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The Relations of the Pennsylvania Proprietaries to the Colonists.

BY REV. D. K. TURNER, HARTSVILLE, PA.

(Meeting at Red Lion Inn, Bensalem, July 17, 1888.)

Admiral Penn, the father of William Penn, was a distinguished officer in the British navy, about 250 years ago, under Charles I., Cromwell and Charles II. He gained many victories at sea over the French, Spanish and Dutch, took many valuable prizes and added largely to his own wealth and to the revenues of the government. During the reign of Charles II., an extravagant, dissipated prince, the authorities were often embarrassed for want of funds. For the Admiral's signal services on the ocean, liberal compensation was promised but not fully rendered; arrears of salary and money, which he had loaned to the State, were unpaid; and at his death the amount due to him from the King, reached £16,000, the equivalent of which at the present day, taking into consideration the comparative purchasing power of gold and silver, would be at least \$200,000. The right to receive this large sum fell by inheritance to William Penn, then 26 years of age, and repeated unsuccessful efforts were made to collect it from the sovereign and his ministers.

The attention of Penn had been turned by various circumstances to the New World long before he came hither. His father had been in the West Indies at the head of an expedition against Jamaica; had added that beautiful island to the British possessions, and often spoke of the fertility of the soil and the splendors of tropical vegetation in the presence of his family. His son had suffered persecution for conducting religious services in forms different from those of the established church. He had languished in prison as a malefactor for obeying conscience, and his mind was deeply impressed with the importance of freedom for all to worship God as their judgment might dictate. Some of the Friends had already crossed the Atlantic, and

settled in New Jersey, at Newark, a name given to the place, because it was hoped it would prove a quiet refuge from the storms of oppression they had experienced in the mother country.

Lord Berkeley having a share in a royal patent for the whole of the region lying between the Hudson and the Delaware rivers, sold his interest to John Fenwick, agent for Edward Byllinge. and these two men became involved in a dispute about the compensation to be paid for effecting the purchase. This controversy was referred to Penn for adjustment. After a decision had been given by him, Byllinge being in pecuniary difficulties transferred his property to three trustees, one of whom was Penn. This placed principally in his hands a vast territory in New Jersey, and the important responsibility was accepted by him with reluctance, in the hope, that his advice might be advantageous to the Quakers and others, who had fled from persecution in England.

The Proprietaries, who received grants of extensive provinces in America from English princes, were not simply owners of the soil, which they could sell to purchasers, but they were entitled to establish and administer a government over them, subject only to the paramount authority of the King. They were in effect feudal lords, with the power to enact laws and to appoint officers of justice. Penn desired to found a free state, in which the people should choose the legislature, by whom statutes would be enacted and officers and judges be appointed. The time seemed favorable for trying the experiment; but he found difficulties in the way in consequence of the fact that Sir George Carteret was a partner in the ownership of the grant of New Jersey, and it was necessary to extinguish his semi-sovereignty. This was effected by an agreement that the province should be divided, the eastern and by far the most valuable portion to be retained by Sir George, and the remainder to be held by the trustees for Byllinge. The line determined upon ran from Little Egg Harbor, on the ocean, northwest to a point on the Delaware river, in latitude 41 degrees 40 minutes, which is somewhat above the upper corner of the State. The two sections were known for many years as East and West Jersey.

Being now able to act in regard to West Jersey without hindrance, the trustees mapped it off into a hundred tracts, ten of which were allotted to John Fenwick for his labors and expenses as agent, and ninety tracts were held for sale for the benefit of Byllinge and his creditors. Penn at once set himself to the task of framing a form of government for the future inhabitants of the new province, then occupied almost solely by roving bands of untutored savages. In this scheme he took as a model the constitution adopted by the pilgrims on the Mayflower, who made the first permanent settlement, at Plymouth, in New England, in 1620, about half a century previously. In it were incorporated also some of the views of Sir Algernon Sidney, one of his most intimate friends, and an eminent advocate of political and religious liberty. The source of power was to be in the people. They were to elect their law-givers and rulers, and all were to have the privilege of worshipping the Deity as they saw fit.

This plan for the government of the colony, when completed, was published extensively in England, and attracted the attention of multitudes. Numerous applications came for the sale of land, and the purchasers made arrangements to cross the wide sea. In 1677, five years before Philadelphia was founded, three vessels were chartered, filled with emigrants, and ere long sailed up the Delaware, and the passengers, numbering more than 500, disembarked on the eastern bank near Burlington. They agreed with the Indians for the purchase of the soil, and manifesting a desire to treat them with justice and kindness, secured their friendship, which was for a long period almost wholly unbroken. "You are our brothers," said the Sachems, "and we will live like brothers with you. We will have a broad path for you and us to walk in. If an Englishman falls asleep in this path, the Indian shall pass him by and say—he is an Englishman, he is asleep; let him alone. The path shall be plain. There shall not be a stump in it to hurt the feet." The colony attained a high degree of prosperity. The population rapidly increased; they suffered little from the natives, and cultivated the soil, traded, and performed the rites of worship in freedom and peace. To Penn's broad, enlightened views and zealous efforts in their

behalf they owed in a great measure their liberty, security, and success. Too little credit has been awarded him for his wise and persevering exertions to establish a free state in West Jersey years before he planted his foot upon the soil of Pennsylvania.

He also in company with 23 other persons purchased the title to East Jersey, which had belonged to Sir George Carteret, who was weary with the cares and responsibilities incident to the proprietorship of his large possessions. This was before his application to the crown of Great Britain for a block of country west of the Delaware had been granted. He was anxious to secure some territory, in which he might found a government exempt from the oppressive restraints well nigh universal under the old monarchies.

He proposed to the King to cede to him the district between the Jerseys and Lake Erie instead of payment of the money due to his father. Ten years had now elapsed since the death of the Admiral, and the claim had never been liquidated. After protracted discussion in the royal council the proposal was accepted and Penn was constituted sole proprietor of that region, containing an area of 46,000 square miles. Neither he nor any one else had at that time an adequate conception of the magnitude and value of the grant. It was covered with forest, and Penn designed to call it "Sylvania" "a woody country," but King Charles insisted that the name Penn should be prefixed to it, not in honor of the son, but in memory of the Admiral, who had been in his younger days one of his most trusted friends. It is narrated, that at the meeting of council, in which the charter of Pennsylvania was issued, Penn appeared before King Charles, following the custom of the Quakers, without uncovering his head. The light-hearted sovereign was rather amused than irritated at what might have been construed as a want of respect, and took off his own hat. Penn noticing this inquired, "Friend Charles, why dost thou not keep on thy hat?" To which his majesty replied laughing, "It is the custom of this place for only one person to remain covered at a time."

A magnificent domain had now come into the possession of this organizer of colonies. Some Swedes and Finns had already

settled in it, and it was anticipated, that it would ere long be occupied by a thriving population from Great Britain, and perhaps from other parts of Europe. Its proprietor was aware that they must be under the control of some form of government, or disorder and crime would cause its ruin. The constitution devised for Carolina by Locke and Shaftesbury, which it had been predicted would last till the end of time, created hereditary orders of nobility, in which almost the entire civil power was centred. This had in a few years proved an ignominious failure. Penn hoped that democratic institutions, being more in harmony with the rights and the nature of man, would be more durable. He held many conferences with Algernon Sidney in regard to the fundamental laws, which should be imposed upon his new acquisition intending to prescribe at first the general features of the system, and to let the progress of time introduce more specific regulations, as circumstances might require. In the preface to this constitution he expresses wise, equitable, and benevolent sentiments and important truths; affirming that government is of divine origin, and that it is designed to restrain and punish evil-doers, and to protect, encourage, and reward the upright and useful citizen.

The main part of the document began by

"Declaring, that the sovereign power resided in the governor and freemen of the province. For purposes of legislation two bodies were to be elected by the people, a council and an assembly. The proprietor or his deputy was to preside at the council, and to have three votes; this was almost the only power which he reserved to himself or his agents."

The council consisted of 72 members, elected by the freemen to serve three years, 24 being chosen each year. They were to originate and pass all laws and to see that they were executed; to provide for the common defence; build ports, harbors and markets; to make and repair roads; to establish courts of justice; to inspect the public treasury; and to institute primary schools. All legislation was to be performed by the smaller and more select body. The assembly was to be more numerous and its members were to be chosen annually but it had no legislative functions, except to approve or censure measures adopted by the council. It was intended to be a popular gathering and to re-

flect the will of the citizens on points that were somewhat doubtful, but soon its sphere was enlarged and it became a more important branch of the government.

Forty laws were appended to the draft of the constitution, which were to be in force, until the legislature had been elected, when they were to be considered by it and adopted, amended or rejected, as might appear best. Penn thought "that no men could know what laws were needful so well as those whose lives, properties and liberties would be concerned in their administration." He reserved to himself no power to appoint officers, and no monopoly in any branch of trade, commerce or manufactures. His right to do so was undeniable, but he wished to give the colonists the opportunity to develop the resources placed in their reach without hindrance, even though it was greatly to his own pecuniary detriment, at a period when he was obliged to practice strict economy in the management of his domestic affairs. Dixon says:

"A few weeks after the charter was issued, Thurston, of Maryland, sent his agent to offer him a fee of £6,000 and two and a half per cent. as rental, if he would allow a company to be formed with an exclusive right to the trade in beaver skins between the Delaware and Susquehanna rivers."

But he declined the offer, though there would have been no moral obliquity in it, as he was the owner of the whole territory subject only to the payment of two beaver skins yearly, as a token of his fealty to the King.

When it was known that Penn had obtained a concession of territory so large and desirable in America, and that he had adopted a policy so liberal toward its future inhabitants, much enthusiasm was aroused in regard to emigration to it. Several companies were formed in Great Britain and on the continent, to encourage and assist persons to repair thither. A German organization applied for 15,000 acres on some navigable river, and 300 acres within the limits of the city to be founded by the Proprietor. "The Free Society of Traders," formed in Bristol, England, purchased 20,000 acres, and immediately made preparations to send over several hundred people. Though Penn's most earnest sympathies were directed toward the op-

pressed of his own religious persuasion, yet he entertained sentiments of kindness and good will toward all, to whatever sect they might belong, and in a few years numerous settlers had established themselves in Philadelphia, along the Delaware and Schuylkill, and a considerable distance in the interior. He was by royal edict the absolute owner of the Province, and as such he could have demanded from its occupants any rentals he chose to require. It lay in his power to impose heavy duties on imported goods, and burdensome taxes on real estate and personal property. But he placed in the hands of the council the right to levy taxes, and appears to have anticipated that his possessions in America would be a source of pecuniary loss rather than of profit to him. When he was about to leave England in 1682 to visit his property in America and choose the site for a town, not knowing that he would ever return, he wrote a long letter to his family, somewhat in the nature of a will, in which he urges his wife to a reasonable economy, and to his children he observes:

"As for you, who are likely to be concerned in the government of Pennsylvania, I do charge you that you be lowly, diligent and tender, fearing God, loving the people and hating covetousness. Let justice have its impartial course, and the law free passage. Though to your loss, protect no man against it, for you are not above the law, but the law above you."

It might well be imagined, that entertaining these noble, generous, and magnanimous sentiments towards the inhabitants of the Province, which was his by royal decree and by purchase from the aborigines, he would have been treated by them all with the utmost deference and honor. And so indeed he was for a time. But troubles soon gathered about his path, and the sunshine of prosperity was darkened by the selfishness and covetousness of those whose benefit was his supreme desire.

When the first election for the legislature took place, the people sent up only 72 persons for both branches, the number required by the constitution for the council alone. They seem to have felt, that this was acting in the very beginning, contrary to the code given them, and presented reasons to the Proprietor for this course, and besought him, notwithstanding the liberty they had taken, not to alter their charter. He replied, that

"They were free to amend, alter, or add to existing laws for the public good, and that he would consent to any changes they might wish to make, if he could do so with a strict regard to the powers vested in him by his sovereign."

The frame of government had reserved to the Governor and his council alone the right to propose legislation, but the assembly immediately after its organization, disregarded the provision, and took it upon themselves to initiate the passage of laws; as a compromise however they wished the Governor to have the veto over the doings of both council and assembly, which indeed was necessary; for as no measure was legally binding without the sanction of the King, nothing would have met favor in his eyes, which was not approved by the Proprietor. Penn was disturbed not a little by the encroachments of the more popular branch of the Legislature at the very outset, and reviewing the records of the government, and of removing officers when they became obnoxious to them. This was inconsistent with their charter, and he told them they might alter it, if they desired to do so. But they voted again for a new constitution altogether. Many of them wished to strip the Governor and council of almost every semblance of authority, and to hold the reins in their own hands. Penn feared the harmonious relations between himself and them might soon be broken. They had in effect changed the nature of the government, and transferred the legislative power from the smaller to the larger body. He asked them whether they wanted a new charter, and they answered in the affirmative. A committee was appointed, who prepared the draft, and in ten days it was presented, discussed, and adopted. The Governor signed it, and it only needed the approval of the King to render it effective. Under this new constitution the legislative and civil power was even more fully in the people than under the former. The judges were elected, and the Proprietor could not remove them from their places during the period for which they were chosen. He could not appoint any one even to the lowest office. In Maryland, Lord Baltimore appointed the members of council, judges, and all subordinate functionaries. Penn divested himself of this authority, and remarked, "I purpose to leave myself and successors no

power of doing mischief, that the will of one man may not hinder the good of a whole country."

The assembly voted to grant him for his support, customs duties on certain exports and imports, but he declined it, and would take nothing obtained by taxation. Probably a similar example of disinterestedness in a powerful manorial baron does not exist on the pages of history. In 1692, when by an act of the royal council in England he was deprived of his province, and it was annexed to New York, he had sustained the colonial government for ten years out of his own private resources, and he had lost through it £120,000, probably equivalent to at least a million of dollars at the present day. His heart was set on promoting the permanent prosperity of the infant state, and carrying through successfully his experiment of free institutions, founded on principles of peace, justice and benevolence, and he resolved to avoid everything that might prove an obstacle in his path. The temporary forfeiture of his patent was caused by the machinations of jealous enemies, who accused him of being in treasonable correspondence with the exiled sovereign, James II. Ere long, however, his innocence was triumphantly vindicated, and his government restored to him.

One of the Society of Free Traders, in whom Penn had reposed much confidence, was Philip Ford. This man was a shrewd, artful schemer, who ingratiated himself in Penn's favor, and employed by him as his secretary and assistant in much of his business. While the great philanthropist was befriending the persecuted and preparing a home for them across the ocean, this unprincipled scoundrel contrived to manage his estates in England in such a way as to build up a fictitious claim of thousands of pounds against him, the falsity of which he could not at once prove, and which he had no means or disposition to pay.

On account of a war between Great Britain and France, Penn desired to make a visit to Pennsylvania, but he had not the necessary funds to secure a vessel for the voyage. He had sold hundreds of thousands of acres, subject to a small annual rent. These rents he had allowed to pass uncollected, wishing to burden the colonists as little as possible at first. For ten years they had paid him nothing and he had defrayed the expenses

of the colonial administration. He now wrote to some of the principal citizens of Philadelphia, asking them to loan him £10,000, which could be made up by each of a hundred persons contributing a hundred pounds; and they should have as security the rents that were due to him. He assured them that if his request was granted, he would at once sail for America with a large party of emigrants. But they hesitated, framed excuses and finally declined to comply with his wishes, though they owed their happiness, their prosperity, their liberty, and many of them, life itself, to his arduous labors and powerful influence in their behalf. It is difficult to conceive that they could be guilty of such parsimony and ingratitude.

Penn and all his successors in the office of proprietor encountered difficulties from the very nature of the government he had devised. He sought to combine free institutions with his claims as feudal lord, and allegiance to the crown of Great Britain. He had ceded to the council, of which he or his deputy was president, the right to appoint judges and officers. But the people were not satisfied. When he finally succeeded in reaching this country a second time, the assembly, the more popular branch of the legislature, wished to obtain the power of initiating legislation; they set about reorganizing the judiciary; they refused to impose taxes, which he found now to be necessary; but he calmly endured their eagerness to be free from all restraint, and urged them to act cautiously and in a patriotic spirit, and "as for himself, he would simply throw out one hint; for nineteen years he had now maintained the whole charge of government out of his private purse, and he placed himself at their discretion." War was in progress between England and Spain. The King wanted a subsidy from Pennsylvania to aid in defending the Colonies against the Indians, and because it had not been paid, Penn was again in danger of having his Province taken from him, yet the assembly would do nothing to relieve him of his anxiety and assist him in defraying the expense of supporting the liberties they owed to his generosity. After being in America on his second visit about two years, during most of which time he resided at the manor in this county, it was important for the welfare of the

colony, that he should return to England; but he was again destitute of the necessary means.

The assembly refused to assist him and he was obliged to sell some land, in order to raise money enough to hire and furnish a vessel for himself and his family. He could never induce that body to lay upon the people the cost of maintaining their own free government.

Penn died July 30, 1718, after which the Proprietary interests vested in his sons and grandsons till the Declaration of Independence. The family remained most of the time in England, the administration of affairs being committed to deputy governors. The people generally cherished the memory of the founder with fond affection, but disputes often sprang up between the agents of the Proprietaries and the legislature, especially in regard to taxation. In 1757 the assembly voted to grant to the King £100,000, in aid of the defence of the Colonies against the French and to raise this sum, all property, real and personal, was to be taxed. But Governor Denny, under instruction from the Proprietaries across the water, would not sign the bill, unless their unimproved lands were exempted from the tax. This led to an acrimonious quarrel between the two parties, the representatives of the people and the owners of that part of Pennsylvania which had not been sold. On the one hand, it would seem proper, that their lands, being under the protection of the government, should bear a share of the burden of sustaining it; and on the other, as Penn for twenty years received nothing from the Province and expended directly, according to his own statement, more than £30,000, upon it, the inhabitants might well have foreborne to insist upon demanding from the Proprietaries what the latter felt it a hardship to be compelled to pay.

This contention was one of the minor causes which led Benjamin Franklin and others in the assembly, at that time, to discern the probable necessity of an entire separation of the Colonies from the mother country. It might reasonably have been anticipated, that friction and jarring would occur, when three sources of power, in a measure antagonistic to each other, were mingled in public affairs. The sovereign, the proprietor or feudal lord, and a free people could not long act harmoniously together. It was owing to a large extent to Penn's philanthropy and disinterested-

ness, that the experiment did not meet with permanent disaster before his death. At the American Revolution the Commonwealth of Pennsylvania purchased all the estate of the family in this country for \$580,000, which seems not a large sum, when we consider the immense territory, to which they were still entitled.

General Jean Victor Maria Moreau.

BY REV. D. K. TURNER, HARTSVILLE, PA.

(Bristol Meeting, July 15, 1890.)

Recollection of the lives and characters of distinguished men, who once lived among us, is commendable, as it tends to encourage others to emulate their example, and the remembrance of posterity is one of the elements in the reward bestowed for the proper use of eminent ability. It is well for this society to gather and rehearse all the facts accessible in the career of those who have attained greatness and who have resided in this county. They pass away in the order of nature, but their virtues and heroic deeds should not be allowed to slumber in oblivion.

One of the ablest military commanders France ever produced, General Jean Victor Maria Moreau, made this section of our State his home for a considerable number of years. He resided in Morrisville from 1806 to 1813. As his abode was not many miles from our present place of meeting it seems appropriate to spend a little time in taking a cursory review of his principles and achievements.

He was born in Morlaix, France, August 11, 1763, and his early years gave proof of the extraordinary capacity with which he was endowed. His father was an attorney, and that his son might pursue the same profession he sent him to a law school at Rennes, where he made such rapid progress as to warrant soon after his graduation his election to be provost of the school when he was but 24 years of age. The great struggle between the French Parliament and the King had already commenced. Popular rights and royal prerogative were arrayed against each other, and the country was agitated from centre to circumference with the discussion of subjects pertaining to human freedom.