

## Laws for the Province of Pennsylvania, 1682<sup>1</sup>

*William Penn was a wealthy Englishman who joined the Society of Friends (Quakers) as a young man, shocking his father and many of his friends. Wanting to found a colony in the Americas where Friends could worship freely, Penn obtained a grant from English King Charles II, who owed him money, to establish the proprietary colony of Pennsylvania with Penn as the first governor. In 1682, he and his advisers drew up the frame of government and the first laws for the new colony.*

Laws agreed upon in England by the Governor and Divers<sup>2</sup> of the Freemen of Pennsylvania, To be further Explained and Confirmed there by the first Provincial Council and General Assembly that shall be held in the said Province, if they see meet.<sup>3</sup>

1. That the Charter of Liberties declared, granted and confirmed the five and twentieth day of the second month called April, 1682, before divers witnesses by William Penn, Governor and Chief Proprietor of Pennsylvania, to all the freemen and planters of the said province, is hereby declared and approved, and shall be forever held for a fundamental in the government thereof, according to the limitations mentioned in the said charter.

2. That every inhabitant in the said province that is or shall be a purchaser of one hundred acres of land or upwards, his heirs and assigns; and every person who shall have paid his passage, and taken up one hundred acres of land at one penny an acre, and have cultivated ten acres thereof; and every person that hath been a servant or bondsman, and is free by his service, that shall have taken up his fifty acres of land,<sup>4</sup> and cultivated twenty thereof; and every inhabitant, artificer or other, resident in the said province, that pays scot and lot<sup>5</sup> to the government, shall be deemed and accounted a *freeman* of the said province; and every such person shall and may be capable of electing or being elected representatives of the people in Provincial Council or General Assembly in the said province.

3. That all elections of members or representatives of the people and freemen of the province of Pennsylvania, to serve in Provincial Council or General Assembly, to be held within the said province, shall be free and voluntary: and that the elector that shall receive any reward or gift in meat, drink, money, or otherwise, shall forfeit his right to elect: and such person as shall directly or indirectly give, promise or bestow any such reward as aforesaid, to be elected, shall forfeit his election, and be thereby incapable to serve, as aforesaid. And the Provincial Council and General Assembly shall be the sole judges of the regularity or irregularity of the elections of their own respective members.

4. That no money or goods shall be raised upon, or paid by any of the people of this province, by way of a public tax, custom or contribution, but by a law for that purpose made: and whosoever shall levy, collect or pay any money or goods contrary thereunto, shall be held a public enemy to the province, and a betrayer of the liberty of the people thereof.

5. That all courts shall be open, and justice shall neither be sold, denied nor delayed.

6. That in courts all persons of all persuasions may freely appear in their own way, and according to their own manner, and there personally plead their own cause themselves, or if unable, by their friends. And the first process shall be the exhibition of the complaint in court fourteen days before the trial. . . .

7. That all pleadings, processes and records in courts shall be short, and in English, and in an ordinary and plain character, that they may be understood, and justice speedily administered.

8. That all trials shall be by twelve men, and as near as may be, peers or equals, and of the neighborhood, and men without just exception. . . .

9. That all fees<sup>6</sup> in all cases shall be moderate, and settled by the Provincial Council and General Assembly, and be hung up in a table in every respective court: and whosoever shall be convicted of taking more, shall pay twofold, and be dismissed his employment, one half of which shall go to the party wronged.

10. That all prisons shall be workhouses for felons, vagrants and loose and idle persons, whereof one shall be in every county.

11. That all prisoners shall beailable by sufficient sureties, unless for capital offences, where the proof is evident, or the presumption great.

12. That all persons wrongfully imprisoned, or prosecuted at law, shall have double damages against the informer or prosecutor.

13. That all prisons shall be free, as to fees, food and lodging.

14. That all lands and goods shall be liable to pay debts, except where there be legal issue,<sup>7</sup> and then all the goods, and one third of the land only. . . .

16. That seven years quiet possession [of land] shall give an unquestionable right, except in cases of infants, lunatics, married women, or persons beyond the sea.

17. That all briberies and extortions whatsoever shall be severely punished. . . .

19. That all marriages (not forbidden by the law of God, as to nearness of blood and affinity by marriage) shall be encouraged; but the parents or guardians shall be first consulted, and the marriage shall be published before it be solemnized, & it shall be solemnized by taking one another as husband and wife before credible witnesses. . . .

27. And to the end that all officers chosen to serve within this province, may with more care and diligence answer the trust reposed in them, it is agreed, that no such person shall enjoy more than one public office at one time.

28. That all children within this province of the age of twelve years shall be taught some useful trade or skill, to the end none may be idle, but the poor may work to live, and the rich, if they become poor, may not want.

29. That [indentured] servants be not kept longer than their time; and such as are careful be both justly and kindly used in their service, and put in fitting equipage at the expiration thereof, according to custom.

30. That all scandalous and malicious reporters, backbiters, defamers and spreaders of false news, whether against magistrates or private persons, shall be accordingly severely punished, as enemies to the peace and concord of this province. . . .

34. That all treasurers, judges, masters of the rolls, sheriffs, justices of the peace, and other officers or persons whatsoever, relating to courts of trials of causes, or any other service in the government, and all members elected to serve in Provincial Council and General Assembly; and all that have right to elect such members, shall be such as profess faith in Jesus Christ, and that are not convicted of ill fame, or unsober and dishonest conversation, and that are of one and twenty years of age at least: and that all such so qualified, shall be capable of the said several employments and privileges, as aforesaid.

35. That all persons living in this province, who confess and acknowledge the One Almighty and Eternal God, to be the creator, upholder and ruler of the world, and that hold themselves obliged in conscience to live peaceably and justly in civil society, shall in no ways be molested or prejudiced for their religious persuasion or practice in matters of faith and worship,

nor shall they be compelled at any time to frequent or maintain any religious worship, place or ministry whatever.

36. That according to the good 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 common daily labor, that they may the better dispose themselves to worship God according to their understandings.

37. That as a careless and corrupt administration of justice draws the wrath of God upon magistrates, so the wildness and looseness of the people provoke the indignation of God against a country; therefore: that all such offences against God, as swearing, cursing, lying, profane talking, drunkenness, drinking of healths, obscene words, incest, sodomy, rapes, whoredom, fornication and other uncleanness (not to be repeated), all treasons, misprisons, murders, duels, felonies, sedition, mayhems, forcible entries and other violence to the persons and estates of the inhabitants within this province: all prizes, stage-plays, cards, dice, May-games, gamesters, masques, revels, bull-baitings, cock-fightings, bear-baitings and the like, which excite the people to rudeness, cruelty, looseness and irreligion, shall be respectively discouraged and severely punished, according to the appointment of the governor and freemen in Provincial Council and General Assembly, as also all proceedings contrary to these laws, that are not here made expressly penal.

38. That a copy of these laws shall be hung up in the Provincial Council and in public courts of justice, and that they shall be read yearly at the opening of every Provincial Council and General Assembly and court of justice, and their assent shall be testified by their standing up after the reading thereof. . . .

Signed and sealed by the governor and freemen aforesaid, this fifth day of the third month, called May [sic], one thousand six hundred eighty and two.

#### Discussion Questions:

What rights (economic, political, judicial, and religious) did Pennsylvania's residents receive?

William Penn was a reformer. What do these laws tell you about the kind of reforms that William Penn desired for England?

What similarities and differences do you see between these laws and the Great Law of the Iroquois League? other accounts you have read? the United States today?

If you were establishing the rules for a new society, which of these laws would you include? Which would you alter or omit?

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1 From *The Frame of the Government of the Province of Pennsylvania in America: Together with Certain Laws Agreed upon in England by the Governour and Divers Free-men of the aforesaid Province* (London, 1682), 7-11.

2 Many.

3 The version that the Pennsylvania Legislature eventually approved was a compromise set of laws that provided for a stronger legislature and weaker governor than Penn's original proposal.

4 People who could not afford passage from England to Pennsylvania could become indentured servants, paying for passage by making a contract to work without pay for a certain number of years. At the end of their service, they were to receive fifty acres of land in Pennsylvania.

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5 Taxes.

6 Charged by lawyers and other officers of the court.

7 Legitimate children.