

## Introduction

The Charter of the City of Philadelphia of October 25, 1701 is the oldest document in the city's custody that relates to its early municipal government. It is also the only charter of the city that bears the Proprietor's signature. These factors alone make the 1701 Charter a unique and historical artifact. However, equally important is the content of the Charter. It is a snapshot of the City government during its infancy that shows the city's beginning and which, like any snapshot of youth, is a recurring commentary on what the City has become in its maturity.



**City of Philadelphia**  
Michael A. Nutter  
*Mayor*

**Department of Records**  
Joan Decker  
*Commissioner*

William Penn issued the 1701 Philadelphia Charter a few days before he issued the Charter of Privileges for Pennsylvania. The Philadelphia Charter governed the Corporation's affairs for the same seventy-five year period that the Charter of Privileges regulated the Commonwealth of Pennsylvania. However, unlike the Charter of Privileges, which has been described as establishing the most liberal of British colonies, the 1701 Charter of Philadelphia was scarcely a beacon of democracy. It was a product of its times and reflected the oppression of the liberties of the English borough in the 17<sup>th</sup> century by Queen Elizabeth I and the Stuart monarchs. The Philadelphia Corporation, whose first corporate officers, the Mayor, Recorder, Aldermen, and Common Councilmen, were named by the proprietor in the Charter, was a closed corporation whose membership was self-perpetuating. Of these officers, all but the mayor served for life. The Mayor was elected annually among the Aldermen by at least five Aldermen and nine Common Councilmen, with the Mayor and Recorder being present. The assembly of these officials in a corporate meeting was termed a Common Council. Following the medieval corporate ideal from which it sprang, the Common Council exercised both legislative and executive authority; the Mayor, Recorder and Aldermen also had judicial authority. Finally, the Corporation

had power to admit “so many Free men into their Corporation & Society as they shall think Fitt.”

By today’s standards, and very often by eighteenth century standards, the corporation created by Penn’s Charter was found wanting. Having no power to tax, it derived its income from fines and rents, as well as other fees, occasional lotteries, subscriptions, and loans from the General Assembly of the Province. As a result the Corporation had difficulty paying its debt and providing such basic public services as street and bridge repair, care for the poor, and maintaining public order. These problems were usually remedied by the General Assembly’s creation of popularly elected governmental bodies who had the power to raise funds through taxation; and by the Overseers of the Poor, Wardens of Lighting and the Watch, and the Streets Commissioners. The Corporation finally became fiscally solvent in its later years owing to the economic expansion of the City.

However, the Corporation became completely estranged from the population it was intended to serve. The creation by legislative acts of popularly elected public officials, beginning with representatives to the Assembly in 1705 and extending to the Streets Commissioners in 1762, made the corporation irrelevant to the people of the City. By 1770 the Corporation was so divorced from the people of the City that in a dispute with the Assessors over who was to pay for the repair of a bridge, the Corporation could only argue over whether it was a City or corporation structure. The Corporation’s Common Council held its last meeting on February 17, 1776 and concentrated its attention on business as usual: the appointment of a Clerk of market, the selection of committees to draw up a set of rules and orders to be observed by the Clerk and to build a shed at the Middle Ferry on Schuylkill, and consideration of petitions from prisoners. The shadow of the coming Revolution was totally ignored. The Corporation went out with the proverbial whimper rather than a bang.

## Charter of the City of Philadelphia 1701

**William Penn** Proprietary & Governor of the Province of Pennsylvania &c To all to whom these presents shall come sends Greeting Know ye That at the humble Request of the Inhabitants and Settlers of this Town of Philadelphia being some of the first adventurers & purchasers within this Province For their Incouragement and for the more Immeadiate & Intire government of the said Town And better Regutacion of Trade therein I Have by vertue of the Kings Letters patent under the great seal of England Erected the said Town Into a Burrough and by these presents Do Errect the said Town & Burrough of Philadelphia Into a City which said City shall Extend the Limits & Bounds as it is layd out Between Dellaware & Skoolkill

And I do for me my heires & assignes grant & ordain That the Streets of the said City shall for Ever continue as they are now layd out & Regulated and that the Ends of Each street Extending into the River Dellaware shall be & continue free for the use & service of the said City and the Inhabitants thereof who may Improve the same for the best advantage of the City and Build wharfs so farr out into the River there as the Mayor Aldermen & Comon Council herein after mencioned shall see meet

And I Do Nominate Edward Shippen to be the present Mayor who shall so continue untill another be chosen as is herein after directed

And I do hereby assign & name Thomas Story to be present Recorder to do & Execute all things which unto the office of Recorder of the said City doth or may blong

And I do appoint Thomas Farmar to be the present Sheriffe And Robert Assheton to be the present Town Clerk and Clerk of the peace and Clerk of the Court & Courts

And I do hereby name constitute & appoint Joshua Carpenter Griffith Jones Anthony Morris Joseph Wilcox Nathan Stanbury Charles Read Thomas Masters & William Carter Citizens & Inhabitants of the said City to be the present Aldermen of the said City of Philadelphia

And I do so also Nominate & appoint John Parsons William Hudson William Lee Nehemiah Allen Thomas Paschall John Budd junr Edward Smout Samuel Buckley James Atkinson Penticost Teague Francis Cook & Henry Badcock To be the present Twelve Common Conuncill men of the said City of Philadelphia



And I do by these presents for me my heires & Successors give grant & Declare That the said Mayor Recorder Aldermen & Common Councill men for the tyme being and they which hereafter shall be Mayor Recorder Aldermen & Common Councill men within the said City and their Successors for Ever hereafter be & shall be by vertue of these presents one Body Corporate & Politick in Deed and by the Name of the Mayor & Comonalty of Philadelphia in the Province of Pennsilvania And them by the Name of Mayor and Commonalty of the City of Philadelphia one Body politick & corporate in Deed & in Name I do for me my Heires & Successors fully Create Constitute & Confirm by these presents And That by the same Name of Mayor & Commonalty of the City of Philadelphia they may have perpetuall Succession And That they & their Successors by the name of Mayor & Commonalty of the City of Philadelphia be & at all tymes hereafter shalbe persons able & capable in Law To Have gett receive & possess Lands & Tenements Rents Liberites Jurisdictions Franchises & Hereditaments to them & their Successors in Fee Simple or for Term of Life Lives Yeares or otherwise And also goods Chattles & other things of what things of what nature Kind or Quality soever

And also to give grant Let sell & assigne the same Lands Tenements Hereditaments goods Chattles and to do & Execute all other things about the same by the name aforesaid And also that they be & shalbe for Ever hereafter persons able & Capable in Law To sue & be sued plead & be Impleaded answer & be answered unto defend & be defended in all or any the Courts or other places and before any Judges Justices & other persons whatsoever within the said Province in all manner of accions suits Complaints pleas causes & matters whatsoever and of what nature or kind soever

And That it shall & may be Lawfull to & for the said Mayor & Comonalty of the said City of Philadelphia & their Successors for Ever hereafter to Have & use one Common seal for the sealing of all Businesses Touchng the said Corporacion And the same from tyme to tyme at their will & pleasure to change or alter

And I do for me my heires & Successors give & by these presents grant full power & authority unto the Mayor Recorder & Common Councill of the said City of Philadelphia or any five or more of the Aldermen & nine or more of the Comon Councill men the Mayor & Recorder for the time being or Eithel of them being present on the First Third day of the week in the Eighth month yearly for Ever hereafter publickly to meet at a Convenient Room or place within the said City to be by them appointed for that purpose And then & there Nominate Elect & chuse one of the Aldermen to be the Mayor for that Ensuing year

And also to add to the number of Aldermen & Coman Councill men such & so many of those that by vertue of these presents shalbe admitted Freemen of the said City from time to time as they the said Mayor Aldermen & Common Councill shall see occasion

And that such person who shall be so Elected Mayor as aforesaid shall within three days next after such Eleccion be presented before the Governor of this Province or his Deputy for the time being And there shall subscribe the Declaracions & profession of his Christian believe according to the tate act of Parliament made in the First Year of King Williams Raighn Intituled an act for Exempting their Majesties Subjects Dissenting from the Church of England from the penaltes of certain Laws And then & there the Mayor so presented shall make his solemn affirmacion & Ingagement for the due Execution of his office

And that the Recorder Sheriffe Aldermen & Common Council men And all other officers of the said City before they or any of them shalbe admitted to Execute their Repective offices shall make & subscribe the said Declaracion & profession aforesaid before the Mayor for the time being And at the same time shalbe attested for the due Execution of their offices Respectively which Declaracions promises & attestacions The Mayor of the said City for the time being is hereby Impowered to take & administer accordingly

And That the Mayor Recorder & Aldermen of the said City for the tyme being shalbe Justices of the peace and Justices of yer & Terminer And are hereby Impowered to act withn the said City & Liberties there thereof accordingly as fully & amply as any Justice or Justices of the peace or oyer and Terminer can or may do within the said Province

And That they or any Four or more of them (whereof the Mayor & Recorder of the said City for the time being shalbe two) shall & may for Ever hereafter have Power & Authority by vertue of these presents To hear & Inquire into all manner of Treasons Murder Manslaughters And all manner of Felonies & other Crimes & Offences Capitall & Criminal whatsoever according to the Laws of this Province & of the Kingdom of England with Power also to hear & Determine all petty Larcenies Routs Riots unlawful assemblies and to try & to punish all persons that shalbe convicted for drunkenness swearing scolding & breaking the peace or such like offences which are by the Laws of this Province to be punished by fine Imprisonment or Whipping with power also to award process against all Rioters & breakers of the peace and to bind them & all other offenders & persons of evil fame to the peace or good behaviour as any Justice or Justices of the peace can do without being accountable to me or my heires for any Fines or amerciments to be

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Imposed for the said offences or any of them

And I do hereby Impower them or any Four of them (whereof the Mayor & Recorder for the time being shall be two) with the City Sheriff and Town Clerk to hold & keepe a Court of Record Quarterly or oftener if they see occasion for the Inquiring hearing & Determining of the pleas & matters aforesaid And Upon their own View or after a Legal procedure in some of those Courts to cause all Nusances & Incroachments in the streets of the said City to be Removed And punish the parties Concerned as the Law & usage in such cases shall require

And I do by these presents Assign & apoint that the present Mayor Recorder & Aldermen herein before named be the present Justices of the peace and oyer & Terminer within the said City And that they & all other that shall be Mayors Recorders & Aldermen of the said City for the time being shall have full power & authority And are hereby Impowered & authorised without any further or other Commission to be the Justices of the peace and oyer & Terminer within the said City for Ever And shall also be Justices of the peace And the Mayor & Recorder shall be of the Quorum of the Justices of the County Courts Quarter Sessions oyer & Terminer and Gaol Delivery in the said County of Philadelphia And Shall have full power To award process Bind to the peace or Behaviour or Committ to prison for any matter or Cause arising without the said City and within the Body of the aforesaid County as occasion shall Require And to cause Calenders to be made of such prisoners which together with all Recognizances & Examinacions taken before them for or Concerning any matter of cause not Determinable by them shall be duely Returned to the Judges or Justices of the said County in their Respective Courts where the same shall be cognizable

And That it be Lawful to & for the said Mayor & Commonalty & their Successor when they see occasion to erect a Gaol or prison and Courthouse within the said City

And that the Mayor & Recorder for the time being shall and by these presents have power to take Recognizance of Debts there according to the statue of Merchants and of Action Burnel and to use & affix the said Common seal thereupon and to all Certificates concerning the same

And That it may be Lawful to & for the Mayor of the said City for the time being for Ever hereafter to Nominate and from time to time appoint the Clerk of the markt who shall have assise of Bread wine Beer wood & other things and do Execute & performe all things Belonging to the office of Clerk of the Markett within the said City

And I will That the Coroners to be Chosen by the County of Philadelphia for the time being shall be the Coroner of

the said City & Liberties thereof But that the Freeman & Inhabitants of the said City shall from time to time as often as occasion be have Equall Liberty with the Inhabitants of the said County to Recomend or Chuse persons to Serve in the Respective Capacities of Coroner & Sheriffe for the County of Philadelphia who shall Reside within the said City

And that the Sheriff of the said City And County for the time being shall be the water Bayliff who shall & may Execute & performe all things Belonging to the office water Bayliff upon Delaware River and all other Navigable Rivers & Creeks within this Province.

And in Case the Mayor of the said City for the time being shall during the time of this Mayoralty misbehave himself or misgoverne in that office I do hereby Impower the Recorder Alderman and Common Council men or Five of the Aldermen and Nine of the Common Councill men of the said City of Philadelphia for the time being To Remove such Mayor from his office of Mayoralty And in such case or in Cases of the Deaths of the said Mayor for the time being That then another fitt person shall within lower days next after such death or Removall be Chosen in manner as is above directed for Electing of Mayors in the place of him so dead or Removed

And least there should be a failure of Justice or Government in the said City in such Intervall I Do hereby appoint That the Eldest Alderman for the time being shall take upon him the office of a Mayor there and shall Exercise the same Till another Mayor be chosen as aforesaid And in case of the Disability of such Eldest Alderman Then the next in Seniority shall take upon him the said office of Mayor to Exercise the same as aforesaid

And in case the Recorder or any of the Aldermen or Common Councill men of or belonging to the said City for the time being shall misbehave him or themselves in their Respective offices & places They shall be removed & others Chosen in their stead in manner Following That is to say The Recorder for the time being may be Removed (for Misbehavior) by the Mayor & two thirds of the Aldermen & Common Council men Respectively And in Case of such Removall or of the death of the Recorder Then to chuse another fitt person skilled in Law to be Recorder there And so to continue during pleasure as aforesaid And the Alderman to misbehaving himselfe may be Removed by the Mayor Recorder and Nine of the Aldermen & Common Councill men And in case of such Removall or death Then within Fower days after To Chuse a fitt person or persons to supply such vacancys And the Comon Concill men Constables Clerk of the market for

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Misbehaviour shall be Removed & others chosen as is directed in the Case of Aldermen

And I do also for me & my successors by these presents Grant to the said Mayor & Comonalty & their successors That if any of the Citizens of said City shalbe hereafter Elected Nominated & Chosen to the office of Mayor Aldermen or Comon Council men as aforesaid and having Notice of his or their Ellection shall Refuse to undertake & Execute that office to which he is so chosen That then & so often it shall & may be Lawfull for the Mayor & Recorder Alderman & Comon Council men or the Mayor part of the Aldermen & Comon Council men for the time being according to their discretion to Impose such Moderate fines upon such Refuser so as the Mayors Fine Exceed not Fourty pounds The Aldermans five & Thirty pounds and Common Council men Twenty Pounds and other officers proporcionably To be Levved by distresse & sale by warrant under the Comon seal or by other Lawfull ways To the use of the said Corporacion And in such Cases it shalbe Lawful to Chuse others to supply the defects of such Refusers in Manner as is above direct for Elecions

And That it shall & may be Lawfull to and for the Mayor Recorder & one of the Aldermen for the Time being from time to time so often as they shall find occasion To summon a Comon Council of the said City

And that no assembly or meeting of the said Citizens shalbe deemed & accounted a Common Council unless the said Mayor & Recorder and at Least three of the Aldermen for the time being and nine of the Comon Council men be present

And also that the said Mayor Recorder Alderman & Comon Council men for the time being from time to time at their Comon Council shall have power to admitt such & so many Free men Into their Corporacion & Society as they shall thank fitt

And to make And they may make ordain Constitute & Establish such & so many good & Reasonable Laws ordinances & Constitucions (not Repugnant to the Laws of England and this government) as to the greatest part of them at such Comon Council assembled (where they Mayor and Recorder for the time being are to be allways present) shall seem Necessary & Convenient for the Government of the said city of philadelphia

And the same Laws ordinances orders & Constitucions so to be made to put in use and Execution accordingly by the proper officers of the said City And at their pleasure to Revoke alter & make anew as occasion shall Require

And also Impose such Mulcts & Amercyments upon the Breakers of such Laws & ordinances as to them in their

discretion shall be thought reasonable which Mulcts as also all other Fines & Ameriments to be sett or Imposed by vertue of the powers granted shall be Levved as above is directed in case of Fines To the use of the said Corporacion without Rendering any account thereof to me my Heires & successors with power to the Comon Council aforesaid to mitigate remitt or Release such Fines & mulcts upon the submission of the parties Provided allways That no person or persons hereafter shall have Right of Electing or being Elected by vertue of these presents To any office or place Judicial or ministerial nor shall be admittted Freemen of the said City unless they be Free Denizens of this Province and are of the age of twenty one years or upwards And are Inhabitants of the said City and have an Estate of Inheritance or Freehold therein or are worth fifty pounds in money or other stock and have been Resident in the said City for the space of Two years or shall purchase their Freedom of the Mayor & Commonalty aforesaid

And I do further grant to the said Mayor & Comonalty of the said City of Philadelphia that they & their successors shall & may for Ever hereafter hold & keep within the said City in Every week of the Year Two Markett days The one upon the Fourth Day of the week and the other upon the Seventh Day of the week in such place or places as is shall or may be appointed for that purpose by the said Comonalty or their successors from time to time

And also Two Fairs there in Every Year The one of them to begin on the Sixteenth Day of the Third month called May Yearly and so to be held in & about the Markett place and Continue for that Day and Two Days next following and other of the said Fair To be Held in the aforesaid place on the Sixteenth Day of the Ninth Month yearly and for Two Days next after

And I do for me my heires & assignes by vertue of the Kings Letter Patent make Erect and Constitute the said City of Philadelphia to be a port or Harbour for discharg & unloading of goods & merchansize out of Ships Boates & other Vessells and for Landing & shipping them in or upon such & so many places Keys & wharfs there as by the Mayor Aldermen & Common Council of the said City shall from time to time be thought most Expedient for the accomodacion and Service of the Officers of the Customs in the management of the Kings Affaires & Preservacion of His Duties as well as for Conveniency of Trade

And I do ordaine & Declare That the said Port or Harbour shall be called the port of Philadelphia and shall Extend and be account to Extend into all such Creeks Rivers & Places within this Province and shall have so many wharfs Keys Landing places & members Belonging thereto for Landing & Shipping of goods as the said Mayor Aldermen & Common Council for the tyme being with the

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approbacion of the chief officer or officers of the Kings Customs shall from time to tyme think fitt to appoint

And I do also ordain that the Landing places now & Heretofore used at the penny pot house & Blew anchor & saving to all persons their just & Legall Rights & property in the Land so to be left open as also the Swamp Between Budds Buildings and the Society Hill shall be Left open & common for the Use & Service of the said City and all others with Liberty to Digg Docks & make Habours for Shippes & Vessels in all or any part of the said Swamp

And I do hereby grant that all the vacant Land within the Bounds & Limits of the said City shall remain open as a Free Comon of Pasture for the use of the Inhabitants of the said City until the same shalbe gradually taken in order to Build or Improve thereon and not otherwise Provided allways That nothing herein contained shall debarr me or my Heires in time to come from fencing in all the vacant Land that Lyes Between the Center Meeting house & the Skoolkil which I intend shalbe devided from the Land by me allotted for Dellaware Side by a Straight line along the Broad street from Edward Shippens Land through the Center square to Daniel Peggs Land Nor shall the fencing or taking in any of the streets happening to be within that Inclosure on Skoolkil be deemed or adjudged to be an Incroachment where it shall not Interfere or Stop any of the streets or passages Leading to any of the houses Built or to be Built on that side any thing herein to the Contrary Notwithstanding

And I do grant that this present Charter shall in all Courts of Law & Equity be construed & taken most favourably and Beneficially for the Said Corporation.

In Witness whereof I have hereunto set my hand and caused my great seal to be affixed Dated at Philadelphia the Five and Twentieth day of October Anno Dom 1701 And in the Thirteenth Year of the Raign of King William the third over England &c And the one and Twentieth year of my government

After the words (saving to all persons their just & Legal rights & property in the Land so left open) were interlined in the last line but eight in this piece of parchment Also the Razure in the seventh line & the words (Thomas Story) also another razure in the ninth line Also another razure in the first & twentieth line of the first skin hereto approved before signing

*Wm Penn*

