Obverse of the Great Seal of William Penn.

Reverse of the Great Seal.
THE discovery of a lost document is a rare and welcome experience, especially when this document helps to illuminate previously obscure areas of our knowledge of the past. The recent finding by the Pennsylvania Historical and Museum Commission of two sheets of William Penn's missing Charter of Property among stored records in the State Capitol Building at Harrisburg was such an experience.¹ These two parchment sheets together with three paper sheets found in the collections of the Historical Society of Pennsylvania provide a nearly complete text of a document never previously published and about which little was known.² Yet this document was potentially one of the most important instruments in Pennsylvania’s provincial history, and it was in Penn’s mind a companion piece to the better-known Charter of Privileges of October 28, 1701.

William Penn’s second visit to Pennsylvania was drawing to a

¹Dr. Edwin B. Bronner, Assistant Professor of History at Temple University, has published articles on early Pennsylvania history in a number of journals.

²The two final parchment sheets of the Charter of Property were discovered in January, 1957, by William A. Hunter, associate historian of the Pennsylvania Historical and Museum Commission. Mr. Hunter was engaged in screening stored records of the Bureau of Land Records of the Department of Internal Affairs and found them in a wooden box filled with a miscellaneous collection of parchment land deeds. The first sheet, which would have carried William Penn’s signature, was missing. Presumably, it was destroyed when Penn decided not to give effect to the charter by affixing the great seal. Both sheets are in very good condition, the second sheet measuring 29 inches wide and 24½ inches long and the final sheet being 29 inches wide and 8 inches long.

²Nicholas B. Wainwright, head of the Research Department of the Historical Society of Pennsylvania, located this material in the Penn Manuscripts, Assembly and Provincial Council. It consists of two large foolscap sheets, approximately 15½ inches by 12¾ inches, written on both sides, and a third smaller sheet, approximately 7¼ inches by 12¾ inches, with writing on only one side. Although there is no title to identify these sheets as a draft version of the first part of the Charter of Property, there can be no doubt that they are such. At the end of the engrossed sheets a list of words interlined on the missing first parchment sheet is given. All these interlined passages appear in the rough draft, and it was found, by allowing three lines of the draft to one of the engrossed document, that the words to be interlined appeared in the proper places in the draft.
close at the time that the Charter of Property was drawn up and signed. He had returned to the province late in 1699 after an absence of nearly fifteen years, accompanied by his second wife, Hannah Callowhill, his grown daughter Letitia, and James Logan, his secretary. By this time the province had surmounted its initial hardships, and Penn found a thriving plantation. During the next two years, he was able to smooth over most of the disagreements and misunderstandings which had developed during his absence. His presence in the Friends meetings for worship, where he delivered powerful sermons, dispelled any doubts which may have been harbored by any of the Quakers about his continued dedication to the Truth. Prior to his return to England he agreed to a new constitution of government, known as the Charter of Privileges, and he and the Assembly had reviewed the laws and drawn up a set to serve as the basis for the future. In only one area of his relationship with the colonists was there uneasiness as Penn prepared to board the ship Dolnshope late in October, 1701. Penn as feudal proprietor of Pennsylvania had not yet solved his land problems with the settlers.

When King Charles II granted Pennsylvania to Penn in 1681, he used the feudal forms which had been common in the Middle Ages since he knew of no other way in which to grant territory. Under the charter, Penn held his colony as a feudal seigniory “in free and common Socage by fealty only.” This meant that Penn could grant land to the colonists in fee simple, that is, outright without any restrictions, or in fee tail, with limitations. In practice, Penn sold most of his land with the proviso that the purchaser would pay an annual quitrent forever. His attempts to collect

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8 Isaac Norris wrote of his welcome among Friends and his powerful sermons to a number of persons including William Penn, Jr., John Askew, and Philip Ford. To Askew he wrote: “all things in Church and Govermt seem to goe well since his Arrival hitherto... wee Belive and find him still a true man notwithstanding all the Insinuations of his Enemies During his Absence.” Norris Papers, Isaac Norris Letterbook, 1699-1702, Historical Society of Pennsylvania.

4 Much of this introduction is based upon material found in “Pennsylvania: 1681 to 1701, Utopian Failure, Practical Success,” by Edwin B. Bronner, an unpublished doctoral dissertation at the University of Pennsylvania.

quitrents and the failure of the settlers to pay them caused difficulty almost from the beginning of the colony. There was a contradiction between the liberal government and laws which Penn granted to the colonists and this attempt to revive in Pennsylvania a medieval custom which had been dropped in England.\textsuperscript{6} While Penn may have realized that there was this contradiction, he was unwilling to relinquish the potential income from quitrents, for he had spent large sums in founding the colony, had suffered heavy financial losses during and after the Glorious Revolution because of his friendship for James II, and was facing complete financial disaster because of the chicanery of Philip Ford, his trusted agent.

Penn’s original proposals regarding property had been generous, even though he granted land with the proviso that quitrent would be owed forever. For example, in his brochure, \textit{Some Account of the Province of Pennsylvania}, he offered to sell 5,000 acres of land for £100 with the added payment of a quitrent of one shilling a year for each hundred acres.\textsuperscript{7} He would sell smaller plots at the same rate, that is, 1,000 acres for twenty pounds or 500 acres for ten pounds. In the document “\textit{Certain CONDITIONS or CONCESSIONS agreed upon by William Penn . . . and those who are the Adventurers and Purchasers . . .}” he promised to lay out a large town in the province and to give a plot of land in the town to each purchaser.\textsuperscript{8} This town lot would equal 2 per cent of the total purchase. For example, a man who bought 5,000 acres would be given 100 acres in the town, and an adventurer who purchased 500 acres would receive 10 acres in town. He quickly realized that he would need to define the word “town” in a broad sense, and, although he gave town lots to a few First Purchasers, he located the balance of their town land and all the town land given to others in the “liberties” on the edge of the town proper.

In the spring of 1681 William Markham, a cousin of the proprietor, was sent ahead to Pennsylvania to take care of details


\textsuperscript{7}Albert Cook Myers (ed.), \textit{Narratives of Early Pennsylvania, West New Jersey, and Delaware, 1630-1707} (New York, 1912), 208.

on that side of the Atlantic, and he was soon followed by three land commissioners. Penn stayed in England to promote colonization through personal contact, letters, and the writing of brochures. His promotional efforts were successful, and the colony grew rapidly, then and during his first visit from 1682 to 1684. A boundary dispute with the Baltimores, proprietors of Maryland, forced his sudden return to England in 1684.

In the next fifteen years there were frequent differences of opinion regarding land. Penn expected the colonists to pay annual quitrents, but they seldom paid them. The colonists were short of ready money, and many probably could not pay; besides, they did not want to pay. In turn, the colonists complained that Penn's land officials, such as Surveyor General Thomas Holme, were either unco-operative or downright dishonest. Records were poorly kept, and some persons felt insecure in their deeds. Though these problems were no more serious than similar ones in neighboring colonies, they were aggravated by Penn's absence in England, which made it difficult for him to administer the proprietary affairs of the colony.

When Penn returned to Pennsylvania in 1699, it was hoped that he would be able to settle problems, smooth over misunderstandings, and bring about a satisfactory solution of past differences. A serious effort was made to achieve these ends. Penn appointed his secretary, James Logan, to be receiver general with the expectation that he could supervise the collection of quitrents. He also took the initiative in settling the uncertainty of property rights and approved at New Castle in November, 1700, "An Act for the Effectual Establishment and Confirmation of the Freeholders of This Province and Territories, Their Heirs and Assigns, in Their Lands and Tenements."9

This law confirmed the use and enjoyment of lands taken up by freemen, confirmed future grants, which were to be under the great seal or lesser seal, and provided for a resurvey of lands when it was suspected that errors had been made in the original survey. It provided that four acres in the hundred over or under should

"See Pennsylvania Colonial Records, 16 vols. (Harrisburg, 1838-1855), I (1838), 571-572, 573, 584, 588, 590, 600, 601, 602; Votes, I, 237, 239-240. The act is printed in James T. Mitchell and Henry Flanders (comps.), The Statutes at Large of Pennsylvania from 1682 to 1701, 18 vols. (Harrisburg, 1896-1915), II, 118-123. The "Territories" in the title refers to Delaware, then known by that name or as the "Three Lower Counties."
be allowed for difference of surveys and an additional 6 per cent for roads and highways where a man had more land than he had originally purchased. If it was found that the landholder held more than 10 per cent over his original grant, he was given first chance to purchase the additional acreage. Property owners were to have previous notice before such surveys were taken, and arrangements were made for settling problems which might arise from the reselling or redividing of the land after the original purchase. The protections for property contained in the charter of 1683 were confirmed even though that charter had been withdrawn. Property rights of infants, married women, lunatics, absentee owners, and aliens were to be respected, and the sale of lands by attorneys for absentee owners was validated.

In August, 1701, Penn reported to the Council that efforts were being made in England to annex the proprietary colonies to the Crown and that it was necessary for him to go there to make a personal defense. On the advice of the Council, he issued a call for the Assembly to meet on September 15, and he advised the members when they had assembled to think “of some suitable expedient and Provision for your safety, as well in your Privileges as Property.”

The session did provide for a guarantee of privileges in the Charter of Privileges, signed on October 28, 1701, but a bitter dispute developed over property. The Assembly drew up a list of twenty-one demands, asking that they be confirmed in the charter. Penn responded favorably to some of these requests, but not to all. The principal difficulty was the attempt of the Assembly to amend the land law adopted at New Castle in 1700 so as to allow to all previous purchasers an “overplus” of 10 per cent in their lands whether a resurvey showed a surplus of land or not. A similar allowance of 5 per cent overplus was to be granted to all subsequent purchasers. Penn rejected this amendment, offering, however, to grant a 6 per cent overplus to all purchasers. The Assembly rejected this offer, and the land law of New Castle remained as it was.

10 Colonial Records, II (1838), 27, 31. See also Winfred T. Root, The Relations of Pennsylvania with the British Government, 1695-1765 (New York, 1912).
12 The dispute can be followed, ibid., 281-327, and Colonial Records, I (1838), 31-59.
Penn meanwhile had had a Charter of Property drawn up and sent to the Assembly. It became involved in the dispute over the amendment to the Bill of Property, and the Assembly was dissolved on October 28, 1701, without approving the charter. Later that day in New Castle after Penn had boarded the Dolmohoy, which was to return him to England, he was persuaded to sign the Charter of Property even though it had not been approved. Concerned over the provisions therein relating to the courts, he did not place the great seal upon it, but directed that the seal should be affixed within six months unless he directed differently before that time. The following January he ordered that the seal be withheld unless within six months he sent orders to the contrary. No such order was given, and the Charter of Property never went into effect.

It seems clear that Penn regarded the Charter of Privileges and the Charter of Property as companion measures to protect the rights of the settlers and himself if the government of Pennsylvania should be taken over by the Crown. It was expected that Penn would probably be allowed to continue as proprietor of the land in Pennsylvania, and the Charter of Property would provide protection for his interests and for those of the people who held grants under him.

Much of the Charter of Property is a restatement of earlier documents such as Penn's charter from Charles II, the "CONDITIONS or CONCESSIONS," and the Charter of Liberties. However, there is one important innovation in the document: provision for an elaborate proprietary organization to supervise land practice and policy. Penn was both proprietor of the land in Pennsylvania and head of the government in the province. The procedures of government were established by the Charter of Privileges, the laws passed at New Castle, and the laws enacted in

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13 Ibid., 59; Edward Armstrong (ed.), Correspondence Between William Penn and James Logan, 2 vols. (Philadelphia, 1870), 58-59. Penn's correspondence with Logan seems to indicate that he had begun the preparation of the Charter of Property early in September, 1701, and possibly that he had commissioned David Lloyd to draft it. See ibid., 53, 54, 56.


15 The Provincial Council clearly recognized this distinction. On October 24, 1701, the Councillors asked "the Govr to inform them whom he designs to leave to represent him in Govrmt, and who in Proprietary." Colonial Records, II (1838), 51.
The Charter of Property, which was an agreement between Penn as proprietor and the purchasers in the colony, contained guarantees to the settlers and established machinery for the care of his proprietary responsibilities.

It provided for four Commissioners of Property as in the past. It also provided for six Assistants, who would advise his Lieutenant and the Commissioners. These Assistants were named in the document, but provision was made that in the future three should be appointed by the proprietor and three by the new General Court. The Lieutenant, the Commissioners of Property, and the Assistants, meeting together, formed a Council “for the Ordering directing and regulating the affairs of my sd Seigniory or Propriety.” Each year on March 10, the new body called the General Court was to meet. Two persons from Philadelphia and four persons from each of the three counties in Pennsylvania were to be elected by the freeholders to this body. The qualifications regarding membership and suffrage which applied to the General Assembly of the government were to apply to the General Court, and many of the powers of the legislature were also granted to the General Court. In addition to the elected members, the Lieutenant and the Assistants were to sit on the General Court; the Lieutenant was to preside and to have a veto power.

The Lieutenant and Assistants were to appoint judges, justices, magistrates, and officers to hold courts “for the probate of Wills and for granting of Administrations . . . within the precincts of the sd Province and Seigniory.” The General Court was to have the power to create courts of record and equity “with all other such Courts as may be requisite and necessary for the administration of justice within the sd Seigniory.”

Penn thus proposed to create within the seigniory a framework which was parallel to that in government. The Lieutenant Governor was to be his Lieutenant in land matters. The Commissioners and Assistants joined the Lieutenant in forming a Council similar to the Provincial Council. Elected representatives joined with the Lieutenant and the Assistants to form a General Court which resembled the General Assembly. Finally, a system of courts was established to hear cases regarding property matters.

Such an arrangement seemed most desirable as Penn sailed for England, with royal seizure of the government a distinct possi-
bility. He wanted to provide adequate protection both for himself and the settlers against a royal governor who might be unfriendly to the Quakers. On the other hand, this additional machinery, in many respects duplicating the powers of the government he already controlled, would be very unwieldy and would create serious questions of overlapping jurisdiction. Probably for this reason, when he did succeed in protecting his right to govern the province, he dropped the Charter of Property.

This first printing of the text of the Charter of Property, which follows, consists of two parts—the rough draft of the first portion, found in the Historical Society of Pennsylvania, and the two engrossed sheets discovered by the Pennsylvania Historical and Museum Commission. A gap, probably not very extensive, exists between these two sections.

An effort has been made to reproduce the text as nearly as possible as it appeared in the original sources with editorial additions held to a minimum. It was not feasible to reproduce interlined and crossed-out words or the tilde sign used to indicate a double “m” or the omission of “i”. Paragraphs have been inserted to make reading easier, and *sic* has been used where necessary. In some cases, missing letters and words have been supplied in brackets where the manuscript was torn or a key word inadvertently omitted. The many careless errors which appear in the rough draft, such as “forthiest” for “fortieth,” indicate the haste with which it was written.

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THE CHARTER OF PROPERTY

To all People To whom these presents shall come I William Penn Proprietary and Governr of the Province of Pensilvania &c Send Greeting

Whereas the Late King Charles the Second by his Royall Charter or letters Pattent under the Great Seal of England bearing Date the fourth Day of March in the three and Thirtieth year of his Reign for the considerations therein menconed was graciously pleased to give & grant and by the Said Charter did for him his heirs and Successors Give and Grant unto me by the Name of William Penn Esqre Son & heir of William Penn deceased and to my heirs & Assigns All that Tract or part of Land

16 The title has been supplied as none existed on the rough draft.
in America with the Islands therein contained as the same is 
bounded on the East by Delaware River from twelve Miles distant 
Northwards of Newcastle Town unto the three & forthieth Degree 
of Northern Latitude if the sd River doth Extend so far Northward 
but if the Said river Shall not extend so far Northward 
Then by the sd river as it doth extend and from the head of the 
sd River the Eastern bounds are to be determined by a Meridian 
Line to be drawn from the sd River into the sd three and fortieth 
degree The Said Land to Extend Westward five degrees in 
Longitude to be Computed from the sd Eastern bounds And the 
sd Lands to be bounded on the North by ye beginning of ye three 
& fortieth degree of Northern Latitude And on the south by a 
Circle drawn at Twelve miles distance from NewCastle Northward 
and Westward unto the beginning of the fourtieth degree 
of Northern Latitude and then by a strait line Westward to the 
Limits of Longitude above Menconed Together with the free and 
undisturbed Use and continuance in and passage into and out of 
all and Singular the Ports Harbours Bays Waters Rivers Isles 
and Inlets belonging unto or leading to and from the Countrey 
or Islands aforesd And all the soile Lands fields Woods under- 
woods mountains hills fenns Isles Lakes Rivers Waters Rivulets 
Bays and Inletts Scituate and being within or belonging to the 
Limits or bounds aforesd Together with the fishings of all Sorts 
of fish Whales Sturgeons and all Royal and other fishes in the 
Seas Bays Inlets Waters or Rivers within the Premises and all 
the fish therein taken. And also all Mines Minerals and Quarries 
as well discovered as not discovered as not discovered [sic] of 
Gold Silver Gemms and pretious Stones & all other whatsoever 
Be it Stones Mettells or any other thing or Matter whatsoever 
found or to be found within the Countrey Isles or limits afore sd 

And the sd late King by the same Royal Charter for him & 
his heirs and Successors Did make create & constitute me the 
sd William Penn my heirs & Assigns the true & absolute Proprietarys of the Countrey aforesd and of all the premises Saving 
always to the King the ffaith and Allegiance of me my heirs & 
Assigns and of all other Proprieties Tenants and Inhabitants 
that are or Shall be within the Territories or Precincts aforesd 
And saving also to the King his heirs & Successors the Soverainty 
of the aforesd Countrey To have hold Possesse and Enjoy the
sd Tract of Land Countrey Isles Inletts and other the premises unto me the Sd William Penn my heirs and Assigns for ever To Be holden of the sd late King his heirs and Successors Kings of England as of their Castle of Windsor in the County of Berks in free and Common Sottage [sic] by feally [sic] only for all services and not in Capite or by Knights Service Paying therefore to the Sd King his heirs & Successors two Beaver Skins to be delivered at the sd Castle of Windsor on the first day of Januuary in every Year And Also the fift Part of all Gold and Silver Bar which shall from time to time happen to be found Within ye Limits aforesd clear of all Charges And the sd late King by the same Charter did Errect the aforesd Countrey and Islands into a Province and Seigniorie and called it Pensilvania and from thence forth Willed it should be so called And further more the sd late King for him his heirs and Successors did there by give and grant unto me my heirs & Assigns Full and absolute power Licence and Authority that I and my heirs and Assigns from time to time here after for ever at our Will & Pleasure might Assign Allien grant demise Enfeoff so many and Such parts & parcels of the premises to him or them as Should be willing to purchase the Same as we should think fitt To have and to hold to them the sd Person or Persons willing to take a Purchase of their heirs & Assigns in free Simple or free Tail or for the term of Life Lives or Years to be holden of me my heirs or Assigns as of the sd Seigniory of Windsor by such Services customs or rents as Should Seem fitt to me my heirs or Assigns And not inmediately of the King his heirs & Successors and to the same Person or persons & to all & every of them the sd late King by his Letters Patent aforesd did for him his heirs & successors give and grant Licence Authority & Power That Such Person or Persons may take the Premises or any parcel there of me my heirs or Assigns And the Same hold to them Selves their heirs And Assigns in what Estate of Inheritance soever in free Simple or in free Tail or other wise as to me my heirs & Assigns Should Seem expedient The Statute made in ye Reign of Edward the first called Quia Emtores Terrarum in any wise not withstanding As by the sd Letters more fully appears

By virtue of which of which [sic] Letters patent I the sd William Penn became lawfully Seized in my Demeasne as of fee &
Right of & in all & Singulr the Sd Tract of Land Province Seigniory and Countrey with the Islands Inletts and other the premises to me granted as aforesd. And being so there of Seized I have (through the good Providence of God and favour of the King []) Settled a hopefull Colony here And by my Self & Commissioners or Agents Sold and granted Several Tracts or parcels of the Sd Lands Islands and Countrey to divers Persons some of whom have had & others do want Confirmation for their Said Lands. Therefore Know ye That I the sd William Penn To give an Ample Testimony of my Sincere and full intentions as far as in me lies to establish and confirm the sd persons and all other the Settlers and Inhabitants of this Province in their Just rights Liberties franchises and Estates As also for divers other good Causes & Considerations me there Unto moving Have Granted Ordained and Declared and by these presents Do for me my Heirs & Assigns grant Ordain and Declare That all and every Such Lands and Hereditaments which any person or persons Religious Meetings or Congregacons Schoolls Towns Villages or Countys do Actually hold and enjoy or ought to have hold and enjoy within the sd Province as well by or under my grant gift or Estate duely made or Granted either by me or my Said Commissioners and Agents pursuant to the sd persons right of purchase Demise or gift from me as Also by or under any old grant Patent or Warrant Obtained or had from Governours or Lawfull Commissioners under the Crown of England before the Date of the sd Letters Patent or by any other Legal or Equitable Grant right Title Entry possession or Estate whatsoever Shall be by Such Person or Persons Meetings Schools Towns Villages and Countys respectively here After held & Enjoyed According to the purpose & intent Respective Right grant Patent purchase or Demise & for & in the Estate or Estates thereby granted or int- tended to be thereby granted or Settled

And I do here by ratify and confirm as farr as in me lies All the Sales gifts Grants and Assurances that have been made or Granted to any Person or Persons by any Religious Meetings Congregacons Towns or Countys or by any Person or Persons in

17 In the original document, “want” was crossed out, and “had” was written above it.
18 In the original document, “have had” was crossed out, and “do” was written above the two words.
their Names Stead & behalfs or by their Order direction or Appointments of for [sic] concerning any Lands Tenements or hereditaments within this Province for and in any Estate whatsoever freely and clearly acquitted & discharged or otherwise well & sufficiently Saved harmless by me & my heirs from time to time of and from all Indian Claims and of & from all other gifts grants Sales Titles Charges and Incumbrances whatsoever heretofore had made done or Suffered or hereafter to be had made done or Suffered by me or by any other person or persons lawfully Claiming or to claim¹⁰ by from or under me Saving the Rents and Services reserved or made payable to me and my heirs or to the Lord or Lords of the ffee of the Sd premises And that no grant Patent or Conveyance of any Lands Tenements Hereditaments so made as aforesd Shall be Judged or taken to be defective avoyded or prejudiced for or by reason of any want of form or for not being entred upon Record or for want of being Sealed with the great Seal or of being Sealed & delivered before Witnesses or for want of Livery and Seisin or Attornment or for want of Menconing the Consideracon Money But that the Same Shall stand & remain in force and be maintained adjudged declared & have Effect in such Manner as the same Should or ought According to the Laws and usages of this Province then & there practiced & allowed

Provided always that nothing herein Contained Shall be deemed adjudged Construed or taken to Confirm any Lands taken up by virtue of the Sd old Grants and not duely Sealed Nor to create or confirm any Right or Interest to any person or persons whatsoever unto or for Any more or greater quantity of Lands Marsh Meadow or Cripple than what Shall appear by Grant Demise or Purchase from me or my Commissioners or Agents or from my Predecessors the former Governrs or Commissioners aforesd to be the sd Persons just due (over and Above the Acres by me Allowed in the Act of Property now past in general Assembly to be added to every hundred Acres of Lands for Roads and Barrens)

Nor Shall these presents make good or valid any Warrant Grant Patent or Survey whatsoever that has been granted Executed or Made upon the Lands Marshes Meadows & Criples

¹⁰ In the original document, "obtain" was crossed out, and "claim" was written above it.
or any part thereof wch before the Date or time of such Survey were actually layd out or Survey’d to any persons or persons in part or Pursuant to their Purchase of Lands in this Province Nor shall any thing herein contained extend or be construed to take off any Land by way of surplus or over Measure out of any Tract or Tracts layd out & Survey’d to any person or persons who had or have right by purchase from me to take up more Lands in the Sd Province than what they have actually taken up But that all such over Measure shall be Defalked [sic] out of their unsurvey’d Lands as farr as their Right Extends and what may prove more than their right Shall be disposed of as other overplus Land These presents or any Law Act Charter Patent Grant or Survey whatsoever to the Contrary in any wise notwithstanding.

And I do by these presents for me my heirs & Assigns further grant promise & Agree to and with all and every the free holders and Inhabitants of the Sd Province of Pensilvania That I my heirs & Assigns Proprietyrs of the same province either by our selves or by sufficient Lieutenants Commissionrs or Agents who from time to time Shall be Lawfully & effectually Authorized and Impowered by me or them or Some of us Shall & will at all times hereafter upon the reasonable Request costs & charges in the Law of the Person or persons requesting the Same make do execute Acknowledge & suffer or Cause [one word illegible] to be & every such Patents and Grants as may be Necessary According to the Laws and Constitucons of this Province To Grant Assure and Confirm all Singular [sic] the Lands Tenemts & hereditaments in the Sd Province by me or My Comissioners or Agents herefore granted or disposed of or which by me my heirs or Assigns or by or by [sic] mine or their Commissioners or Agents Shall hereafter be sold or disposed to Any Person or Persons Bodies Politick or Corporal religious Meetings Congregacons Schools Towns Villages and Countys To Hold the sd Lands & premises with their appurtenances to the grantees or persons interested therein for Such Estate or Estates term or terms of Life Lives or Years and for Such Uses and under such quitt rents Services & Acknowledgmts as the Same Lands & Premises were are or Shall be Sold granted or disposed of as aforesd All which Sd

In the original document, this word was first written as “acquitt,” but the “ac” was crossed out.
Patents Deeds & grants made & Executed as aforesd being under the great Seal now used or hereafter to be used for that purpose and Entred upon Record in the Patent or Rolls Office shall be good & effectual in Law against me my heirs and Successors And shall give to the grantees their heirs Successors & Assigns an Absolute Title to the Lands & Premises thereby granted or intended to be granted be they more or less than Laid out for

And I do hereby for me my heirs & Assigns give & grant full & Absolute Licence & Authority to & for all religious Meetings within this Province by such Persons as they shall respectively appoint from time to time to represent them aforesd to and for all Countys Towns & Villages in the sd Province by the Justices with Consent of the grand Inquest of each respective County where there may be occasion and Service to Sell grant & Convey any Lands Tenements & Hereditaments belonging or to belong to the Sd Meetings or County Towns or Vilages respectively to Such Person or Persons as they shall think fitt To Hold to him or them as shall be willing to take or purchase the Same in fee Simple term of Life Lives or years to be held of me my heirs and assigns by the accustomed Rents and Services thereof

And That all the purchasers and renters of Lands in this Province their Eirs [sic] & Assigns shall have & Enjoy all & every the Rivers Inletts Ponds Rivulets passages ways waters water courses Landings Strands Fisshings Fowlings Hawkings Hunting Woods Timber Meadows Swamps Marshes Shens Sunken Lands Savannas & Criples with all Quaries Minerals & all other Liberties privileges ffranchises Imunities & Appurtenances what Soever to their respective Lands belonging or in any wise appertaining Although the same be not particular menconed or Specified in their respective Patents Deeds or Grants Three full clear fifth parts of all Royal Mines free from all deductions & reprisals for digging and refining the Same only Excepted & hereby reserved to me my heirs & Assigns out of the Same

And I do here by further grant & Declare That if any Person or Persons Shall happen to dye without their general or Special Naming at the time of their Decease any Estate Title interest or Right of inheritance of in or to any Lands Tenemts or Hereditamts within the Sd Province Then and in that Case the Sd Lands Tenemts & Hereditamts of him her or them So dying Shall revert
or come back to the grantor Donor or other Person or persons respectively of whom the Same were immediately held and no Lands Tenements or Hereditaments in this Province Shall Escheat or be entered upon by way of Escheat by me or my heirs or any other on our behalves unless the Person or Persons so dying do at the time of his or their decease hold the same Lands & premises immediately or immediately from me or my heirs or from or under Such person or persons as Shall then be dead without heirs general or Special These presents or any other Charter patent grant Act or thing to the Contrary in any wise not withstanding

And of my Special Bounty & favour to the Inhabitants of the Sd Province I do for me & my heirs further grant and Declare That all the Lands & Tenements goods & Chattles of Such as Shall Commit felony by murdering themSelves or others or be Convicted of any other felony which by Law may be adjudged to be forfeited to me or my Heirs as Lords of this Seigniory Shall go to the felon'S Relations as if no such felony were committed or forfeiture Accrued and that all things that Shall be the cause of any Man's Death and Shall belong to me or my heirs as Deodands shall be & remain to Such as shall be the real Owner or Owners of the same at the time of Such Misfortune.

And moreover I do by virtue of the Sd Letters patent for me my heirs and Assigns grant unto the Sd Inhabitants & to all other the Kings Subjects & Leige People the free undisturbed use & continuance in the Passage unto & out of all & singular the Ports Harbours Bays Waters Rivers Isles & Inletts belonging to or leading to & from the Countrey or Islands aforesd with free liberty to make & Establish ferries and Erect Bridges over any of the sd rivers for the Accomodacon of the Countrey Subject only only [sic] to Such moderate Tolls or Rates as are or Shall be by Law Sett upon passengers and goods or other things for ferriage and pontage and no other Tolls Rates or Imposts whatsoever Provided always that no Bridges Shall be Erected over the Navigable parts of any Creek or Creeks nor Shall any ferries be Sett up or used for publick passage in Any part of this Province without Consent of the General Court herein after Menconed

And Whereas the Sd King by his Letters patent aforesd did for him his heirs & Successors further give and grant unto me my heirs & Assigns free and Absolute power to divide the Sd
Countrey & Islands into Towns Hundreds & Countys & to Erect & Incorporate Towns into Burroughs & Burroughs into Cities and to make & Constitute ffairs and Markets therein with all other convenient Privileges & Imunities according to the Merit of the Inhabitants and the fitness of the Places and to doe all & every other thing & things touching the Premises wch to me my heirs & Assigns should Seem Meet requisite Albeit they be Such as of their own Nature might otherwise require a most Special Commandment & Warrant than in the Sd patent is expressed As by the Same letters Patent may also appear By virtue whereof I have caused the Several Countys of Philadelphia Chester and Bucks to be already divided And have appointed Philadelphia to be the Shire Town of Philadelphia County and Chester to be Shire Town of Chester County and Buckingham lately called New Bristol to be the Shire Town of Bucks County, and in the Sd Towns there are Streets and Markett Places Sett out & modeled and ffairs & Marketts established which together with the division of the Sd Countys I do hereby Ratifie and Confirm and Also do promise & grant that I & my Heirs by our selves or Lieutenants or Commissioners aforesd wth the Consent of the General Court herein after menconed Shall divide the residue of the sd Countrey into more Countys as Occasion Shall from time to time require the same wch Countys so to be appointed & divided Shall be Endowed wth the like Privil[eges] and Jurisdic[tions] and be rep[resented in Legislacon and be Supplied with Majistrates & Courts of Judicature with Officers & Incidents suitable there unto as Amply as any other Coun[tys] in this Province are or from time to time Shall or ought to be.

Assent and approbaton of the ffreemen of the sd Countrey or the greater part of them or of their Deligates or Deputies whom for the Enacting of the sd Laws when and as often as need shall require the King willed That I and my heirs should Assemble in

21 The sheet was partly torn at the folds along the edge. The missing letters have been supplied in brackets in the next few lines.
such sort & form as to me and them should seem best And the same Laws duly to Execute unto & upon all people within the said Countrey & Limits thereof

And the sd Late King by his sd Charter did likewise give & grant unto me & my heirs and our Deputies & Lieutenants full power & authority to appoint & establish any Judges and Justices Magistrates & Officers whatsoever for what Causes soever for the Probate of Wills and for the granting of Administrations within the precincts aforesd And with what process soever and in Such form as to me or my heirs should seem most convenient And to do all & every other thing & things which unto the compleat Establishment of Justice Courts & Tribunals forms of Judicature and manner of Proceedings do belong Although in those presents express mention be not made thereof And by Judges by us delegated to Award process hold pleas & determine in all the said Courts and Tribunals all Actions Suits & Causes whatsoever as well Criminal as Civil personal real and mixt Which Laws so as aforesd to be published The sd Late King did enjoyn require & command shall be most absolute and available in Law And that the Liege peple of him his Heirs and Successors do observe and keep the same inviolably in these parts so far as they concern them under the pain therein Expressed or to be Expressed Provided nevertheless That the sd Laws be consonant to reason and not repugnant or contrary but as near as conveniently may be Agreeable to the Laws Statutes and Rights of the Kingdom of England And Saving & reserving to the King his heirs & Successors the receiving hearing and determining of the Appeal and Appeals of all or any person or persons of or belonging to the Territories aforesd Or touching any Judgment to be there made or given

And the sd King further declared his Will and pleasure That a Transcript or Duplicate of all Laws which should be so as aforesd made and published within the sd province should within five years after the making thereof be transmitted & delivered to the Kings Privy Council for the time being And if any of the sd Laws within the space of Six months after that they were so transmitted & delivered be declared by the King his heirs & Successors in his or their privy Council inconsistent with the Soveraignty or Lawfull Prerogative of the King his heirs or
Successors or contrary to the faith & Allegiance due to the Legal Government of that Realm from me & my heirs or the planters & Inhabitants of the sd province And that thereupon any of the sd Laws shall be adjudged & declared to be void by the King his heirs and Successors under his or their privy Seal That then & from thenceforth such Laws concerning which such Judgment & Declaration be made shall become void otherwise the sd Laws so transmitted shall remain & stand in full force according to the true intent and meaning thereof As by the same Letters patents may also appear By virtue whereof divers Laws and Ordinances have been made Magistrates and Officers appointed And the Affairs of Government transacted from time to time

Now That my care & concern for the good Rule & welfare of this Province may yet be further manifested And that the Purchasers & Adventurers with me in so great and comendable an undertaking As also the rest of the Inhabitants of the sd province may reap the benefit of the Kings Royal Charter aforesd and Enjoy the Rights priviledges Liberties and Imunities thereby granted I do by these presents for me my heirs and Assigns Ordain establish & declare That from henceforth forever All the powers authorities and Jurisdictions granted by the above recited patent to me my heirs & Assigns in & over this province or Seigniory of Pensilvania shall be executed by me my heirs or Assigns Proprietories of this province or by our Lieutenants or Commissioners to be by me or them from time to time appointed and Commissioned And by six Assistants to be advising to me my heirs and Assigns Lieutenants or Commissioners aforesd for the time being as is hereinafter directed & appointed Which said Assistants are to be Constituted Elected & chosen in such manner and form as is herein after expressed

And for as much as the Affairs and Service of this Government require my speedy going for England and the time of my imbarking draws nigh Therefore I have Constituted appointed and Assigned my friend Andrew Hamilton to be my present Lieutenant Chief or High Steward in & over my sd Province and Seigniory and Impowered my friends Edward Shippen Griffith Owin Thomas Story and James Logan to be my Commissioners of Property to continue and act in their several Stations and places according to the purport and effect of their respective Comissions
from me And I do by these presents for me my heirs and Assigns Nominate Ordain and Constitute my friends John Guest Samuel Carpenter Phinehas Pemberton John Blunston Edward Pennnington and Caleb Pusey The first and present Assistants of the sd Province to continue in their respective Offices or Trusts of Assistants untill the Tenth day of the month called March next and untill other Assistants shall be chosen and appointed in their stead in such manner as in these presents is Expressed And I do also Constitute & appoint James Logan to be my present Secretary of the said Province during my pleasure

And I do hereby grant That my Lieutenant or any two of the sd Comissioners of Property for the time being shall have power in my absence at their discretion to Assemble and Call together the Assistants of the sd Province for the time being And that my sd Lieutenant or Steward and any two of the Comissioners with three of the sd Assistants at the least shall and may from time to time hold keep and be a Council for the Ordering directing and regulating the affairs of my sd Seigniory or Propriety Which Council shall take care That all the Laws and Ordinances which are or shall at any time be made within the sd province be duly and diligently executed And shall have all my power to erect and constitute Ports Settle and order the Situation of all Cities and Market Towns in every County Modeling therein all publick buildings Streets and Market places As also to order settle and establish all Landing places and the Kings Roads or High ways in this province With power also to my Lieutenant for the time being with the advice of any Three or more of the sd Assistants to grant Comissions for Judges Justices & all other Comission Officers in the name and Stile of me or my heirs and under my great Seal and Test of the sd Lieutenant in my absence

And further I do by these presents for me my heirs and Assigns Ordain and Grant That there shall be Convened held & kept by me my heirs & Assigns or by our Lieutenant or by such person or persons as Shall represent us in manner hereinafter mentioned upon the Tenth day of the month called March every year for ever and at such other times as I and my heirs or Assigns or the sd Lieutenant or Steward for the time being shall think fitt and appoint A Generall Court with necessary Officers privileges and Incidents thereunto Which sd generall Court shall con-
sist of the Proprietary or his Lieutenant and Assistants for the time being and of such free holders or Commonalty of the sd province as shall be from time to time elected by the Major part of the freeholders & other freemen of the respective Counties Cities or places within the sd Seigniory or Province who shall be present at such Electons Each of which Counties being hereby impowered to elect four persons And the City of Philadelphia two persons & no more to Serve for & represent them respectively in the sd general Court To which general Court I do for me my heirs and Assigns give and grant full power and authority from time to time to direct appoint & declare what number each Town City or place shall elect and depute to Serve for & represent them respectively in the great and generall Assembly of this province As also what number of members to add to the sd generall Court provided always that no person or persons in this province shall be admitted to elect or be elected to serve in the sd Assembly or generall Court unless at the time of such electons they are free Dennizens here and are of Twenty one years of Age or upwards and have fifty Acres of Land in the County where they elect Twelve Acres thereof improved or be worth fifty pounds clear estate and have been resident in this Province for the space of two years next before such Electon and have not taken any reward for their Votes or given or promised any reward for being elected And that every person who shall be so Elected shall before he sitt or act in the sd general Court make repeat and Subscribe in the presence of the Proprietary or Lieutenant or Steward and any two of the sd Assistants for the time being the Declaraton & Profession of his Christian belief According to the late Act of Parliament made in the first year of the Reign of King William the third and the Late Queen Mary intituled An Act for exempting their Majestie’s protestant Subjects dissenting from the Church of England from the penalties of Certain Laws

And I Do hereby for me my heirs and Assigns further grant & ordain That the sd persons so to be Chosen out of the sd Commonalty to Serve in the generall Court as aforesd Shall sitt and Act in the same method & manner as the House of Representatives in Generall Assembly use to do And also shall sitt upon their own Adjournments and Comittees and shall continue in
order to prepare propose & Assent to such Laws Statutes & ordinances as they shall judge needful for the Raising of money by reasonable and proportionate Assessments Rates and Taxes upon the Estates & persons of all & every the Inhabitants of the sd Province to be distributed & disposed of for the publick good and welfare thereof and for defraying the necessary Charges which shall arise in carrying on the publick affairs of the sd Seigniory As also for the Advancement of Trade and better execution of the Laws of this Province And for adapting such of the Laws of England to the Circumstances of this Countrey & people With power also to redress Aggrievances Impeach and Judge all such Officers & persons as they shall think fit & proper to be there impeached & judged And upon conviction to remove or displace the Officers so impeached And to do and perform all other things necessary & proper to be done in the sd general Court until the Proprietary or Lieutenant or Steward and Assistants for the time being shall dismiss them Which general Court notwithstanding such dismissal shall be capable of Meeting again upon Sumons of the Proprietary or Lieutenant at anytime within that year The Majority of which general Court in all Cases the Propriety or Lieutenant or Steward being One shall make a Quorum Provided always that the sd Laws & Ordinances be consonant to reason and not repugnant or contrary but as near as may be agreeable to the Laws Statutes & rights of the Kingdom of England

And I do further Ordain That all Electons of Assistants & Members of the sd general Court As also for Representatives to Serve in the sd great & general Assembly shall be made by the Ballott as hath been before this time used in this province And all questions in the sd general Court to be putt or proposed by such as shall from time to time preside therein shall be determined after the same manner In all which general Courts the Proprietary or his heirs and in his or their absence Lieutenant or High Steward for the time being shall or may always preside And shall have a Negative voice in passing of all Laws and other Acts to be passed made or done in the sd general Court

In the original document, "be" was interlined.

In the engrossed sheet, "upon" was written at the end of one line and repeated at the beginning of the next. The first "upon" was then crossed out.

Interlined in the original document.
And I do further Grant That in case of the death or absence of the Proprietary and Lieutenant or Steward then the Assistants or any four of them shall have full power And I do hereby grant unto them full power & authority to execute all things which I or my heirs and our Lieutenant or Steward for the time being might or could do or exercise in the Execution of the powers hereby granted or intended to be granted

And I do for me my heirs and Assigns further grant and ordain That all such of the sd proposed & prepared Bills as I or my heirs or Assigns Proprietarys aforesd or our Lieutenants or Stewards with the advice of the sd Assistants shall from time to time in the sd generall Court declare our Assent unto shall have the force & effect of Laws or Statutes within the sd province & Seigniory And shall be published accordingly under the Great Seal of the said Seigniory

And I do hereby for me my heirs and Assigns grant ordain & establish That all such of the sd number of Six Assistants three whereof shall be Chosen by the Proprietary and the other three by the generall Court newly chosen That is To say One of the inhabitants or proprietors of Land within the County or City of Philadelphia and One of the inhabitants or proprietors of Land within the County of Bucks And One of the inhabitants or proprietors of Land within the County of Chester And that the sd Assistants or any of them shall or may at any time hereafter be removed or displaced from their respective places of Trust of Assistants by the majority of the Members of any general Court if they see occasion And if any of the sd Assistants shall happen to dye or be removed as aforesd before the general day of Electon That then the sd general Court at their first Sitting may proceed to a new Electon of one or more Assistants in the place of him or them so dying or removed And further That I and my heirs & Assigns our Lieutenant or Steward for the time being shall & will with the advice &
consent of the sd Assistants or any three of them from time to
time nominate and appoint any Judges and Justices Magistrates
and Officers whatsoever for what causes soever for the probate of
Wills and for granting of Administrations for or concerning any
interest or Estate which any person or persons shall have within
the precincts of the sd Province and Seigniory and with what
power soever and in such form as shall be judged most convenient.

And I do hereby for me my heirs & Assigns Grant establish
and ordain That the sd general Court of this province and
Seigniory for the time being Convened as aforesaid shall for ever
have full power and authority to erect and constitute Judicatories
Tribunals Courts of Record and Equity with all such other Courts
as may be requisite and necessary for the administation of justice
within the sd Seigniory pursuant to the powers to me granted by
the said Letters patent To be held in the name of me my heirs
& Assigns for the hearing trying & determining of all & all manner
of Crimes Offences pleas processes plaints actions matters causes
& things whatsoever as well criminal as civil personal real &
mixt And for the Awarding of processes Original & Judicial
thereupon in the name & Stile of me & my heirs and under the
Seal of the proper Counties & Test of the first Judge or Justice
in Commision provided always That no Judgment to be given in
any of the sd Courts shall be so final but that party grieved may
appeal to the King of England according to the reservaton made
in that behalf by the Law of this province pursuant to the sd
Letters Patent Provided also That nothing herein contained shall
be deemed or taken to Impower any of the sd Courts or Tribunals
to try or determin Treason Murder Manslaughter Rape Sodomy
Buggery Burglary or Burning of Houses nor any other Crimes or
Offences Which by the Laws of this province shall hereafter be
made felonies of Death But in & concerning all those cases the
sd Courts shall by all Lawfull ways & means make inquiry only
and the persons charged or suspected to committ to Prison or lett
such to Baile as shall be bailable by Law And to bind over the
prosecutors & witnesses cause Calenders to be made of the names
of the prisoners in Goal or which are bailed after Commitment
And to Return their Inquisitons or Recognizances to the Court
or Courts of this province which now or hereafter shall have
Consuance of those Capital Offences And further That the sd
generall Court shall also appoint & establish such Officer or Officers as they shall think fitt to grant & issue forth all Writts of Error Habeas Corpus and all other remedial Writts And that all other suitable provisions shall be made from time to time by the sd generall Court as may be necessary for the compleat establishment and Administraton of Justice within this Province That there may be no failure of justice in any respect having always a most tender regard to allow & maintain liberty of Conscience by me established in this Province & Territories and now again Confirmed by these presents

And for as much as the major part and principle [sic] freeholders & Inhabitants of this province are such who can not for conscience sake either take or administer an Oath upon any account whatsoever Therefore for the Ease of such and to the end that so considerable a part of the Kings Empire in these parts of America as this Colony now is and may be hereafter should [not] be rendered unserviceable to the King & useless in government because they can not swear at all I do hereby Grant & Ordain That solemn Affirmatons Attests & Declaratons shall be administered received & taken instead of Oaths by all Lieutenants Stewards Assistants & Members of the sd generall Court And also by ye Representatives who are to serve in the sd great and generall Assembly of this province and by all Judges Justices & other Officers & persons whatsoever who shall be concerned to Act exercise discharge or execute any Office duty or place or shall be called or required to give Evidence or pass upon any Inquest in any matter cause or thing whatsoever which shall or may come arise or happen within the Examinaton or Conusaunce of any of the Judicators or Jurisdictons hereby granted or intended to be granted Which sd solemn Affirmatons Attests and Declaratons so to be administered taken or given in the manner & Form which the Laws of this province at present prescribe or which hereafter shall be prescribed and Settled by the said generall Court shall be adjudged and are hereby adjudged & declared to be of the same force & effect to all intents & purposes whatsoever as Oaths administrd & taken according to the Laws of England in such Cases

And I Do hereby Ordain That the said Lieutenant or High

This word has been supplied by the editor.
Steward and Assistants for the time being And all other Officers to be appointed or chosen as aforesaid shall before they undertake the Execution of their Offices and places respectively take their several & respective Attestations for the due & faithfull performance of their duties in their several & respective Offices and places And shall make and Subscribe the Declarations and profession of their Christian belief according to the above mentioned Act of Parliament made in the fifth [sic] year of the Reign of King William & the late Queen Mary before such person or persons as are herein after appointed That is to say the Lieutenan or Steward of this province for the time being shall take the sd Attestation and make & subscribe the sd Declarations & profession before me And after the sd Lieutenant or Steward shall be attested & shall have Subscribed the sd Declaration That then the sd persons hereby nominated & appointed the present Assistants shall take the sd Attestations and make & Subscribe the sd Declaration before the sd Lieutenant or Steward And that every such person or persons as shall at any of the Annual Elections or otherwise upon death or removal be appointed to be new Assistants And all other Officers hereafter chosen from time to time shall take the Attestations to their respective Offices & places belonging and shall make & subscribe the Declaration mentioned in the sd Act of parliament before the proprietor for the time being or his Lieutenant or High Steward Or any two or more of the sd Assistants Or such other person or persons as shall be appointed thereunto by the proprietor for the time being To whom I do by these presents give full power & authority from time to time to give & administer the same respectively without any Commission or further Warrant to be had in that behalf from me my heirs or Assigns proprietories of this province

And I Do moreover for me my heirs & Assigns further Ordain & Establish That all & every person & persons who shall be hereafter elected to Serve in the sd great and general Assembly or in any other Assembly or Assemblies of the freemen of this province or their Representatives in order to make or enact Laws Statutes or Ordinances in & for this Government who shall conscientiously scruple to take an Oath But will make & subscribe the Declarations & Profession of their Christian belief according to the sd Act of Parliament Intituled An Act for Exempting
their Majestie's Protestant Subjects dissenting from the Church of England from the penalties of certain Laws shall be adjudged and are hereby Declared to be qualified to Act in Legislaton or otherwise as if they had taken the Oaths in such cases required And that none shall be rejected or denied to act in Legislaton or to be representatives in any of the sd great & generall Assemblys of this Province Or to be Members of any generall Court or to Serve in any Judicial or Ministerial Office or place or to pass upon any Inquest in matters or causes determinable in any of the Courts appointed or intended to be Erected and Established by vertue of these presents who shall make or offer to make & Subscribe the sd Declaratons

In witness whereof I have hereunto Sett my hand and caused my great Seal to be affixed Dated at Philadelphia the Eight and Twentieth day of October Anno Domi 1701 And in the thirteenth of the reign of William the Third over England &c and the one & twentieth year of my Government.

These words [Proprietary and the other three by the] between the seven and ffortieth and eight and ffortieth Lines of the Second Skin or sheet of this present Charter being Interlined before Signing thereof— Also the word [actually] between the twenty first and twenty second Lines and these words [to Confirm any Lands taken up by vertue of the Said Old Grants and not duely sealed Nor] between the thirtieth and thirty first Lines And the Words [mediately or] between the fiftieth and one & fiftieth Lines all in the first sheet or skin of this Charter were all Interlined before Signing thereof as aforesd—

21 This and the succeeding brackets appear in the original text.