

EXCERPT: From *Lawmaking and Legislators in Pennsylvania, Volume Two, 1710-1756*, pp. 449-455

For complete essay see *Lawmaking and Legislators in Pennsylvania, Volume Two, 1710-1756*, pp. 449-466

James Hamilton

ASSEMBLY: Lanc. Co.: 1734, 1735, 1736, 1737, 1738

b. c. 1710, Kent Co., Md.¹ d. 13 Aug. 1783. Father: Andrew Hamilton* (c. 1676-1741). Mother: Anne Brown (Preeson) (d. 1736). Brother-in-law: William Allen.* Offices: Pa./LC: Lt. Gov., 1748-54, 1759-63; Pa.: provincial councilor, 1746-48, 1754-59, 1763-76; Phila. Co.: prothonotary, 1733-48, 1754-59, 1764-76; JP, 1738, 1741²; city of Phila.: common councilman, 1739-42; alderman, 1741-45; mayor, 1745-46.³

James Hamilton, a Maryland-born Anglican, settled in Philadelphia, where he became one of Pennsylvania's leading politicians. Serving as a representative from Lancaster County, as mayor of the city of Philadelphia, and as prothonotary of Philadelphia County, Hamilton achieved the apex of his political career with his two appointments as lieutenant governor of Pennsylvania and Delaware in 1748 and again in 1759.

Born about 1710 on his father's 600-acre estate, Henberry, in Kent County, Maryland, Hamilton was the last child born to Andrew Hamilton* and Anne Brown Hamilton; the elder Hamilton became one of Pennsylvania's most prominent colonial politicians.⁴ Although little is known about James Hamilton's childhood years, according to one source he accompanied his father on a trip to London from 1725 to 1727 possibly for his education. Born into wealth, Hamilton was introduced early into Philadelphia's elite society, where he became active. As an adult, he was elected a warden for the freemasons St. John's Lodge #1 in 1734, and in the following year he was elected grand master. He was also a member of the Library Company of Philadelphia, the St. Andrew's Society (where he served as president from 1750 to 1753), the St. Tammany Society, and the prestigious Mount Regale Fishing Company of Philadelphia. He served as a trustee of the College of Philadelphia and of the German charity schools, and in 1769 he served as president of the Philosophical Society before it merged with the American Society. Moreover, in 1750 he was appointed a member of the Old Revolution Club, a Scottish society in Edinburgh dedicated to the "memory of the happy Revolution" of 1688 and to the Protestant religion and civil liberties. He also was a generous contributor to the city's growing institutions. He subscribed £20 to the Juliana Library at Lancaster, and £50 each to the building of the Freemason's Lodge, to the College of Philadelphia, and to the construction of a new steeple for Christ Church (of which he may have been a congregant). Finally, he and Benjamin Franklin* were, respectively, the first and second subscribers to policies issued by the Philadelphia Contributionship, America's first home insurance company.⁵

Hamilton's lofty position in colonial Pennsylvania society was reinforced by family ties. His brother, Andrew, married the daughter of William Till, a provincial councilor, justice of the Pennsylvania Supreme Court, and mayor of Philadelphia, while his sister, Margaret, married William Allen,* also a provincial councilor, chief justice of the supreme court, and assemblyman. In addition, his niece Anne Allen was the second wife of John Penn, twice governor of Pennsylvania and son of proprietor Richard Penn. Hamilton himself never married, prompting at least one rumor, in 1767, that he had brought a mistress with him from England, but that gossip proved to be unfounded.⁶

Hamilton's advantageous kinship connections were complemented by early wealth, thanks to his powerful father. In his early 20s, for example, he became the proprietor of the borough of Lancaster as a result of a grant from his father in 1733.⁷ The town, located on approximately 500 acres, was organized into town lots that the younger Hamilton sold with the proviso that the purchaser would build "one substantial Dwelling-House" with "a good Chimney of Brick or Stone" on the premises usually within two years of the purchase. In addition, Hamilton collected from each of the purchasers a yearly quitrent usually ranging from 7 to 14 shillings sterling. By 1762 the quitrents alone for those deeds recorded in Lancaster County to that date amounted to about £215 sterling per annum. To protect his interests there, Hamilton twice purchased from potential competitors smaller tracts organized along the same principles and located near the town. In the first purchase Hamilton paid £400 in 1750 for 46 lots, known collectively as Adamstown, near the southeastern corner of Lancaster, that yielded an annual rent of £17 sterling.⁸ With some reluctance Hamilton also acquired another 30 to 40 lots near Queen Street in 1769.⁹ By then he had already regretted purchasing Adamstown, complaining that he would have accrued a greater profit with the purchase money "lying in one sum at 3 P[er] Cent interest." Not surprisingly then, Hamilton refused to purchase other similar endeavors.¹⁰

Although the borough of Lancaster provided him with a considerable income, Hamilton at times had difficulty collecting the quitrents; by 1755, to eliminate rental arrears, he urged his Lancaster agent, Edward Shippen, to advise the purchasers to pay their quitrents. Three years later, however, he still complained of arrears, which by then had become "very considerable," and would become "every day more difficult to be recovered." An exasperated Hamilton ordered Shippen to have legal proceedings commenced against the delinquents. "I am clearly of Opinion," he stressed, "that a longer forbearance will be rather a prejudice, than otherwise, to the Defaulters, as well as to myself." Other problems occasionally plagued Hamilton as well. In 1757, for example, he wondered whether the county tax assessment for Lancaster was unfairly high, and in the following year he stated frankly that his tax appeared to him "very high." Yet, in both instances he refrained from pursuing the matter. Squatters and timber poachers, however, were more nettlesome. In 1758 Hamilton complained that locally stationed British soldiers were not only cutting down his trees but "for a dram extraordinary," were supplying "all the rascally Tavernkeepers & others in the Town" with his wood. He ordered Shippen to intervene. Hamilton was equally displeased many years later over the "imprudence" of trespassers seizing one of his estates in 1780. He angrily informed Shippen that the violators were to be prosecuted to the fullest extent of the law, unless they vacated the property immediately. Nor would he negotiate with them: "I am determin'd," he assured Shippen, "never to grant or Confirm to them or their heirs, any part of the Lands."¹¹

Hamilton's other real estate holdings were also considerable, spanning Lancaster, Bucks, and Philadelphia counties in Pennsylvania; Kent and New Castle counties in Delaware; and throughout New Jersey. Much of that land he inherited from his father in 1741, while other properties he bought himself. Given the vagaries of eighteenth-century land records, an accurate analysis of Hamilton's landholdings is virtually impossible; nonetheless, he certainly had an impressive landed empire. In New Jersey, for example, he inherited from his father several town lots in Perth Amboy, over 2,600 acres on or near Assiscong Creek, 525 acres in Somerset County, 825 acres in Middlesex County, and a share in an East New Jersey proprietary; most, if not all, of those lands he sold by 1751. Hamilton also purchased 7,200 acres in Hunterdon County, which he still possessed at the time of his death. In Pennsylvania, he inherited over 500 acres in Bucks County (that he sold for £850 in 1745), and in 1741 he purchased 500 acres along Perkiomen Creek, in Philadelphia County (which he sold in 1761 for £1,250). In addition to his proprietorship of Lancaster Borough, Hamilton also owned during his lifetime at least 800 acres in Lancaster County (of which he sold about 300 acres), including tracts of 120 acres and 200 acres in Strasburg Township that he purchased in 1747 and 1751, respectively, and for which he paid a total of £2,001. In 1773 Hamilton paid £1,000 for slightly more than a 9 percent share in the Durham ironworks. With the partitioning in that same year of the property on which the ironworks stood, Hamilton received 717½ acres as his share.¹²

Hamilton also held a considerable number of properties in the city of Philadelphia. From his father he inherited at least three bank lots along the Delaware River and on the northern end of Front Street, a number of lots on Walnut Street and Chestnut Street, and two lots on Third Street. He sold two of those Chestnut Street properties for £1,800 sterling to Israel Pemberton* (1715-1779) in 1746. Hamilton also acquired a lot on Sixth Street in 1754 (which he sold three years later), a lot on Minor Street in 1761, and 26 lots near the Schuylkill River at the northwest end of the city in 1774. He extended his holdings in that part of town with his 1775 purchase of a lot at the end of Sassafras Street for £75. Apparently, when he did not sell lots outright, he conveyed them cheaply but with a heavy rent charge. Thus, in 1758 he was owed £123 in rents from 7 city properties. Similarly, he conveyed a Chestnut Street property in 1782 for 5 shillings with a yearly rent of 121 Spanish milled silver dollars, although he agreed with the buyer to waive the rent charge forever for a payment of \$2,022 within seven years.¹³

Hamilton also invested and loaned money; thus, for example, in a list of bonds and mortgages that were due, or for which interest was owed, in 1757 and 1758, he cited 10 bonds worth £3,420 and another 2 bonds valued at £1,535 sterling. From 1763 to 1775 Hamilton granted numerous mortgages to residents in Lancaster, Bucks, and Northampton counties that totaled £9,896. He had also invested £9,000 sterling in English public funds by 1768 and was receiving an annual return of £360 sterling in interest. Yet, by 1768 Hamilton had decided to transfer his English investments to Pennsylvania, where he believed they could be employed to "more advantage." By the following year he had withdrawn £4,000 from that fund, but in 1770 Hamilton was discouraged to learn that the English public funds, for apparently "no Cause," had dropped "so low" in price that he could not dispose of them "to so great a loss." He simply ordered his London agents to sell his remaining annuities whenever their value rose again.¹⁴

Not surprisingly, in 1767 and 1770 Hamilton received the highest rating in the western portion of the Northern Liberties where his residence lay; the assessments also indicated extensive property holdings throughout the city and county of Philadelphia. In addition, he was also assessed for his position as prothonotary for Philadelphia County, and for his slaves.¹⁵

Hamilton's introduction into the political sphere was also the work of his father. On 28 December 1733 Andrew Hamilton resigned as prothonotary for Philadelphia County but requested that his son James be appointed in his stead. Governor Patrick Gordon agreed and generously, but unwisely, allowed the commission to operate during Hamilton's good behavior rather than during the pleasure of the governor.¹⁶ The significance of Hamilton's good fortune was not lost on his father's enemies such as Isaac Norris* (1671-1735) who reported that "many Stood as in a maze at first" over Gordon's action, "and then talkd freely."¹⁷

Despite the grumbling of the opposition, Hamilton continued his successful rise in politics, winning election to five consecutive assemblies beginning in 1734 as one of the representatives from Lancaster County. As a member of the Assembly, Hamilton was part of his father's political faction, and, with his fellow partisans, adroitly moved between the demands of the proprietary and those of the Quaker party. Throughout his five terms of service, however, Hamilton played only a modest role in the business of the House, probably because of his relative youth; in all, he received an average of 4.80 assignments per term, slightly above the averages of both the House (3.89) and the Lancaster County delegation (3.70) during those terms. Yet, some of his assignments were relatively significant, as he participated in work on some issues that helped define the politics of the 1730s. He also served on the committees that reviewed the minutes for the 1735 Assembly and that audited the public accounts for the 1738 Assembly, both of which were standing committees. During the 1734 and 1735 assemblies Hamilton participated in the controversy over proprietary rights and the establishment of ferries in the colony. Hamilton served on a committee that sought to transfer to the House through legislation the proprietor's control over licensing ferries and establishing their rates; the proposed bill, however, was referred to the next Assembly. In the following year the House resolved that granting licenses to keep ferries and fixing the rates without the concurrence of the legislature was "prejudicial" to the colony, and appointed Hamilton and four colleagues to write an address to Thomas Penn setting forth the Assembly's position on the matter. Hamilton was also a member of the delegation that delivered the address to Penn.¹⁸ Despite several compromise attempts, however, the issue of control over the ferries remained unresolved.

Hamilton was further called upon to assist in drafting a House address over the "unhappy Disturbances" that had been "set on Foot" by Marylanders seeking to dispossess about 60 Pennsylvania families along the disputed border between the two colonies. In the address the House agreed to join with the Provincial Council in a petition to King George II requesting him "to put an effectual Stop" to such "Violences." Hamilton also served on committees that investigated whether bounties should be set for the production of flax (1734), that drafted legislation, which was signed into law, exempting Presbyterians and others from kissing the Bible while taking oaths because of religious objections (1738), and that wrote the House's response to Governor George Thomas's opening remarks to the 1738 Assembly. In that address the House agreed to revise the flour act in order to ensure the quality of

Pennsylvania's chief export, and to consider the governor's suggestion of bounties on hemp, flax, and potash, in an attempt to create a favorable balance of trade. But the authors of the message warned Thomas that previous attempts "to encourage the Raising of some" of those commodities "had not altogether the desired Effect."¹⁹ Perhaps content with existing legislation and disinclined to pursue costly bounties, the Assembly chose to ignore granting subsidies or revising the flour act.

Hamilton was far more involved in the pivotal compromise over paper money and proprietary quitrents, twin issues that threatened to overturn the political supremacy of his father and his father's allies. In November 1738 Thomas Penn publicly demanded that all settlers who owed his family quitrents pay them by 1 March 1739, or be forced from their land. He further ordered Governor Thomas to veto any paper money bill that did not stipulate that the payment of quitrents had to be made according to the current exchange rate. The Assembly responded quickly to the crisis and appointed Hamilton to a committee that included prominent House leaders and friends of the proprietary, Joseph Kirkbride* (1690-1748), William Allen, and John Kinsey.* The committee drafted an address asking Penn to postpone any legal action while the House prepared a possible resolution; Penn grudgingly agreed. Hamilton further informed Governor Thomas that a House committee had been appointed to discuss the paper money bill. Although Hamilton was not appointed to attend that conference, he was named, with Jonathan Robeson* and John Kearsley,* to assemble the papers relating to that meeting and have them published with the minutes. On 9 March 1739 Hamilton joined his Lancaster County delegation in casting their votes in favor of a proposed compromise that granted the proprietors compensation in exchange for their acceptance of quitrents in paper money pegged at a ratio below market value and that compensated the proprietors with a lump-sum payment for the losses they sustained. The measure passed the House 17 to 9, and on the following day Hamilton and Kirkbride presented Thomas with an address describing the proposed compromise. Penn and Thomas accepted the terms and on 19 May the Assembly passed into law two measures, the first compensating Penn for quitrents paid in paper money below the exchange rate, and the second for a new emission of £11,110 in paper money.²⁰

With the issues of the proprietor's quitrents and the new paper money emissions seemingly behind them, Andrew Hamilton and his pro-proprietary allies believed that they had completed their goals, and therefore the elder Hamilton, William Allen, and James Hamilton were among the members of the 1738 Assembly who declined participating in the 1739 Assembly elections.²¹ To their chagrin, however, the supposed era of good will quickly dissolved following Great Britain's declaration of war against Spain in 1739 and Governor Thomas's demands for defensive measures. The Quaker party immediately rebuffed Thomas's subsequent request and voiced the outrage of its constituents over the governor's permitting the enlistment of servants in 1740. Alarmed, James Hamilton and his former colleagues sought to return to the House in order to bolster support for the executive. But unlike his previous outings, Hamilton was no longer on solid political ground and was easily defeated in his reelection bid for one of the four Lancaster County seats. Hamilton polled only 103 votes in the 1740 election, 581 votes behind the fourth place finisher. He may not have been a candidate in 1741, but he and his former allies mounted another campaign effort to regain the House in 1742. In a bitterly fought contest, Hamilton again lost, that time falling short of the fourth candidate by a crushing 1,109 votes.²² In that election Hamilton

fell victim to the ruthless campaign tactics of one of his Lancaster County opponents, Samuel Blunston,* who inflamed the prejudices of the voters with exaggerated charges that Hamilton had granted a Lancaster town lot "to a Roman Catholick Priest to build a Romish Chapel," and that Hamilton "was a great favourer of Jews & Roman Catholicks."²³ While the smear was mean-spirited, in all likelihood it was more gratuitous than determinative. The sweeping victory of the Quaker party throughout the province revealed the depth of its support as well as the antipathy toward the governor and his supporters among the voters. In any event, Hamilton's Assembly career was finished.

Despite his resounding defeats at the hands of the Lancaster County voters, Hamilton was not out of public life. In November 1738 and again in April 1741 he was commissioned a justice of the peace for the city and county of Philadelphia, and in October 1739 he was elected to the largely pro-proprietary Philadelphia Common Council by its members. Two years later, as a sign of the "great Respect" held for the recently deceased Andrew Hamilton, the common council elevated James Hamilton to an aldermanship and elected his younger brother Andrew as a councilman. In October 1745 James Hamilton was elected mayor of Philadelphia by the common council, but only after two of his colleagues refused the post. He served as mayor for one year.²⁴ A conscientious member of the city government, Hamilton attended about 66 percent of council meetings while a member of that board from 1739 to 1746. His reputation among proprietary circles continued to rise; in December 1745 he was appointed to the Provincial Council by Governor Thomas and took his seat there the following month. Hamilton did set limits to his ambitions, however; in 1741 he refused to accept the post of admiralty court judge when offered by Thomas Penn because his understanding of admiralty law was insufficient.²⁵

At the conclusion of his term as mayor, Hamilton finally resolved to leave for England, a voyage that he had been contemplating with considerable indecision for several years. He had previously admonished himself for having fluctuated "from resolution to resolution" on the matter, until glumly concluding in November 1745 that he should "give over the thoughts of rambling" and "be content with the home that Providence" had given him in America. Discouraged at such a prospect, the dejected Hamilton proclaimed: "Life's a Cheat." Yet, his resignation to a less adventurous life was not completely heartfelt; angling for an invitation, he informed Thomas Penn that, in fact, "one principal reason" for not embarking for England was the continued expectation that Penn was coming to Pennsylvania to take control of the government himself. With the proprietor in Philadelphia, Hamilton explained, he would have "lost" Penn's "Countenance and protection" and would not have had the necessary introductions into England's more genteel and polite society. In response, Penn gently chided his younger correspondent for surrendering his ambitions too readily; otherwise, observed Penn, why else would Hamilton have thought "five and thirty too great an Age for Action." The proprietor complained that Hamilton's delay was a "great disappointment" to him, and although he downplayed his own influence in London circles, he would welcome Hamilton's company. Armed with such assurances, Hamilton apparently left for Great Britain in November 1746 and arrived in northern Ireland by February 1747, where he remained for about two months before meeting Penn in England.²⁶

Unforeseen by Hamilton, the trip proved to be a turning point in his political career. While the visit was initially intended for pleasure, the resignation in May and arrival in England by October 1747 of Governor George Thomas, placed Hamilton in the center of

Penn's revised plans for Pennsylvania. Many Pennsylvanians, including Hamilton, had assumed that Penn intended to take personal control of his colonial government, but as on previous occasions, the proprietor preferred to remain in London, that time to oversee his lawsuit in the English Court of Chancery against Lord Baltimore, of Maryland. Under those circumstances Hamilton on 17 March 1748 was prevailed upon by his mentor and friend to accept the vacated position of governor.²⁷ Hamilton continued to live in England until late summer or early fall of that year, before setting out for Pennsylvania. He arrived in Philadelphia on 23 November and was greeted at the wharf by the members of the Provincial Council and later welcomed by Isaac Norris and John Kinsey.²⁸

Hamilton's return to Philadelphia initially proceeded smoothly. Although Bush Hill became his country seat, Hamilton resided on Walnut Street near Fourth Street when the Assembly was in session. In his opening remarks to the House, Hamilton expressed his "great pleasure" in meeting the members in their "Legislative Capacity" and hoped that all transactions between the two branches of government would be governed by "Candour & Moderation," believing that such methods avoided "disagreeable animosities" and promoted "the strict Bands of Friendship & mutual Confidence." The Assembly agreed, and, in a burst of optimism, voted Hamilton £600 in January 1749 as part of his support. Comfortable in his new station, Hamilton was described by Proprietary Secretary Richard Peters as "amazingly altered for the better," with a "judicious affability" sitting "gracefully upon him," and that he conducted business with "quick penetration & dispatch." The new governor even managed to enjoy those components of genteel society he apparently relished in England, encouraging and attending dancing assemblies held every two weeks during that winter, attended by about 160 ladies and gentlemen of Philadelphia.²⁹

In May 1749 Peters commented that Governor Hamilton enjoyed the "Esteem of everybody." Apparently, Hamilton was able to transform his popularity into a relatively peaceful relationship with the Assembly during the first two years of his administration. During that time he signed into law 14 measures, including the act establishing York County, and he received from the Assembly additional sums of £600 in August 1749 and £400 in August 1750 toward his support. Potential conflicts were essentially avoided, Hamilton either choosing to postpone disagreeable legislative measures or finding adequate compromises. Fortunately for the governor, the speaker of the House was Kinsey, who was willing, for selfish reasons, to find common ground with him. The two men therefore reached an understanding on two volatile issues, the appointment of trustees in a new General Loan Office bill and a controversial clause in a bill concerning the estates of intestates. In the first instance Hamilton overcame his misgivings and signed into law a measure that permitted Kinsey, who was quietly embezzling funds, an unprecedented second four-year term as one of the trustees of the loan office. In exchange, Kinsey guided the Assembly into dropping the clause requiring that proceedings before the register general involving contested estates be removed to the Pennsylvania Supreme Court, which would have infringed on the proprietary's control over the register-general's position, although such a clause would have further enriched Kinsey, the chief justice of the supreme court. Both bills passed the Assembly on the same day, 4 February 1749. Hamilton also successfully negotiated with Kinsey and the House to drop clauses in a proposed poor relief bill that would have encroached upon the authority of the justices. In the following term Hamilton accommodated the Assembly and its new speaker Isaac Norris* (1701-1766) by signing into

law a reform measure that prohibited shipowners from allowing substandard living conditions for German immigrants on board their vessels.³⁰

Hamilton also escaped the usual uproar that could have easily wrecked his administration over the 1749 Assembly's proposed paper money bill. The governor had informed both the 1748 and 1749 assemblies that a bill had been presented in Parliament for the prohibition of paper money in the colonies and suggested that until further information arrived from England, passage of any such measure might prove to be "highly imprudent." Hamilton assured the 1749 House that the proprietor had worked to negate the "mischievous Tendency" of Parliament's bill and would continue to act in the colony's best interest. The House agreed, which, according to Proprietary Secretary Richard Peters, threw the paper money issue "into a sound napp."³¹

The nature of Hamilton's relationship with the Assembly, however, was, in large part, shaped by his relationship with his friend and employer, Thomas Penn. Hamilton, who genuinely liked Penn, was in basic agreement with him that the executive branch of the government, as well as the proprietor's interests, needed to be strengthened in a colony overrun, in Hamilton's view, by a "Vile levelling Spirit." In that respect Hamilton as governor was serving two masters, the people and the proprietor. Finding a comfortable balance between the two interests, however, often proved to be difficult. Despite his eagerness to please Penn, Hamilton was frequently criticized by the proprietor for his decisions. For example, Penn questioned why his governor sought fit to pass sections of the poor relief act, and complained over his passage of the German immigration act. He also lamented that Hamilton had not sent him for closer inspection the act barring estates tail which Hamilton had signed into law. Moreover, Penn was annoyed at the passage of the act for recovering legacies and pressed Hamilton to "be extremely careful not to pass any Bill" that theoretically intruded upon the rights of a court of chancery. Penn insisted that such a court needed to be reestablished in Pennsylvania, in which the governor would sit as sole judge. A court of chancery, Penn stressed to Hamilton, was the proprietor's "only Security against injustice." Although he agreed that such a court was needed, Hamilton nonetheless informed Penn that lawyers would not present cases in a court unauthorized by the Assembly and that there was little likelihood of the House ever agreeing to such a proposition. Penn angrily queried the supposition that the Assembly had the "power to constitute a Court."³²

On another occasion Penn was angered that Hamilton signed into law the act incorporating Pennsylvania Hospital, rather than having it chartered with letters patent under the great seal. Penn was further annoyed that the act effectively placed all control of the hospital in the hands of the Quakers, the hospital's sponsors, who, he feared, were going to request from the proprietary a plot of land in the city for the building itself. Hamilton was instructed not to pass any such schemes in the future until the proposal was first approved by Penn, and he was further ordered to persuade the Assembly to repeal the act and charter the hospital by the great seal. The governor apologetically defended signing the hospital act. He was "sorry" to find the measure was so "disagreeable" to Penn and promised that his admonition would "be a lesson" to him "upon any future Occasion of the same nature." Nonetheless, Hamilton assured Penn that the Quakers would never have promoted the hospital unless it was authorized by the Assembly, and consequently his veto of the

measure would only have defeated "a very useful and charitable design." In any case, Hamilton warned, there was not any possibility of the House repealing that legislation.³³

Hamilton faced additional difficulties as well. In May 1750 Speaker Kinsey had died, and the governor was suddenly bereft of any leading House figures with whom he could negotiate an end to legislative stalemates. Hamilton ironically failed to appreciate fully his changed circumstances, probably because he had become increasingly repulsed by the former speaker's unrelenting ambition. He was appalled at Kinsey's blatant aggrandizement of his personal political power as chief justice of the supreme court, charging that Kinsey, "for the sake of his vile popularity," deliberately skewed his judgments to appease German voters in order to be assured of their votes for reelection. When Kinsey's deception in the General Loan Office became public knowledge, Hamilton concluded that "the motives of his Conduct" were finally "discover'd." In fact, with Kinsey gone, the governor hoped that the Assembly would cease demanding an act circumscribing the powers of the register general. Hamilton may further have hoped that the new speaker, Isaac Norris, would prove to be as accommodating as Kinsey, but events soon disabused him of that notion. He pessimistically described the members of the 1750 Assembly as "some of the worst natur'd Men, and the veriest firebrands of the whole Province,"³⁴ and although that House did not prove to be as intractable as Hamilton had feared, there were signs of increasing tension.

The 1750 Assembly, for example, continued to insist that the Penn family undertake a share of the expenses arising from Indian treaties and presents, and the House requested that Hamilton "recommend to the Proprietors the Justice of their Joining" with the Assembly on that score. But Hamilton privately complained to Penn that the Assembly still harped "upon the Old String" of the proprietor "contributing to the Expence of those Indian presents," and he further claimed, at least to Penn, that he thought it unreasonable that the members would impinge upon the proprietor's private estate for public expenses. When the governor finally received Penn's official reply, he informed the Assembly that the proprietors did not "conceive themselves under any obligation to contribute" to those expenses, and that in any event the Penn family had already paid "considerable" sums "for the service of the Province, both in England" and in Pennsylvania. That same House also confronted Hamilton with three acts that appeared to him to challenge directly the authority of the executive branch of the government. He vetoed two of them because they encroached upon the power of those officers appointed by the governor, but signed the third, an act to establish a night watch in the city of Philadelphia, after receiving assurances from the city magistrates that the power entrusted to the elected wardens and assessors by the act did not affect their authority.³⁵

A discouraged Hamilton lamented that future assemblies would be little better because of an "inveterate spirit of Hatred against Magistracy" among the people, and because House members manipulated that spirit in order "to render themselves popular" with the voters. He complained that those bills of any consequence presented to him that year were "directly levelled against the Justices both of the City & the Counties." He also despaired of ever establishing a court of chancery as the proprietor had wished. To compound his difficulties, Hamilton did not have (according to Peters) "one soul" possessed with sufficient "Understanding or Judgment" with whom he could "consult on any Point at the Council Board" regarding the proprietary instructions. The "obstinate perverse Temper" of the Assembly began to have "an Effect on the Governors mind," Peters reported to Penn in early

January 1751, and Hamilton began to contemplate resigning his post.³⁶ The demands of the proprietor would also prove to be as taxing on Hamilton as those of the Assembly.

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¹Konkle, Hamilton, 13-14. The date of Hamilton's birth remains unknown. Konkle claimed that Hamilton was born in 1710. Moreover, Thomas Penn implied that Hamilton was already 35 years old in November 1745 (PPOC, 4:53, 74-75; TPP, 2:158-59, 179, 199). But the diarist Jacob Hiltzheimer, who attended Hamilton's funeral in August 1783, observed that the deceased was "aged 72 years," which, while not precluding a 1710 birth, also suggests the possibility of a 1711 birth (PMHB, 16:165).

²He was not reappointed in the commission issued on 27 May 1745 (MPC, 4:762).

³SOCC, Pemberton; Konkle, Hamilton, 10-11, 115-16; MPC, 4:312, 482, 5:4, 362, 6:143, 459, 8:412, 9:71, 9:73; JHP; MCC, 384-464 passim.

⁴See n. 1, above.

⁵Konkle, Hamilton, 42; PAG, 27 June 1734; Gilbert, "Club Life"; PMHB, 25:448, 27:88, 40:95n, 43:48-49, 46:253; ACR; FP, 3:328n, 429, 4:116, 5:204, 237, 394, 6:30; AJHP, 13 April 1750; VMCC, 28 Nov. 1759.

⁶Leach, "Hamilton"; PMHB, 11:276.

⁷PHDBk. G, 8:230, 232; LCDBk. C, 32, U, 660; PATBk. A, 6:328, 7:162; LCROS, 532-33. A resurvey of the original property in 1734 found the tract to contain 417 acres. It was assigned to James Hamilton in 1733 and confirmed to him by deed and patent in 1734.

⁸LCDBk. A, 205; Wood, Conestoga, 49. Adamstown had been organized by Adam Simon Kuhn.

⁹Those lots had been surveyed by the executors of Hans Musser.

¹⁰SOCC, Hamilton; Wood, Conestoga, 50.

¹¹SOCC, Hamilton; JHPLBk., 3 Jan. 1758, 24 May 1780.

¹²CRENJBk. G, 2:358, 408, 418, 443, 497; JHPLBk., 21 May 1781; PHWF, 1783, #237; PHDBk. H, 11:441, 14:483, 19:503; LCDBk. A, 22, B, 354-55, 437-38, U, 672; BCDBk. 16:185, 192.

¹³PHDBk. D, 3:428, 4:295, 20:207, 37:44, I, 5:118, 266, 13:391; JHPLBk., An Account of Money, 1757-58.

¹⁴LCDBk. H, 151, 157, K, 57, M, 468, T, 70; BCDBk. 12:104, 14:256, 259, 282, 16:398-99, 515; TCPIC, box 60; JHPLBk., Accounts with Barclay, 1767, 9 Feb. 1768, 20 Feb., 12 Oct. 1770.

¹⁵PTL, 1767, 1770. Hamilton was shown with five slaves in 1767 and six slaves in 1770.

¹⁶COMBk. A, 1:11. A commission granted on good behavior basically ensured that the possessor could only be removed for cause, as opposed to a commission granted at the governor's pleasure, where the possessor could be removed by the will of the executive.

¹⁷NOLB, 1730-35, 57-58. See also NOLB, 1733-34, 6.

¹⁸Votes, 3:232, 243, 249-50, 323.

¹⁹Votes, 3:232, 288-89, 325, 338-39.

²⁰Tully, William Penn's Legacy, 14-15; Votes, 3:328-30, 334-35, 338; Statutes, 4:322, 344.

²¹PPOC, 3:91. Tully, William Penn's Legacy, 214n, identifies the additional assemblymen who retired that year as Robeson, William Monington,* Job Goodson,* and Morris Morris.* Although James Hamilton was not specifically identified as one of those retiring, logic indicates that, like his father, he voluntarily withdrew from the Assembly election.

²²Tully, William Penn's Legacy, 226-27. The disaffection of the voters toward Hamilton stood in sharp contrast to the election results of 1737 and 1738, when he received the highest number of votes cast by Lancaster Co. voters, 753 and 1,019 votes, respectively (AWM, 29 Sept.-6 Oct. 1737, 28 Sept.-5 Oct. 1738).

²³RPLBk., 1741-43, 29.

²⁴At the completion of his term, Hamilton broke precedent and rather than host a £150 dinner for the council, as had been the custom of outgoing mayors, he announced the donation of £150 toward the construction of a public building, preferably an exchange similar to the Royal Exchange in London (MCC, 465-64).

²⁵MPC, 4:312, 482, 5:1, 4; MCC, 384, 386, 407, 448; RPLBk., 1739-41, 19v; PPOC, 3:203; TPP, 2:109.

²⁶PPOC, 4:53, 74-75; TPP, 2:158-59, 179, 199.

²⁷TPP, 2:220, 222; PPP&B, 1740-56, 77. Before the lords justices on 4 Aug. 1748, Hamilton took the oaths of allegiance and supremacy and the oath required of all governors of the colonies (AJHP, 4 Aug. 1748).

²⁸PPOC, 4:171.

²⁹PPOC, 4:193, 205, 209; PMHB, 19:265; PA, 4th ser., 2:92-93; Votes, 4:97; RPLBk. 1747-50, 37r.

³⁰PPOC, 4:205, 5:55; Statutes, 5:54-131; Votes, 4:111-14, 147, 150; RPLBk. 1747-50, 34-35r-v; MPC, 5:373-75; PA, 4th ser., 2:93, 95, 109-10.

³¹MPC, 5:395-96; PA, 4th ser., 2:94, 120; PPOC, 4:233.

³²PPOC, 5:53, 129, 225; TPP, 2:319, 3:28, 57-61.

³³TPP, 3:86-88; PPOC, 5:225. Thomas and Richard Penn on 28 Oct. 1751 authorized Hamilton to incorporate Pennsylvania Hospital under the great seal and included in their instructions provisions that granted the proprietary some supervisory powers over the corporation. In exchange, the Penns would donate a city lot on Sassafras St. to the corporation. The proposal was rejected and the hospital managers continued to operate under the incorporation established by the act of Assembly. They subsequently purchased a lot at 8th and Spruce sts. for the hospital (Some Account, 9; Charter; AJHP, 28 Oct. 1751).

³⁴PPOC, 5:53, 69, 115.

³⁵Votes, 4:156; PA, 4th ser., 2:156; PPOC, 5:89, 115, 127, 129; MPC, 5:507. Of the two bills rejected by Hamilton, the first related to probates of wills and the second called for the establishment of workhouses in Lancaster, York, and Cumberland cos.

³⁶PPOC, 5:33, 121-23, 129.