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.

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 17th 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 Encouragement and for the more Immediat & 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 & assigns 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 far out into the River there as the Mayor Aldermen & Comon Council herein after mentioned shall see meet

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

And I do hereby asign & 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 Counclil 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 Council men for the tyme being and they which hereafter shall be Mayor Recorder Aldermen & Common Council men within the said City and their Successors for Ever hereafter be & shall be by virtue of these presents one Body Corporate & Politick in Deed and by the Name of the Mayor & Comonalty of Philadelphia in the Province of Pennsillvania And them by the Name of Mayor and Comonalty 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 & Comonalty of the City of Philadelphia they may have perpetuall Succession And That they & their Successors by the name of Mayor & Comonalty 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 actions 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 Touching 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 Council men the Mayor & Recorder for the time being or Ethel 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 Council men such & so many of those that by virtue of these presents shalbe admitted Freemen of the said City from time to time as they the said Mayor Aldermen & Common Council shall see occasion And that such person who shall be so Elected Mayor as aforesaid shall within thirty dayes next after such Eleccion be presented before the Governor of this Province or his Deputy for the time being And there shall subscribe the Declarations & profession of his Christian belief according to the tate act of Parliament made in the First Year of King Williams Raign Intituled an act for Exempting their Majesties Subjects Dissenting from the Church of England from the penalties 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 Repsective offices shall make & subscribe the said Declaration & 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 Declarations promises & attestacions The Mayor of the said City for the time being is hereby Impoverred 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 Impowerred to act within 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 virtue of these presents To hear & Inquire into all manner of Treasons Murder Manslaughters And all manner of F felonies & other Crimes & Offences Capital & Criminal whatsoever according to the Laws of this Province & of the Kingdom of England with Power also to hear & Determine all petty Larcenies Riots 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 amencements to be
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 & keep 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 andoyer & Terminer within the said City And that they & all other that shalbe 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 Commit 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 Calendars to be made of such prisoners which together with all Recognizances & Examinacons taken before them for or Concerning any matter of cause not Determinable by them shall be duly 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 market 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 Market 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 Coroners of the said City & Liberties thereof But that the Freemen & 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 Coroners & Sheriffs 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 Council 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 Council men of or belonging to the said City for the time being shall misbehave him or themselves or 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 Removal 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 Council men And in case of such Removal or death Then within Fower days after To chuse a fitt person or persons to supply such vacancys And the Comon Council men Constables Clerk of the market for...
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 shaile hereafter
Elected Nominated & Chosen to the office of Mayor
Aldermen or Comon Council men as aforesaid and
having Notice of his or their Election 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 Refusers so as
the Mayors Fine Exceed not Forty pounds The
Aldermans five & Thirty pounds and Common Council
men Twenty Pounds and other officers proportionably
To be Levyed by distress & sale by warrant under the
Comon seal or by other Lawfull ways To the use of the
said Corporacion And in such cases it shall be Lawfull to
Chuse others to supply the defects of such Refusers in
Manner as is above direct for Elections
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 admit
such & so many Free men Into their Corporacion &
Society as they shall think fitt
And to make And they may make ordain Constitute &
Establish such & so many good & Reasonable Laws
ordinances & Constitutions (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 & Constitutions
so to be made 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 & Ameriments 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 Levyed 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
alwayes That no person or persons hereafter shall have
Right of Electing or being Electedy by vertue of these
presents To any office or place Judicial or ministerial nor
shall be admitted 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 &
Comonality 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 & assigns by vertue of the
Kings Letter Patent make Erect and Constitute the said
City of Philadelphia to be a port or Harbour for discharg
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 Affairs &
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
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 alwayes 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 Delaware 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