
APPENDIX IV

FRAMES OF GOVERNMENT

THE FRAME OF THE GOVERNMENT (1682)

Of the Province of Pennsylvania, in America: Together with certain Laws Agreed upon in England, by the Governour and Divers Freemen of the aforesaid Province. To be further Explained and Confirmed there by the first Provincial Council and General Assembly that shall be held, if they see meet.

THE PREFACE

When the Great and Wise God had made the World, of all his Creatures it pleased him to chuse Man his Deputy to Rule it; And to fit him for so great a Charge and Trust, he did not only qualifie him with Skill and Power, but with Integrity to use them justly. This Native Goodness was equally his Honour and his Happiness; and whilst he stood here, all went well: There was no need of Coercive or Compulsive means; the Precept of Divine Love and Truth, in his own Bosom was the Guide and Keeper of his Innocency. But Lust prevailing against Duty, made a lamentable Breach upon it; and the Law, that before had no Power over him, took place upon him and his Disobedient Posterity, that such as would not live comformable to the holy Law within, should fall under the Reproof and Correction of the just Law without, in a Judicial Administration.

This the Apostle teaches in divers of his Epistles: The Law (says he) was added because of Transgression: In another place; Knowing that the Law was not made for the Righteous Man, but for the Disobedient and Ungodly, for Sinners, for Unholy and Prophane, for Murderers, for Whoremongers, for them that Defile themselves with Mankind, and for Men-stealers, for Lyars, for Perjured Persons, &c. But this is not all,

he opens and carries the matter of Government a little farther; Let every Soul be subject to the higher Powers; for there is no Power but of God. The Powers that be, are ordained of God: Whosoever therefore resisteth the Power, resisteth the ordinance of God. For Rulers are not a Terror to good Works, but to Evil: Wilt thou then not be afraid of the Power, Do that which is good, and thou shalt have Praise of the same. — He is the Minister of God to thee for good—Wherefore ye must needs be Subject, not only for Wrath, but for Conscience Sake. This settles the Divine Right of Government beyond Exception, and that for two ends: First, to Terrifie Evil-Doers: Secondly, to Cherish those that do Well; which gives Government a Life beyond Corruption, and makes it as durable in the World, as Good Men shall be. So that Government seems to me a part of Religion it self, a thing Sacred in its Institution and End: For if it does not directly remove the Cause, it crushes the Effects of Evil, and is as such (though a lower, yet) an Emanation of the same Divine Power, that is both Author and Object of Pure Religion; the Difference lying here, that the One is more Free and Mental, the Other more Corporal and Compulsive in its Operations: But that is only to Evil-doers; Government in it self being otherwise as capable of Kindness, Goodness and Charity as a more private Society. They weakly Err, that think there is no other use for Government than Correction, which is the coarsest part of it: Daily experience tells us, that the Care and Regulation of many other Affairs, more soft and daily necessary, make up much the greatest part of Government; and which must have followed the Peopling of the World, had Adam never fell, and will continue among Men on Earth under the highest Attainments they may arrive at, by the Coming of the blessed Second Adam, the Lord from Heaven. — Thus much of Government is General, as to its Rise and End.

For particular Frames and Models, it will become me to say little; and comparatively I will say nothing. My Reasons are, First, That the Age is too nice and difficult for it, there being nothing the Wits of Men are more busie and divided upon. 'Tis true, they seem to agree in the end, to wit, Happiness; but in the means they differ, as to Divine, so to this Humane Felicity; and the cause is much the same, not always want of Light and Knowledge, but want of using them rightly. Men side

with their Passions against their Reason; and their Sinister Interests have so strong a Byass upon their minds, that they lean to them against the good of the things they know.

Secondly, I do not find a Model in the World, that Time, Place, and some singular Emergencies have not necessarily alter'd; nor is it easie to frame a Civil Government, that shall serve all places alike.

Thirdly, I know what is said by the several Admirers of Monarchy, Aristocracy and Democracy, which are the Rule of One, a Few, and Many, and are the Three Common Idea's of Government, when men discourse of that Subject. But I chuse to solve the Controversie with this small Distinction, and it belongs to all three: Any Government is Free to the People under it (what-ever be the Frame) where the Laws Rule, and the People are a Party to those Laws, and more then this is Tyranny, Oligarchy, or Confusion.

But Lastly, when all is said, there is hardly one Frame of Government in the World so ill design'd by its first Founders, that in good hands would not do well enough; and Story tells us, the best in Ill Ones can do nothing that is great or good; witness the Jewish and Roman States. Governments, like Clocks, go from the motion Men give them; and as Governments are made and mov'd by Men, so by Them they are Ruin'd too: wherefore Governments rather depend upon Men, then Men upon Governments. Let Men be good, and the Government can't 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 it 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 evaded 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 deprav'd 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 Wordly 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, then to their Parents for their private Patrimonies.

These Considerations of the Weight of Government, and the nice and various Opinions about it, made it uneasy to Me to think of publishing the ensuing Frame and Conditional Laws, foreseeing both the Censures they will meet with from Men of differing Humours and engagements, and the occasion they may give of discourse beyond my design.

But next to the Power of Necessity (which is a Solicitor that will take no denial) this induced me to a Compliance, that we have (with Reverence to God and good Conscience to Men) to the best of our Skill contrived and composed the FRAME and LAWS of this Government to the great End of all Governments, viz. To support Power in Reverence with the People, And to secure the People from the abuse of Power; that they may be Free by their just Obedience, and the Magistrates Honourable for their just Administration: For Liberty without Obedience is Confusion, and Obedience without Liberty is Slavery. To carry this Evenness is partly owing to the Constitution, and partly to the Magistracy; where either of these fail, Government will be subject to Convulsions: but where both are wanting, it must be totally subverted: Then where both meet, the Government is like to endure: Which I humbly pray and hope God will please to make the Lot of This of Pennsylvania. Amen.

William Penn

THE FRAME

To all People To whom these presents shall come Whereas King Charles the Second by his Letters Patents under the Great Seal of England for the Consideration therein mentioned hath been graciously pleased to Give and Grant unto me William Penn (by the name of William Penn Esq. Son and heir of Sir William Penn deceased) and to my heirs and Assigns for ever All that Tract of Land or Province called Pennsylvania in America with divers Great Powers Preheminencies Royalties Jurisdictions and Authorities necessary for the well-being and Government thereof. Now know yee That for the well-being and Government of the said Province and for the Encouragement of all the

Freemen and Planters that may be therein concerned in pursuance of the powers afore mentioned I the said William Penn have declared Granted and Confirmed and by these presents for me my heirs and Assigns do declare grant and Confirm unto all the Freemen Planters and Adventurers of in and to the said province These Liberties Franchises and Properties To be held Enjoyed and kept by the Freemen Planters and Inhabitants of and in the said province of Pennsylvania for ever. Imprimis

That the Government of this Province shall according to the Powers of the Patent consist of the Governour and Freemen of said Province in the Form of a Provincial Council and General Assembly by whom all Laws shall be made Officers Chosen and publick Affairs Transacted as is hereafter Respectively declared That is to say

2. That the Freemen of the said Province shall on the Twentieth day of the Twelfth Month which shall be in this present year One Thousand Six hundred Eighty and two Meet and Assemble in some fit place of which timely notice shall be before hand given by the Governour or his deputy and then and there shall chuse out of themselves Seventy Two persons of most note for their Wisdom Vertue and Ability who shall meet on the Tenth day of the First Month next Ensuing and always be called and Act as the Provincial Council of the said Province.

3. That at the First Choice of such Provincial Council one Third part of the said Provincial Council shall be Chosen to serve for Three years then next ensuing One Third part for Two years then next ensuing and one Third part for One year then next following such Election and no longer and that the said Third part shall go out accordingly. And on the Twentieth day of the Twelfth Month as aforesaid yearly for ever afterward the Freemen of the said Province shall in like manner Meet and Assemble together and then Chuse Twenty Four persons being one Third of the said Number to serve in Provincial Council for Three years is being intended that one Third of the whole Provincial Council (always consisting and to consist of seventy two persons as aforesaid) falling off yearly it shall be yearly supplied by such new yearly Elections as aforesaid and that no one person shall continue therein longer than Three years

And in Case any member shall decease before the Last Election during his time that then at the next Election ensuing his decease another shall be Chosen to Supply his place for the remaining time he was to have served and no longer.

4. That after the First Seven years every one of the said Third parts that goeth yearly off shall be incapable of being Chosen again for one whole year following that so all may be fitted for Government and have Experience of the Care and burthen of it.

5. That in the Provincial Council in all Cases and matters of moment as Their agreeing upon Bills to be past into Laws Erecting Courts of Justice Giving Judgment upon Criminals Impeached and Choice of Officers in such manner as in herein after mentioned Not less than Two Thirds of the whole Provincial Council shall make a Quorum and that the Consent and approbation of Two Thirds of such Quorum shall be had in all such Cases or matters of moment. And moreover that in all cases and matters of lesser moment Twenty Four Members of the said Provincial Council shall make a Quorum The Majority of which Four and Twenty shall and may always determine on such Cases and Causes of Lesser moment.

6. That in this Provincial Council the Governour or his deputy shall or may always preside and have a treble Voice And the said Provincial Council shall always Continue and sit upon its own Adjournments and Committees.

7. That the Governour and Provincial Council shall prepare and propose to the General Assembly hereafter mentioned all Bills which they shall at any time think fit to be past into Laws within the said Province which Bills shall be publisht and Affixed to the most noted places in the Inhabited parts thereof Thirty days before the Meeting of the General Assembly in order to the passing of them into Laws or Rejecting of them as the General Assembly shall see meet.

8. That the Governour and Provincial Council shall take Care that all Laws Statutes and Ordinances which shall at any time be made within the said Province be duly and diligently Executed.

9. That the Governour and Provincial Council shall at all times have the Care of the peace and Safety of the province and that nothing be

by any person Attempted to the subversion of this Frame of Government.

10. That the Governour and Provincial Council shall at all times settle and order the Scituation of all Cities ports and Market-towns in every County modelling therein all publick buildings Streets and Market places and shall appoint all necessary roads and high-ways in the province.

11. That the Governour and Provincial Council shall at all times have power to inspect the management of the publick Treasury and punish those who shall Convert any part thereof to any other use than what hath been Agreed upon by the Governour Provincial Council and General Assembly.

12. That the Governour and Provincial Council shall Erect and order all publick Schools and incourage and Reward the Authors of usefull Sciences and Laudable Inventions in the said province.

13. That for the better management of the powers and Trust aforesaid the Provincial Council shall from time to time divide itself into Four Distinct and proper Committees for the more Easie Administration of the Affairs of the province which divides the Seventy Two into Four Eighteens Every one of which Eighteens shall consist of Six out of each of the Three Orders or yearly Elections Each of which shall have a distinct portion of Business as followeth: A Committee of Plantations to scituate and Settle Cities ports Market-towns and highways and to hear and decide all Suits and Controversies relating to Plantations. A Committee of Justice and Safety to secure the peace of the province and punish the Male Administration of those who subvert Justice to the prejudice of the publick and private Interest. A Committee of Trade and Treasury who shall Regulate all Trade and Commerce according to Law Encourage Manufacture and Country-growth and defray the publick Charge of the province. And A Committee of manners Education and Arts that all wicked and scandalous Living may be prevented and that Youth may be successively trained up in Virtue and useful Knowledge and Arts. The Quorum of each of which Committees being Six that is Two out of each of the Three orders or yearly Elections as aforesaid making a Constant or standing Council of Four and Twenty which will have the power of the Provincial Council

being the Quorum of it in all Cases not excepted in the Fifth Article And in the said Committees and Standing Council of the Province the Governour or his deputy shall or may preside as aforesaid. And in the Absence of the Governour or his Deputy if no one is by either of them appointed the said Committees or Council shall appoint a President for that time and not otherwise and what shall be Resolved at such Committees shall be reported to the said Council of the province and shall be by them resolved and confirmed before the same shall be put in Execution And that these Respective Committees shall not sit at one and the same time except in Cases of necessity.

14. And to the End that all Laws prepared by the Governour and Provincial Council aforesaid may yet have the more full Concurrence of the Freemen of the Province It is declared granted and confirmed that at the time and place or places for the Choice of a Provincial Council as aforesaid the said Freemen shall yearly chuse members to serve in a General Assembly as their Representatives not exceeding Two hundred persons who shall yearly meet on the Twentieth day of the Second Month in the Capital Town or City of the said province where during Eight days the several members may freely confer with one another and if any of them see meet with a Committee of the Provincial Council consisting of Three out of each of the Four Committees aforesaid being Twelve in all which shall be at that time purposely appointed to receive from any of them proposals for the Alteration or Amendment of any of the said proposed and promulgated Bills and on the Ninth day from their so meeting the said General Assembly after the reading over the proposed Bills by the Clerk of the Provincial Council and the occasions and motives for them being opened by the Governour or his deputy Shall give their Affirmative or Negative which to them seemeth best in such manner as hereafter is exprest But not less than two thirds shall make a Quorum in the passing of Laws and Choice of such Officers as are by them to be chosen.

15. That the Laws so prepared and proposed as aforesaid that are Assented to by the General Assembly shall be Inrolled as Laws of the province with this stile By the Governour with the Assent and Approbation of the Freemen in Provincial Council and General Assembly.

16. That for the better Establishment of the Government and Laws of this Province and to the end there may be an Universal Satisfaction in the laying of the Fundamentals thereof the General Assembly shall or may for the First year consist of all the Freemen of and in the said province and ever after it shall be yearly chosen as aforesaid Which number of Two hundred shall be enlarged as the Country shall Increase in people so as it do not exceed Five hundred at any time The Appointment and proportioning of which as also the laying and methodizing of the choise of the Provincial Council and General Assembly in future times most equally to the Division of the Hundreds and Counties which the Country shall hereafter be divided into shall be in the power of the Provincial Council to propose and the General Assembly to resolve.

17. That the Governour and the Provincial Council shall from time to time erect Standing Courts of Justice in such places and number as they shall Judge Convenient for the good Government of the said Province And that the Provincial Council shall on the Thirteenth day of the First Month yearly Elect and present to the Governour or his deputy a double number of persons to serve for Judges Treasurers Masters of the Rolls within the said province for the year next ensuing. And the Freemen of the said province in their County-Courts when they shall be erected and till then in the General Assembly shall on the Three and Twentieth day of the Second Month yearly Elect and present to the Governour or his Deputy a double number of persons to Serve for Sheriffs, Justices of peace and Coroners for the year next ensuing Out of which respective Elections and presentments the Governour or his deputy shall nominate and Commissionate the proper number for each Office the Third day after the said respective presentments or else the First named in such presentment for each office shall stand and serve for that Office the year ensuing.

18. But for as much as the present Condition of the Province requires some Immediate Settlement and admitts not of so quick a Revolution of Officers and to the end the said province may with all Convenient Speed be well ordered and settled I William Penn do therefore think fit to nominate and appoint such persons for Judges Treasurers Masters of Rolls Sheriffs Justices of the peace and Coroners as are most fitly

qualified for those Employments To whom I shall make and grant Commissions for the said Offices respectively To Hold to them to whom the same shall be granted for so long time as every such person shall well behave himself in the Office or place to him respectively granted and no longer And upon the Decease or displacing of any of the said Officers the succeeding Officer or Officers shall be chosen as before said.

19. That the General Assembly shall continue so long as may be needful to Impeach Criminals fit to be there Impeached To pass Bills into Laws that they shall think fit to pass into Laws and till such time as the Governour and Provincial Council shall declare that they have nothing further to propose unto them for their Assent and Approbation And that Declaration shall be a Dismiss to the General Assembly for that time Which General Assembly shall be notwithstanding Capable of Assembling together upon the Summons of the Provincial Council at any time during that year if the said Provincial Council shall see occasion for their so Assembling.

20. That all the Elections of members or Representatives of the people to serve in Provincial Council and General Assembly and all Questions to be determined by both or either of them that relate to passing of Bills into Laws To the Choice of Officers To Impeachments made by the General Assembly and Judgment of Criminals upon such Impeachments by the Provincial Council and to all other Cases by them respectively Judged of Importance Shall be resolved and determined by the Ballott And unless on suddain and Indispensible Occasions no business in Provincial Council or its respective Committees shall be finally determined the same day that it is moved.

21. And That at all times when and so often as it shall happen that the Governour shall or may be an Infant under the Age of one and Twenty years and no Guardians or Commissioners are appointed in Writing by the Father of the said Infant or that such Guardians or Commissioners shall be deceased that during such Minority the Provincial Council shall from time to time as they shall see meet Constitute and Appoint Guardians and Commissioners not exceeding Three One of which Three shall preside as Deputy and Chief Guardian during such Minority and shall have and Execute with the Consent of

the other Two all the power of a Governour in all publick Affairs and Concerns of the said province.

22. That as often as any day of the month mentioned in any Article of this Charter shall fall upon the First day of the Week commonly called the Lords day the Business appointed for that day shall be differred till the next day unless in Case of Emergency.

23. That no Act, Law or Ordinance whatsoever shall at any time hereafter be made or done by the Governour of this province his heirs or Assigns or by the Freemen in the Provincial Council or the General Assembly to alter Change or diminish the Form or Effect of this Charter or any part or Clause thereof or contrary to the true Intent and meaning thereof without the Consent of the Governour his heirs or Assigns and Six parts of Seven of the said Freemen in Provincial Council and General Assembly.

24. And Lastly that I the said William Penn for myself my heirs and Assigns have Solemnly declared granted and confirmed and do hereby solemnly declare grant and confirm that neither I my heirs nor Assigns shall procure or do any thing or things whereby the Liberties in this Charter contained and expressed shall be Infringed or broken And if any thing be procured by any person or persons contrary to these premises, it shall be held of no Force or Effect. In Witness whereof I the said William Penn have unto this present Charter of Liberties set my hand and Broad Seal this Five and Twentieth day of the Second Month vulgarly called Aprill in the year of our Lord One Thousand Six hundred Eighty and Two.

William Penn

The first Frame of Government was Approved in the December, 1682 session of the Provincial Council and General Assembly. P.H.M.C., Archives, Law Book 1682-1690 (Patrick Robinson's Book), pp. 23-28. Since the manuscript for the heading and Preface are lacking, their text is taken from the original printed version of 1682, *The Frame of the Government of the Province of Pennsylvania . . .* Printed in the Year MDCLXXXII, from the copy in the Library of Congress. The Frame itself is in P.H.M.C., Archives, Basic Documents, No. 2. For other printed versions see *A Collection of Charters . . . Relating to the Province of Pennsylvania . . .* Printed and Sold by B. Franklin, in Market-Street, M,DCC,XL, pp. 10-17; Colonial Records, I, xxi-xxix; Pa. Arch., Fourth Series, I, 24-37.