

## THE FRAME OF THE GOVERNMENT (1696)

*Of the Province of Pensilvania & the Territories thereunto belonging*

LETTERS PATENT TO WILLIAM PENN PRELIMINARY TO THE  
FRAME OF GOVERNMENT

William & Mary By the grace of God King and Queene of England Scotland France and Ireland Defenders of the Faith To all to whom these presents shall come Greeting Whereas upon Information that by reason of great miscarriages in the Government of Our Province of Pensilvania in America and the absence of the Proprietor the same was fallen into disorder and Confusion by meanes whereof not only the Publick Peace and Administration of Justice was broken and violated But there was also great want of Provision for the guard and defence of Our said Province against Our Enemies Whereby it was apprehended that Our said Province and the adjacent Colonies were much in danger of being lost from the Crown of England for prevention thereof as much as in Us Lay and for the better defence and security of Our Subjects Inhabiting those parts during this time of Warr Wee did find it absolutely necessary to take the Government thereof into Our hands and under Our immediate Care and Protection And did thereupon by Letters Patents under Our Great Seale of England bearing date the Twenty first day of October in the Fourth yeare of Our Reigne Constitute and Appoint our Trusty and Wellbeloved Benjamin Fletcher Esquire Our Captain Generall and Governor in Cheife of Our Province of New York to be Our Captain Generall and Governor in Cheife in and over Our said Province of Pensilvania and Countrey of New Castle and all the Territories and Tracts of Land depending thereon in America with directions to take the said Province and Countrey under his Government And did thereby grant unto him the said Benjamin Fletcher and in case of his death or absence out of Our Provinces of New York and Pensilvania Our Countrey of New Castle and Our Colonies of East and West New Jersey Unto such person as should be appointed by Us to be Commander in Cheife of Our said Province of New York or to Our Councill of Our said Province the like Powers and Authorities as were granted by Our Commission to the

said Benjamin Fletcher bearing date the Eighteenth day of March in the said Fourth yeare of Our Reigne for the Ruling and Governing of Our said Province of New York And Whereas humble Application hath been made unto Us by Our Trusty and Wellbeloved William Pen Esquire Proprietor of Our said Province of Pensilvania that he may be restored to the Administration of the Government thereof as formerly And whereas the said Proprietor hath given Us good Assureance that he will take care of the Government of Our said Province and Territories and provide for the safety and security thereof all that in him lyes Wee have thereupon thought fitt to restore him to the Administration of the Government of Our said Province and Territories And accordingly Our Will and Pleasure is That so much of Our said Commission bearing date the Twenty first day of October in the Fourth yeare of Our Reigne as does Constitute and appoint Our Trusty and Welbeloved Benjamin Fletcher Esquire to be Our Captain Generall and Governor in Cheife in Our said Province of Pensilvania Countrey of New Castle and the Territories and Tracts of Land depending thereon in America together with all the Powers and Authorities thereby granted for the Ruling and Governing of Our said Province and Countrey doe from the Publication of these Our Letters Patents Cease determine and become void And accordingly the same are hereby declared void of which all persons whom it may concerne are to take notice and Govern themselves accordingly under pain of Our highest displeasure In Witnesse whereof Wee have caused these Our Letters to be made Patents Witnesse Ourselves at Westminister the Tentieth Day . . . of August in the Sixth yeare of Our Reigne

By writt of privy seale  
Pigott

P.H.M.C., Archives, Basic Documents, No.6. Printed in *Colonial Records*, I, 437-438; *Pa. Arch.*, Series 4, I, 71-73.

#### THE FRAME

*Whereas* the late King *Charles* the Second in the three and thirtyeth year of his Reign by Letters Patent under the great Seal of England *Did* (for the considerations therein mentioned) Grant unto *William Penn* his heirs and Assigns for ever this Colony or Tract of Land, thereby Erecting the same into a Province called *Pennsilvania*, and

constituting him the said William Penn absolute Proprietor thereof, vesting him his Deputies and Lieutenants with divers great Powers Preheminencies Royalties Jurisdictions and Authorities necessary for the well-being and good Government of the said Province.

*And Whereas* the late Duke of York and Albany &c (for valuable considerations) did Grant unto the said William Penn his Heirs and Assigns *All that* Tract of Land, which hath been Cast or Divided into Three Counties, now called New Castle, Kent, and Sussex, together with all Royalties Franchises Duties Jurisdictions Liberties and Priviledges thereto belonging, which last mentioned Tract being intended as a beneficial and requisite Addition to the Territory of the said Proprietary He the said Proprietor and Governor at the Request of the Freemen of the said three counties by their deputies in Assembly mett with the Representatives of the Freemen of the said Province at Chester (al's Upland) on the sixth day of the Tenth Moneth 1682 *Did* (with the Advice and Consent of the Members of the said Assembly) Enact That the said three counties should be Annexed to the Province of Pennsylvania as the proper Territories therof.

*And Whereas* King William and the late Queen Mary over England &c By their Letters Patent and Commission under the great Seal of England dated the twenty first day of October in the Fourth year of their Reign *Having* (for the Reasons therein mentioned) taken the Government of this said Province & Territories into their Hands, under their Care and Protection *Did* think fit to Constitute Benjamin Fletcher Governor of New York to be their Captain General and Governor in Chief over this Province and Country.

*And Whereas* also the said King and Queen afterward by their Letters Patent under their said great Seal of England dated the Twentieth day of August in the sixth year of their Reign *Heave* thought fit upon the humble Application *Of the* said William Penn to Restore him to the Administration of the Government of the said Province and Territories And that so much of their said commission as did constitute the said Benjamin Fletcher their Captain General & Governor in Chief of the said Province of Pennsylvania Country of New Castle and the Territories and Tracts of Land depending thereupon in America, Together with all the powers and Authorities thereby granted for the

Ruling and Governing their said Province and Country should from the Publication of the said last recited Letters Patent cease determine and become void And accordingly the same are thereby declared void: *Whereupon* the said William Penn did commissionate his Kinsman *William Markham* Governor under him with Directions to Act according to the known Laws and Usages of this Government.

*Now for as much as* the former Frame of Government Modelled by Act of Settlement and Charter of Liberties is not deemed in all respects sutably Accomodated to our present Circumstances Therefore it is Unanimously desired That it may be Enacted; And *Be it Enacted* by the Governour aforesaid, with the Advice and Consent of the Representatives of the Freemen of the said Province and Territories in Assembly met and by the Authority of the same, that this Government shall from time to time consist of the Governour or his Deputy or Deputies and the Freemen of the said Province and Territories thereof in Form of a Council and Assembly—Which Council and Assembly shall be men of most Note for virtue Wisdom and Ability and shall from and after the Tenth day of the First Moneth next Consist of Two persons out of each of the Counties of this Government To serve as the Peoples Representatives in Council, and of Four persons out of each of the said Counties to serve as their Representatives in Assembly; *For* the Electing of which Representatives It shall and may be lawful for all the Freemen of this Province and Territories aforesaid to meet together on the Tenth day of the First *Moneth* yearly thereafter in the most convenient & usual Place for Election within the Respective Counties then and there to choose their said Representatives as aforesaid who shall meet on the Tenth day of the Third Moneth yearly in the Capital Town of the said Province *unless* the Government and Council shall think fit to Appoint another place. *And to the End* it may be known, who those are, that in this Province or Territories have Right of, or be deemed, Freemen to choose or to be chosen to serve in Council and Assembly as aforesaid—*Be it Enacted* by the Authority aforesaid That no inhabitant of this Province or Territories shall have Right of Electing, or being Elected as aforesaid *unless* they be Free *Denizens* of this said government, and are of the Age of Twenty one years or upwards And have Fifty acres of Land, Ten acres whereof

being seated and cleared, or be otherwise worth Fifty Pounds lawful Money of this Government clear Estate, and have been Resident within this Government for the space of two years next before such Election *And Whereas* divers Persons within this government Can not (for conscience sake) take an Oath upon any Account whatsoever *Be it therefore Enacted* by the Authority aforesaid That all and every such Person and Persons (being at any time thereafter required upon any lawful Occasion to give Evidence or take an Oath in any Case whatsoever) shall, (Instead of Swearing) be permitted to make his or their Solemn Affirmation Attest or Declaration which shall be Adjudged *And is hereby Enacted* and declared to be of the same Force and Effect to all Intents & purposes whatsoever as if they had taken an Oath, And in case any such person or persons shall be lawfully convicted of having wilfully and corruptly Affirmed or declared any matter or thing upon such solemn Affirmation or Attest shall Incurr the same Penalty and Forfeitures, as by the Laws and Statutes of England are Provided against Persons Convicted of wilful and corrupt Perjury *And Be it further Enacted* by the Authority aforesaid That all Persons, who shall be hereafter, either Elected to serve in Council and Assembly, or Commissionated or Appointed to be Judges, Justices, Masters of the Rolls, Sheriffs Coroners, and all other Officers of State and Trust within this Government, who Conscientiously Scruple to take an Oath, But (when lawfully required) will make and subscribe *The Declarations* and Profession of their Christian Beliefs, according to the late Act of Parliament made in the First year of King William and the late Queen Mary *Entituled* an Act for Exempting their Majesties Protestant Subjects, dissenting from the Church of England, from the Penalties of certain Lawes, shall be adjudged and are hereby declared to be Qualified to Act in their said Respective Offices and Places, and thereupon the several Officers herein mentioned shall In Stead of Oathes, make their Solemn Affirmation, or Declaration in manner and Form, as is herein after Limited & Expressed That is to say The Form of Judges and Justices Attest shall be in these words vizt *Thou Shalt* Solemnly Promise that as Judge (or Justice) according to the Governours Commission to thee directed, Thou Shalt do equal Right to the Poor and Rich, to the best of thy knowledge and power according to

Law, and after the usages and Constitutions of this Government, Thou shalt not be of Council of any matter or Cause depending before thee, But shalt well and truly do thy Office in every Respect according to the best of thy understanding

*The Form* of the Attests to be taken  
by the Masters of the Rolls, Secretaries,  
Clarks and such like Officers  
Shall be thus (vizt)

*Thou Shalt* well & faithfully Execute they Office of &c — according to the best of thy Skill and Knowledge, taking such Fees only, as thou ought to Receive by the Laws of this Government

*The Form* of the Sheriffs and Coroners  
Attest shall be in these words (vizt)

*Thou Shalt* solemnly promise That thou wilt well & truly serve the King and Governour in the Office of the Sheriff (or Coroner) of the County aforesaid and preserve the King and Governours Rights, as farforth, as thou can or may, Thou shalt truly serve and Return all the Writts & Precepts to thee directed, Thou shalt take no Bayliff or Deputy, but such as thou wilt Answer for, Thou shalt Receive no Writ *Except* from such Judges & Justices, who by the Laws of this Government, have Authority to Issue, and direct Writts unto thee, and thou shalt Diligently and truly do & Accomplish all things appertaining to thy Office, after the best of *Thy will* and power both for the King and Governours profit and Good of the Inhabitants within the said County, taking such Fees only as thou ought to take by the Laws of this Government and not otherwise

*The Forme* of a Constables Attest  
Shall be thus (vizt)

*Thou shalt* solemnly Promise, well and duly (according to the best of thy understanding) to Execute the Office of a Constable for the Town (or County) of P. for this Ensuing year or untill another be Attested in thy Room, or thou shalt be legally discharged thereof.

*The Form* of the Grand Inquests  
Attest shall be in these words (vizt)

*Thou Shalt* diligently Inquire and true Presentment make of all such matters and things, as shall be given thee in Charge, or come

to thy Knowledge, touching this present Service, The King's Counsel, thy Fellows, and thy own, Thou shalt keep Secret, and in all things Thou shalt Present the Truth, The whole Truth, and nothing but the Truth to the best of thy Knowledge This being given to the *Foreman* The Rest of the Inquest shall be Attested thus (by Three at a time) (vizt)

*The Same* Attestation That your Foreman hath taken on his part, You will well and truly keep on your parts

*The Forme* of the attest to be given  
to the Traverse Jury, by Four at a  
time, shall be thus, (vizt)

You solemnly Promise That you will well and truly Try the Issue of Traverse Between the Lord the King and A: B: whom you have in Charge, according to your Evidence

*In civil Causes* thus (vizt)

You solemnly Promise That you will well and truly Try the Issue Between A. B: Plaintiff and C.C: Defendant according to your Evidence,

*Provided* alwaies, and It's hereby Intended, That No Person shall be by this Act Excused from Swearing, who by the Acts of Parliament for Trade and Navigation are or shall be Required to take an Oath. *And* that Elections may not be corruptly managed on which the Good of the Government so much Depends

*Be it further Enacted* by the Authority aforesaid *That* all Elections of the said Representatives shall be free and voluntary, And that the Elector who shall Receive any Reward or Gift, for giving his vote, shall Forfeit his Right to Elect for that year, And such Person or Persons, as shall give or promise any such Reward to be Elected, or that shall Offer to serve for nothing, or less wages, than the Law prescribes, shall be thereby Rendred incapable to serve in Council or Assembly for that year, And the Representatives so Chosen, either for Council or Assembly, shall yield their Attendance accordingly, and be the sole Judges of the Regularity or Irregularity of the Elections of their Respective Members *And* if any person or persons, chosen to serve in Council or Assembly shall be wilfully Absent from the service He or they are so chosen to Attend or be deceased, or rendered incapable,

*Then* and in all such Cases It shall be lawful for the Governour within Ten dayes after knowledge of the same, to Issue forth a Writt to the Sheriff of the County For which the said Person or Persons were chosen Immediately to Summons the Freemen of the same to Elect another Member in the Room of such absent, deceast, or incapable Person or Persons And in case any Sheriff shall Misbehave himself in the Management of any of the said Elections He shall be punished accordingly at the discretion of the Governour and Council for the time being; *Be it further Enacted* by the Authority aforesaid That every Member now chosen, or hereafter to be chosen by the Freemen, as aforesaid, to serve in Council And the Speaker of the Assembly shall be allowed Five shillings by the day during his and their Attendance, And every Member of Assembly shall be allowed Four shillings by the day during his Attendance on the sessions of the Assembly And that every Member of Council and Assembly shall be allowed towards their Travelling Charges, after the Rate of Two pence each Mile both going to, and coming from the Place, where the Council and Assembly is, or shall be held, All which Summes shall be paid yearly out of the County Levies by the County Receivers respectively; *And be it further Enacted* by the Authority aforesaid That the Governour or his Deputy, shall always preside in the Council And that he shall at No time perform any Publique Act of State whatsoever, That shall or may Relate unto the Justice Treasury or Trade of the Province and Territories But by and with the Advice and Consent of the Council thereof or Major part of them that shall be present

*And Be it further Enacted* by the Authority aforesaid That all the Sheriffs and Clerks of the respective Counties of the said Province and Territories, who are or shall be Commissionated, shall give good and sufficient security to the Governour for Answering the King and his People in Matters relating to the said Offices respectively:

*And Be it further Enacted* by the Authority aforesaid That the Council in all Cases and matters of Moment As about Erecting Courts of Justice, Sitting in Judgment upon Persons Impeached and upon Bills and other Matters, that may be from time to time presented by the Assembly, not less than Two Thirds, shall make a *Quorum*, And that the Consent and Approbation of the Majority of that *Quorum* shall



be had in all such Cases and Matters of Moment, And that in cases of lesser Moment, Not less than one Third of the whole shall make a Quorum, The Majority of which shall and may always Determine in all such matters of lesser Moment as are not above specified And in Case the Governours Power shall hereafter happen to be in the Council A *President* shall then be Chosen out of themselves by Two Thirds or the Major part of them, which President shall therein preside: *Be it further Enacted* by the Authority aforesaid That the Governour & Council shall take care That all Laws Statutes and Ordinances, which shall at any time be made within the said Province & Territories be duly and diligently Executed. *Be it further Enacted* by the Authority aforesaid That the Governour and Council shall at all times have the care of the Peace of this Province and Territores thereof And that nothing be by any Person Attempted to the subversion of this Frame of Government *And be it further Enacted* by the Authority aforesaid That the Governour and Council for the time being shall at all times Settle and Order the Scituation of all Cities and Market Towns, Modelling therein all Publique Buildings Streets and Market-places And shall Appoint all publique Landing Places of the Towns of this Province and Territories And if any mans Property shall be Judged by the Governour and Council to be Commodious for such Landing Place in the said Towns, and that the same be by them Appointed such That the Owner shall have such reasonable satisfaction *Given* him for the same, as the Governour and Council shall see meet To be paid by the said respective Towns.

*Be it further Enacted* by the Authority aforesaid That the Governour and Council shall at all times have power to Inspect the Management of the Publique Treasury and Punish those who shall Convert any part thereof to any other use, Than what hath been Agreed upon, by the Governour Council & Assembly

*Be it futher Enacted* by the Authority aforesaid That the Governour and Council shall Erect and Order all Publique Schools, and Incourage and Reward the Authors of useful Sciences and laudable Inventions in the said Province and Territories thereof;

*And Be it further Enacted* by the Authority aforesaid That the Governour and Council shall from time to time have the Care of the

Management of all Publique Affairs Relating to the Peace Safty Justice, Treasury, Trade and Improvement of the Province and Territories And to the good Education of youth and Sobriety of the Manners of the Inhabitants therein as aforesaid,

*And Be it further Enacted* by the Authority aforesaid that the Representatives of the freemen, when met in Assembly, shall have power to prepare and propose of the Governour and Council All such Bills, as they or the Major part of them, shall at any time see Needful to be past into Lawes within the said Province and Territories *Provided* always That nothing herein Contained shall Debar the Governour and Council from Recommending to the Assembly, All such Bills, as they shall think fit to be past into Laws And that the Council and Assembly may upon Occasion, Confer together in Committees, when desired, All which said proposed and prepared Bills or such of them, as the Governour, with the Advice of the Council, shall in open Assembly Declare his Assent unto shall be the Laws of this Province and Territories thereof, and Publisht accordingly with This Stile *By the Governour* with the Assent and Approbation of the Freemen in General Assembly met, A True Transcript or Duplicate whereof, shall be Transmitted to the Kings privy Council for the time being, according to the said late Kings Letters Patent.

*And Be it further Enacted* by the Authority aforesaid That the Assembly shall sit upon their own Adjournments & Committees and Continue in Order to prepare and propose Bills, Redress Grievances and Impeach Criminals or such Persons, as they shall think fit to be there Impeached, until the Governour and Council for the time being shall Dismiss them; Which Assembly shall, Notwithstanding such Dismiss, be capable of Assembling together, upon Summons of the Governour & Council at any time during that year Two Thirds of which Assembly in all cases shall make a Quorum.

*And Be it further Enacted* by the Authority aforesaid That all Elections of Representatives for Council and Assembly, and all Questions to be determined by them shall be by the Major part of votes;

*Be it further Enacted* by the Authority aforesaid That, as oft as any days of the Moneth mentioned in any Article of this Act, shall fall upon the First day of the week, commonly called The Lords day, The Business

appointed for that day shall be deferred 'till the next day, unless in Cases of Emergency:

*Be it further Enacted* by the Authority aforesaid That if any Alien, who is or shall be a Purchaser of Land (*words missing in manuscript*) or who doth or shall Inhabit in this Province or Territories thereof, shall decease at any time, before he can well be Denizised, His Right and Interest therein shall Notwithstanding, descend to his wife and children or other, his Relations, be he Testate or Intestate according to the Laws of this Province and Territories thereof, in such Cases provided, in as Free and ample manner, to all intents and purposes, As if the Said Alien had been Denizised. *And that* the People may be Accommodated with such Food and Sustenance, as God in his Providence hath freely Afforded *Be it further Enacted* by the Authority aforesaid That the Inhabitants of this Province and Territories thereof, shall have Liberty to Fowl, and Hunt, upon the Lands they Hold, or all other Lands therein, not inclosed, and to Fish in all waters in the said Lands, and in all Rivers and Rivulets in and belonging to this Province and Territories thereof, With Liberty to Draw his or their Fish to Shoar upon any mans Lands, so as it be not to the Detriment, or Annoyance of the Owner thereof Except such Lands, as do Lye upon InLand Rivulets That are not Boatable, or which hereafter may be Erected into Mannors;

*Be it further Enacted*, by the Authority aforesaid That all Inhabitants of this Province and Territories Whether Purchasers or others, and every one of them shall have full and quiet Enjoyment of their respective Lands and Tenements To which they have any lawful or equitable Claim, Saving only such (*words missing in manuscript*) Rents and services for the same, as are or Customarily ought to be Reserved to the Lord or Lords of the Fee thereof respectively.

*Be it further Enacted* by the Authority aforesaid That No Act, Law or Ordinance whatsoever shall at any time thereafter be made or done by the Governour of this Province and Territories thereunto belonging, or by the Freemen in Council or Assembly to Alter, Change, or Diminish the Form and Effect of this Act or any part or Clause thereof, contrary to the true Intent and Meaning thereof, without the Consent of the Governour for the time being, and Six parts of seven of the said

Freemen in Council and Assembly met. *This Act* to continue and be in force untill the said Proprietor shall signifie his Pleasure to the Contrary by some Instrument under his hand and seal in that behalf *Provided always and it is Hereby Enacted* That neither this Act nor any other Act or Acts whatsoever shall preclude or debar the Inhabitants of this Province and Territories from Claiming, Leaving and Enjoying any of the Rights, Priviledges and Immunities, which the said proprietary for himself, his Heirs and Assigns Did formerly grant, or which of Right belong unto them the said Inhabitants By virtue of any Law, Charter or Grants whatsoever, Any thing herein contained to the Contrary Notwithstanding.

Signed in Philadelphia the 7th of the 9th month 1696 by order of the house

John Simcocke Speaker

Philadelphia the 7th day of November 1696

This Bill being three times read was assented to by the Governor & Council:

Wm Markham

A.P.S., Original Laws of Pennsylvania from 1693 to 1700, f. 63. The 1696 Frame of Government was repealed June 7, 1700, chapter 153.