

ADDRESS OF FRANKLIN S. EDMONDS AT THE PENN  
CHARTER PRESENTATION, HARRISBURG, MARCH  
25, 1925.

The citizens of Pennsylvania have assembled here today as guests of the State to witness the delivery to the public of the Document which initiated the political history of the Commonwealth. Two hundred and forty-three years ago, this Document was made public as the definite promise of the liberties insured to those who might settle in this Commonwealth. Two hundred and forty-two years ago it was replaced by a second Charter and returned by the General Assembly to the Governor. Since then it has sojourned in England, and then eventually found a place in the collection of Americana of George C. Thomas, a patriotic and public-spirited Philadelphian. In order that it might find a permanent home among the people who regard it with reverent care as the most valued of their antiquities, a great cosmopolitan newspaper appealed to the general public to acquire this Charter, and now as trustee for the thousands of Pennsylvanians who responded to its inspiring call, through the Mayor of Philadelphia, has presented it to the people of Pennsylvania as a perpetual reminder of the origin of our State. Speaking on behalf of the General Assembly, I express our sincere and appreciative thanks to the *Public Ledger* for its patriotic resolve, and to the thousands of the sons and daughters of the Commonwealth who have united in the gift.

To the student of Government, this Document must have transcendent importance as a revelation of the political ideas and principles of the Founder. Penn visioned a great State, peopled with a free and intel-

ligent citizenry and devoted to toleration, industry and the making of character. At the time when this Charter was promulgated, there were probably less than 1000 white people within the limits of the Commonwealth, and while this Charter was in force, this number was increased to about 3000, located in the counties called Philadelphia, Chester and Bucks, which then included the district now embraced in Delaware and Montgomery Counties.

The first steps in the formation of a Government were as follows:—

The first laws promulgated by the authority of England for the Province were published March 1, 1664, at a general meeting at Hempstead, Long Island, under the authority of the Duke of York, and known as the Duke of York's Book of Laws. They were extended to Pennsylvania in 1676 and were the governing authority in that Province at the time of the Charter to William Penn. Upon receipt of the Charter from King Charles II, Penn issued the Charter which is the subject of this presentation under date of April 25, 1682, and published the same with a preface as "The Frame of the Government of the Province of Pennsylvania, in America; together with certain laws in England, by the Governor and divers freemen of the aforesaid Province, to be further explained and confirmed there by the first Provincial Council that shall be held if they see meet."

It is in this preface that Penn announces his famous theory of Government as follows:—

"Governments, like clocks, go from the motion men give them, and as governments are made and moved by men, so by them they are ruined too. Wherefore governments rather depend upon men, than men upon governments. Let men be good, and the government cannot be bad; if it be ill, they will cure it. But if men be bad, let the government be never so good, they will endeavour to warp and spoil to their turn.

"I know some say, let us have good laws, and no matter for the men that execute them: but let them consider, that though good laws do well, good men do better; for good laws may want good men, and be abolished

or invaded by ill men; but good men will never want good laws, nor suffer ill ones. 'Tis true, good laws have some awe upon ill ministers, but that is where they have not power to escape or abolish them, and the people are generally wise and good; but a loose and depraved people (which is to the question) love laws and an administration like themselves. That therefore, which makes a good constitution, must keep it, viz.; men of wisdom and virtue, qualities that because they descend not with worldly inheritances, must be carefully propagated by a virtuous education of youth, for which after ages will owe more to the care and prudence of founders, and the successive magistracy, than to their parents for their private patrimonies."

Upon Penn's arrival in the Province, an Assembly of the Province and three lower counties, the territory which today makes up what is known as the State of Delaware, met at Chester, formerly Upland, on December 7, 1682. Of this General Assembly, Nicholas More, a Quaker from Bristol, who was the head of a large organization which had been formed for the purpose of encouraging colonization of Pennsylvania, was elected speaker. The first Legislative Act was an act of union annexing the counties of Delaware to the Province of Pennsylvania, which was passed on December 7, 1682. The second Act, which was passed on the same day, provided for the naturalization of strangers and foreigners to become freemen of the Province in the counties thereof, the certificate of naturalization to be issued upon request, provided they applied within three months after the date of the law.

At the same meeting of the General Assembly there was passed the Great Law, or the Body of Laws, embracing sixty-one chapters and covering in large measure the laws previously framed by William Penn in England. Some of these laws deserve particular study as indicating the point of view of the founder, and his pioneer associates; as for instance, Chapter 1.

"BE IT FURTHER ENACTED BY THE AUTHORITY AFORESAID, That according to the example of the primitive Christians, and for the ease of the Creation, Every first day of the week, called the Lord's day, People shall abstain from their usual and common toil and labour, That whether Masters, Parents, Children, or Servants, they may the better

dispose themselves to read the Scriptures of truth at home, or frequent such meetings of religious worship abroad, as may best suit their respective persuasions."

This is also the first penal code of the Commonwealth, and it is interesting to note that some of the questions considered at recent sessions of the General Assembly merited and received the attention of the forefathers. Thus Chapter XXXIX:—

"AND BE IT ENACTED &C. That all Fees, and Salaries in all Cases, shall be Moderate, and limited by the Governor and Assembly, and hung up in a Table in every respective Court; And whosoever shall be convicted of taking more, shall pay two-fold, and be dismissed his Employment, One moiety of which shall go to the party wronged.

And that all Persons Convicted of Bribery and Extortion, shall forfeit Double the same."

On March 10, 1683, the General Assembly held its second meeting at Philadelphia also under the original Charter, when Thomas Wynne was elected speaker. The first Act was the Act of Settlement with the Founder; the Body of Laws was then completed by adding Chapters 63 to 142, of which the following are of special interest:—

#### "CHAPTER LXVII

"Whereas great Respect is due from all persons, and ought always to be yielded in Courts of Justice, whose institution is the peace and benefit of the publick, And that such gravity, and reverence which manifests the authority of a Court, may at all times appear; These following Rules shall be observed in the holding thereof: By the King's authority and in the name of the Proprietary and Governour, silence is commanded, Let the cryer make proclamation, and say, O yes, O yes, O yes, Silence is commanded in the Court, While the Justices are sitting, upon pain of imprisonment. After silence is Commanded, The cryer shall make a proclamation saying; All manner of persons that have anything to doe, at this Court, Draw Nigh and give your attendance, and if any person shall have any Complaint to enter, or suit to prosecute, Let them Draw near, and they shall be heard; When Silence is thus commanded and proclamation made, Upon calling the Docket, The cryer shall call, A. B., plaintiff come forth and prosecute thy suit, against, C. D., or else thou wilt be Non-Suited; The plaintiff appearing, The cryer shall call for the Defendant, C. D., come forth and save thee and thy Bail, or else judgment will pass against thee."

As an illustration of the penal code, Chapter CXXI is cited herewith:—

“To the end that the Exorbitancy of the tongue may be bridled and Rebuked, BE IT &c., that every person Convicted before any Court or Magistrate for Rayling or Scolding: Shall Stand one whole hour in the most public place, where Such offence was Committed, with a Gagg in their mouth or pay five shillings.”

Also Chapter CXII relating to the organization of schools:—

“Chapt. CXII. And to the End that Poor as well as Rich may be instructed in good and Commendable learning, Which is to be preferred before wealth, BE IT &c., That all persons in this Province and territories thereof having Children, and all the Guardians or Trustees of Orphans, shall cause such to be instructed in Reading and writing; So that they may be able to read the Scriptures; and to write by that time they attain to twelve years of age; And that then they be taught some useful trade or skill, that the poor may work to live, and the rich, if they become poor may not want; Of which every County Court shall take care; And in case such parents, guardians, or overseers shall be found deficient in this respect, every such parent, guardian or overseer, shall pay for every such Child, five pounds, Except there should appear in incapacity in body or understanding to hinder it.”

It is especially interesting to note that it was the obvious intention of the Founder to make of this Body of Laws a complete instrument for the governing of a pioneer community. Regulations with reference to the Courts, the bringing of actions, the settlement of estates, and the care of minors were all carefully prescribed. The influence of the Society of Friends is shown in the provision of three arbitrators in each County to settle disputes amicably. The general intention to establish a frame of government which might properly be expanded to meet all of the necessities of a new and growing community is clearly manifest.

The Charter provided for a Provincial Council of delegates from the counties, and a General Assembly of all the freemen. The former with the Governor were to frame bills, and the latter was to have power of enactment. No such General Assembly, however, was

ever convened, for the work of pioneering was too arduous to permit of such a meeting of all the men of the Province. In the early months of 1683, therefore, the settlers petitioned for a change in Charter, and when the Assembly was elected in March 1683, Penn directed the Sheriff to return twelve from each county, of whom three should sit in the Council, and nine in the Assembly.

This led to trouble, and Nicholas More, who had been Speaker in the first Assembly, was brought before the Council on the charge of stirring up mischief and discontent by accusing the Governor of breaking his own Charter and declaring that unborn babes would rue the day when a Governor could violate the fundamental law. More had led the migration of Welsh Quakers who settled in Montgomery and Delaware Counties, who have left an undying impress upon the names and character of those ancient and honorable counties.

So a second Charter was prepared, signed, sealed and delivered, and this Document, from a live and vital force, became a historical antiquity.

But it gives to our generation and to all succeeding generations an inspiration and a leadership for which our reverent and grateful thanks are due. It tells us of the great thought and vision which are the basis of our institutions. It exhorts us, men and women of differing faiths, to live in peace and tolerance. It proclaims a new ideal of justice to the weak and inexperienced. It commends industry, education and the qualities which make for character. Let us, here and now, highly resolve that the spirit of the fathers shall animate the sons, and the ideals and principles of Penn be fulfilled in our day.