

SKETCH OF JUDGE THOMAS EDWARDS

My first purpose in arranging into an article some facts about Thomas Edwards was to give a short review of his public career only. But when I had arranged and expanded the data on that phase of the man's life into an article I found that it required something of his genealogy and private life to show his public career in its true niche and to give it interpretation.

I took the advice of a senior member of this society and inquired of Mr. B. F. Owen, of Reading, who is an authority on Thomas Edwards and on that section of early Lancaster county generally. Mr. Owen gave me facts very generously, and practically all of those parts of this paper treating the genealogy and the private life of Edwards are developed out of the facts Mr. Owen sent me.

Arrival of Edwards Family.

The family of Alexander Edwards reached Philadelphia September 17, 1684, in the ship "Vine," of Liverpool, from Wales. The family consisted of Alexander and wife, Margaret, Edward, Alexander and Thomas, sons, and Bridget, Jeane, Margaret and Martha, daughters. There were also on board Dr. Griffith Owen and wife, Sarah, and Robert Owen and his wife.

Alexander settled first in Radnor township, now Delaware county, October 20, 1692. His daughter, Bridget,

was married at Friends' Meeting to Griffith Niles, who was also born in Wales in 1670. Jeane was married to James James, November 17, 1692. Martha about the same time married Joseph Todd. These three daughters, with their descendants, became Baptists after the Keithian fight.

Alexander Edwards moved from Radnor to the vicinity of Montgomery Square, Philadelphia county, now Montgomery county, and purchased 900 acres of land sometime previous to 1700. (Pa. Arch., 249, 276 and 326.) He died in November, 1712, and his will was proved November 17, 1712, and is recorded in Vol. 3, p. 298, in Philadelphia. His second wife was Catharine Griffith, who survived, and in 1714 married John Williams.

Thomas Edwards received from his father by will 170 acres of land on which the father died in Montgomery county, and to it he bought enough to make 260 acres, whereon he lived until December 4, 1719, when he sold out to Evan Price.

Just previous to selling out Thomas Edwards, November 18, 1718, procured a warrant for 500 acres, and afterwards, June 4, 1719, a warrant for 600 acres more, and the next day a warrant for 200 acres more. The land to which he was entitled in these warrants he had located on both sides of the Conestoga Creek in one tract, near the head of the creek, in the neighborhood of Spring Grove, now Earl township, Lancaster county. (See Taylor papers, Pennsylvania Historical Society.) He built his house at the big spring on the north bank of the creek, about where, in 1800, Cyrus Jacobs built his mansion and the Spring Grove forge. During the summer and fall of 1719 he prepared his home to receive his family, and moved

there December of that year. He was one of the large number of descendants of the first Welsh settlers of Philadelphia, which descendants took up all the land on both sides of Conestoga Creek as far west as Muddy Creek. These settlers were largely Episcopalians, but some Baptists were among them.

Brought Up a Quaker.

Thomas Edwards was brought up a Quaker, but at this time he held to no denomination. All his descendants were Episcopalians and members of Bangor Church, at Churchtown.

In his tract of land on Conestoga Thomas Edwards had three fine mill sites, which were afterwards developed—one of them Spring Grove Forge. Thomas Edwards was forty-six years old when he moved to the Spring Grove tract and his children were all born, yet so young as not to be of much help in his struggle in the unbroken forests. The next ten years he gave to clearing his lands and keeping on good terms with the Indians. This was a hard task, for which he was not fitted and not successful financially. In his statement of indebtedness to the Penns for purchase money and ground rents, April 10, 1735, the sum of 94 pounds principal and 98 pounds interest is set out, or 192 pounds, which was a large sum in those times. Up to this time he had not paid a penny off apparently; but in the same year, 1735, within a month he paid it all off and got his patents, the whole being 945 acres.

But, when we examine further, we find he paid it off by giving a mortgage to the province (to the Loan Office, from which any one could borrow money who had land to mortgage

as pledge) for the whole sum. He struggled along for ten years, and then, as he could not make any headway, he and his wife deeded the greater part of it to the province, September 25, 1745, John Kinsey taking title to it for the purpose. The next day a life estate in it was deeded to him by Kinsey, on certain payments having been secured or made.

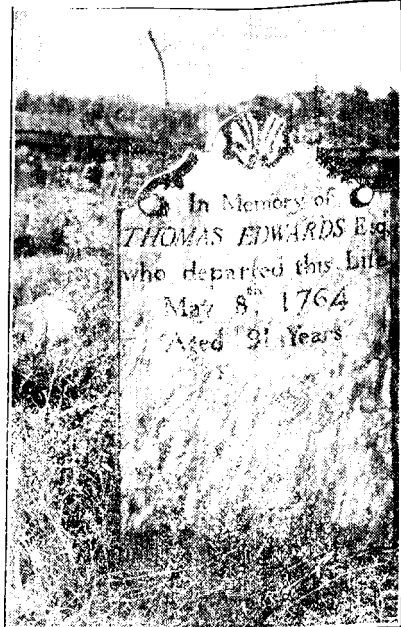
Thomas Edwards had received a fair education, and he was familiar with Latin. He was from the first in close touch with the Proprietary, and was consulted by the Penns in matters connected with the settlement of the Conestoga valley. As President of the Court for some years, he wrote opinions which compare favorably with later productions. It is related of him (asserts Mr. Owen) that he walked shoeless from his home to Court. It is hard to see the reason for going without shoes. It is not possible it could be on account of poverty, and not reasonable that any other cause would make a man act so.

Married Three Times.

Judge Edwards was married three times, first to Margaret Thomas, by whom he had all but two of his children. She died in 1713, and is probably buried at the Friends' Meeting House, in Cynwyd. His second wife was Mary Price (spinster), as shown by the Gynnedd Meeting records in 1715. And, lastly, he married Elizabeth Norris. The last two wives lie by him in the old Welsh graveyard near Terre Hill. The grave of Mary, the second wife, which is between his and his last wife's grave, is unmarked.

Children of Thomas Edwards.

The children of Thomas Edwards, of whom there is certain knowledge, were: Margaret, born in 1705, and



GRAVE OF JUDGE THOMAS EDWARDS.

died August 20, 1781, buried by the side of her father. She married Reese Morgan, on whose ground was located the graveyard. Margaret had three children.

His second child was John Edwards, born in 1708 and died August 11, 1790. He is buried at Bangor Churchyard, Churchtown. He married Sarah Davies and had several children. One of John Edwards' daughters married William Smith, one of the owners of the Smith iron forges and iron works at Martic Forge.

Another child of Judge Edwards was Joannah, who married William Smith, Sr., of Martic, and on his death his two sons, Thomas and William

became owners of the Martie Forge tracts and built the first forge there.

Another child of Judge Edwards was Evan Edwards, by Mary, the Judge's second wife. He was born about 1716 and married Elizabeth Stauffer, daughter of Jacob Stauffer. This is one of the earliest marriages of the Welsh into the "Dutch," as they were called. They had three children.

Another child of the Judge was Edward Edwards. Little is known of him except that he located on Conestoga Creek.

A sixth child was Elizabeth Edwards. She was born in 1718 and died in 1769.

Perhaps the most remarkable of the Edwards descendants was William Smith, son of Joannah Edwards Smith (daughter of Judge Edwards) and her husband, William Smith, Sr. He was born of them in Martie township May 23, 1732, and died in 1806 in New Holland, and is buried in the Bangor graveyard at Churchtown. He married his first cousin, Dinah Edwards, November 11, 1755. In 1751 and 1752, William and his brother, Thomas, built the Martie Forge, and did all kinds of casting, including pots, kettles, pans and "Dutch" five-plate wall stoves and six-plate stoves. They did not make a success and were sold out in 1756, and William moved back to Earl. They also made an unfortunate financial venture at Smithville, which William wound up before moving back to Earl township, the old Edwards home.

But I am digressing from the main theme of my sketch, which is to be upon the public career of Judge Edwards; and, therefore, I now turn away from the movements of his private life, his ancestry and genealogy,

and the outline of his descendants, and turn to the public career of the Judge.

A Judge for Thirty Years.

Judge Thomas Edwards was one of the Judges of Lancaster county from its organization, in 1729, and continued in that office upwards of thirty years. He was one of the prominent figures of the early days of Pennsylvania. After the retirement of Judge John Wright, in 1742, Judge Edwards became President Judge. He was born in 1673 and died in 1764, at the age of ninety-one years.

The first great characters in Pennsylvania's governmental affairs were Thomas Lloyd, whose political career began in 1683; John Blunston and Joseph Growdon, Sr., who first appeared in 1684; Nicholas Moore, in 1685, and John Symcock in 1686. Then arose another company of strong political figures whose entrance into public affairs began as follows: David Lloyd, in 1694; Andrew Hamilton, the elder, in 1694; Edward Shippen, in 1695; Caleb Pusey, in 1696; Samuel Carpenter, in 1696, and Joseph Kirkbride, in 1698. The next quartette of big political men and the dates of their appearance were: Jeremiah Langhorne, Richard Hill and James Logan, in 1704, and Judge Mompesson, in 1707. These were followed by another galaxy of big men, who materially moulded the policies and developed the institutions of the infant province, as follows: John Wright in 1718; John Kearsly in 1722; William Webb in 1728; Samuel Blunston in 1726; Andrew Hamilton (Bucks) in 1729; Thomas Edwards in 1729; Isaac Norris in 1730, and Israel Pemberton and John Kinsey in 1731. While many other notable characters appeared and for a brief time influ-

enced the early political and official affairs of the province, this score or more of men were the ones who by reason of strong constructive minds and characters and by long public careers laid the sub-structure of the province which later became the great Commonwealth of Pennsylvania. These were the men who waged the first battles against proprietaryship, who fought for and brought about the rights and the rise of popular power, and gradually curbed the overbearance of the early Governors appointed by the Penns and confirmed by the English throne.

His First Public Act.

It was toward the latter end of this roll of early commoners that Thomas Edwards appears. He was about fifty-five years old before his mind took a political turn. The first act that I can find of a public nature performed by him was that of acting as one of the viewers in 1729 to divide Lancaster county from Chester county (3 C., 345). His being appointed by the Governor on this work would indicate him to have had prominence. He was next appointed one of the Justices of the new county and one of its Judges, the same year (3 C., 358). The same fall he was elected one of the four Assemblymen of Lancaster county in the General Assembly, and received the highest vote of the four Assemblymen to which our county was entitled (3 V., 95); and in the session that fall and winter he took a prominent part in the movement to issue more paper money, which the province began issuing in 1723 to lift themselves out of a panic, and he was on the committee for the purpose of increasing that currency (3 V., 110). He also pushed the building of a Court House and jail for Lancaster

county, and was appointed by the Governor one of the committee to secure land for the same (1 A., 252).

He was re-elected to the Assembly in 1730; but he fell below John Wright in the vote he received this time; he, however, stood second in popularity. One of the duties delegated to him by this Assembly was to view Stephen Atkinson's dam, which had been complained against by people, who said that this dam kept the fish from passing up and down the Conestoga Creek (3 V., 129). About the same time William Fishburn, the Provincial Treasurer, began stealing the public funds, pretending that the room in his house where he kept the money was robbed, and Edwards was one of the committee to investigate the fraud and draw a bill to depose and punish the thieving official (3 V., 145).

Appointed to Important Offices.

January 29, 1731, he was appointed one of the viewers to lay out the road from Lancaster to Downingtown, which in 1733 was opened as a King's Highway (3 C., 394); and February 4 he was appointed on the very important committee to settle the accounts of the general loan office. This office was very important, as all the paper money was issued upon mortgages given by borrowers to the province, providing that one-twelfth of the principal and the interest should be paid back annually; and the auditing of the calculations arising from and operations of this big fiscal system fell to Edwards' committee (3 V., 351).

He was re-elected to the Assembly in the fall of 1731 and this time barely escaped defeat, standing last on the list. Three new men appeared and were elected, and old John Wright

himself, virtually the "Father of Lancaster County," was defeated (3 V., 166). The Germans were having trouble along the Susquehanna with Maryland, and they voted against both Wright and Edwards, a rumor having arisen that they had spoken disparagingly against the Germans in the last Assembly. In this Assembly Edwards was appointed on the committee to answer the Governor's speech, which was the steering committee of the early assemblies, and entrusted with the duty of framing the policies of the people against the demands of England and the proprietary (3 V., 168). He was also appointed on the committee to draw an address of complaint to be sent to the King and Lords and Commoners of England, protesting against England's policy of disallowing our creation of paper money, which England invariably did (3 V., 169). The address is to be found in Volume 3, of the Colonial records, page 423, and it clearly sets forth the injustice that England inflicts on us by disallowing our paper money because the Sugar Islands off Central America said the growth of our trade hurt their trade.

Early Election Struggles

The next summer he was again put on the Loan Office Audit Committee, together with Galbraith, Coyle and Musgrove, the three other Assemblymen of Lancaster county (3 V., 175).

In the fall of 1732 Edwards was re-elected, and received next to the highest vote, receiving more votes than Blunston and Galbraith (3 V., 183). This was a year of struggle in Pennsylvania, and Galbraith and John Wright both fought for election to the Assembly. Galbraith's wife electioneered for her husband on horseback,

and her husband won the day and defeated Wright.

In the summer of 1733 Edwards was appointed viewer on the Lancaster and Schuylkill Ferry road. This road is the once famous King's Highway from Lancaster to Philadelphia. (3 C., 521).

In the fall of 1733 Edwards was again elected to the Assembly and received next to the highest vote, Andrew Galbraith standing highest on the ticket, John Wright third and John Coyle last (3 V. 195.). And in December of this year he was reappointed Justice of the Peace and Judge by the Governor and Council. (3 C., 531).

His First Defeat for Assembly.

In the fall of 1734 Judge Edwards received his first defeat for Assemblyman. He and John Wright were both marked for slaughter, but Wright succeeded, standing, however, at the foot of the list. A new power appeared in Lancaster county, James Hamilton, and he was elected to the Assembly and stood at the head of the four members in votes received. (3 V., 219). But in the fall of 1735 Edwards again succeeded in election, standing next in number of votes to James Hamilton, who was very popular and very powerful in Lancaster county politics. (3 V., 246.) Hamilton was undoubtedly at this time the political boss of Lancaster county. Galbraith again defeated John Wright, and a new figure, Thomas Armstrong, defeated John Emerson, of Blue Rock.

Edwards being again back in Assembly, in addition to the routine of legislation, was appointed, January 13, 1736, on a committee to investigate how many ferries were erected on the Susquehanna and the rates of ferriage

charged, and whether the ferries were operated by virtue of any law. His committee reported that there were many of those ferries, and that they were granted by the proprietors, without consent of the Assembly. The Assembly proceeded to debate this matter and concluded that the ferries were illegal and prejudicial to the people's rights, being a monopoly that could not be borne (3 V., 249). Edwards was also on a committee to draw a law to protect waifs and strays, and helped to draw the original law on that subject (3 V., 252). He was appointed one of the trustees to hold title to the ground to build the State House upon (3 V., 257); and on a committee which drew the law to simplify the procedure to collect small debts, the parent law of the procedure to-day by which small claims are sued for and recovered. (3 V., 258).

The Father of Equity Tribunals.

During this session of Assembly, January, 1736, Judge Edwards was appointed on a committee to draw a law to establish a Court of Equity for Pennsylvania. This was a very important step in the early life of Pennsylvania. Before this the equity jurisdiction resided in the proprietor and in his Deputy Governors (appointed by him) and the Council. That is, the equity subjects were lodged in the Executive and not in the Judiciary, as we now know it. It is not too much to say that Judge Edwards was the father of the equity tribunals as a separate set of Courts in Pennsylvania. Reprieves and pardons are now about all there is left of the equity jurisdiction in the Executive (3 V., 259).

During this winter the loan office had become corrupt by reason of the

same officers holding and administering it year after year, and having control thereby of the putting the paper currency into circulation. It was Judge Edwards who suggested to the Assembly that the means of restoring confidence and honesty in the operations of that office was to renovate it by a system of rotation of officers, and he was accordingly appointed on a committee to draw a law for that purpose, which he did; and in a little while the people had the rascals out and honest men in, administering that important trust. (3 V., 263.)

The Governor, who had become accustomed to being the dispenser of equity, was opposed to the subjects of equity being turned over to the Judiciary, and he sent a message to the Assembly on that question. The Assembly appointed Judge Edwards on the committee to answer the Governor's speech and defend the Assembly's plan, which he and his committee did. And finally the subject of equity suits and cases was firmly planted in the Judicial department of the government where it belonged (3 V., 272). The Governor used to hold a chancery session and himself dispose of equity cases. Judge Edwards' reasoning on the subject may be found in his committee's answer in Vol. 4 of the Colonial Records, p. 41.

February, 1736, he was also made trustee to take title to additional lands for the grove about the State House, about to be built in Philadelphia (3 V., 276).

Again Elected to Assembly.

In October, 1736, Judge Edwards was again elected to Assembly, but stood at the foot of the four, receiving the lowest vote, while James Hamilton received the highest number, Galbraith was next to highest and Thomas

Armstrong stood third. (3 V., 285.) The most important act he had in charge in this Assembly was the boundary trouble between Pennsylvania and Maryland. And he was appointed on a committee to propose an address to the King on the troublesome question (3 V., 290). Upon him rested the duty of defending our province against the encroachments of Maryland and he did it faithfully, as may be seen in the address in Vol. 4, of the Colonial Records, p. 125.

He seems to have grown into one of the "fathers of the house," because he is found now on those committees which have the task upon their shoulders of defending against the Council, the proprietor and the requirements of England. In May, 1737, he was on a committee to answer the Governor's speech (3 V., 291), and also Council's speech on the boundary troubles (3 V., 292).

In January, 1737, he was again commissioned Justice of the Peace Judge, this being the third commission (4 C., 152).

At the election of 1737 Edwards was defeated for Assembly. Those elected to the Assembly by Lancaster county were James Hamilton, who received 753 votes; Andrew Galbraith, 540; John Wright, 394, and Samuel Smith, 388 votes (*American Weekly Mercury*, October 6, 1737). The political conditions in the county must have been peculiar, that such a prominent man in Assembly as Judge Edwards could not muster over 388 votes, or the small number that Samuel Smith received, at a time when Lancaster county had, as it did have in 1738, the large number of 2,560 taxables (Rupp, p. 273).

Laid Out a Road.

Judge Edwards was appointed this year to view and lay out the road from Lancaster to Redding's Furnace (4 C., 247-8), which was at the Coventry Iron Works, on French creek, as the records inform us. He was also re-commissioned Justice of the Peace and Judge in 1738 (4 C., 313).

He was, however, again defeated for Assembly in the fall of 1738, those elected that year from Lancaster county being James Hamilton, receiving 1,019 votes; Andrew Galbraith, receiving 933; Samuel Smith, receiving 795, and John Wright, 758 votes. This year, it will be noticed, that the vote of Lancaster county is very much larger than in 1737, fully 50 per cent. in some cases and double in others (American Weekly Mercury, October 5, 1738). James Hamilton is sustaining his place as boss of Lancaster county, receiving 1,019 votes, while the highest successful candidate for Assembly from Philadelphia county at the same election received only 1,300, those of Chester county 800, and those of Bucks county only 500 votes.

At the election in the fall of 1739 Judge Edwards again succeeded in being elected a member of the Assembly, but he received the lowest vote of the four elected (3 V., 352). John Wright received the highest vote. James Hamilton does not again appear in the lists. I can not find the number of votes cast this year in Lancaster county for Assemblymen, though the votes of the other counties are given. Aside from the routine work of the Assembly, Judge Edwards was appointed during this session on a committee to draw up an address to the Governor on the subject of addi-

tions to our paper money, which he always nobly defended (3 V., 357).

End of His Career as Assemblyman.

At the fall election of 1740 he was defeated for Assembly by Anthony Shaw (3 V. 424), which was the end of his career as an Assemblyman, though John Wright held out eight years longer. About this time Samuel Blunston began to be the leading figure in Lancaster county politics. Wright was becoming old, and Edwards seems to have lost popularity, while he became a favorite, however, with the Governor and the proprietary's side of the Government.

Recommissioned Justice of Peace.

In 1741 he was recommissioned Justice of the Peace for Lancaster by Governor Thomas, who at the same time dropped John Wright's name from the list of justices (who were also the Quarter Sessions and Common Pleas Judges). The Governor said a revision of the list was necessary, because "by the death of some and the misbehaviour of others it was necessary to supply and rectify the magistracy of the province" (3 C., 482-3). Wright had opposed Governor Thomas' war policy, and it cost the venerable Justice his judicial head. This made Judge Edwards the President Judge of our Courts.

As to his judicial career I can not say much. His name appears regularly as the presiding Judge holding the Civil Court, as may be seen on the ancient yellow dockets of that remote day. These dockets are still in existence, carefully preserved. So, too, the criminal records of the Courts are preserved, one volume extending from 1729 to 1742, and the second volume from 1742 to 1760. The most notable

thing connected with the criminal cases of Judge Edwards' presidency is the severity of the sentences, including, as they do, standing in the pillory, having the ears cut off, whipped thirty-nine lashes, taken from town to town and whipped and thrown out of the county, sold for seven years into servitude, capital punishment, etc. I do not know whether it was the spirit of the law alone, or that it was the severity of the Judge that was responsible for this. There were practically no written opinions in those days, as to-day, so that we can not tell anything from the meagre records about the ability and learning of the Judges.

Buried in Old Welsh Graveyard.

He died May 8, 1764, and is buried in the old Welsh graveyard just outside of Terre Hill borough, near the homestead of the late John Galt. His tombstone is remarkably preserved and I have had it photographed and present a copy of it herewith as part of this article. You will observe the inscription is, "In Memory of Thomas Edwards, Esq., who departed this Life, May 8th, 1764, Aged 91 years." By the side of this stone there is also another on which is the inscription, "Here Lies the Body Of Elizabeth Edwards, Who Departed This Life The 30th Day of November, 1754. In the 75th Year of Her Age."

Judge Edwards' remains fared better than those of John Wright, our first President Judge, whose grave in Columbia, the late Samuel Evans told me, has no tombstone.

H. FRANK ESHLEMAN.

The letter "V" used in the citations herein means "Votes of Assembly," "C" means "Colonial Records," and "A" means "Pennsylvania Archives."

H. F. E.

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