
THE FRAME OF THE GOVERNMENT (1701)

THE CHARTER OF PRIVILEGES TO THE PROVINCE & COUNTIES.

WILLIAM PENN, Proprietary & Governr of the Province of Pennsylvania & Territories thereunto belonging.

To all to whom these presents shall come, sendeth Greeting:

WHEREAS, KING CHARLES THE SECOND, by his Letters Patents under the Great Seal of England, bearing date the fourth day of March, in the year One Thousand Six hundred & Eighty, was Graciously pleased to Give and Grant unto me, my heirs & Assigns, forever, this Province of Pennsylvania, with Divers Great Powers and Jurisdictions for the Well Government thereof; and whereas the King's Dearest Brother, James, Duke of York and Albany, &c., by his Deeds of feoffment under his hand & Seal, duly perfecting, bearing Date the Twenty-fourth Day of August, One thousand Six hundred Eighty & two, Did grant unto me, my heirs and Assigns, all that Tract of Land now Called the Territories of Pennsylvia, together with Powers and Jurisdictions for the good Government thereof; AND WHEREAS, for the Encouragement of all the freemen and Planters that might be Concerned in the said Province and Territories, and for the good Government thereof, I, the said Willm. Penn, in the year One Thousand Six hundred Eighty & three, for me, my heirs and assigns, Did grant and Confirm unto all the freemen, Planters and adventurers therein, Divers Liberties, Franchises & Propertys, as by the said Grant Entituled the FRAME of the GOVERNMENT of the PROVINCE of PENNSYLVANIA & TERRITORIES thereunto belonging, in AMERICA, may appear; which Charter or Frame, being found in some parts of it not so suitable to the Present Circumstances of the Inhabitants, was in the third month, in the year One thousand seven hundred, Delivered up to me by six parts of seven of freemen of this Province and Territories, in General Assembly mett, provision being made in the said Charter for that end and Purpose; AND WHEREAS, I was then pleased to promise that I would restore the said Charter to

them again with necessary alterations, or in Liew thereof, Give them another better adapted to answer the Present Circumstances & condition of the said Inhabitants, which they have now, by their Representatives in General Assembly mett at Philadelphia, Requested me to grant; know ye therefore, that I, for the further well being and good Govrmt of the said Province and Territories, and in pursuance of the Rights and Powers before mentioned, I, the said WILLIAM PENN, do Declare, grant and Confirm unto all the freemen, Planters and adventurers, and other inhabitants in this Province and Territories, these following Liberties, Franchises and Privileges, so far as in me lyeth, to be held, enjoyed and kept by the freemen, planters & adventurers, & other Inhabitants of and in the said Province and Territories thereunto Annexed, forever;

FIRST: Because no people can be truly happy, though under the greatest enjoyment of Civil Liberties, if abridg'd of the freedom of their Consciences as to their Religious profession & Worship; and Almighty God being the only Lord of Conscience, ffather of Lights & Spirits, and the author as well as object of all Divine Knowledge, Faith and Worship, who only doth Enlighten the Mind & perswade and Convince the Understandings of People, I do hereby Grant and Declare that no person or persons, inhabiting in this Province or Territories, who shall Confess and acknowledge one Almighty God, the Creator, Upholder and Ruler of the World, and Profess him or themselves obliged to Live Quietly under the Civil Government, shall be in any Case molested or prejudiced in his or their person or Estate because of his or their Consciencious perswasion or Practice, nor be Compelled to frequent or maintain any Religious Worship, place or ministry contrary to his or their mind, or to do or suffer any other act or thing Contrary to their Religious perswasion. And that all persons who also profess to believe in JESUS CHRIST the SAVIOUR of the World, shall be Capable (notwithstanding their other perswasions and Practices in Point of Conscience and Religion) to serve this Governmt in any Capacity, both Legislatively and Executively, he or they Solemnly promising, when Lawfully required, allegiance to the King as Sovereign, and fidelity to the Proprietor and Governour, and Taking the attests as now Established, by the Law made at New Castle, in the Year One Thousand

seven hundred, Intituled at act Directing the attests of several offices and ministers, as now amended and Confirmed by this present Assembly.

SECONDLY: for the well governing of this Province and Territories, there shall be an Assembly Yearly Chosen by the freemen thereof, to Consist of four persons out of each County of most note for Virtue, Wisdom & Ability, (or of a greater number at any time as the Governour and Assembly shall agree,) upon the first day of October, forever; and shall sitt on the fourteenth day of the said month, at Philadelphia, unless the Governour and Council for the time being shall see Cause to appoint another place within the said Province or Territories, which assembly shall have power to Choose a Speaker and other their officers, and shall be Judges of the Qualifications and Elections of their own members, sitt upon their own adjournments, appoint Committees, prepare bills in or to pass into Laws, Impeach Criminals and Redress Grievances; and shall have all other powers and Privileges of an Assembly, according to the Rights of the free born subjects of England, and as is usual in any of the King's Plantacons in America. And if any County or Counties shall refuse or neglect to Choose their Respective Representatives, as aforesaid, or if Chosen do not meet to serve in Assembly, those who are so Chosen & mett shall have the full power of an Assembly, in as Ample manner as if all the Representatives had been Chosen and mett; Provided they are not less than two thirds of the whole number that ought to mett; And that the Qualifications of Electors & Elected, and all other matters and things Relating to Elections of Representatives to serve in Assemblys, though not herein particularly Exprest, shall be and Remain as by a Law of this Govermt, made at New Castle in the year One thousd seven hundred, Intituled an Act to ascertain the number of members of Assembly, and to Regulate the Elections.

THIRDLY: that the freemen in each Respective County, at the time and place of meeting for Electing their Representatives to serve in Assembly, may, as often as there shall be occasion, Choose a Double number of persons to present to the Govr for Sherifs and Coroners, to serve for three years, if they so long behave themselves well, out of which respective Elections & Presentments The Gor shall nominate

and Commissionate One for each of the said officers, The Third Day after such presentment, or else the first named in such presentment for Each office, as Aforesaid, shall stand and serve in that office for the time before Respectively Limited; and in case of death or Default, such vacancies shall be supplied by the Governour to serve to the End of the said Term : PROVIDED always, that if the said freemen shall at any time neglect or Decline to Choose a person or persons for Either or both the aforesaid offices, then and in such Case the persons that are or shall be in the Respective offices of Sherif or Coroner at the time of Election, shall remain therein untill they shall be Removed by another Election, as aforesaid. And that the Justices of the Respective Counties shall or may nominate & present to the Govr, three persons to serve for Clerk of the Peace for the said County when there is a vacancy, One of which the Governour shall Commissionate within Ten Days after such presentment, or else the first nominated shall serve in the said office During good behaviour.

FOURTHLY: that the Laws of this Govrmt shall be in this stile, vizt: By the Governour with the Consent and approbation of the freemen in General Assembly mett, and shall be, after Confirmation by the Governour, forthwith Recorded in the Rolls office, and kept at Philadia, unless the Govr and Assembly shall agree to appoint another place.

FIFTHLY; That all Criminals shall have the same Privileges of Witnesses and Council as their Prosecutors.

SIXTHLY: That no person or persons shall or may, at any time hereafter, be obligated to answer any Complaint, matter or thing Whatsoever Relating to Property before the Governr and Council, or in any other place but in the ordinary Courts of Justice, unless appeals thereunto shall be hereafter by Law appointed.

SEVENTHLY: That no person within this Governmt shall be Licensed by the Governor to keep Ordinary, Tavern, or House of Publick Entertainment, but such who are first Recommended to him under the hand of the Justice of the Respective Counties, signed in open Court, weh Justices are and shall be hereby Impowered to suppress & forbid any person keeping such Publick House, as aforesaid, upon their misbehaviour, on such Penalties as the Law doth or shall

direct. and to Recommend others from time to time as they shall see occasion.

EIGHTHLY: If any person, through Temptation or melancholly, shall Destroy himself, his Estate, Real & Personal, shall, notwithstanding, Descend to his wife and Children or Relations as if he had Died a natural Death; and if any person shall be Destroyed or kill'd by Casualty or accident, there shall be no forfeiture to the Governour by Reason thereof; And no act, Law or Ordinance, whatsoever, shall at any Time hereafter be made or done to alter, Change or Diminish the form or effect of this Charter, or of any part or Clause therein, Contrary to the true Intent and meaning thereof, without the Consent of the Govr for the time being, and Six parts of Seven of the Assembly mett. But because the happiness of mankind depends so much upon the Enjoying of Liberty of their Consciences, as aforesaid, I do hereby Solemnly Declare, promise and Grant for me, my heirs and assigns, that the first article of this Charter, Relating to Liberty of Conscience, and Every part and Clause therein, according to the true Intent and meaning thereof, shall be kept and remain without any alteration, Inviably forever.

And **LASTLY**, I, the said William Penn, Proprietor & Govr of th Province of Pennsylvania and Territories thereunto belonging, for my self, my heirs and Assigns, have solemnly Declared, Granted and Confirmed, and do hereby Solemnly Declare, Grant and Confirm, that neither I, my heirs or Assigns, shall procure or do any thing or things whereby the Liberties in this Charter Contained and Exprest, nor any part thereof, shall be infringed or Broken; and if any thing shall be procured or done by any person or persons, Contrary to these presents, it shall be held of no force or effect.

IN WITNESS whereof, I, the said William Penn, att Philadia, in Pennsylvania, have unto this present Charter of Liberties sett my hand and Broad Seal, this Twenty Eight Day of October, In the Year of our Lord One thousand Seven hundred and one, being the thirteenth year of the Reign of King WILLIAM the Third, over England, Scotland, France and Ireland, &c., and in the Twenty first year of my Govrmt. And Notwithstanding the Closure and test of this present Charter, as aforesaid, I think fitt to add this following proviso thereunto as part of

the same, that is to say: that notwithstanding any Clause or Clauses in the above memconed Charter, obliged the Province and Territories to Join together in Legislation, I am Content and do hereby Declare that If the Representatives of the Province and Territories shall not hereafter agree to Joyn together in Legislation, and if the same shall be signified to me or my Deputy, in open Assembly or otherwise, from under the hands-and Seals of the Representatives (for the time being) of the province or Territories, or the major part of Either of them, any time within three years from the date hereof; That in such Cause the Inhabitants of Each of the three Counties of this Province shall not have Less than Eight persons to Represent them in Assembly for the Province, and the Inhabitants of the Town of Philadia (when the said Town is incorporated) Two persons to Represent them in Assembly; and the Inhabitants of Each County in the Territories shall have as many persons to Represent them in a Distince Assembly for the Territories as shall be by them Requested, as aforesaid, Notwithstanding which seperation of the Province and Territories in Respect of Legislation, I Do hereby promise, Grant and Declare that the Inhabitants of both Province & Territories shall separately Enjoy all other Liberties, Privileges and benefitts Granted Jointly to them in this Charter; any Law usage or Custom of this Govrmt heretofore made & practised, or any Law made and passed by this General Assembly to the Contrary hereof, Notwithstanding.

WILLIAM PENN.

Copia Vera.

p. Jos. ANTROBUS,
Clerk of Assembly.

This Charter of Privileges being Distinctly Read in Assembly, and the whole & every part thereof being approved of and agreed to by us, we don thankfully Receive the same from our Proprietor & Govr, at Philadelphia, This Twenty Eight Day of October, 1701.

Signed on behalf and by order, of the Assembly

JOS. GROWDON, Speaker.

Edwd. Shippen,
Phineas Pemberton,
Samll. Carpenter,

Propry. & Gov'rs Council.

Griffith Owne,
Caleb Pusey,
Thos. Story.

Recorded in the Rolls Office at Philadelphia, In Patent Book A., Vol. 2nd, pa. 125 to 129, The 31st of 8th Mo., 1701.

By me, THOS. STORY, Mr. ibim.

P.H.M.C. Archives. Colonial Records. Eighth Series, Vol.1, pp. 387-392. The fourth Frame of Government known as The Charter of Privileges was adopted October 28, 1701 and was replaced by the Constitution of 1776.

