundred men, with an estimate of the expense for its construction. When the Assembly reconvened in May, the committee submitted its plans for the barracks to be built at Lancaster. The House resolved to submit the plans to the governor, and, with his approval, "appoint a proper Person to superintend the Building of the said Barracks, and to be accountable . . . for such Part of the public Money as shall be expended in erecting and completing the same."²⁵

On June 2, 1759, slightly more than three months after the original report of the Committee of Grievances, James Webb reported to the House that Governor Denny had approved the plans for the Lancaster barracks, along with the necessary expenditure. Webb himself was instructed by the Assembly to obtain title in his own name for the use of the public of the necessary land in Lancaster borough. Also, £2000 of public funds were put at his disposal to cover the cost of erecting the barracks.²⁶

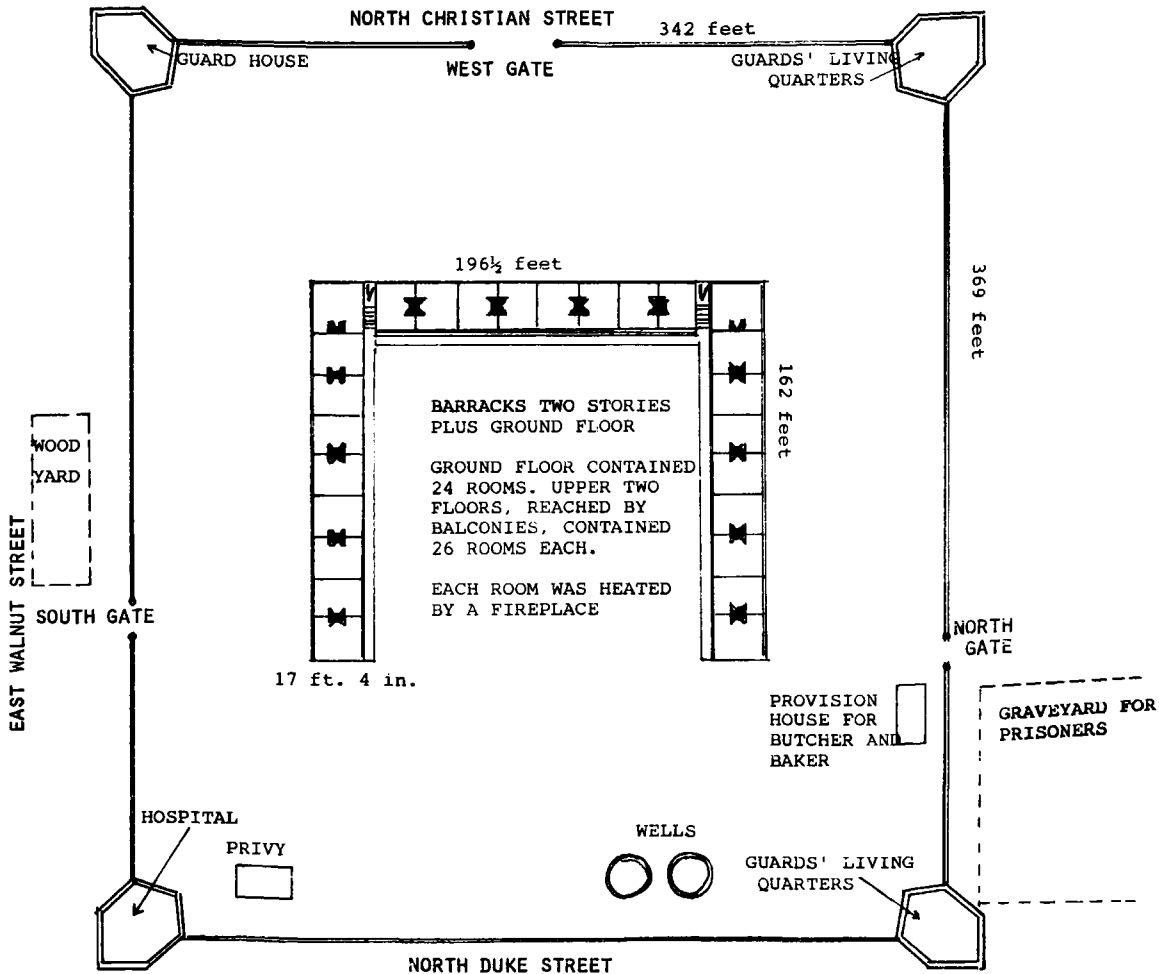
A mason by trade, Webb was a logical choice to supervise the construction, even though building a military barracks was an unlikely task for a professed Quaker. Webb seems to have been in no great hurry to have the building completed. He did not obtain title to the land for the building until May 1, 1760, when James Hamilton, the proprietor of the

town, conveyed to him lots 534, 535, 536 and 537, at the intersection of Duke and Walnut streets in Lancaster. As late as September 25, 1760, over a year after Webb was appointed to the job, it was reported to the General Assembly that all of the £2000 deposited to him could not yet be accounted for, as the barracks were not yet finished.²⁷

At any rate, the barracks were eventually completed, probably some time late in 1760 or early in 1761. The building was a U-shaped brick structure, three stories high, with the open side facing Duke Street. There were 24 rooms on the ground floor and 26 on each of the second and third floors, which were reached by outside stairways and balconies.²⁸ The barracks saw extensive use in the 1760s, especially during the Pontiac Indian Uprising of 1764. Webb, who served as barrackmaster until his resignation in 1769, had to keep the barracks ready to house on short notice soldiers on their way to and from the frontier. In July of 1764 the building was probably taxed beyond capacity when over five hundred men of the Pennsylvania Regiment were mustered at Lancaster.²⁹ The use of the barracks as a place of detention for prisoners of war during the Revolution has been discussed by other writers and is beyond the scope of this paper. After the Revolution the building fell into disuse and disrepair; by 1802 the land was back in the hands of the Hamilton family.³⁰

It would be convenient if the construction of the barracks had ended once and for all the quartering controversy in Lancaster. Unfortunately, this was not entirely the case. By 1766 Lancaster innkeepers were complaining to the Assembly about not being paid for billeting the officers of regiments quartered in the barracks.³¹ Since construction of the barracks did not completely solve the problem of quartering in the town, the question arises, Of what significance is the controversy over quartering in Lancaster?

Certainly neither the British army nor the colonists gained any theoretical advantage from the controversy in Lancaster, which was, after all, only one episode in a wider constitutional conflict. When Parliament passed a Quartering Act for the colonies in 1765, the law was resisted in America because the colonists continued to maintain that only the local colonial legislatures had the authority to pass quartering bills for their respective colonies.³² In the final analysis, the construction of barracks in Lancaster did nothing at all to resolve the constitutional question involved in the quartering issue, although it did relieve the burden on the townspeople. But building barracks was a stop-gap solution to the dispute. It was similar to the Massachusetts quartering legislation of 1757, which alleviated the problem but essentially side-stepped the constitutional issue. In America the questions whether soldiers could be quartered in private homes and who had the power to impose such quartering, the civil government or the military authorities, were finally settled by the Third Amendment to the



GROUND PLAN OF PRISONER-OF-WAR BARRACKS USED DURING REVOLUTIONARY WAR

United States Constitution: "No Soldier shall, in time of peace, be quartered in any house, without the consent of the Owner, nor in time of war, but in a manner to be prescribed by law."

Notes

1. Alan Rogers, *Empire and Liberty: American Resistance to British Authority, 1755-1763* (Berkeley, Calif., 1974), 75. A very good recent discussion of the military in republican ideology, a topic relevant to the resistance to quartering, is Robert E. Shalhope, "The Ideological Origins of the Second Amendment," *Journal of American History*, LXIX (1982), 599-614.

2. G.M. Trevelyan, *England under the Stuarts* (London, 1904), 135-136; Rogers, *Empire and Liberty*, 76, 78.

3. Rogers, *Empire and Liberty*, 76.

4. *Ibid.*, 77-78.

5. *Ibid.*, 78-79.

6. *Ibid.*, 79-81.

7. *Ibid.*, 82-83.

8. *Ibid.*, 84-87.

9. Jerome H. Wood, Jr., "Conestoga Crossroads: The Rise of Lancaster, Pennsylvania, 1730-1789" (Ph.D. dissertation, Brown University, 1969), 82, 87, 91.

10. S. K. Stevens, Donald H. Kent, and Autumn L. Leonard, eds., *The Papers of Henry Bouquet* (Harrisburg, Pa., 1951-1972), I, 51-53, 104.

11. *Pennsylvania Archives*, III, 278.

12. *Bouquet Papers*, I, 332; Wood, "Conestoga Crossroads," 93; *Pennsylvania Archives*, 8th Ser., VI, 5064.

13. Wood, "Conestoga Crossroads," 92; *Bouquet Papers*, I, 379-383, II, xxiii, 48.

14. *Pennsylvania Archives*, 8th Ser., VI, 4930-4931.

15. *Ibid.*

16. *Ibid.*, 4932.

17. *Ibid.*, 4936, 4939. We have here a hint that the Pennsylvania Assembly considered itself equal to, not subject to, the Parliament at Westminster. While "granting supplies to the Crown" meant, in effect, voting money to run the provincial government, the phrase itself is the sort of language used in Parliament.

18. *Pennsylvania Archives*, 8th Ser., VI, 4943. Governor Denny sent the general's letter on to the House, which read it into its official minutes.

19. *Ibid.*, 4935-4936, 4994.

20. *Ibid.*, 4936-4937, 5003; *Pennsylvania Colonial Records*, VIII, 335; *Pennsylvania Archives*, 8th Ser., VI, 4944.

21. *Pennsylvania Archives*, 8th Ser., VI, 4937, 4949, 4973.

22. *Ibid.*, 4977-4979.

23. *Ibid.*

24. *Ibid.*

25. *Ibid.*, 4992, 4995, 4999.

26. *Ibid.*, 5002, 5003, 5152.

27. *Hamilton Lot Records*, Lancaster County Historical Society; *Pennsylvania Archives*, 8th Ser., VI, 5142-5143; Wood, "Conestoga Crossroads," 94.

28. Albert G. Overton and J. W. W. Loose, "An Unusual Discovery: Prisoner-of-War Barracks in Lancaster Used during the Revolutionary War," *Journal of the Lancaster County Historical Society*, LXXXIV (1980), 134. This article also contains a reproduction of a plan of the barracks drawn by Judge William Augustus Atlee in 1777 (pp. 132-133). The statement in this article, "We know the barracks were constructed hastily . . . and apparently were not built for permanence," (p. 134), is incorrect.

29. *Pennsylvania Colonial Records*, IX, 556; *Pennsylvania Archives*, IV, 180, 195-196.

30. *Pennsylvania Archives*, IX, 309; *Hamilton Lot Records*, Lancaster County Historical Society; on the prisoners and the barracks, see, e.g., Jim Kinter, *A Way of Life*, Lancaster County During the American Revolution (Lancaster, Pa., 1974), 39-46.

31. Wood, "Conestoga Crossroads," 95.

32. Rogers, *Empire and Liberty*, 88.

About the Contributor

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