

# A Difference That Makes A Difference



## The Peculiar Constitution of Early Pennsylvania

**T**he original American colonies were established for a wide variety of purposes. The Massachusetts Bay Colony, for example, started off as a haven for a persecuted religious sect. The Puritans were determined to create, in the words of Massachusetts's first governor, John Winthrop, "a city upon a hill" to serve as an example of a holy community for all people. Other colonies, such as Virginia, began as business ventures. Still others, including Pennsylvania, were both.

Pennsylvania's first colonial charter reflected the colony's dual purposes as a religious settlement and an investment. It illustrates how state charters were created to serve very particular goals—and how "rights" that Americans now take for granted, such as the right to self-governance, were by no means obvious to this country's founders.

The colony started out as a business venture. In 1681, William Penn received a proprietary interest—the controlling share—in what is now the state of Pennsylvania as repayment for a debt that England's King Charles II owed Penn's father. Penn was already deeply involved in land speculation in North America. He and 11 other investors already owned East Jersey (present-day New Jersey). Soon after buying into Pennsylvania, they acquired a lease on Delaware.

Penn, however, wasn't just a businessman. He was also a devout Quaker, a member of a peace-loving religious group that was often at odds with the official Church of England. Pennsylvania was to Penn "a holy experiment"—a unique chance to found a province dedicated to Quakerism's vision of equality and religious freedom.

William Markham, Penn's deputy, was sent in 1681 to establish a seat of government for Penn's new colony. Penn also instructed his representative to construct a

"City of Brotherly Love"—Philadelphia. One year later, Penn himself arrived in his fledgling colony. His first major action was to draw up a constitution, or charter, for his new colony, which he called the "Frame of Government." His second major act was to establish friendly relations with the American Indians in the area—an unusual action that reflected his pacific religious beliefs.

In many ways, the Frame of Government echoed Quakerism's progressive dogmas. Penn's constitution guaranteed religious freedom to everyone who believed in God. It also set forth a humane penal code and encouraged the emancipation of slaves. In contrast, the early settlers of Massachusetts were interested not in individual religious freedom but in establishing a just Puritan society. As a result, the functions of local churches and town governments were intertwined in early Massachusetts. Indeed, the colony was governed as a virtual theocracy for its first 200 years.

However, the Pennsylvania model was not a uniform triumph of humane liberalism. Penn did use his charter to protect his business interests. The Frame of Government provided for an elected general assembly, but it also concentrated almost all power in the executive branch of government, which was controlled by Penn and the other proprietors.

It was not long before colonists began to chafe at some of the less progressive features of Penn's early constitution. He was forced to return to Pennsylvania in 1701 and issue a new constitution, the Charter of Privileges, which granted more power to the provincial assembly. However, the conflict between proprietary and antiproprietary forces did not diminish until 1776. That year, noted revolutionary Benjamin Franklin led a convention to assemble and approve a new constitution for the state as it struggled for independence from Great Britain.