

LIBERTY BELL LEAFLETS

Translations and Reprints from Original
Historical Documents.

No. 3.—Penn's Frame of Government
of 1682 and Privileges and
Concessions of 1701.

Edited by
MARTIN G. BRUMBAUGH, A. M., Ph. D.
JOSEPH S. WALTON, Ph. D.



PHILADELPHIA:
CHRISTOPHER SOWER COMPANY,
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PREFATORY NOTE.

The increasing demand for original historical documents, illustrating the growth and development of American institutions, has induced the editors to issue the "LIBERTY BELL LEAFLETS."

That the student may see history through the eyes of its makers, this series will present, from time to time, important original papers which are by reason of expense or rarity not readily accessible.

That the student may not be encumbered with irrelevant matter and that the expense may be reduced to a minimum, the leaflet form has been adopted, and all extraneous matter eliminated.

There are already some admirable publications illustrative of the influence of colonial charters upon the state and local governments lying within the extreme northern belt of migration westward. For this reason the series will deal more largely with papers typical of proprietary influence; and of the county-township system of local government as it impressed itself upon that belt of western migration which sprang from the middle colonies and spread to the Pacific.

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EDITORS' NOTES.

The Colonial Assemblies like the English Parliament were accustomed to be convened and adjourned by the power and authority of the executive. In Penn's Frame of Government as well as in the Concessions of 1701, the legislative power was given the privilege to sit upon its own adjournments.

In the Frame, it was provided that the Governor's Council should initiate legislation, and the bills were to be published thirty days before the meeting of the Assembly, which was expected merely to approve or veto the acts. In the Concessions on the other hand the initiative is transferred to the Assembly, and the Governor and Council can only veto bills which the Assembly passes.

An interesting feature in the Frame was a Committee "of manners, education, and arts, that all wicked and scandalous living may be prevented, and that *youth* may be successively trained up in virtue and useful knowledge and arts." It was Penn's idea that the wise and influential men in the community should use part of their time in training young men for what to-day is known as their civic responsibility.

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Penn's Frame of Government for Pennsylvania,
1682.

TO ALL PEOPLE, to whom these presents shall come. Whereas king Charles the second, by his letters patent, under the great seal of England: for the consideration therein mentioned, hath been graciously pleased to give and grant unto me William Penn (by the name of William Penn Esq. son and heir of Sir William Penn, deceased) and to my heirs and assigns forever, all that tract of land or province, called Pennsylvania, in America, with divers great powers, preheminences, royalties, jurisdictions, and authorities, necessary for the well-being and government thereof: Now know Ye, that for the well-being and government of said province, and for the encouragement of all the freemen and planters that may be therein concerned, in pursuance of the 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, these liberties, franchises, and properties, to be held, enjoyed and kept by the freemen, planters and inhabitants of the said province of Pennsylvania for ever.

Imprimus. That the government of this province shall, according to the powers of the patent, consist of the Governor and freemen, of the said province, in form of a Provincial Council and General Assembly, by whom all laws shall be made, officers chosen, and publick affairs transacted, as is hereafter respectively declared. That is to say,

Second.—That the freemen of said province shall, on the twentieth day of the twelfth month, which shall be in this

present year, one thousand six hundred eighty and two, meet and assemble in some fit place, of which timely notice shall be before hand given, by the governor or his deputy, and then and there shall choose out of themselves seventy-two persons of most note for their wisdom, virtue and ability, who shall meet on the tenth day of the first month next ensuing, and always be called and act as the Provincial Council of the said province.

Third.—That at the first choice of such Provincial Council, one third part of the said Provincial Council shall be chosen to serve for three years next ensuing; one third part for two years then next ensuing, and one third part for one year then next following such election, and no longer; and that the said third part shall go out accordingly. And on the twentieth day of the twelfth month as aforesaid, yearly for ever afterward, the freemen of the said province shall in like manner meet and assemble together, and then chuse twenty-four persons, being one third of the said number, to serve in Provincial Council for three years.

It being intended that one third part of the whole Provincial Council (always consisting and to consist of seventy two persons, as aforesaid) falling off yearly, it shall be yearly supplied by such new yearly elections, as aforesaid; and that no one person shall continue therein 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.

Fourth.—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 may be fitted for government, and have experience of the care and burden of it.

Fifth.—That the Provincial Council in all cases of matters of moment, as their urging upon bills to be passed into laws,

erecting courts of justice, giving judgment upon criminals impeached, and choice of officers, in such manner as is herein after mentioned; not less than two thirds of the whole Provincial Council shall make a quorum; and that the consent and approbation of two thirds of such quorum shall be had in all such cases and matters of moment. And moreover, that in all cases and matters of lesser moment, twenty-four members of the said Provincial Council shall make a quorum, the majority of which twenty four shall and may always determine in such cases and causes of lesser moment.

Sixth.—That in this Provincial Council, the governor or his deputy shall or may always preside, and have a treble voice; and the said Provincial Council shall always continue, and sit upon its own adjournments and committees.

Seventh.—That the governor and Provincial Council shall prepare and propose to the General Assembly hereafter mentioned, all bills, which they shall at any time think fit to be passed into laws within the said province; which bills shall be published and affixed to the most noted places in the inhabited parts thereof thirty days before the meeting of the General Assembly in order to the passing them into laws or rejecting of them, as the General Assembly shall see meet.

Eighth.—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, be duly and diligently executed.

Ninth.—That the governor and Provincial Council shall at all times have the care of the peace and safety of the province, and that nothing be by any person attempted to the subversion of this frame of government.

Tenth.—That the governor and Provincial Council shall at all times settle and order the situation of all cities, ports and market towns in every county, modelling therein all public buildings, streets and market places and shall appoint all necessary roads and highways in the province.

Eleventh.—That the governor and Provincial Council shall at all times have power to inspect the management of the publick 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 General Assembly.

Twelfth.—That the governor and Provincial Council shall erect and order all publick schools, and encourage and reward the authors of useful sciences and laudable inventions in the said province.

Thirteenth.—That for the better management of the powers and trust aforesaid, the Provincial Council shall from time to time divide itself into four distinct and proper committees, for the more easy administration of the affairs of the province, which divides the seventy two into four eighteens, every one of which eighteens shall consist of six out of each of the three orders or yearly elections, each of which shall have a distinct portion of business, as followeth: first, a committee of plantations, to situate and settle cities, ports, market-towns and high-ways, and to hear and decide all suits and controversies relating to plantations. Secondly, a committee of justice and safety, to secure the peace of the province, and punish the male-administration of those who subvert justice to the prejudice of the publick or private interest. Thirdly, a committee of trade and treasury, who shall regulate all trade and commerce according to law, encourage manufacture and country growth, and defray the publick charge of the province. And fourthly, a committee of manners, education, and arts, that all wicked and scandalous living may be prevented, and that youth may be successively trained up in virtue and useful knowledge and arts: the quorum of each of which committees being six, that is, two out of each of the three orders or yearly elections as aforesaid, making a constant and standing council of twenty-four, which will have the power of the Provincial Council, being

the quorum of it, in all cases not excepted in the fifth article; and in the said committees and standing Council of the province, the governor or his deputy shall or may preside as aforesaid; and in the absence of the governor or his deputy, if no one is by either of them appointed, the said committees or Council, shall appoint a president for that time, and not otherwise; and what shall be resolved at such committees, shall be reported to the said Council of the province, and shall be by them resolved and confirmed before the same shall be put in execution; and that these respective committees shall not sit at one and the same time, except in cases of necessity.

Fourteenth.—And to the end that all laws prepared by the governor and provincial Council aforesaid, may yet have the more full concurrence of the freemen of the province, it is declared, granted and confirmed, that at the time and place or places of the choice of a Provincial Council as aforesaid, the said freemen shall yearly choose members to serve in General Assembly as their representatives, not exceeding two hundred persons, who shall yearly meet on the twentieth day of the second month, which shall be in the year one thousand six hundred eighty and three following, in the capital, town or city of the said province, where during eight days the several members may freely confer with one another; and, if any of them see meet, with a committee of the Provincial Council (consisting of Three out of each of the four committees aforesaid, being twelve in all) which shall be at that time purposely appointed to receive from any of them proposals for the alteration or amendment of any of the said proposed and promulgated bills; and on the ninth day from their so meeting, the said General Assembly, after reading over the proposed bills by the clerk of the Provincial Council and the occasion and motives for them being opened by the governor or his deputy, shall give their affirmative or negative, which to them seemeth best, in such manner as hereinafter

is expressed. But not less than two-thirds shall make a quorum in the passing of laws, and choice of such officers as are by them to be chosen.

Fifteenth.—That the laws so prepared and proposed as aforesaid, that are assented to by the General Assembly, shall be enrolled as laws of the province, with this stile: By the Governor, with the assent and approbation of the freemen in Provincial Council and General Assembly.

Sixteenth.—That for the better establishment of the Government and laws of this province, and to the end there may be an universal satisfaction in the laying of the fundamentals thereof; the General Assembly shall or may for the first year consist of all the freemen of and in said province, and ever after it shall be yearly chosen, as aforesaid; which number of two hundred shall be enlarged as the country shall increase in people, so as it do not exceed five hundred at any time: the appointment and proportioning of which, as also the laying and methodizing of the choice of the Provincial Council and General Assembly in future times, most equally to the divisions of the hundreds and counties, which the country shall hereafter be divided into; shall be in the power of the Provincial Council to propose, and the General Assembly to resolve.

Seventeenth.—That the governor and the Provincial Council shall 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 that the Provincial Council shall, on the thirteenth day of the first month yearly, elect and present to the governor or his deputy, a double number of persons to serve for judges, treasurers, master of rolls, within the said province for the year next ensuing; and the freemen of the said province in the county courts, when they shall be erected, and till then in the General Assembly shall, on the three and twentieth day of the second month yearly, elect and 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 presentments; or else the first named in such presentment for each office, shall stand and serve for that office the year ensuing.

Eighteenth.—But forasmuch as the present condition of the province requires some immediate settlement, and admits not of so quick a revolution of officers; and to the end the said province may, with all convenient speed, be well ordered and settled, I, William Penn, do therefore think fit, to nominate and appoint such persons for judges, treasurers, master of the rolls, sheriffs, justices of the peace, and coroners, as are most fitly qualified for those employments; to whom I shall make and grant commissions for the said offices respectively, to hold to them to whom the same shall be granted, for so long time as every such person shall well behave himself in the office or place to him respectively granted, and no longer. And upon the decease or displacing of any of the said officers, the succeeding officer or officers shall be chosen as aforesaid.

Nineteenth.—That the General Assembly shall continue so long as may be needful to impeach criminals fit to be there impeached; to pass bills into laws, that 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 General Assembly for that time, which General Assembly shall be notwithstanding capable of assembling together, upon the summons of the Provincial Council, at any time during that year, if the said Provincial Council shall see occasion for their so assembling.

Twentieth.—That all the elections of members or representatives of the people, to serve in Provincial Council, and General Assembly, and all questions to be determined by both or either of them, that relate to passing of bills into laws, to the choice of officers, to impeachments made by the General Assembly, and judgment of criminals upon such impeachments by the Provincial Council and to all other cases by them respectively judged of importance, shall be resolved and determined by the ballot; and, unless on sudden and indispensable occasions, no business in Provincial Council, or its respective committees, shall be finally determined the same day that it is moved.

Twenty-first.—That at all times, when and so often as it shall happen, that the Governor shall or may be an infant, 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 guardians or commissioners shall be deceased; that during such minority, the Provincial Council shall, from time to time, as they shall see meet, constitute and appoint guardians or commissioners, not exceeding three; one of which three shall preside as deputy and chief guardian, during such minority, and shall have and execute, with the consent of the other two, all the power of a governor, in all the public affairs and concerns of the said province.

Twenty-second.—That as often as any day 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 till next day, unless in case of emergency.

Twenty-third.—That no act, law or ordinance whatsoever, shall at any time hereafter be made or done, by the governor of this province, his heirs or assigns, or by the freemen in the Provincial Council or the General Assembly, to alter, change or diminish the form or effect of this charter, or any

part or clause thereof, without the consent of the governor, his heirs or assigns, and six parts of seven of the said free-men in Provincial Council, and General Assembly.

And lastly.—That I the said William Penn, for myself, 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 have unto this present charter of liberties, set my hand and broad seal, this five and twentieth day of the second month, vulgarly called April in the year of our Lord, one thousand six hundred and eighty-two.

WILLIAM PENN.

Penn's Charter of Privileges to the Province and Counties of Pennsylvania.

[CONCESSIONS TO THE PEOPLE OF PENNSYLVANIA, 1701.]

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

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

Whereas, King Charles The Second, by his Letters Patents under the Great Seal of England, bearing date the fourth day of March, in the year One Thousand and Six hundred & Eighty, was Graciously pleased to Give and Grant unto me, my heirs & Assigns, forever, this Province of Pennsylvania, with Divers Great Powers and Jurisdictions for the Well Government thereof: and whereas the King's Dearest Brother, James, Duke of York and Albany, &c., by his Deeds of feoffment under his hand & Seal, duly perfecting, bearing Date the Twenty-fourth Day of August, One thousand Six hundred Eighty & two, Did grant unto me, my heirs and Assigns, all that Tract of Land now Called the Territories of Pennsylvia, together with Powers and Jurisdictions for the good Government thereof; And Whereas, for the Encouragement of all the freemen and Planters that might be Concerned in ye said Province and Territories, and for the good Government thereof, I, the said Willm Penn, in the year One Thousand Six hundred Eighty & three, for me, my heirs and assigns, Did grant and Confirm unto all the freemen, Planters and adventurers therein, Divers Liberties, ffranchises & Propertys, as by the said Grant

Entituled the Frame of ye Government of the Province of Pennsylvania & Territories thereunto belonging, in America, may appear; which Charter or fframe, being found in some parts of it not so suitable to ye Present Circumstances of the Inhabitants, was in the third month, in the year One thousand seven hundred, Delivered up to me by six parts of seven of freemen of this Province and Territories, in General Assembly mett, provision being made in the said Charter for that end and Purpose; And Whereas, I was then pleased to promise that I would restore the said Charter to them again with necessary alterations, or in Liew thereof, Give them another better adapted to answer the Present Circumstances & condition of the said Inhabitants, which they have now, by their Representatives in General Assembly mett at Philadelphia, Requested me to grant; know ye therefore, that I, for the further well being and good Govrmt of the said Province and Territories, and in pursuance of the Rights and Powers before mentioned, I, the said William Penn, do Declare, grant and Confirm unto all the freemen, Planters and adventurers, and other inhabitants of this Province and Territories, these following Liberties, ffranchises and Privileges, so far as in me lyeth, to be held, enjoyed and kept by the freemen, planters & adventurers, & other Inhabitants of and in the said Province and Territories thereunto Annexed, forever;

First: Because no people can be truly happy, though under the greatest Enjoyment of Civil Liberties, if abridg'd of the freedom of their Consciences as to their Religious profession & Worship; and Almighty God being the only Lord of Conscience, ffather of Lights & Spirits, and the author as well as object of all Divine Knowledge, ffaith and Worship, who only doth Enlighten the Mind & perswade and Convince the Understandings of People, I do hereby Grant, and Declare that no person or persons, inhabiting in this Province or Territories, who shall Confess and acknowledge one

Almighty God, the Creator, Upholder and Ruler of the World, and Profess him or themselves obliged to Live Quietly under the Civil Government, shall be in any Case molested or prejudiced in his or their person or Estate because of his or their Consciencious perswasion or Practice, nor be Compelled to frequent or maintain any Religious Worship, place or ministry contrary to his or their mind, or to do or suffer any other act or thing Contrary to their Religious perswasion. And that all persons who also profess to believe in Jesus Christ the Saviour of the World, shall be Capable (notwithstanding their other perswasions and Practices in Point of Conscience and Religion) to serve this Government in any Capacity, both Legislatively and Executively, he or they Solemnly promising, when Lawfully required, allegiance to the King as Sovereign, and fidelity to the Proprietor and Governour, and Taking ye attests as now Established, by the Law made at New Castle, in the Year One Thousand seven hundred, Intituled an act Directing the attests of several offices and ministers, as now amended and Confirmed by this present Assembly.

Secondly: for the well governing of this Province and Territories, there shall be an Assembly Yearly Chosen by the freemen thereof, to Consist of four persons out of each County of most note for Virtue, Wisdom and Ability, (or of a greater number at any time as the Governour and Assembly shall agree,) upon the first day of October, forever; and shall sitt on the fourteenth day of the said month, at Philadelphia, unless the Governour and Council for the time being shall see Cause to appoint another place within the said Province or Territories, which assembly shall have power to Choose a Speaker and other of their officers, and shall be Judges of the Qualifications and Elections of their own members, sitt upon their own adjournments, appoint Committees, prepare bills in or to pass into Laws, Impeach Criminals and Redress Grievances; and shall have all other pow-

ers and Privileges of an Assembly, according to the Rights of the free born subjects of England, and as is usual in any of the King's Plantations in America. And if any County or Counties shall refuse or neglect to Choose their Respective Representatives, as aforesaid, or if Chosen do not meet to serve in Assembly, those who are so Chosen & mett shall have the full power of an Assembly, in as Ample manner as if all the Representatives had been Chosen and mett; Provided they are not less than two thirds of the whole number that ought to mett; And that the Qualifications of Electors & Elected, and all other matters and things Relating to Elections of Representatives to serve in Assemblies, though not herein particularly Exprest, shall be and Remain as by a Law of this Governmt made at New Castle in the year One thoud seven hundred, Intituled an Act to ascertain the number of members of Assembly, and to Regulate the Elections.

Thirdly: that the freemen in each Respective County, at the time and place of meeting for Electing their Representatives to serve in Assembly, may, as often as there shall be occasion, Choose a Double number of persons to present to the Govr for Sherifs and Coroners, to serve three years, if they so long behave themselves well, out of which respective Elections & Presentments The Govr shall nominate and Commissionate One for each of the said officers, The Third Day after such presentment, or else the first named in such presentment for Each office, as aforesaid, shall stand and serve in that office for the time before Respectively Limited; and in case of death or Default, such vacancies shall be supplied by ye Governour to serve to the End of the said Term: Provided always, that if the said freemen shall at any time neglect or Decline to Choose a person or persons for Either or both the aforesaid offices, then and in such Case the persons that are or shall be in the Respective offices of Sheriff or Coroner at the time of Election, shall remain therein untill they shall be Removed by another Election, as afore-

said. And that ye Justices of the Respective Counties shall or may nominate & present to the Govr, three persons to serve for Clerk of the Peace for the said County when there is a vacancy, One of which the Governour shall Commissionate within Ten Days after such presentment, or else the first nominated shall serve in the said office During good behaviour.

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

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

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

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

Eighthly: If any person, through Temptation or melancholly, shall Destroy himself, his Estate, Real & Personal, shall, notwithstanding, Descend to his wife and Children or Relations as if he had Died a natural Death; and if any per-

son shall be Destroyed or kill'd by Casualty or accident, there shall be no forfeiture to the Governour by Reason thereof: And no act, Law or Ordinance, whatsoever, shall at any Time hereafter be made or done to alter, Change or Diminish the form or effect of this Charter, or of any part or Cause therein, Contrary to the true Intent and meaning thereof, without the Consent of the Govr for the time being, and Six parts of Seven of the Assembly mett. But because the happiness of mankind depends so much upon the Enjoying of Liberty of their Consciences, as aforesaid, I do hereby Solemnly Declare, promise and Grant for me, my heirs and assigns, that the first article of this Charter, Relating to Liberty of Conscience, and Every part and Clause therein, according to the true Intent and meaning thereof, shall be kept and remain without any alteration, Inviably forever.

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

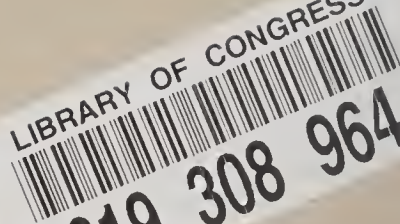
In Witness whereof, I, the said William Penn, att Philadelphia, in Pennsylvania, have unto this present Charter of Liberties sett my hand and Broad Seal, this Twenty Eight Day of October, in the Year of our Lord One thousand Seven hundred and one, being the thirteenth year of the Reign of King William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

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

Copia Vera.

WILLIAM PENN.

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