

The Legislative Career of Emanuel Carpenter.

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While Harris in his biographical history, states that Emanuel Carpenter began his services in the Assembly in 1755 the records (Vol. 4, "Votes of Assembly," 625, which "Votes" we shall simply designate herein by the capital letter "V" in our citation of references) show that he first appeared in 1756. He had a long and useful career in that body as an Assemblyman representing Lancaster County. Some of his prominent associates in 1756 were Isaac Norris, Daniel Roberdeau, Jos. Galloway, Benj. Franklin, Jos. Gibbons, George Ashbridge and others. He served continually till the beginning of 1772, his last Assembly being that convened October 14, 1771. His career therefore extended over sixteen years. The scope of his activities was so varied and he took part in so many legislative acts and services during his incumbency that a satisfactory estimate of his public service can only be ascertained by classifying it under its proper heads.

We may, therefore, discuss this career under his labors in behalf of: (1) The Revenues, Finances and Fiscal Affairs of Pennsylvania, (2) The People's Rights and Privileges, (3) The General Provincial Affairs, and the Drafting of Laws, and (4) Our Common American Liberties.

I. THE REVENUES, FINANCES AND FISCAL AFFAIRS OF PENNSYLVANIA.

When we turn to Carpenter's part in this domain of his services, we find that he took a prominent part in several distinct departments of the fiscal affairs of our Province:—(a) The Raising of Taxes, (b) Appropriation of Moneys for the King's (Public) Uses, (c) Revenue Tariff and Protection of Trade, (d) Issuing of Money and Building Up Finances.

(a) *Raising of Taxes.*—In 1756 he was appointed on a committee to procure the tax duplicates of all the counties of Pennsylvania, and to apportion, to each county, its share of the general tax, according to population and wealth (4V,670). In this duty, he encountered a fight with the Philadelphia members over a proper distribution of the burdens of taxation.

This subject, of apportionment of taxes among the counties was continually before the Assembly. The first comprehensive report on the subject was made in 1760 by Carpenter and others who had it in charge (5 V, 118, 121, etc.). His report sets forth the acres of land in each county, the number of taxables, the rate and amount of tax assessed. The report is interesting. Lancaster County stands first in area (436,346 acres), first in taxables ex-

cept Philadelphia Co. (having 5,635 against Philadelphia's 5,684) and highest in tax levied except Philadelphia County (6198 pounds against the latter's 6540 pounds). Lancaster County's rate was 1 pound 2 shillings, per hundred, Chester's, the same; Philadelphia County 1 pound 3 shillings; Philadelphia City 2 pounds and 5 shillings. The City of Philadelphia had 2634 taxables.

Page 121, of the same volume, appears Carpenter's committee's audit of the finances of the Province and of the expenditures of the last 100,000 pounds appropriation, except the 2000 pounds still in hand, to build the Barracks in Lancaster.

In January, 1764 (5V, 301), Carpenter and others were appointed on a committee to investigate and report a complete plan for equitable taxation in Pennsylvania; and in order to do so, to divide the real and personal estate of the Province into as many classes as necessary, and to fix rates of taxation and values on each of the said classes. In order to secure data to perfect this scheme of taxation the Assembly resolved that printed lists of all ratable property be left at every man's dwelling with blanks to be filled in and signed by them; and every person not giving a just and full account shall be subject to a penalty four fold the amount of all property he conceals. Here we recognize the original of the present method of ascertaining money and other subjects, taxable for state purposes. We are required to fill up and affirm to, similar lists today, for the assessors.

Carpenter and his committee divided property into 23 classes; among them marsh meadows, cultivated land, uncultivated lands, houses and lots, improved grass lots, near cities, ground rents, quit rents, forge and furnace lands, grist, oil and saw mills, trades, professions and occupations (upon the profits thereof), annual salaries, ferries, horses, cattle, sheep, bought white servants, negro or mulatto slaves, single men, and several other classes.

This was a natural result, arising from the great laxity of taxation in early times, when outlying districts often escaped taxation entirely. Philadelphia complained very greatly against her excessive rate of taxation to make up for those who escaped. This searching scheme was designed to end the escape from taxation and to equalize, properly, the tax burdens of Pennsylvania. It is interesting to notice an "income tax" among the heads above mentioned.

(b) *Appropriation of Money For Public Uses.*—In this domain of his activities we find Emanuel Carpenter also playing an important part in Pennsylvania's Government.

In 1756 he was on a Committee with Benjamin Franklin and others to raise 100,000 pounds for the King's use. A large part of these moneys "for the King's use" was consumed for the protection of the Province and for our own development as a "King's Province." So long as we raised it ourselves, we had no objections to spending large sums of it to pay for the expenses of English troops sent here to help us in the French and Indian Wars, etc. But we rebelled when later, England determined that she could impose taxes on us, even for the purpose of our own protection. In 1758 Carpenter was again a ranking member to amend the King's Supply bill. In 1759 and in 1760 and in 1764, he was on similar committees to raise sums of 100,000 pounds for our public protection (5V, 55-107 and 343).

(c) *Revenue Tariffs and Protection to Trade.*—In 1758 we find Carpenter on an interesting and important committee (4V, 793). His committee were instructed to frame a law imposing a duty on tonnage, and an impost on wine, rum, sugar, and an excise on tea, for the purpose of the support of the province and the protection of trade. This was done and in it we find Pennsylvania's first step in legislation against other nations and against other colonies for her own welfare. All the Colonies did the same; and this was laid down generally, as the policy, by each Colony, of collecting part of the expense of its Government, from other Colonies. The Supreme Court of the United States under the Constitution, had a hard task on hand to break up this system, after the Constitution of our country forbade states, any longer, living and governing themselves at the expense of sister states. We are here clearly informed that the "protective tariff" for the "protection of trade" is very old and that it did not begin with us, in the nineteenth century, as may be supposed.

(d) *Money and Finances.*—Emanuel Carpenter appeared constantly on committees and in individual capacities to organize and develop Pennsylvania's currency and credit system. In 1750 (5V, 55) he was appointed with Galloway, Masters, Watson, Ashbridge and others, to draw an act for emitting bills of credit, or paper money for the Province. In 1760 he was on a committee to settle the treasurer's account (Do., 118), and the same year was on a committee to audit the Provincial Commissioners' disbursements of the 100,000 pounds last raised for the King's use (Do., 121). In 1761, to him and others, was committed the whole subject of the taxes due to and the revenues claimed by, the Penn family, growing out of their ownership of land, etc., which was fast becoming a sore grievance to the people (Do., 145 and 156). At the last page mentioned appears his report, that Penn's family were not receiving, in fact, all the taxes they are entitled to.

In 1767 (5V, 557) Carpenter, Pennock and others were on a committee to provide a means to recover moneys outstanding and due to the Province on mortgages taken by the Trustees of the loan office. The Province, early, issued paper money for its needs, by taking mortgages from persons who desired to borrow, providing that the borrower pay back interest and one twelfth of the principal each year till paid off; and it issued to mortgagors, certain paper money or certificates which passed as money, the same as our silver certificates, etc., do, at this day. But borrowers, after making the loans, were very slow in repaying the same.

The foregoing sufficiently shows the scope of Emanuel Carpenter's services in the Revenue, Financial and Fiscal Affairs of our Province.

II. THE PEOPLES' RIGHTS AND PRIVILEGES.

Emanuel Carpenter seems to have been especially fitted for the task of planning the proper division of the powers of Government—of securing the people in their just rights under their Government—of preventing rulers from misusing their power, and generally, for the task of administering the activities of government.

His labors in this department, evidence themselves in at least three di-

rections: (a) Executive and Legislative Division of Power, (b) Equality of Representation in Assembly, (c) Fundamental Rights of the People.

(a) *Executive and Legislative Division of Power.*—The main episode in Carpenter's legislative career which called upon him, as a constructive statesman in Constitutional matters, was the William Moore affair. Moore was a justice of the peace and a Judge of the Courts of Chester County. In 1755 he drew a petition signed by 35 people urging the Assembly to provide a militia to protect the people from Indian outrages, or to resign their seats (7 Col. Rc., 765). The Assembly were enraged at this "affront" as they were the "majesty of the people in representative capacity;" and they had petitions presented to their own body, charging Moore with extortion, embezzlement, and instigating groundless suits and litigation for the purpose of fees; and, in 1757, summoned him to appear before the then Assembly and meet affidavits of his accusers. He appeared and denied their jurisdiction (Do., 741-767). They also determined that the petition drawn by Moore and signed by him with the other signers entitled "The Humble Petition and address of Wm. Moore et al. of Chester County" was a scandalous and libellous attack on the Assembly, accusing them of neglect of duty, etc. In January, 1758 (4V, 768), they appointed Carpenter and others a committee to draw up the resolves of the house on the subject. Carpenter's committee reported: That to make any address reflecting on the proceedings of the Assembly or on any member relating to his service is a high violation of the rights and privileges of the representatives of the people—that the "Humble Address," etc., is false and scandalous, virulent and seditious and a libel on the last Assembly charging them with partiality, corruption, oppression and persecution and it tends to create discontent between the two branches of government and animosities, riots and disorders among the people—that to assert directly or indirectly—that an assembly of the province, has no right or power to hear petitions, examine and redress grievances and complaints of the people against public offices or in any other case, tends to encourage wicked men in oppressing and distressing the community and the rights of the representatives of the people; and is subversive of the fundamental powers of the Constitution. (This they asserted because Moore denied their jurisdiction to try him on extortion and misbehavior in office and insisted that the Governor who commissioned him had the right to revoke his commission and that the Courts had the right to try him for alleged embezzlement; but that the Assembly had no power to try him. The Assembly contended that they had the right to impeach him.)

Carpenter's committee therefore resolved that, Moore confessing he wrote the "Humble Address" and libel and delivered it to David Hall the printer to publish, he is guilty, and that he be delivered to Philadelphia Jail and remain till he retracts—that the libellous address be burned by the common hang man. The Assembly approved and adopted the report and called Moore before them. He refused to retract and the Assembly made out a warrant to commit him and ordered that the Keeper of the jail do not obey any writ of habeas corpus.

The Assembly then tried him in his absence, on affidavits of his accusers and published the proceedings in the Pennsylvania Gazette and sent an ad-

to publish, he is guilty, and that he be delivered to Philadelphia Jail and refore the Assembly jailed him, Moore complained to the Governor and called the Assembly fools. The Governor called his Council together and sent word to Moore to appear with his witnesses and be tried. Some members of Assembly appeared and protested that the Governor had no jurisdiction except on the Assembly's impeachment and that the members of his Council had no part in the proceeding at all. He ignored the Assembly; and then the Assembly, to prevent the Governor trying Moore, passed the resolve above mentioned and jailed Moore. Moore sent a message to the Governor from Jail (7 C. R., 776-7). The Governor protested to the Assembly (Do., 779). The Assembly replied that the Governor and Council had no power to try Moore and that he must remain in Jail (Do., 779-80). They accused the Governor of setting up a new form of judicature in Pennsylvania and declared that the Governor cannot act except on their impeachment, similar to the method of Parliament, etc. (Do., 782). The Governor denied this (8 C. R., 1). The Assembly retorted (Do. 4) and the Governor countered (8 Do., 11). The Governor and his Council then tried Moore and found him not guilty (8 Do., 161).

The Assembly held that as the Charter or Constitution gave them the right to choose a speaker, pass laws and "*redress grievances*" that they had exclusive power to redress the grievances of those who accused Moore and also had power to protect their own dignity against his contempt. The Governor said he is the "King's representative" and they are the "*people's representatives*" and they are both parts of the legislature; that Moore was one of his Majesty's—the King's—justices appointed by him, the Governor, as King's representative and that he alone had jurisdiction over him. The Assembly appointed Carpenter, Wright, Galloway, Gibbons, Ashbridge et al. a committee to answer the Governor (5V, 773). They reported they are surprised the Governor does not know why they accused him of setting up a new judicature—that the Governor intended to give Moore a chance of making his defense for a high misdemeanor against Assembly—that if Assembly had not imprisoned him the Governor would have succeeded—that when a person in a judicial capacity breaks over the law he may "rove in the field of oppression" and can never be stopped,—that they demand the Governor remove Moore—that they have undoubted right to impeach—that the power to redress grievances in the Commons (and in Assembly) is one of the most essentials checks in the Constitution—that "a sheriff may be corrupted, a jury packed, a court who hold their commission during pleasure may be influenced; but it is unnatural to presume that the representative body of the people should be partial, corrupt or do injustice."

Moore was finally released on habeas corpus, and the acquittal before the Governor was the end of the matter and the Assembly was defeated.

The temper of the Assembly is further shown by its trial of Wm. Smith for publishing Moore's petition or libel. Ross appeared before Assembly and defended, contending:—

1. The House has no authority to take up any person for libelling a former Assembly.
2. That the paper is no libel.
3. That Smith is not an abettor of the libel, if it be one.

The Assembly said Smith could be heard only on the last matter; that they were the sole judges of the first two points and their authority and decision could not be questioned. They then sent Smith and his counsel outside, and proceeded to try Smith and then sent for them and said Smith is guilty, until he makes "Amends" (Do., 778). He refused; and (Do., 781) he was held guilty. Ross asked for the privilege of appeal to the King. The Assembly said no appeal lay; but if Smith yields he may go. Smith said he did nothing he was sorry for and striking his hand on his breast said no punishment they could inflict would be so terrible to him as to allow his tongue to give his heart the lie.

Many people present applauded, hissed, clapped their hands and stamped their feet and a score or more of them were at once arrested by the Assembly (Do., 781). Smith was sent to jail and from there asked the Assembly to certify their action so he may appeal to the Crown (Do., 784). The Assembly decided this was a further insult and ignored it. On April 25, 1758, both Moore and Smith were released on habeas corpus. The matter was closed. In all the steps of these proceedings, Emanuel Carpenter took part.

(b) *Equal Representation For the Back Counties.*—In 1764 Carpenter was appointed on a committee to investigate the complaints of the "back counties" that they were not equally represented in Assembly. These petitions came from Lancaster, York and Northampton Counties and in part grew out of the Conestoga Indian Murder. They were presented May 24, 1764. The complaint was that as these counties did not have the number of Assemblymen their population entitled them to, their county delegations could not overcome the Philadelphia, Bucks and Chester County members who were Quakers and were opposed to proper protection against Indian outrages. The want of such protective laws and militia caused the back inhabitants to protect themselves and the outrageous Conestoga Indian Murder was the climax. Paxton Township and Smith and Gibson (Paxton Boys) filed similar petitions. Carpenter, Franklin and others were appointed to take up the matter, and to consider all petitions. The Committee reported (5V, 359) on September 20, 1764, that the people of said Counties are not properly represented and also that it is a hardship to compel them to attend trial before the Supreme Court at Philadelphia and that those judges ought to go on circuit. It is to be noted here that while Chester County had 8 Assemblymen, Lancaster with a greater population still had only four. York also fared badly.

(c) *Bill Of Right—Trial in Proper County.*—Owing to the great fear in Lancaster County of the Paxton Boys, and the sympathies locally for the unprotected state of the inhabitants in the neighboring region of Paxton, there could scarcely be any Conviction or even trial of those who killed the Indians here. In fact, there never was any trial. It was now proposed in Assembly to provide that they be tried in Philadelphia.

In February, 1764 (5V, 319), the Assembly appointed Carpenter, Galloway, Franklin and others on a Committee to report on the further intentions of the Paxton boys. This committee promised a thorough investigation; but it never did much.

Carpenter was appointed about the same time on a committee to create a proper militia to protect the people.

Carpenter's committee reported that to provide for trial in Philadelphia for a crime already committed in Lancaster County would be both an *ex post facto* law and a law providing for an unconstitutional place of trial, where the animosity against Smith and Gibson and other Paxton boys would be worse than the sympathy for them in Lancaster County.

III. GENERAL PROVINCIAL AFFAIRS.

Emanuel Carpenter's connection with the general provincial affairs of Pennsylvania also covered several departments or lines: (a) The Judiciary, (b) Care of the Poor, (c) Indian Trade, (d) Liquor Trade, (e) Slave Trade, (f) Internal Trade and Navigation, (g) Protecting and Policing the Public, (h) Securing Governor's Approval of Laws, (i) Committee to Report Assemblages of House, (j) Draughtsman of Laws.

(a) *The Judiciary*.—Carpenter was on the Committee, with Franklin, Allen and others, in 1763, to prepare a law to regulate the Courts (5V, 238). On a committee in 1767 to provide a law to require the Justices of the Supreme Court to ride on circuits throughout the Province to bring justice to every man's door (5V, 506). This proposed act was opposed by the Governor who wanted it to be temporary only (Do., 521).

Carpenter's committee replied that this act should be a permanent law as all statutes should be, where the administration of justice is concerned, "Justice is the natural right of every man and in our mother Country, is confirmed to the subject on principles the most permanent and durable; and indeed the Government must be extremely defective where it is either temporary, precarious or dependant on the will and pleasure of either branch of the legislature, and should it happen that this Province (as has happened more than once) should be governed by a president of Council who is not vested with the power of legislation, and this law should expire, the people must suffer the mischiefs they now experience without a possible remedy." This message Carpenter and Blackburn were asked to take to the Governor and to convince him of the necessity of approving the new law as a permanent law (Do., 521).

In 1770 Carpenter was again appointed on a committee to amend the procedure of the Supreme Court, the general Quarter Sessions and Jail Delivery Courts. Franklin was with him on the Committee (6V, 215).

(b) *Care of the Poor*.—Emanuel Carpenter devoted much thought and attention toward systematic care of the poor. He was Overseer of the Poor in his own county several times.

In the Assembly he was appointed on a Committee in 1763 to reduce all the Acts for care of the Poor to a code (5V, 238), and in 1765 he was appointed on a committee to examine the laws for Care of the Poor and to suggest additions and improvements in the system (Do., 385). In 1768 he was appointed on a committee to investigate the Complaint of Southwark concerning Care of the Poor of that district (6V, 48). Finally in 1769 he was appointed on the committee of visitors of the House of Employment of Philadelphia (Do., 130). He made a report on the conditions there which resulted in destroying some of the abuses which had crept into the system (Do., 131-300).

(c) *Indian Trade*.—Briefly Carpenter's labors to regulate and protect trade with the Indians consisted of his part in drawing the first comprehensive law to regulate Indian affairs in 1738; his assistance in committee, in drawing a law to prevent the frontier men of Berks County, encroaching on Indian lands in 1760 and especially to prevent hunting deer there (5V, 110); his appointment to investigate and report on the Indian murders in 1768 on Middle Creek (6V, 110); and his labors in the convention held by several colonies in joint session, for the purpose of establishing a uniform system on Indian matters and Indian trade generally throughout America in 1770 (6V, 226).

(d) *The Liquor Trade*.—The only attention which Carpenter gave to the early liquor trade was what he did pursuant to his Appointment in 1762 on a committee to examine the liquor licenses, the number granted in the Province and the distance between liquor selling places in the Province (5V, 194). The committee of which he was a member was a large one and consisted of one or more members from each county. The "state of circumstances of the keepers of public houses" and a full state of the condition of the business and its obedience to law—were to be inquired into.

(e) *The Slave Trade*.—In 1761 it became necessary to pass laws, more carefully to restrict and suppress the slave trade in the Province. Emanuel Carpenter and others were appointed on a committee to report a bill to prevent and repress importing negro slaves into Pennsylvania. The committee made report (Do., 151) but the only result of their action was a law putting a heavy tax on importation of slaves.

(b) *Internal Trade and Navigation*.—An important subject came up in 1763. Wood had become very scarce and costly and there was none within a distance of 12 miles of Lancaster to be had and hauling added very heavy cost to the same. The largest forest tracts were in the upper Conestoga Valley. The people demanded that the navigation be opened on Conestoga and Pequea up to the hills toward their sources so that wood could be floated, boated and rafted down to the Borough of Lancaster. A petition was presented by Lancaster people setting forth that the Conestoga Creek runs through the county and if it were not for the dams of Michael Garber, Sebastian Graff, and Hans Christy, it would be navigable to Susquehanna, a distance of 30 miles with a width at medium of 250 feet and that there were no flats or shoals in that distance; that dams and fish baskets destroy its value; that cord wood in Lancaster because of long carriage is 10 shillings for oak and 15 shillings for hickory and price is increasing as land is cleared and if it were not for the dams, the proprietors of large wood lands 14 or 15 miles northeast of Lancaster could deliver wood by water on a good landing only a mile from the Center of the town; that before the dams were built great lots of fresh fish, shad, rock and salmon were produced; that there are 10 good grist mills within 5 miles of the borough, without those above mentioned. The petition prayed for removal of the dams.

Then a petition was presented against the removal.

It was ordered that such of the Lancaster members as reside nearest, the creek and dams inquire into the circumstances and report at next sitting and that the parties for and against same be present at that time.

Carpenter was the most active man in the settlement of this delicate matter.

(g) *Protecting and Policing the Public.*—In 1764 the matter of protection of the Citizens of the Province became serious because of the agitation over the Indian massacres which finally brought on the Paxton outrage. Carpenter was appointed on a committee to draw a militia law and one was accordingly drawn (5V, 313). He was also placed on a committee with Franklin and others to secure for the back counties, Lancaster, York, etc., their proper representation in Assembly and for the people's greater ease in attending Supreme Court (5V, 359.) Then, too, he was appointed to investigate the Paxton outrage, but not much came of it.

(h) *Securing Governor's Approval of Laws.*—In 1756 Carpenter was given charge of the Acadian Bill after the House passed it, in order to get the Governor's approval of the same. Many of those unhappy Nova Scotians, as we know, came to Lancaster County. In 1759 he was given a similar task as to several new bills passed. In 1769 the Supreme Court bill as we have seen was entrusted to him to steer it past the Governor's objections.

(i) *Informing Governor, Assembly Was Ready to Receive Him.*—The Assembly each year delegated a small committee of its most honored members, upon their assembling, to the Governor to inform him of their organization and choice of speaker, and invite him to deliver his message. Emanuel Carpenter was complimented and honored by the Assembly with being on this committee in the years 1760, '62, '64, '65, '66, '68, '69 and '71.

(j) *On Committee to Draw Laws.*—Emanuel Carpenter had a hand and an active part in drawing the following laws:—Act to secure Pennsylvania's share of the Parliament fund in 1759; Act restricting encroaching on Indian Lands beyond Berks Co., in 1760; Act against slavery 1761; Act to Regulate the Judiciary in 1763; Act for Relief of the Poor in 1763; Act of a Comprehensive System of Property Assessment and Taxation in 1764; Act Establishing the Militia in 1764; Act Establishing the Law and Decedent's Estates in 1765; Supreme Circuit Law 1767; Act for Relief of Insolvent Debts 1767; Act Regulating the Loan Office 1767; Act for Preserving Estates of Lunatics in 1768; and several others.

IV. SECURING OUR AMERICAN LIBERTIES.

Some of the most valuable of Emanuel Carpenter's work, was what he did in behalf of American Liberties—our rights as a coming association of free and self governing provinces, and eventually as a free and self-governing nation.

The lines of his activities in this direction include (a) Stand Against Illegal Quartering of Soldiers, (b) Labors on the Committee of Grievances, (c) Redress From English Oppression, and (d) Petition on Proposed Change of Pennsylvania's Form of Government.

(a) *On Illegal Quartering of Troops.*—On December 16, 1756, Carpenter, Franklin, Ashbridge and one or two others were appointed a committee to prepare a draft of a message of Assembly to the Governor concerning a rumor that the Governor had given orders that English Troops might be quartered among the private citizens of Pennsylvania contrary to Act of Parliament,

also adopted here that soldiers must be quartered only at public houses. This committee reported that it is against the law to quarter troops at private houses, and that the Governor should compel all public house keepers to accept the troops so that private householders may be eased. The Governor replied and said his message of December 8 is his answer.

Carpenter and others were then appointed a committee to answer the Governor and did so reminding the Governor that he made demand on the people September 22, 1756, for quarters, and that the Assembly proposed to build barracks for the purpose, but the time is too short; that a letter had come from England demanding quarters and the committee remind the Governor that he was not explicit in his proclamation about quarters, but that he said the public houses were not sufficient for the purpose; that the demand was to house 600 soldiers in Philadelphia and that the Governor said it could not be done. Carpenter then reminds him that there are 117 licensed public houses in Philadelphia and that they are sufficient. The Governor replied that the Mayor and Aldermen of Philadelphia remonstrated and said the tavern keepers are too poor to keep and feed soldiers over the winter and wait for pay till spring as the Assembly is very slow in providing money to pay; also that many of the soldiers need hospital attention and bedding and fire for the sick. Franklin and others were appointed a sub-committee to wait on the Governor.

We remember that under another head we showed that Carpenter was on a committee to make a survey of all the licensed taverns in Pennsylvania and of the condition of them and location, etc. This was a means by which he was able to fence with the Governor on the ability to accommodate soldiers.

It may be here remarked that we see here one of the grievances mentioned in the Declaration of Independence—quartering soldiers on us against our consent.

The evil continued; and in 1759 the seat of the trouble was shifted to Lancaster. As Philadelphia was so inhospitable other localities had to be looked to. November 6, 1759, there was filed a protest from Lancaster, as follows: "The petition from the Burgess, Assistant, etc., of the Corporation of Borough of Lancaster was presented and read setting forth that the residents within that borough from the beginning of the late western expedition have been greatly oppressed by the extraordinary number of soldiers quartered upon their public houses as well when marching through the boro as when in winter quarters, praying the house in their next grant of supplies to the Crown they will be pleased to appropriate a part to the useful purpose of erecting barracks in said Boro whereby the inhabitants may be relieved from the burden complained of, in the future.

The house took the matter of barracks into consideration and also the matter of the great number of troops illegally quartered on the public houses therein, and indeed Carpenter, Wright, Leech, Allen and others to be a committee to examine the law as to quartering of soldiers here, also the hire of carriages and the regulations of provincial forces and to report.

The same day Carpenter's committee report:—

(1) The Act for regulating officers and soldiers raised by the Governor will soon expire.

(2) Also the Act for hiring of carriages.

(3) Also that the Act to render the quartering of soldiers less burdensome has expired.

This is signed by Carpenter and the others.

November 8, another petition from Lancaster was presented setting forth the great expense the citizens were under and the great abuse they suffer by numbers of soldiers being taken from the taverns where they were billeted by the Burgess, and being forcibly quartered on them in their private dwellings; and they pray erection of barracks (5V, 26).

Carpenter and the other members of the committee of grievances ordered Jos. Pugh, Bernard Hubley, Burgess, Wm. Jevon, magistrate of Lancaster County before them for questions (Do., p. 31).

Carpenter's grievance committee on April 16 (5V, 41), reported to the Assembly that pursuant to order and upon new appeals from the inhabitants of Lancaster to be relieved from burden of illegal quartering of soldiers, they have examined the matter and are of opinion that oppression is of so extraordinary nature as calls for immediate redress and they beg leave to submit the affidavits taken in the investigation, which affidavits were made by Jos. Pugh, Bernard Hubley, Wm. Jevon, David Stout and John Tuck.

The Assembly ordered Galloway and others to bring in a bill for relief.

The Assembly were so impressed by this report that they drew up a strong address to the Governor (5V, 44) on the abuse Lancaster was subjected to in this improper quartering of soldiers on her people.

This address which contains an unusual compliment to Lancaster is as follows: "In manifest violation of the sections of the Act of Parliament which have been extended here by an Act of Assembly and of other wholesome laws and of the civil authorities of the Government, the military officers have, by force, quartered a large number of soldiers on the private houses of Lancaster Boro committing great outrages on the people by siezing and depriving them 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 not with standing the magistrates offered to provide convenient houses for the accommodation of the rest of the troops—which were not billeted in the public houses.

"That this has been done in an unequal manner to the great terror of the inhabitants, those whom the officers have thought proper to distress had a double portion, though by no means able to bear the burden as others who are exempt; that the inhabitants still continue under this grievous load and oppression;

"That there has not been the least cause or necessity to justify these arbitrary measures, a commodious set of barracks being erected near the city of Philadelphia capable of receiving all the troops of his Majesty in the province;

"That building them at that place was occasioned by the officers refusing to quarter them any where but in or near said City, though formerly warmly solicited to send a proportion of the troops to Lancaster, particularly, and to the several other towns of this province; otherwise a part of the barracks would have been built in that boro.

"That a number of the rooms of the barracks are now and have been during the winter empty and ready to receive all the soldiers thus oppressively, unnecessarily and illegally quartered in that place and that

"We are obliged to remonstrate that the loyal and affectionate zeal of the inhabitants of the boro and county of Lancaster shown for the service of the Crown in giving their utmost aid and assistance towards carrying on the western expedition which has been happily crowned with success ought in our opinion at least have exempted them from such treatment (forcibly burdening them with coldiers).

"That the said boro and county have voluntarily furnished more than one half the wagons required for supplying the King's troops with provisions for which the deputy quartermaster general declared they merited the thanks of this House.

"That without this large supply of carriages the western expedition must have failed and many ill consequences attended the military operations in these parts.

"After such proof of the loyalty & zeal of these people for the services of the crown we cannot but apprehend the oppression & severe treatment of that boro will greatly discourage them, if not render them incapable of doing the same service to his majesty for the future."

"These grievances are so great and have been so long continued that we entreat your honor to consider not only the ill effect to the inhabitants but to his Majesty's service which a continuance of them must occasion, and that you would exert your utmost endeavors to obtain that relief which is due the people intrusted to your care and protection."

Isaac Sanders and Wm. Webb, two of Lancaster County's members, were delegated to deliver this message to the Governor.

April 21 (5V, 51) the Assembly continued considering these grievances of Lancaster tavern keepers and citizens and asked Carpenter, Webb and Sanders to be a committee to prepare a draft or plan for a barracks sufficient to accommodate 500 men and report the expense, to be built in said borough of Lancaster, for shelter of his Majesty's troops and to relief of the inhabitants, etc.

May 30 (5V, 54) Lancaster inhabitants filed another petition, complaining that their mistreatment as to quartering of soldiers came partly from Robert Thompson a J. P. of Lancaster County advising and encouraging the officers and soldiers of the Highland Regiment commanded by Col. Montgomery, to quarter soldiers in private families.

The Assembly gave the plans for the Lancaster Barracks to the Province Commissioners to communicate to the Governor.

June 2 (5V, 56) Webb reported that the Commissioners laid the plan of the barracks before the Governor and he approved same. The House ordered that Webb get title to the lot in his own name for use of the public. This then is the Genesis of the Lancaster Barracks.

Something of the position of Lancaster County in those days is shown in 5 Votes, 69, where it is said that "Lancaster County is the chief dependence of the government for wagons," etc.

(b) *Labors On Committee of Grievances.*—The Committee of Grievances

was the most important committee of our early Assemblies. In imitation of the Committee on Grievances, of Parliament it received all manner of public and private complaint, all manner of request for new laws and improvements needed or supposed to be needed to keep up with the growth of the Province and all manner of contentions between the different branches of the government and on the part of the citizens toward the government, concerning the powers of the different departments and concerning all manner of fancied oppression by those in office, etc.

Carpenter was frequently on this committee and all kinds of knotty problems were put up to him for solution.

In his first year in Assembly, 1756, and some time afterwards he was intimately associated with Franklin on this committee. In 1759 the question of quartering of soldiers came before the committee as we have seen. In 1764 after he had not been on the Committee of Grievances a couple of years he was again added to it because of the trouble growing out of the Conestoga Indian Murder. He was again on the committee in 1765.

(c) *Labors For Redress From British Oppression.*—Here Carpenter reached the climax of his patriotic labors for Pennsylvania and for America.

We have already seen that in 1759 Carpenter lent his powers to correcting the evils of quartering soldiers on private families contrary to law.

In 1764 he assisted in drawing up instructions to Richard Jackson, who was Pennsylvania's agent in England, requiring him to protest to the English government our opposition to Sugar duties and to stamp taxes, etc. At the session of 1764 Franklin was chosen speaker. A committee consisting of Carpenter, Fox, Rhoads, Ross and others were appointed to instruct Jackson our agent in England that in conjunction with agents of other colonies he urge repeal of the Sugar Act and that he remonstrate against stamp duties and against any other tax or imposition to be laid by Great Britain on the Colonies, as being repugnant to our rights as freemen and British subjects (5V, 359).

Carpenter's committee drew up the following eloquent instructions to be sent to Jackson, which were adopted by the Assembly and sent to our said agent (see 5V, 363) :

“The representatives of the Freemen of Prov of Pa. having received information of the Resolves of the House of Com. inflicting stamp duties and other proposed taxes to be laid on the British Colonies do humbly conceive that the measure proposed as afore said if carried into execution will have a tendency to deprive the good people of this Province of their most essential rights as British Subjects and of the rights granted to them by the Royal Charter of King Chas. II, and confirmed by laws of the Prov which have received Royal Aprobation.

“That by said Charter among other rights the right of assessing their own taxes and of being free from any impositions but those that are made by their own representatives are fully granted to the people of this Province. And besides we apprehend that this is the indubitable right of all the colonists as Englishmen.

“That said charter and laws, are certainly of the same validity, with respect to the rights therein granted to the people here, as the laws & statutes

of England with regard to the privileges derived under them to the people of England—and that it appears to us as great injustice to divest the people of this province of the privileges held under the former, as to disfranchise the people of England of those rights they claim under Magna Charta itself or any other laws of Great Britain.

“That the colonists here have paid a valuable consideration to the Crown for the said Charter and Laws by planting and improving a wilderness far distant from their mother country at a vast expense and the risk of many lives from the savage inhabitants whereby they have greatly increased the trade & commerce of the nation and added a large tract of improved country to the Crown without any aid from or expense to Great Britain in said settlement.”

(They then proceed to demand that the Crown and Ministry request the Commons to prevent Parliament from “imposing any taxes laid by the Parliament” in as much as they (the colonists) either are nor can be represented under the present circumstances in that legislature, the parliament, nor can the Parliamt at the great distance they are from the colonists be properly informed so as to enable them to lay such taxes and impositions, with justice & equity, the circumstances of the colonies being all different one from the other.

“But.” they say, “as it may be contended that the colonies should assist in the *general defense* and it may be expected some remedy should be proposed on the part of the colonies—we inform members of Parliament that we will find a plan *without destroying or infringing the natural and legal rights of the colonies or affecting those of the mother country; and such plan has long been under way.*”

This indeed ranks high as a state paper. It takes the ground of argument that was so frequently taken in later years, by these United Colonies against Great Britain. In October the same year Carpenter, Ross and others were again appointed on committee to draw up additional instructions to Benj. Franklin now assistant agent in England, respecting the state of trade, the pernicious effect of restrictions imposed by the mother Country and the dangers to our rights as Englishmen arising from taxation proposed to be laid on the Colonies. The committee accordingly brought in additional instructions. They were long and numerous relating to England's limiting our trade and imposing taxes on us.

Carpenter was a strong supporter of Franklin as may be seen in his vote to elect Franklin additional agent for Pennsylvania in England. See 5V, October 25 and 26, 1764. Carpenter was not on the committee to remonstrate against the famous Stamp Act; nor on the Committee who drew the address of thanks to England upon its repeal. It is worth noting in passing that Philadelphia County and City and Bucks County generally voted against Franklin, while Lancaster, Chester, York, etc., stood by him and voted with him.

In 1768 (6V, 65) Carpenter, Wright and others were appointed a committee to draw a remonstrance to be adopted by Assembly and to be presented to England, protesting against the proposed duties on glass, paper and other articles of commerce.

This remonstrance consisted of a petition to the King, one to the Lords and one to the people of Great Britain. They are exalted in tone and convincing in argument. The addresses to the King, the Lords and Commons and the People of Great Britain, sent to them by Continental Congress a few years later are so similar to these addresses drawn up by Carpenter's committee in Pennsylvania Assembly in 1768 that, one runs no great risk in asserting that those documents were, in part, copied from these.

In 1770 Carpenter was on a committee to secure for the wagoners of the French and Indian Wars, their just compensation, so long overdue (6V, 236).

(d) *Position On Proposed Change in Form of Pennsylvania's Government.*—In 1764 a movement some time growing, came to a crisis in this Province—that of getting rid of the Penn proprietaryship and having the government directly under the Crown of England—making Pennsylvania a Crown Colony. Much dissatisfaction had arisen against the Penns as an aristocratic and useless head of the Province now grown strong and as a source of payment of proprietary taxes to support a land monopoly and as a breeding source of Quakerism, which prevented this province from arming for its proper protection.

A petition signed by 1500 people against the Proprietor was presented to Assembly (5V, 343) complaining of the obstruction which had arisen between the Governor and Assembly and that the mischief was due to the proprietary government, only two of which then existed—that the people have no respect for them—that the proprietors appoint judges to try their own cases—and they the petitioners ask the King to take the government into his own hands. Lancaster, Bucks and several other Counties presented similar petitions. Carpenter was not on the committee to consider the petitions. The Assembly decided to send them on to our agent in London and did so.

Then the Stamp Act and other burdens began to be laid on the Colonies by England; and the Assembly took into serious consideration the question of whether it were not better to keep the Penns and the safe guards in their Charters, etc., as influential barriers against England's improper treatment.

The next Assembly therefore began reconsidering the proposed change of government and voted, first, on the question, Shall the petition for change of government in hands of the agent, be recalled? Vote yes 10 and No 22. Carpenter and Webb voted "No" and Sanders, "Yes." It was lost.

Then they voted, Shall the agent hold the instructions till further orders? Then the previous question was called for, viz.: whether the question shall be put at this time. Vote "yes" 12 and "no," 20. Carpenter and Webb voted no. So the question was not put.

Then a question was moved, Shall the committee of Correspondence write to the agent that this House desires the application for change of government be proceeded in, with great caution and securing for the inhabitants all those privileges civil and religious which by the Charter they have a right to enjoy and that if he sees danger in losing these privileges in a change or any part of them, they positively enjoin him to suspend presenting the petitions till further orders?"

Carried affirmative 20; negative 12. Carpenter and Webb voted "Yes." Sanders "No." There were 3 of Lancaster County's members.

It is interesting to know that petitions having 2000 or more names of early Pennsylvania inhabitants are somewhere in the Archives of London.

This will suffice to show that Emanuel Carpenter always had a watchful eye for our common American liberties.

His legislative career ended in 1772. But his patriotic labors continued till his death in 1780. He was on the committee in 1774 to further the American cause in the Revolution (Rupp, 379); and at the great patriotic meeting at Lancaster—the same year when protective action was taken (Rupp, 395). He was very loyal to the Colonies cause at all times. He was a great soul and was ever active for the general welfare of America.

We cannot, of course, assert that he was the actual author of the resolutions, petitions, state papers, etc., presented by the Committees on which he was a member; but he did his part of the work. That he was a very efficient and valuable public servant is shown in the following resolutions and minute of thanks and of the estimate in which he was held by the inhabitants of this County and of the then Boro of Lancaster, after the conclusion of his career in Assembly, in the fall of 1772. It is as follows:—

To Eman'l Carpenter one of the late Representatives in Assembly for County of Lancaster:

Sir—The burgesses, assistants, etc., of Boro of Lancaster met this day at the request of a number of representative inhabitants of the boro and being sensible of your services as one of the representatives for the County of Lancaster in General Assembly of Province these 17 years past have directed that the thanks of the corporation be offered to you with the assurance of their approbation of your steady and uniform conduct in that station. And as you have declined longer serving your country in that capacity I am charged to mention that it is the earnest wish of the inhabitants of Lancaster that you may be continued in the commission of the peace and a judge in our county where you have so long presided and deservedly acquired and supported the character of an upright and impartial magistrate, etc.

By order of the Burgesses and assistants.

Casper Shaffner, Town Clerk Lancaster, October 3, 1772. (See Pa.)
Gazette.)

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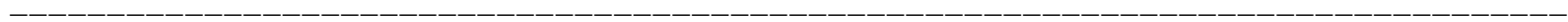
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