

Pennsylvania Frame of Government, 1683 TEXT

To all persons, to whom these presents may come. Whereas king *Charles* the Second, by his letters patents, under the great seal of England, bearing date the fourth day of March in the thirty and third year of the lying, for divers considerations therein mentioned, hath been graciously pleased to give and grant unto me *William Penn* (by the name of *William Penn*, Esquire, son and heir of Sir *William Penn*, deceased) and to my heirs and assigns for ever, all that tract of land or province called Pennsylvania, in America, with divers great powers, preeminencies, royalties, jurisdictions and authorities, necessary for the well-being and government thereof. And whereas, the king's dearest brother *James*, duke of York and Albany,&c., by his deeds of feoffment, under his hand and seal, duly perfected, bearing date the four and twentieth day of August, one thousand six hundred eighty and two, did grant Unto me, my heirs and assigns, all that tract of land, lying and being from twelve miles northward of *Newcastle*, upon Delaware river, in *America*, to Cape Hinlopen, upon the said river and bay of *Delaware* southward, together with all royalties, franchises, duties, jurisdictions, liberties and privileges hereunto belonging.

Now know ye, That for the well-being and good government of the said province and territories hereunto annexed, and for the encouragement of all the freemen and planters, that may be therein concerned, in pursuance of the rights and powers aforementioned, I, the said *William Penn*, have declared, granted, and confirmed, and by these presents, for me, my heirs and assigns, do declare, grant and confirm unto all the freemen, planters and adventurers of, in and to the said province and territories thereof, these liberties, franchises and properties, so far as in me lieth, to be held, enjoyed and kept by the freemen, planters and adventurers of and in the said province of *Pennsylvania*, and territories thereunto annexed, for ever.

Imprimis, That the government of this province and territories thereof, shall, from time to time, according to the powers of the patent and deeds of feoffment aforesaid, consist of the Proprietary and Governor, and freemen of the said province and territories thereof, in form of provincial Council and General Assembly; which provincial Council shall consist of eighteen persons, being three out of each county, and which Assembly shall consist of thirty-six persons, being six out of each county, men of most note for their virtue, wisdom and ability; by whom all laws shall be made, officers chosen, and public affairs transacted, as is hereafter limited and declared.

II. There being three persons already chosen for every respective county of this province and territories thereof, to serve in the provincial Council, one of them for three years; one for two years, and one for one year; and one of them to go off yearly, in every county; that on the tenth day of the first month yearly, for ever after, the freemen of the said province and territories thereof, shall meet together, in the most convenient place, in every county of this province and territories thereof, then and there to chuse one person, qualified as aforesaid, in every county, being one-third of the number to serve in provincial Council, for three years; it being intended, that one-third of the whole provincial Council, consisting and to consist of eighteen persons, falling off yearly, it shall be yearly supplied with such yearly elections, as aforesaid; and that one person shall not continue in longer than three years; and in case any member shall decease before the last election, during his time, that then, at the next election ensuing his decease, another shall be chosen to supply his place for the remaining time he was to have served, and no longer.

III. That, after the first seven years, every one of the said third parts, that goeth yearly off, shall be incapable of being chosen again for one whole year following, that so all that are capable and qualified, as aforesaid, may be fitted for government, and have a share of the care and burden of it.

IV. That the provincial Council in all cases and matters of moment, as their arguing upon bills to be passed into laws, or proceedings about erecting of courts of justice, sitting in judgment upon criminals impeached, and choice of officers, in such manner as is herein after expressed, not less than two-thirds of the whole shall make a *quorum*; and that the consent and approbation of two-thirds of that *quorum* shall be had in all such cases, or matters, of moment: and that, in all cases and matters of lesser moment, one-third of the whole shall make a *quorum*, the majority of which shall and may always determine in such cases and causes of lesser moment.

V. That the Governor and provincial Council shall have the power of preparing and proposing to the Assembly, hereafter mentioned, all bills, which they shall see needful, and that shall, at any time, be past into laws, within the said province and territories thereof, which bills shall be published and affixed to the most noted places, in every county of this province and territories thereof, twenty days before the meeting of the Assembly, in order to passing them into laws.

VI. That the Governor and provincial Council shall take care that all laws, statutes and ordinances, which shall, at any time, be made within the said province and territories, be duly and diligently executed.

VII. That the Governor and provincial Council shall, at all times, have the care of the peace and safety of this province and territories thereof; and that nothing be, by any person, attempted, to the subversion of this frame of government.

VIII. That the Governor and provincial Council shall, at all times, settle and order the situation of all cities, and market towns, in every county, modelling therein all public buildings, streets and market places; and shall appoint all necessary roads and highways, in this province and territories thereof.

IX. That the Governor and provincial Council shall, at all times, have power to inspect the management of the public treasury, and punish those who shall convert any part thereof to any other use, than what hath been agreed upon by the Governor, provincial Council and Assembly.

X. That the Governor and provincial Council shall erect and order all public schools, and encourage and reward the authors of useful sciences and laudable inventions in the said province and territories thereof.

XI. That one-third part of the provincial Council, residing with the Governor, from time to time, shall with the Governor have the care of the management of public affairs, relating to the peace, justice, treasury and improvement of the province and territories, and to the good education of youth, and sobriety of the manners of the inhabitants therein, as aforesaid.

XIII. And to the end that all bills prepared and agreed by the Governor and provincial Council, as aforesaid may yet have the more full concurrence of the freemen of the province and territories thereof, it is declared, granted and confirmed, that, at the time and place in every county for the choice of one person to serve in provincial Council, as aforesaid, the respective Members thereof, at their said meeting, shall yearly chuse out of themselves six persons of most note, for virtue, wisdom and ability, to serve in Assembly, as their representatives, who shall yearly meet on the tenth day of the third month, in the capital town or city of the said province, unless the Governor and provincial Council shall think fit to appoint another place to meet in, where, during eight days, the several Members may confer freely with one another; and if any of them see meet, with a committee of the provincial Council, which shall be, at that time, purposely appointed, to receive from any of them proposals for the alterations, or amendments, of any of the said proposed and promulgated bills; and on the ninth day from their so meeting, the said Assembly, after their reading over the proposed bills, by the Clerk of the provincial Council, and the occasions and motives for them being opened by the Governor or his Deputy, shall, upon the question by him put, give their affirmative or negative, which to them seemeth best, in such manner as is hereafter expressed: but not less than two-thirds shall make a quorum in the passing of all bills into laws, and choice of such officers as are by them to be chosen.

XIV. That the laws so prepared and proposed, as aforesaid, that are assented to by the Assembly, shall be enrolled as laws of this province and territories thereof, with this stile: *By the Governor, with the assent and approbation of the freemen in provincial Council and Assembly met*, and from henceforth the meetings, sessions, acts, and proceedings of the Governor, provincial Council and Assembly, shall be stiled and called, *The meeting, sessions and proceedings of the General Assembly of the province of Pennsylvania, and the territories thereunto belonging*.

XV. And that the representatives of the people in provincial Council and Assembly, may, in after ages, bear some proportion with the increase and multiplying of the people, the number of such representatives of the people may be, from time to time, increased and enlarged, so as at no time, the number exceeds seventy-two for the provincial Council, and two hundred for the Assembly; the appointment and proportion of which number, as also the laying and methodizing of the choice of such representatives in future time, most equally to the division of the country, or number of the inhabitants, is left to the Governor and provincial Council to propose, and the Assembly to resolve, so that the order of proportion be strictly observed, both in the choice of the Council and the respective committees thereof, viz.: one third to go off, and come in yearly.

XVI. That from and after the death of this present Governor, the provincial Council shall, together with the succeeding Governor, erect, from time to time, standing courts of justice, in such places and number as they shall

judge convenient for the good government of the said province and territories thereof; and that the provincial Council shall, on the thirteenth day of the second month then next' ensuing, elect and present to the Governor, or his Deputy, a double number of persons, to serve for Judges, Treasurers, and Masters of the Rolls, within the said province and territories, to continue so long as they shall well behave themselves, in those capacities respectively; and the freemen of the said province, in an Assembly met on the thirteenth day of the third month, yearly, shall elect and then present to the Governor, or his Deputy, a double number of persons to serve for Sheriffs, Justices of the Peace, and Coroners, for the year next ensuing; out of which respective elections and presentments, the Governor, or his Deputy, shall nominate and commissionate the proper number for each office, the third day after the said respective presentments; or else the first named in such presentment, for each office, as aforesaid. shall stand and serve in that office, the time before respectively limited; and in case of death or default, such vacancy shall be supplied by the Governor and provincial Council in manner aforesaid.

XVII. That the Assembly shall continue so long as may be needful to impeach criminals, fit to be there impeached, to pass such bills into laws as are proposed to them, which they shall think fit to pass into laws, and till such time as the Governor and provincial Council shall declare, that they have nothing further to propose unto them, for their assent and approbation, and that declaration shall be a dismiss to the assembly, for that time; which Assembly shall be, notwithstanding, capable of assembling together, upon the summons of the Governor and provincial Council, at any time, during that year, if the Governor and provincial Council shall see occasion for their so assembling.

XVIII. That all the elections of members, of representatives of the people to serve in provincial Council and Assembly, and all questions to be determined by both or either of them, that relate to choice of officers, and all, or any other personal matters, shall be resolved or determined by the *ballot*, and all things relating to the preparing and passing of bills into laws, shall be openly declared and resolved by the vote.

XIX. That, at all times, when the Proprietary and Governor shall happen to be an infant, and under the age of one and twenty years, and no guardians or commissioners are appointed in writing, by the father of the said infant, or that such guardian shall be deceased, that during such minority, the provincial Council shall, from time to time, as they shall see meet, constitute and appoint guardians and commissioners, not exceeding three, one of which shall preside as deputy, and chief guardian, during such minority, and shall have and execute, with the consent of one of the other two, all the power of a Governor, in all public affairs and concerns of the said province and territories thereof, according to charter; which said guardian so appointed, shall also have the care and oversight of the estate of the said minor, and be yearly accountable and responsible for the same to the provincial Council, and the provincial Council to the minor, when of age, or to the next heir, in case of the minor's death, for the trust before expressed.

XX. That as often as any days of the month mentioned in any article of this charter, shall fall upon the first day of the week, commonly called the *Lord's* day, the business appointed for that day, shall be deferred until the next day, unless in cases of emergency.

XXI. And, for the satisfaction and encouragement of all aliens, I do give and grant, that, if any alien, who is, or shall be a purchaser, or who doth, or shall, inhabit in this province or territories thereof, shall decease at any time before he can well be naturalized, his right and interest therein shall notwithstanding descend to his wife and children, or other his relations, be he testate, or intestate, according to the laws of this province or territories thereof, in such cases provided, in as free and ample manner, to all intents and purposes, as if the said alien had been naturalized.

XXII. And that the inhabitants of this province and territories thereof may be accommodated with such food and sustenance, as God, in His providence, hath freely afforded, I do also further grant to the inhabitants of this province and territories thereof, liberty to fowl and hunt upon the lands they hold, and all other lands therein not inclosed; and to fish, in all waters in the said lands, and in all rivers and rivulets in, and belonging to, this province and territories thereof, with liberty to draw his or their fish on shore on any man's lands, so as it be not to the detriment, or annoyance of the owner thereof, except such lands as do lie upon inland rivulets that are not bootable, or which are, or may be hereafter erected into manors.

XXIII. And that all the inhabitants of this province and territories thereof, whether purchasers or others, may have the last worldly pledge of my good and kind intentions to them and theirs, I do give, grant and confirm to all and every one of them, full and quiet possession of their respective lands, to which they have any lawful or equitable

claim, saving only such rents and services for the same, as are, or customarily ought to be, reserved to me, my heirs or assigns.

XXIV. That no act, law, or ordinance whatsoever, shall, at any time hereafter, be made or done by the Proprietary and Governor of this province, and territories "hereunto belonging, his heirs or assigns, or by the freemen in provincial Council or Assembly, to alter, change or diminish the form or effect of this charter, or any part or clause thereof, contrary to the true intent and meaning thereof, without the consent of the Proprietary and Governor, his heirs or assigns, and six parts of seven of the said freemen in provincial Council and Assembly met.

XXV. And lastly, I, the said *William Penn*, Proprietary and Governor of the province of *Pennsylvania*, and territories thereunto belonging, for me, my heirs and assigns, have solemnly declared, granted and confirmed, and do hereby solemnly declare, grant and confirm, that neither I, my heirs nor assigns, shall procure, or do, any thing or things, whereby the liberties, in this charter contained and expressed, shall be infringed or broken: and if any thing be procured, by any person or persons, contrary to these premises, it shall be held of no force or effect. In witness whereof, I, the said *William Penn*, at Philadelphia, in *Pennsylvania*, have unto this present charter of liberties set my hand and broad seal, this second day of the second month, in the year of our Lord one thousand six hundred and eighty and three, being the five and thirtieth year of the king, and the third year of my government.

William Penn.

This within *charter*, which we have distinctly heard read and thankfully received, shall be by us inviolably kept, at Philadelphia, the second day of the second month, one thousand six hundred eighty and three.