

Charter for the Province of Pennsylvania-1681

[Charles the Second by the Grace of God King of England, Scotland, France and Ireland Defender of the Faith &c To our Right Trusty and Welbeloved Chancellor Heneage Lord Finch our Chancellor of England greeting Wee will and comand you that under our Great Seale of England remaining in your Custody you cause our Letters to be made Forth patents in form following]

CHARLES the Second, by the Grace of God, King of England, Scotland, France, and Ireland, Defender of the Faith, &c. To all whom these presents shall come, Greetings. WHEREAS Our Trustie and wellbeloved Subject WILLIAM PENN, Esquire, Sonne and heire of Sir WILLIAM PENN deceased, out of a commendable Desire to enlarge our English Empire, and promote such usefull comodities as may bee of Benefit to us and Our Dominions, as also to reduce the savage Natives by gentle and just manlers to the Love of Civil Societie and Christian Religion, hath humbly besought Leave of Us to transport an ample Colonie unto a certaine Countrey hereinafter described. in the Partes of America not yet cultivated and planted; And hath likewise humbly besought Our Royall Majestie to Give, Grant, and Confirme all the said Countrey, with certaine Privileges and Jurisdictions, requisite for the good Government and Safetie of the said Countrey and Colonie, to him and his Heires forever: KNOW YE THEREFORE, That Wee, favouring the Petition and good Purpose of the said William Penn, and haveing Regard to the Memorie and Meritts of his late Father in divers Services, and perticulerly to his Conduct, Courage, and Discretion under our Dearest Brother JAMES Duke of York, in that Signall Battell and Victorie fought and obteyned against the Dutch Fleete, command by the Heer Van Opdam, in the yeare One thousand six hundred and sixty-five: In consideration thereof, of Our Speciale grace, certaine Knowledge, and meere Motion have Given and Granted, and by this Our present Charter, for Us, Our Heires and Successors, Doe give and Grant unto the said William Penn, his Heires and Assignes, all that Tract or Parte of Land in America, with all the Islands therein conteyned, as the same is bounded on the East by Delaware River, from twelve miles distance Northwards of New Castle Towne unto the three and fortieth degree of Northerne Latitude, if the said River doeth extende so farre Northwards; But if the said River shall not extend soe farre Northward, then by the said River soe farr as it doth extend; and from the head of the said River, the Easterne Bounds are to bee determined by a Meridian Line, to bee drawne from the head of the said River, unto the said three and fortieth Degree. The said Lands to extend westwards five degrees in longitude, to bee computed from the said Easterne Bounds; and the said Lands to bee bounded on the North by the beginning of the three and fortieth degree of Northern Latitude, and on the South by a Circle drawne at twelve miles distance from New Castle Northward and Westward unto the beginning of the fortieth degree of Northern Latitude, and then by a streight Line Westward to the Limitt of Longitude above-mentioned. WEE do also give and grant unto the said Willaim Penn, his heires and assignee, the free and undisturbed use and continuance in, and passage into and out of all and singuler Ports, Harbours, Bays, Waters, Rivers, Isles, and Inletts, belonging unto, or leading to and from the Countrey or Islands aforesaid, And all the Soyle, lands, fields, woods, underwoods, mountaines, hills, fenns, Isles, Lakes, Rivers, waters, Rivuletts, Bays, and Inletts, scituate or being within, or belonging unto the

Limitts and Bounds aforesaid, together with the fishing of all sortes of fish, whales, Sturgeons, and all Royall and other Fishes, in the Sea, Bayes, Inletts, waters, or Rivers within the premisses, and the Fish therein taken; And also all Veines, Mines, and Quarries as well discovered as not discovered, of Gold, Silver, Gemms, and Pretious Stones, and all other whatsoever, be it Stones, Mettals, or of any other thing or matter whatsoever, found or to bee found within the Countrey, Isles, or Limitts aforesaid; AND him, the said William Penn, his heires and assignee, Wee doe by this Our Royall Charter, for Ifs, Our heires and Successors, make, create, and constitute the true and absolute Proprietarie of the Countrey aforesaid, and of all other the premisses, Saving alwayes to Us, Our heires and Successors, the Faith and Allegiance of the said William Penn, his heires and assignee, and of all other Proprietaries, Tenants, and Inhabitants that are or shall be within the Territories and Precincts aforesaid; and Saving also, unto Us, Our heires and Successors, the Sovereignty of the aforesaid Countrey; To HAVE, hold, possess, and enjoy the said Tract of Land, Countrey, Isles, Inletts, and other the premisses unto the said William Penn, his heires and assignee, to the only Proper use and behoofe of the said William Penn, his heires and assignee for ever, to bee holden of Us, Our heires and Successors, Kings of England, as of Our Castle of Windsor in Our County of Berks, in free and comon Socage, by fealty only for all Services, and not in Capite or by Knights Service: Yielding and paying therefore to Ifs, Our heires and Successors, Two Beaver Skins, to bee delivered at Our said Castle of Windsor on the First Day of January in every Year; and also the Fifth Part of all Gold and Silver Oare, which shall from Time to Time happen to bee found within the Limitts aforesaid, cleare of all Charges. And of Our further Grace, certaine Knowledge, and meer motion, We have thought fitt to erect and Wee doe hereby erect the aforesaid Countrey and Islands into a Province and Seigniorie, and doe call itt PENNSYLVANIA, and soe from henceforth we will have itt called.

AND forasmuch as Wee have hereby made and ordained the aforesaid William Penn, his heires and assignee, the true and absolute Proprietaries of all the Lands and Dominions aforesaid, KNOW YE THEREFORE, That We reposing speciall trust and Confidence in the fidelitie, wisdom, Justice, and provident circumspection of the said William Penn for us, our heires and Successors, Doe grant free, full, and absolute power by vertue of these presents to him and his heires, and to his and their Deputies, and Lieutenants, for the good and happy government of the said countrey, to ordeyne, make, and enact and under his and their Seales to publish any Lawes whatsoever, for the raising of money for the publick use of the said Province, or for any other End, apperteyning either unto the publick state, peace, or safety of the said Countrey, or unto the private utility of perticular persons, according unto their best discretions, by and with the advice, assent, and approbation of the Freemen of the said Countrey, or the greater parse of them, or of their Delegates or Deputies, whom for the Enacting of the said Lawes, when, and as often as need shall require, Wee will that the said William Penn and his heires, shall assemble in such sort and forme, as to him and them shall seeme best, and the same Lawes duly to execute, unto and upon all People within the said Countrey and the Limitts thereof.

AND wee doe likewise give and grant unto the said William Penn, and his heires, and to his and their Deputies and Lieutenants, full power and authoritie to appoint and establish any Judges and Justices, Magistrates and Officers whatsoever, for what Causes soever for

the probates of wills, and for the granting of Administrations within the precincts aforesaid and with what Power soever, and in such forme as to the said William Penn or his heires shall seeme most convenient: Also to remits, release, pardon, and abolish whether before Judgement or after all Crimes and Offences whatsoever committed within the said Countrey against the said Lawes, Treason and wilful and malicious Murder onely excepted, and in those Cases to grant Reprieves, until Our pleasure may bee known therein and to doe all and every other thing and things, which unto the compleate Establishment of Justice, unto Courts and Tribunalls, formes of Judicature, and manner of Proceedings doe belong, altho in these presents expresse mention bee not made thereof, And by Judges by them delegated, to award Processe, hold Pleas, and determine in all the said Courts and Tribunalls all Actions, Suits, and Causes whatsoever, as well Criminall as Civill, Personall, reall and mixt; which Lawes soe as aforesaid to bee published, Our Pleasure is, and soe Wee enjoyne, require, and command, shall bee most absolute and avaylable in law; and that all the Liege People and subjects of Us, Our heires and Successors, doe observe and keepe the same inviolabl in those parses, soe farr as they concerne them under the paine therein expressed, or to bee expressed. PROVIDED nevertheles, That the said Lawes bee consonant to reason, and bee not repugnant or contrarie, but as neare as conveniently may bee agreeable to the Lawes and Statutes, and rights of this Our Kingdome of England; And Saving and reserving to Us, Our heires and Successors, the receiving, heareing, and determining of the appeale and appeales of all or any Person or Persons, of, in, or belonging to the Territories aforesaid, or touching any Judgement to bee there made or given.

AND forasmuch as in the Government of soe great a Countrey, sudden Accidents doe often happen, whereunto itt will bee necessarie to apply remedie before the Freeholders of the said Province, or their Delegates or Deputies, can bee assembled to the making of Lawes; neither will itt bee convenient that instantly upon every such emergent occasion, soe grease a multitude should be called together: Therefore for the better Government of the said Countrey Wee will, and ordaine, and by these presents, for us, our Heires and successors, Doe Grant unto the said William Penn and his heires, by themselves or by their Magistrates and Officers, in that behalfe duely to bee ordeyned as aforesaid, to make and constitute fitt and wholesome Ordinances, from time to time, within the said Countrey to bee kept and observed, as well for the preservation of the peace, as for the better government of the People there inhabiting; and publickly to notifie the same to all persons, whome the same doeth or anyway may concerne. Which ordinances, Our Will and Pleasure is shall bee observed inviolably within the said Province, under Paines therein to be expressed, soe as the said Ordinances bee consonant to reason, and bee not repugnant nor contrary, but soe farre as conveniently may bee agreeable with the Lawes of our Kingdome of England, and soe as the said Ordinances be not extended in any Sort to bind, charge, or take away the right or Interest of any person or persons, for or in their Life, members, Freehold, goods, or Chattles. And our further will and pleasure is, that the Lawes for regulateing and governing of Propertie within the said Province, as well for the descent and enjoyment of lands as likewise for the enjoyment and succession of goods and Chattles, and likewise as to Felonies, shall bee and continue the same, as they shall bee for the time being by the generall course of the Law in our Kingdome of England, untill the said Lawes shall bee altered by the said William Penn, his heires or assignee,

and by the Freemen of the said Province, their Delegates or Deputies, or the greater Part of them.

AND to the End the said William Penn, or his heires, or other the Planters, Owners, or Inhabitants of the said Province, may not att any time hereafter by misconstruction of the powers aforesaid through inadvertencie or designe depart from that Faith and due allegiance, which by the lawes of this our Kingdom of England they and all our subjects, in our Dominions and Territories, alwayes owe unto us, Our heires and Successors, by colour of any Extent or largnesse of powers hereby given, or pretended to bee given, or by force or colour of any lawes hereafter to bee made in the said Province, by vertue of any such Powers; Our further will and Pleasure is, that a transcript or Duplicate of all Lawes, which shall bee soe as aforesaid made and published within the said Province, shall within five yeares after the makeing thereof, be transmitted and delivered to the Privy Councell, for the time being, of us, our heires and successors: And if any of the said Lawes, within the space of six moneths after that they shall be soe transmitted and delivered, bee declared by us, Our heires or Successors, in Our or their Privy C)olmcell, inconsistent with the Sovereignty or lawful Prerogative of us, our heires or Successors, or contrary to the Faith and Allegiance due by the legall government of this Realme, from the said William Penn, or his heires, or of the Planters and Inhabitants of the said Province, and that thereupon any of the said Lawes shall bee adjudged and declared to bee void by us, our heires or Successors, under our or their Privy Seale, that then and from thenceforth, such Lawes, concerning which such Judgement and declaration shall bee made, shall become voyd: Otherwise the said Lawes soe transmitted, shall remains, and stand in full force, according to the true intent and meaneing thereof.

FURTHERMORE, that this new Colony may the more happily increase, by the multitude of People resorting thither; Therefore wee for us, our heirs and Successors, doe Give and grant by these presents power, Licence, and Libertie unto ail the Liege People and Subjects, both present and future, of us, our heires, and Successors, excepting those who shall bee Specially forbidden to transport themselves and Families unto the said Countrey, with such convenient Shipping as by the lawes of this our Kingdome of England they ought to use, with fitting provisions, paying only the customes therefore due, and there to settle themselves, dwell and inhabitt, and plant, for the publick and their owne private advantage.

AND FURTHERMORE, that our Subjects may bee the rather encouraged to undertake this expedicion with ready and cheerful minces, KNOW YE, That wee, of Our especial! grace, certaine knowledge, and meere motion, Doe Give and Grant by vertue of these presents, as well unto the said William Penn, and his heires, as to all others, who shall from time to time repaire unto the said Countrey, with a purpose to inhabitt there, or trade with the Natives of the said Countrey, full Licence to lade and freight in any ports whatsoever, of us, our heires and Successors, according to the lawes made or to be made within our Kingdome of England, and into the said Countrey, by them, their Servants or assignee, to transport all and singular their wares, goods, and Merchandizes, as likewise all sorts of graine whatsoever, and all other things whatsoever, necessary for food or cloathing, not prohibited by the Lawes and Statutes of our Kingdomes and Dominiones to

be carried out of the said Kingdomes, without any Lett or molestation of us, our heires and Successors, or of any of the Officers of us, our heires and Successors; saving alwayes to us, our heires and Successors, the legall impositions, customer, and other Duties and payments, for the said Wares and Merchandize, by any Law or Statute due or to be due to us, our heires and Successors.

AND Wee doe further, for us, our heires and Successors, Give and grant unto the said William, Penn, his heires and assignee, free and absolute power, to Divide the said Countrey and Islands into Townes, Hundreds and Counties, and to erect and incorporate Townes into Borroughs, and Borroughs into Citties, and to make and constitute faires and Marketts therein, with all other convenient priviledges and immunities, according to the merits of the inhabitants, and the Tithes of the places, and to doe all and every other thing and things touching the premisses, which to him OI them shall seeme meet and requisite, albeit they be such as of their owne nature might otherwise require a more especiall comandment and Warrant then in these presents is expressed.

WE Will alsoe, and by these presents, for us, our heires and Successors, Wee doe Give and grant Licence by this our Charter, unto the said William Penn, his heires and assignee, and to all the inhabitants and dwellers in the Province aforesaid, both present and to come, to import or unlace, by them

selves or their Servants, ffactors or assignee, all merchandises and goods whatsoever, that shall arise of the fruites and comodities of the said Province, either by Land or Sea, into any of the ports of us, our heires and successors, in our Kingdome of England, and not into any other Countrey whatsoever: And wee give him full power to dispose of the said goods in the said ports; and if need bee, within one yeare next after the unladeing of the same, to lade the said Merchandizes and Goods again into the same or other sllipps, and to export the same into any other Countreys, either of our Dominions or fforeigne, according to Lawe: Provided alwayes, that they pay such customer and impositions, subsidies and duties for the same, to US, our heires and Successors, as the rest of our Subjects of our Kingdom of England, for the time being, shall be bound to pay, and doe observe the Acts of Navigation, and other Lawes in that behalfe made.

AND FURTHERMORE Of OUR most ample and esspeciall grace, certaine knowledge, and meere motion, Wee doe, for us, our heires and Suceessors, Grant unto the said William Penn, his heires and assignee, full and absolute power and authoritie to make, erect, and constitute within the said Province and the Isles and Islets aforesaid, such and soe many Sea-ports, harbours, Creeks, Havens, Keyes, and other places, for discharge and unladeing of goods and Merchandizes, out of the shipps, Boates, and other Vessells, and ladeing them in such and soe many Places, and with such rights, Jurisdictions, liberties and priviledges unto the said ports belonging, as to him or them shall seeme most expedient; and that all and singuler the shipps, boater, and other Vessells, which shall come for merchandise and trade unto the said Province, or out of the same shall depart, shall be laden or unladen onely at such Ports as shall be erected and constituted by the said William Penn, his heires and assignee, any use, custome, or other thing to the contrary notwithstanding. Provided, that the said William, Penn and his heires, and the

Lieutenants and Governors for the time being, shall admits and receive in and about all such Ports, Havens, Creeks, and Keyes, all Officers and their Deputies, who shall from time to time be appointed for that Purpose by the Farmers or Commissioners of our Customes for the time being.

AND Wee doe further appoint and ordaine, and by these presents, for us, our heires and Successors, Wee doe grant unto the said William Penn, his heires and assignee, That he, the said William Penn, his heires and assignee, may from time to time for ever, have and enjoy the Customes and Subsidies, in the Fortes, Harbours, and other Creeks and Places aforesaid, within the Province aforesaid, payable or due for merchandises and wares there to be laded and unjaded, the said Customes and Subsidies to be reasonably assessed upon any occasion, by themselves and the People there as aforesaid to be assembled, to whom wee give power by these presents, for us, our heires and Successors, upon just cause and in dudue p'portion; to asesse and impose the same; Saveing unto us, our heires and Successors, such impositions and Customes, as by Act of Parliament are and shall be appointed.

AND it is Our further Will and plasure, that the said William Penn, his heires and assignee, shall from time to time constitute and appoint an Attorney or Agent, to Reside in or neare our City of London, who shall make knowne the place where he shall dwell or may be found, unto the Clerks of our Privy Counsell for the time being, or one of them, and shall be ready to appeare in any of our Courts aft Westminster, to Answer for any Misdemeanors that shall be committed, or by any wilfull default or neglect permitted by the said William Penn, his heires or assignee, against our Lawes of Trade or Navigation; and after it shall be ascertained in any of our said Courts, what damages Wee or our heires or Successors shall have sustained by such default or neglect, the said William Penn, his heires and assignee shall pay the same within one yeare after such taxation, and demand thereof from such Attorney: or in case there shall be noe such Attorney by the space of a yeare, or such Attorney shall not make payment of such damages within the space of one yeare, and answer such other forfeitures and penalties within the said time, as by the Acts of Parliament in England are or shall be provided according to the true intent and meaneing of these presents; then it shall be lawfull for us, our heires and Successors, to seize and Resume the government of the said Province or Countrey, and the same to retaine untill payment shall be made thereof: But notwithstanding any such Seizure or resumption of the government, nothing concerning the propriety or ownership of any Lands tenements, or other hereditaments, or goods or chattels of any the Adventurers, Planters, or owners, other then the respective Offenders there, shall be any way be affected or molested thereby.

PROVIDED always, and our will and pleasure is, that neither the said William Penn, nor his heires, or any other the inhabitants of the said Province, shall at any time hereafter have or maintain any Correspondence with any other king, prince, or State, or with any of their subjects who shall then be in Warr against us our heires or Successors; Nor shall the said William Penn, or his heires, or any other the Inhabitants of the said Province, make Warre or doe any act of Hostility against any other king, princes or State, or any of their Subjects, who shall then be in league or amity with us, our heires or successors.

AND, because in soe remote a Countrey, and scituate neare many Barbarous Nations, the incursions as well of the Savages themselves, as of other enemies, pirates and robbers, may probably be feared; Therefore Wee have given, and for us, our heires and Successors, Doe give power by these presents unto the said William Penn, his heires and assignee, by themselves or their Captained or other their Officers, to levy, muster and traine all sorts of men, of what condition soever, or wheresoever borne, in the said Province of Pensilvania, for the time being, and to make Warre, and to pursue the enemies and Robbers aforesaid, as well by Sea as by Land, even without the Limitts of the said Province, and by God's assistance to vanquish and take them, and being taken to put them to death by the Law of Warre, or to save them, aft their pleasure, and to doe all arid every other Thing which to the Charge and Office of a Captaine-Generall of an Army belongeth or hath accustomed to belong, as fully and Freely as any Captaine-Generall of an Army hath ever had the same.

AND FURTHERMORE, of Our especial! grace and of our certaine knowledge and meere motion, wee have given and granted, and by these presents, for us, our heires and Successors, do Give and Grant unto the said William Penn, his Heirs and Assigns, full and absolute power, licence and authoritie, that he, the said William Penn, his heires and assignee, from time to time hereafter forever, att his or their own Will and pleasure may assigne, alien, Grant, demise, or enfeoffe of the Premises soe many and such parses or parcells to him or them that shall be willing to purchase the samej as they shall thinke fitt, To have and to hold to them the said person and persons willing to take or purchase, their heires and assignee, in ffee-simple or ffee-taile, or for the terme of life, or lives or yeares, to be held of the said William Penn, his heires and assignee, as of the said Seigniorie of Windsor, by such services, customer and rents, as shall seeme ffit to the said William Penn, his heires and assignee, and not imediately of us, our heires and successors. AND to the same person or persons, and to all 'end every of them, wee doe give and grant by these presents, for us, our heires and successors, licence, authoritie and power, that such person or persons may take the premisses, or any parcell thereof, of the aforesaid William Penn, his heires or assignee and the same hold to themselves, their heires and assignee, in what estate of inheritance soever, in ffee-simple or in ffee-taile, or otherwise, as to him, the said William Penn, his heires and assignee, shall seem expedient: The Statute made in the parliament of EDWARD, sonne of King HENRY, late King of England, our predecessor, commonly called The Statute QUIA EMPTORES TERRARUM, lately published in our Kingdome of England in any wise notwithstanding.

AND by these presents wee give and Grant Licence unto the said William Penn, and his heires, likewise to all and every such person and persons to whom the said William Penn or his heires shall att any time hereafter grant any estate or inheritance as aforesaid, to erect any parcells of Land within the Province aforesaid into Mannors by and with the Licence to be first had and obteyned for that purpose, under the hand and Seale of the said William Penn or his heires; and in every of the said Mannors to have and to hold a Court Baron, with all thinges whatsoever which to a Court-Baron do belong, and to have and to hold View of drank-pledge for the conservation of the peace and the better government of those parses, by themselves or their Stewards, or by the Lords for the time being of other Mannors to be deputed when they shall be erected, and in the same to use

all things belonging to the View of frank-pledge. AND Wee doe further grant licence and authoritie, that every such person and persons who shall erect any such Mannor or Mannors, as aforesaid, shall or may grant all or any parse of his said Lands to any person or persons, in ffee-simple, or any other estate of inheritance to be held of the said Mannors respectively, soe as noe further tenures shall be created, but that upon all further and other alienations thereafter to be made, the said lands see aliened shall be held of the same Lord and his heires, of whom the alienor did then before hold, and by the like rents and Services which were before due and accustomed.

AND FARTHER our pleasure is, and by these presents, for us, our heires and Successors, Wee doe covenant and grant to and with the said William Penn, and his heires and assignee, That Wee, our heires and Successors, shall at no time hereafter sett or make, or cause to be sets, any impossition, custome or other taxation, rate or contribution whatsoever, in and upon the dwellers and inhabitants of the aforesaid Province, for their Lands, tenements, goods or chattells within the said Province, or in and upon any goods or merchandise within the said Province, or to be laden or unladen within the ports or harbours of the said Province, unless the same be with the consent of the Proprietary, or chiefe governor, or assembly, or by act of Parliament in England.

AND Our Pleasure is, and for us, our heires and Successors, Wee charge and comand, that this our Declaration shall from henceforward be received and allowed from time to time in all our courts, and before all the Judges of us, our heires and Successors, for a sufficient and lawfull discharge, payment and acquittance; commanding all and singular the officers and ministers of us, our heires and Successors, and enjoyneing them upon pain of our high displeasure, that they doe not presume aft any time to attempt any thing to the contrary of the premisses, or that doe in any sort withstand the same, but that they be aft all times aiding and assisting, as is fitting unto the said William Penn, and his heires, and to the inhabitants and merchants of the Province aforesaid, their Servants, Ministers, doctors and Assignes, in the full use and fruition of the benefit of this our Charter.

AND Our further pleasure is and wee doe hereby, for us, our heires and Successors, charge and require, that if any of the inhabitants of the said Province, to the number of Twenty, shall at any time hereafter be desirous, and shall by any writeing, or by any person deputed for them, signify such their desire to the Bishop of London for the time being that any preacher or preachers, to be approved of by the said Bishop, may be sent unto them for their instruction, that then such preacher or preachers shall and may be and reside within the said Province, without any deniall or molestation whatsoever.

AND if perchance hereafter it should happen any doubts or questions should arise, concerning the true Sense and meaning of any word, clause, or Sentence conteyned in this our present Charter, Wee will ordaine, and comand, that att all times and in all things, such interpretation be made thereof, and allowed in any of our Courts whatsoever, as shall be adjudged most advantatous and favourabla unto the said William Penn, his heires and assignes: Provided always that no interpretation be admitted thereof by which the allegiance due unto us, our heires and Successors may suffer any prejudice or

diminution; Although express mention be not made in these presents of the true yearly value, or certainty of the premisses, or of any parse thereof, or of other gifts and grants made by us our progenitors or predecessors unto the said William Penn Any Statute, Act, ordinance, provision, proclamation, or restraint heretofore had, made, published, ordained or provided, or any other thing, cause, or matter whatsoever, to the contrary thereof in any wise notwithstanding.

IN WITNESS, &C.

Given under our Privy Seale at our Palace of Westminster the Eight and Twentieth day of February in the Three and Thirtyeth Yeare of Our Reigne.

I. Mathew