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**“A History of the Anglican Church—Part XXXII:
An Essay on the Role of Christian Lawyers and Judges within the
Secular State”©**

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The ideas expressed in this Apostolate Paper are wholly those of the author, and subject to modification as a result of on-going research into this subject matter. This paper is currently being revised and edited, but this version is submitted for the purpose of sharing Christian scholarship with clergy, the legal profession, and the general public.

INTRODUCTION¹

St. Thomas Aquinas' theory of natural law and jurisprudence comprised, through the ecclesiastical channels of the Church of England, a major element in England's constitutional and common laws during the seventeenth and eighteenth centuries. England's laws were thus thoroughly "catholic" and deeply-rooted in Thomistic natural law doctrine.² In colonial British North America, during the same period, the laws and constitutions were plain copies of England's ecclesiastical and civil (i.e., secular) laws. Collectively, both the Law of England and that of colonial British North America were founded upon "fixed principals"³ called the "Law of Nature,"⁴ or the "law of reason"; the law of the Gospel, or the "law of Christ"⁵; and the customary Anglo-Saxon law, and (or) the English common law.⁶ We may therefore safely conclude that the collective laws of England and of colonial British North America were "catholic" and based upon the moral and legal philosophy of St. Thomas Aquinas (i.e., Eternal Law --> Divine Law --> Natural Law --> Human Law),⁷ and of the Anglican divine Richard Hooker (1554- 1600).

The presence of the God of the Old Testament within Anglo-American natural-law jurisprudence was thus taken as axiomatic amongst English judges and barristers. For to these Anglican lawyers and jurists, the God of the Old Testament was also the "God of Reason"; and they expressly held to the Thomistic view that

¹ This paper is dedicated to President Kenneth Talbot of the **Whitefield College and Theological Seminary** in Lakeland, Florida. Dr Talbot is an ordained minister in the Reformed Presbyterian Church and a life-long student of Calvinist or Reformed-Church covenant theology, and Church-State theory, philosophy, and jurisprudence. I am honored to study with Dr. Talbot as a post-doctoral fellow at the Whitefield Theological Seminary.

² See, e.g., **Appendix A**, "Ancient Anglican system of Natural Law, Common Law, and Rights" citing Thomas Woods, *Institutes of the Laws of England* (1720).

³ *Ibid.*

⁴ *Ibid.*

⁵ The Law of Christ is to "love ye one another" (John 15:12); to do justice and judgement (Genesis 18:18-19; Proverbs 21: 1-3); to judge not according to appearance but to judge righteous judgments (John 7:24); and to do justice, judgment, and equity (Proverbs 1:2-3). See, also: **Appendix A**, "Ancient Anglican system of Natural Law, Common Law, and Rights" citing Thomas Woods, *Institutes of the Laws of England* (1720).

⁶ **Appendix A**, "Ancient Anglican system of Natural Law, Common Law, and Rights" citing Thomas Woods, *Institutes of the Laws of England* (1720).

⁷ *Ibid.*

Jesus of Nazareth, as the Son of God, was the divine *Logos*.⁸ The “law of reason” was thus held to be the foundation of England’s common law.⁹ The Roman Catholic canon law had long held to this juridical and theological view of the “law of reason”; and the Anglican Church, after its separation from the Roman Catholic Church in 1534, retained this same view. The “law of reason”—which was also the “law of Nature” and a constituent component to the Catholic-Anglican “law of Christ” — was woven into England’s common law and law of equity. Two of England’s greatest constitutional theorists, Thomas Hobbes and John Locke, held to this view of the “law of reason.” See Table 1, “Thomas Woods, *Institutes of the Laws of England* (1720), below:

Table 1. Thomas Woods, *Institutes of the Laws of England* (1720)

“As Law in General is an Art directing to the Knowledge of Justice, and to the well ordering of civil Society, so the Law of England, in particular, is an Art to know what is Justice in England, and to preserve Order in that Kingdom: And this Law is raised upon fix principal Foundations.

1. Upon the *Law of Nature*, though we seldom make Use of the Terms, *The Law of Nature*. But we say, that such a **Thing is reasonable, or unreasonable**....

2. Upon the revealed Law of God, Hence it is that our Law punishes Blasphemies, Perjuries, & etc. and receives the **Canons of the Church [of England]** duly made, and supported a **spiritual Jurisdiction and Authority in the Church [of England]**.

3. The third Ground are several general *Customs*, these Customs are properly called the *Common Law*. Wherefore when we say, it is so by Common Law, it is as much s to say, by common Right, or of common Justice.

Indeed it is many Times very difficult to know what Cases are grounded on the *Law of Reason*, and what upon the *Custom* of the Kingdom, yet we must endeavor to understand this, to know the perfect Reason of the Law.

Rules concerning Law

⁸ Jesus of Nazareth, as the Son of God, was believed to be the essence of “Reason” or “the Word,” which is the divine “Logos.” See, e.g., John 1:1-3. See, also, “Aquinas on Law,” <https://people.wku.edu/jan.garrett/302/aquinlaw.htm> (where Saint Thomas Aquinas describes law as “a certain rule and measure of acts whereby man is induced to act or is restrained from acting.” (q90, a1) Because the rule and measure of human actions is reason, law has an essential relation to reason; in the first place to divine reason; in the second place to human reason, when it acts correctly, i.e., in accordance with the purpose or final cause implanted in it by God.”) See, also, Sir Edward Coke (1552-1634), former Chief Justice of England and Wales, who says that “[r]eason is the life of the law; nay, the common law itself is nothing else but reason... The law, which is perfection of reason.”

⁹ *Ibid.*

The Common Law is the absolute Perfection of Reason. For nothing that is **contrary to Reason** is consonant to Law

Common Law is common Right.

The Law is the Subject's best Birth-right.

The Law respects **the Order of Nature....**"

Source: Thomas Wood, LL.D., *An Institute of the laws of England: or, the Laws of England in their Natural Order* (London, England: Strahan and Woodall, 1720), pp. 4-5.

Thus, to the seventeenth and eighteenth-century English judges, lawyers, and clergymen, the God of the Old Testament was the "God of Reason" who had created the laws of nature (i.e., the "law of reason"). Most significantly, this same God of ancient Israel was also the God of all creation (e.g., science and mathematics) and of Divine Providence; and He alone controlled human events.¹⁰ For this reason, no king, no judge, and no parliament reigned above the God's fundamental law (e.g., the constitution of the universe), which was part and parcel of England's unwritten constitution. On this point, historian Goldwin Smith has written: **"If kings or Parliaments violate their trust, the people have a right to resist. 'The freedom and preservation of all men, that is the natural law that is the command of reason.' The voluntary union of independent men should tolerate no interference with law and freedom. 'He who threatens liberty, threatens all.'"**¹¹ It is therefore not unlikely that most of the signers of *The Declaration of Independence* (1776) believed that the God of the Old Testament was the same as the God of Nature (i.e., "Nature's God"); and, significantly, the God of the Old Testament was same as the "God of Reason." Up to the time of the American Revolution (1775 -1783), the colonies of British North America had incorporated the ancient Catholic-Anglican system of natural-law into their respective legal and constitutional systems. See, e.g., Appendix A, "Ancient Anglican system of Natural Law, Common Law, and Rights."

In this paper, we analyze the Anglican Church's influences within the colonial charters of Maryland, the Carolinas, New Jersey, Delaware, and Georgia. These colonial charters were the forerunner of the United States Constitution.

¹⁰ Deism certainly never became an official belief system within Christianity or Anglicanism, which remained the official religion of the British Empire up through the early twentieth century. Today, the Church of England is the established, official church in England, and its twenty-six most senior bishops sit in Parliament at Lords Spiritual. What this reveals is that in England, the Christian religion has remained predominant within English jurisprudence.

¹¹ Goldwin Smith, *A History of England* (New York, N.Y.: Charles Scribner's Sons, 1957), p. 383.

Within these colonial charters, we find that unique influence of Anglicanism, Catholicism, Puritanism, and the Baptist and Quaker faith traditions upon Anglo-American constitutional law. Colonial America's Anglican Church was a daughter of the Church of England, and it consisted of a motley crew of Christian denominational affiliations: Roman Catholics settled Maryland; the Reformed Presbyterians, Baptists, Independents, Quakers, and Anglicans settled the remaining original thirteen colonies. Throughout the seventeenth- and eighteenth-centuries, the church-state regimes established in these original thirteen American colonies were patterned after those of seventeenth-century England and the Church of England. Each of the original thirteen colonies of British North America had state-supported churches, and had firmly established the Christian faith as the official state religion of their respective colonies:

1607 -- Virginia
1626 -- New York
1630 -- Massachusetts
1633 -- Maryland
1636 -- Rhode Island
1636 -- Connecticut
1638 -- New Hampshire
1653 -- Delaware
1663 -- Carolina (North and South Carolina)
1664 -- New Jersey
1682 -- South Carolina
1732 -- Georgia

In keeping with the established tradition of the Church of England, most of the first residents of colonial British North America generally believed that the church and the state were two sides of the same coin. In fact, as many of their founding documents reflect, most of these first settlers in British North America believed firmly that the state was ordained by God; that it must adopt the "law of Christ"¹² as its fundamental law; and that in order to do justice and judgment, it must likewise establish the Christian faith as the official state religion throughout their respective colonies.¹³

¹² The Law of Christ is to "love ye one another" (John 15:12); to do justice and judgement (Genesis 18:18-19; Proverbs 21: 1-3); to judge not according to appearance but to judge righteous judgments (John 7:24); and to do justice, judgment, and equity (Proverbs 1:2-3).

¹³ Perhaps most revealing is the colony of Rhode Island where religious freedom was championed. Even in Rhode Island, the Christian religion was firmly established as the "true faith" and its citizens retained a fundamental right to defend against any enemies of the Christian faith. See, e.g., Royal Charter of 1663 for Rhode Island.

As we shall see below, upon a review of the original charters of Maryland, the Carolinas, New Jersey, Delaware, and Georgia, that the original planning for the colonies incorporated the political and constitutional theories of the “catholic” Christian faith, as set forth in St. Augustine of Hippo’s *The City of God*. Unlike Puritan New England, these other colonies fell more directly under the jurisdictions of the British monarchy and the Anglican Bishops within the Church of England, together with very important commercial interests of joint-stock companies and investors. In any event, outside of the boundaries of colonial New England, the colonial governments of British North America established the Anglican Church as the official state church; but some of those colonies, such as Georgia, provided for “freedom of conscience” and the free exercise of religion, *for so long as* these freedoms of faith, conscience, and religious expression posed no threats to the safety or morals of fellow citizens or of the colonial governments.

For instance, in the colony of Georgia, the founders believed that Roman Catholicism posed a threat to the colonial government of Georgia and so they prohibited the exercise of the Roman Catholic faith in Georgia. But the colony of Maryland, conversely, was founded by Roman Catholics, and the city of Baltimore was dubbed America’s “Catholic City.” British North America, then, was founded under the auspices of the Church of England, with the aim of proselytizing heathens and establishing the Christian faith and extending the British Empire, often within its panoply of varied Protestant denominations. The official position of those colonies was that the Anglican Church should be established as official, state-supported churches throughout the colonies; that other non-Anglican Protestant churches (i.e., Baptists, Presbyterians, and Independents, etc.) should be allowed to freely exercise their Christian faiths; but also that non-Christian groups (e.g., Jews, Muslims, other “monotheistic” faith traditions, etc.) should also be allowed to freely exercise their faiths, for so long as this exercise was peaceful and posed no threat to the colonial government.

Lastly, I should here note that during the seventeenth and eighteenth centuries, **a major conflict arose within the Anglican ecclesiastical world as to the meaning of the Gospel regarding the conversion and baptism of Negro slaves, thus resulting in the challenge of multiracial Christian brotherhood.** In addition, the Church of England and the Anglican Church in British North America had key ecclesiological and theological differences, which often created conflict between the church in England and the church in America— particularly on the question of African slavery. See, e.g., Appendix B, “The Church of England in 17th- and 18th-Century North America.” It is the opinion of the undersigned author that the Church of England (i.e., the church in England) maintained the true,

correct, orthodox and Christian theological viewpoint on the humane treatment of African slaves, the amelioration of the institution of slavery, and the abolition of the slave trade; whereas, the Anglican Church in colonial North America (i.e., Virginia, the Carolinas, Georgia, etc.) deviated away from the “law of Christ” and, in succeeding decades, became enthralled by the American slave power. In other words, the Anglican churches of colonial America more and more lost sight of the true meaning of the “law of Christ,”¹⁴ because of the institution of American slavery and the transatlantic slave trade. See, e.g., Appendix B, “The Church of England in 17th- and 18th-Century British North America.” However, I will also defer this matter to the reader to decide for his or herself.

In these difficult days of the American Republic where the Church has become subordinate to the State, and where both the State and the Church have become subordinate to conglomerate Capitalism, the reverence and respect for the sovereignty of God, who is earth’s supreme and sovereign Lord, have become significantly curtailed and diminished. And today, “the laws of nature and of Nature’s God,” as acknowledged in the American *Declaration of Independence*, no longer binds or governs the judgment of American lawyers and judges or have meaningful significance within American constitutional jurisprudence. Unlike the Puritans of colonial New England, many Western and American constitutional lawyers and judges ignore the essential truths of the Christian religion regarding human nature and its influence upon the rise and fall of nations. These lawyers and judges tend to separate the essential truths of the Christian faith from the essential mandates of secular American jurisprudence, because, they say, the “doctrine of separation of church and state” are constitutionally mandated through the First Amendment’s “wall of separation.” But the central theme of St. Augustine’s *The City of God* teaches us that such an approach to law and jurisprudence—particularly constitutional law—is both dangerous and wrong. A “truth” that is also a deeply-held religious truth of a particular faith tradition, such as Judaism or Christianity, ought not, on the basis of religion alone, be ignored or rejected by the secular legal system (e.g., the bar and bench)! Indeed, it is very important that American lawyers and judges acknowledge the “catholic” Christian “truths” of American constitutional law, as set forth in both the *Declaration of Independence* and the *U.S. Constitution*. For instance, as Anglican priest Algernon Sidney Crapsey once stated:

¹⁴ The Law of Christ is to “love ye one another” (John 15:12); to do justice and judgement (Genesis 18:18-19; Proverbs 21: 1-3); to judge not according to appearance but to judge righteous judgments (John 7:24); and to do justice, judgment, and equity (Proverbs 1:2-3).

When the Constitutional Convention of 1787 sent forth the Constitution which it devised for the government of the nation it did so in these words: ‘We, the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our children, do ordain and establish this Constitution for the United States of America.’ Now can any man write a more perfect description of the Kingdom of God on earth or in the heaven than is to be found in these words?

A government resting upon such principles as these is not a godless policy; it is a holy religion....

When the people of the United States decreed by constitutional amendment that the government should never by law establish any religion, they did actually establish the only religion that could comprehend in its membership the whole American people.¹⁵

For this reason, I have set forth in this paper, together with an appendix of exhibits, the fundamental Christian ideals that undergirded the first constitutional charters of colonial Maryland, the Carolinas, New Jersey, Delaware, and Georgia up to the year 1732.

SUMMARY

St. Augustine of Hippo’s *The City of God* thoroughly vetted pagan Greco-Roman culture and excoriated the moral relativism, criminal tendencies, and lasciviousness of the ancient Roman world. The Roman Empire had fallen, wrote St. Augustine, because the Romans had failed to adhere to a stern morality that would prevent social ruin and collapse and to govern the Roman Empire according to God’s Will. When the Protestant Reformers emerged during the late sixteenth and early seventeenth centuries, they adopted St. Augustine’s view of the Bible and of history; and when separating from the Roman Catholic Church, they sought

¹⁵ Algernon Sidney Crapsey, *Religion and Politics* (New York, N.Y.: Thomas Whittaker, 1905), pp. 305-306.

to establish both state-operated national churches and Christian-based secular governments. The Lutherans and Calvinists of Northern and Central Europe, together with the Anglicans and Puritans of England and British North America, did not recognize the doctrine which is today called “separation of church and state.” As a consequence, the original colonial charters of the thirteen original colonies were therefore plain copies of both ecclesiastical and civil laws of England.¹⁶

The Anglican Church’s influence upon the colonies of Maryland, Delaware, New Jersey, the Carolinas (North & South Carolina), and Georgia was significant. Like the colony of Virginia, these colonies established official Anglican churches, but all of them permitted religious freedom and prohibited anything like prosecution for heresy or religious persecution. At the same time, the Anglican Church retained jurisdiction over family, marriage, and domestic relations. Other Christian church denominations, especially the Baptists, were allowed to flourish alongside the Anglicans. The Jesuits and other Roman Catholic sects were viewed upon with suspicion, since they were seen as loyal to the Pope or to Catholic kingdom of France, a rival to the British Empire. The colony of Maryland, however, welcomed the Roman Catholic Church; and throughout British North America, the only religious requirement needed to hold public office was that man profess the Christian faith and, perhaps, be a member of some Christian church, regardless of denomination. The idea of “separation of church and state” in British North America did exist; but it was designed to divide the functions of government between “ecclesiastical” functions (i.e., the First Table of the Ten Commandments) and “civil magistrate” functions (i.e., the Second Table of the Ten Commandments). This was the original understanding of the meaning of “separation of church and state” both to the first leaders of the Protestant Reformation and to the founders of the original thirteenth colonies of British North America.

¹⁶ See, e.g., **Appendix A**, “Ancient Anglican system of Natural Law, Common Law, and Rights” citing Thomas Woods, *Institutes of the Laws of England* (1720).

Part XXXII. Anglican Church: “Christianity and the Constitutional Laws of Maryland, Delaware, the Carolinas, New Jersey, and Georgia, 1600-1750”

The Church of England’s ecclesiastical influences upon American constitutional law are readily apparent in the first constitutional charters of colonial Maryland, the Carolinas, New Jersey, Delaware, Georgia and each of the remaining thirteen original colonies. Significantly, each of the colonies established the various forms of official, government-supported churches. Throughout the colonial period of British North America, the idea of separating the church function from the civil or magistrate’s function was accepted and implemented; however, none of these colonies recognized the modern-day secular idea that God’s Will and Providence was not the foundation of the “fundamental” constitutional law. Relying upon the Calvinistic “two-tables” theory of constitutional law and government, the colonists generally accepted the conventional Anglican ideal that the Church and the State were two sides of the same coin, both directing and implementing the “moral fundamental law”:

Table 1. “Two Tables Theory of the Ten Commandments”

TEN COMMANDMENTS: First Table (The Church)	TEN COMMANDMENTS: Second Table (The Civil Magistrate)
I am the Lord thy God! Thou shalt have no other Gods but me!	Thou shalt honor father and mother!
Thou shalt make no any Graven Images;	Thou shalt not kill!
Thou shalt not take the Name of the Lord thy God in vain!	Thou shalt not commit adultery!
Thou shalt keep the Sabbath Day holy!	Thou shalt not steal!
	Thou shalt not bear false witness against thy neighbor!
	Thou shalt not covet thy neighbor’s house, nor his farm, nor his cattle, nor anything that is his!

The colonies of British North America has accepted the idea that a man or woman need not agree on the precise ecclesiastical doctrines and rules regarding the “First

Table,” and therefore accepted “freedom of conscience” and “freedom of religion,” while at the same time establishing the Anglican Church as the official state church. On the other hand, they believed that the “fundamental moral law” or the “law of Christ”¹⁷ had to be implemented by the civil magistrate, without interference from the Church.

A. Charter of Maryland, 1632

The colony of Maryland established official state churches that were patterned after the Church of England. The Charter of 1632 stated:

And furthermore the Patronages, and Advowsons of **all Churches which (with the increasing Worship and Religion of Christ)** within the said Region, Islands, Islets, and Limits aforesaid, hereafter shall happen to be built, together with License and Faculty of erecting and founding Churches, Chapels, and Places of Worship, in convenient and suitable places, **within the Premises, and of causing the same to be dedicated and consecrated according to the Ecclesiastical Laws of our Kingdom of England**, with all, and singular such, and as ample Rights, Jurisdictions, Privileges, Prerogatives, Royalties, Liberties, Immunities, and royal Rights, and temporal Franchises whatsoever, as well by Sea as by Land, within the Region, Islands, Islets, and Limits aforesaid, to be had, exercised, used, and enjoyed, **as any Bishop of Durham, within the Bishoprick or County Palatine of Durham, in our Kingdom of England....**

In addition, the laws of colonial Maryland were expressly “catholic” in nature. In other words, the laws of nature and reason were expressly adopted within Maryland’s written Charter of 1632, as follows: “So, nevertheless, **that the Laws aforesaid be consonant to Reason, and be not repugnant or contrary**, but (so far as conveniently may be) agreeable to the Laws, Statutes, Customs, and Rights of this Our Kingdom of England.”¹⁸ And also, in another part of the Charter of 1632, the language states: “So that the **said Ordinances be consonant to Reason**

¹⁷ The Law of Christ is to “love ye one another” (John 15:12); to do justice and judgement (Genesis 18:18-19; Proverbs 21: 1-3); to judge not according to appearance but to judge righteous judgments (John 7:24); and to do justice, judgment, and equity (Proverbs 1:2-3).

¹⁸ See, e.g., **Appendix A**, “Ancient Anglican system of Natural Law, Common Law, and Rights” citing Thomas Woods, *Institutes of the Laws of England* (1720).

and be not repugnant nor contrary, but (so far as conveniently may be done) agreeable to the Laws, Statutes, or Rights of our Kingdom of England: And so that the same Ordinances do not, in any Sort, extend to oblige, bind, charge, or take away the Right or Interest of any Person or Persons, of, or in Member, Life, Freehold, Goods or Chattels.”

B. Charter of Carolina, 1663

The colony of Carolina (i.e., both North Carolina and South Carolina) was founded as an Anglican colony or as a “royal” colony. It established an official state church that was patterned after the Church of England, as follows:

And furthermore, the patronage and advowsons of **all the churches and chappels**, which as Christian religion shall increase within the country, isles, islets and limits aforesaid, shall happen hereafter to be erected, together with license and power to build and found churches, chappels and oratories, in convenient and fit places, within the said bounds and limits, and to cause them **to be dedicated and consecrated according to the ecclesiastical laws of our kingdom of England**, together with all and singular the like, and as ample rights, jurisdictions, priviledges, prerogatives, royalties, liberties, immunities and franchises of what kind soever, within the countries, isles, islets and limits aforesaid.

Furthermore, the expressed language of its Charter of 1663 states it was founded “for the propagation of the Christian faith” and “the enlargement of our empire and dominions.” The land mentioned in this Charter was described as “not yet cultivated or planted, and only inhabited by some barbarous people, who have no knowledge of Almighty God.”

C. Charter of Carolina, 1665

By the year 1665, following the brutal English Civil Wars (1642-1651) and reign of Lord Protector Oliver Cromwell (1653-1658), the second King Charles (1630-1685) had been returned to the throne of England, and the Church of England had begun to reassert its authority over the Puritans. The High-Church Anglicans and their bishops returned to power, and they once again had begun to persecute non-conformists, including the Puritans, the Quakers, the Baptists, and the Independents. This was the period when John Bunyan had gone to jail for the cause of conscience and authored his famed *Pilgrim’s Progress*, published in 1678.

In colonial Carolina, the Anglican Church was firmly established during this period. The colony of Carolina's Charter of 1665 stated:

And furthermore, the patronage and advowsons of all the churches and chapels, which, as Christian religion shall increase within the province, territory, isles, and limits aforesaid, shall happen hereafter to be erected; together with licence and power to build and found churches, chapels and oratories, in convenient and fit places, within the said bounds and limits; and **to cause them to be dedicated and consecrated, according to the ecclesiastical laws of our kingdom of England;** together with all and singular the like and as ample rights, jurisdictions, privileges, prerogatives, royalties, liberties, immunities, and franchises of what kind soever, within the territory, isles, islets and limits aforesaid: **To have, hold, use, exercise, and enjoy the same, as amply, fully and in as ample manner, as any Bishop of Durham, in our kingdom of England,** ever heretofore had, held, used, or enjoyed, or of right ought or could have, use, or enjoy:

However, by 1665, the sentiment against religious persecution had strongly taken hold of British North America. Even in the colony of Carolina, which was far away from both New England and England, a safe haven was incorporated into their constitution in order to provide freedom of conscience and freedom of religion to its inhabitants. The Charter of 1665 stated:

AND because it may happen that some of the people and inhabitants of the said province cannot, in their private opinions, conform to the public exercise of religion according to the liturgy, forms, and ceremonies of the Church of England, or take and subscribe the oaths and articles made and established in that behalf; and for that the same, by reason of the remote distances of those places, will, as we hope, be no breach of the unity and conformity established in this nation; our will and pleasure therefore is, and we do, by these presents, for us, our heirs and successors, give and grant unto the said Edward Earl of Clarendon, George Duke of Albemarle, William Earl of Craven, John Lord Berkeley, Anthony Lord Ashley, Sir George Carteret, Sir John Colleton, and Sir William Berkeley, their heirs and assigns, full and free licence, liberty, and authority.... **And that no person or persons unto whom such liberty shall be given, shall be any way molested, punished,**

disquieted, or called in question, for any differences in opinion, or practice in matters of religious concernments, who do not actually disturb the civil peace of the province, county or colony, that they shall make their abode in: But all and every such person and persons may, from time to time, and at all times, freely and quietly have and enjoy his and their Judgments and consciences, in matters of religion, throughout all the said province or colony, they behaving themselves peaceably, and not using this liberty to licentiousness, nor to the civil injury, or outward disturbance of others: Any law, statute, or clause, contained or to be contained, usage or custom of our realm of England, to the contrary hereof, in any-wise, notwithstanding.

Here, we see that the American colonists who lived in Carolina, where the Anglican Church had been firmly established as an official state church, were willing to chart a new course of religious liberty, despite the official policies of the Church of England.

D. The Fundamental Constitution of Carolina, 1669

The “Fundamental Constitution of Carolina of 1669” clarified and expounded upon the religious policies of the Charter of 1665. First, the Anglican Church was firmly established as the official state church. The Constitution of 1669 stated:

Ninety-six. As the country comes to be sufficiently planted and distributed into fit divisions, it shall belong to the parliament to take care for the building of churches, and the public maintenance of divines, to be employed in the exercise of religion, according to the Church of England; which being the only true and orthodox and the national religion of all the King's dominions, is so also of Carolina; and, therefore, it alone shall be allowed to receive public maintenance, by grant of parliament....

Ninety-eight. The terms of admittance and communion with any church or profession shall be written in a book, and therein be subscribed by all the members of the said church or profession; which book shall be kept by the public register of the precinct wherein they reside.

Ninety-nine. The time of every one's subscription and admittance shall be dated in the said book or religious record.

One hundred. In the terms of communion of every church or profession, these following shall be three; without which no agreement or assembly of men, upon presence of religion, shall be accounted a church or profession within these rules:

I. "That there is a God."

II. "That God is publicly to be worshipped."

III. "That it is lawful and the duty of every man, being thereunto called by those that govern, to bear witness to truth; and that every church or profession shall, in their terms of communion, set down the external way whereby they witness a truth as in the presence of God, **whether it be by laying hands on or kissing the bible, as in the Church of England**, or by holding up the hand, or any other sensible way." ...

One hundred and one. No person above seventeen years of age shall have any benefit or protection of the law, or be capable of any place of profit or honor, who is not a member of some church or profession, having his name recorded in some one, and but one religious record at once.

One hundred and four. Any person subscribing the terms of communion, in the record of the said church or profession, before the precinct register, and any five members of the said church or profession, shall be thereby made a member of the said church or profession.

One hundred and five. Any person striking out his own name out of any religious record, or his name being struck out by any officer "hereunto authorized by each church or profession respectively, shall cease to be a member of that church or profession....

One hundred and seven. Since charity obliges us to wish well to the souls of all men, and religion ought to alter nothing in any man's civil estate or right, it shall be lawful for slaves, as well as others, to enter themselves, and be of what church or profession any of them shall

think best, and, therefore, be as fully members as any freeman. But yet no slave shall hereby be exempted from that civil dominion his master hath over him, but be in all things in the same state and condition he was In before....

At the same time, the Constitution of 1669 expressly allowed for the protection of non-believers, heathens, and the like. It also promoted “civil peace” among a diverse colony of Christians, Jews, Native Americans, and non-believers, stating:

Ninety-seven. But since the natives of that place, who will be concerned in our plantation, are utterly strangers to Christianity, whose idolatry, ignorance, or mistake gives us no right to expel or use them ill; and those who remove from other parts to plant there will unavoidably be of different opinions concerning matters of religion, the liberty whereof they will expect to have allowed them, and it will not be reasonable for us, on this account, to keep them out, that civil peace may be maintained amidst diversity of opinions, and our agreement and compact with all men may be duly and faithfully observed; the violation whereof, upon what presence soever, cannot be without great offence to Almighty God, and great scandal to the true religion which we profess; and also that Jews, heathens, and other dissenters from the purity of Christian religion may not be scared and kept at a distance from it, but, by having an opportunity of acquainting themselves with the truth and reasonableness of its doctrines, and the peaceableness and inoffensiveness of its professors, may, by good usage and persuasion, and all those convincing methods of gentleness and meekness, suitable to the rules and design of the gospel, be won ever to embrace and unfeignedly receive the truth; therefore, any seven or more persons agreeing in any religion, shall constitute a church or profession, to which they shall give some name, to distinguish it from others....

One hundred and two. No person of any other church or profession shall disturb or molest any religious assembly.

One hundred and three. No person whatsoever shall speak anything in their religious assembly irreverently or seditiously of the government or governors, or of state matters....

One hundred and six. No man shall use any reproachful, reviling, or abusive language against any religion of any church or profession; that being the certain way of disturbing the peace, and of hindering the conversion of any to the truth, by them in quarrels and animosities, to the hatred of the professors and that profession which otherwise they might be brought to assent to....

One hundred and eight. Assemblies, upon what presence soever of religion, not observing and performing the above said rules, shall not be esteemed as churches, but unlawful meetings, and be punished as other riots.

One hundred and nine. No person whatsoever shall disturb, molest, or persecute another for his speculative opinions in religion, or his way of worship.

Here again, we see that the American colonists who lived in Carolina were willing to chart a new course of religious liberty, despite the official policies of the Church of England. At the same time, the Carolina colony remained staunchly religious and maintained the Anglican Church as the official state church.

E. The Fundamental Constitutions for the Providence of East New Jersey in America, 1683

In the colony of New Jersey, the Anglican Church was firmly established as the official church. The colony endeavored to promote freedom of religion and its Constitution of 1683 provided that nonbelievers “shall in no way be molested or prejudged for their religious persuasions and exercise in matters of faith and worship.” At the same time, the civil magistrate could not be used to punish heresy. Nevertheless, the civil magistrate was charged with defending against assaults upon the Christian foundations of the government and with promoting morality and punishing immorality. The purpose of the state, then, was to promote a sort of stern character and morality amongst its citizenry that was reminiscent of the admonitions set forth in St. Augustine of Hippo’s *The City of God*; or, that was enforced by local-government councils in John Calvin’s Geneva. The Constitution of 1683 stated:

Nor by this article is it intended, that any under the notion of this liberty shall allow themselves to avow atheism, irreligiousness, or to practice cursing, swearing, drunkenness, prophaness, whoring,

adultery, murdering or any kind of violence, or indulging themselves in stage plays, masks, revells or such like abuses; for restraining such and preserving of the people in deligence and in good order, the great Council is to make more particular laws, which are punctually to be put in execution.

The colony of New Jersey was firmly established a Christian colony whose policies mirrored that of the mother country England. In order to hold office, a man must profess to believe in Jesus Christ. The Constitution of 1683 stated: “Yet it is also hereby provided, that no man shall be admitted a member of the great or common Council, or any other place of publick trust, who shall not profaith in Christ Jesus, and solemnly declare that he doth no ways hold himself obliged in conscience to endeavour alteration in the government....” In addition, the laws regulating marriage and family were ecclesiastical in nature and were expressly based upon the Bible (i.e., the “laws of God”).¹⁹

F. Charter of Delaware, 1701

In Delaware, there was great Anglican influence. Its Charter of 1701 was expressly Christian, established a state church, required a “religious oath” in order to hold office, but also provided for freedom of conscience and religion. The express language of the Charter of 1701 stated:

BECAUSE no People can be truly happy, though under the greatest Enjoyment of Civil Liberties, if abridged of the Freedom of their Consciences, as to their Religious Profession and Worship: And Almighty God being the only Lord of Conscience, Father of Lights and Spirits; and the Author as well as Object of all divine Knowledge, Faith and Worship, who only doth enlighten the Minds, and persuade and convince the Understandings of People, I do hereby grant and declare, That no Person or Persons, inhabiting In this Province or

¹⁹ The New Jersey Constituion of 1683 stated: “**XX. That all marriages not forbidden in the law of God, shall be esteemed lawful, where the parents or guardians being first acquainted, the marriage is publicly intimated in such places and manner as is agreeable to mens different perswasions in religion, being afterwards still solemnized before creditable witnesses, by taking one another as husband and wife, and a certificate of the whole, under the parties and witnesses hands, being brought to the proper register for that end, under a penalty neglected.**”

Territories, who shall confess and acknowledge One almighty God, the Creator, Upholder and Ruler of the World; and professes 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 conscientious Persuasion 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 Persuasion.

AND that all Persons who also profess to believe in Jesus Christ, the Saviour of the World, shall be capable (notwithstanding their other Persuasions 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 Proprietary and Governpr, and taking the Attests as now established by the Law made at Newcastle, in the Year One Thousand and Seven Hundred, entitled, An Act directing the Attests of several Officers and Ministers, as now amended and confirmed this present Assembly.

In Delaware, for instance, a man need only “profess to believe in Jesus Christ, the Saviou of the World,” in order to hold public office, regardless of his denominational affiliation: Catholic, Anglican, Baptists, etc. The colonial government of Delaware was therefore “Pan-Christian.” It was based upon deeply-held Christian standards. In colonial Delaware, there was religious freedom and freedom of conscience; there was protection from molestation of non-Christians and non-believers; but in order to hold office, a man must be a Christian and swear an Oath and “profess to believe in Jesus Christ.”

G. Charter of Georgia, 1732

The colony of Georgia presents a special case. It was founded as a royal colony and as a place of refuge for England’s poor. The organizers were considered to be a “company,” and its chief objectives were economic, not religious, although the Church of England sent priests to the colony of Georgia in order to plant its first church at Savannah. The Rev. John Wesley, a founding father of Methodism, had once been assigned to the Anglican Church of Savannah, which is today called the “Mother Church” of Georgia. During this early period, Georgia was founded as an anti-slavery colony-- in marked contrast to its sister

colony South Carolina-- and as a haven for distressed English debtors. Georgia's Charter of 1732 stated:

All which lands, countries, territories and premises, hereby granted or mentioned, and intended to be granted, we do by these presents, make, erect and create one independent and separate province, by the name of Georgia, by which name we will, the same henceforth be called. **And that all and every person or persons, who shall at any time hereafter inhabit or reside within our said province, shall be, and are hereby declared to be free,** and shall not be subject to or be bound to obey any laws, orders, statutes or constitutions, which have been heretofore made, ordered or enacted by, for, or as, the laws, orders, statutes or constitutions of our said province of South-Carolina, (save and except only the commander in chief of the militia, of our said province of Georgia, to our governor for the time being of South-Carolina, in manner hereafter declared;) **but shall be subject to, and bound to obey, such laws, orders, statutes and constitutions as shall from time to time be made, ordered and enacted, for the better government of the said province of Georgia,** in the manner hereinafter declared

Furthermore, the colony of Georgia provided for the freedom of conscience and the freedom of religion,²⁰ while at the same time supporting the Anglican Church as the official church of the colony. But, as previously mentioned, the colony of Georgia also prohibited Roman Catholicism, perhaps in large measure due to the fact that the French Empire ("Catholic") and the British Empire ("Anglican") were at constant war and proxy "Indian Wars" in the New World.

²⁰ The expressed language of the Georgia Charter of 1732 stated: "Also we do, for ourselves and successors, declare, by these presents, that all and every the persons which shall happen to be born within the said province, and every of their children and posterity, shall have and enjoy all liberties, franchises and immunities of free denizens and natural born subjects, within any of our dominions, to all intents and purposes, as if abiding and born within this our kingdom of Great-Britain, or any other of our dominions And for the greater ease and encouragement of our loving subjects and such others as shall come to inhabit in our said colony, we do by these presents, for us, our heirs and successors, grant, establish and ordain, that forever hereafter, there shall be a liberty of conscience allowed in the worship of God, to all persons inhabiting, or which shall inhabit or be resident within our said provinces and that all such persons, except papists, shall have a free exercise of their religion, so they be contented with the quiet and peaceable enjoyment of the same, not giving offence or scandal to the government."

CONCLUSION

American constitutional law is deeply-rooted in the “catholic” Christian tradition, as reflected in St. Augustine of Hippo’s *The City of God*, St. Thomas Aquinas’s theory of law, and several of the governing documents of colonial British North America, such as Maryland, the Carolinas, Delaware, New Jersey, and Georgia. The natural law theories and moral philosophy of St. Thomas Aquinas (i.e., Eternal Law --→ Divine Law --→ Natural Law --→ Human Law) were embraced by the Church of England and transmitted to the American colonies through the Anglican Church, which was the “official church” for most of the thirteen colonies in British North America. Unfortunately, the Church of England in Britain and the Anglican church in colonial British North America developed distinct ecclesiological differences and theological views on matters regarding race, African American slavery, and the transatlantic African slave trade.

The Church of England and the Bishop of London had tried to impose “the law of Christ”²¹ and more humane slave codes regulating the Negroes of the British West Indies and throughout the colonies of British North America, but the Anglican churches in British colonies throughout the Western Hemisphere resisted these humane measures, as many American church denominations more and more fell into the grip of powerful economic interests of the American slave barons. A major conflict arose within the Anglican ecclesiastical world as to the meaning of the Gospel, the conversion and baptism of Negro slaves, and the challenges of multiracial Christian brotherhood. Nevertheless, the “catholic” Christian and Anglican influences upon the founding constitutional documents of colonial British North America was firmly established and never erased. These religious influences upon the American constitutional and legal systems were wholesome and positive, and they eventually laid the foundations for the American Bill of Rights and other important civil rights constitutional amendments and laws that were enacted during succeeding generations.

THE END

²¹ The Law of Christ is to “love ye one another” (John 15:12); to do justice and judgement (Genesis 18:18-19; Proverbs 21: 1-3); to judge not according to appearance but to judge righteous judgments (John 7:24); and to do justice, judgment, and equity (Proverbs 1:2-3).

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Appendix A: “Ancient Anglican system of Natural Law, Common Law, and Rights”

By

Roderick O. Ford, Litt.D.

The English Common Law (which comprises England’s full body of laws, including statutory, customary, and constitutional laws) is founded upon the Greco-Roman idea of natural law and natural justice, as supplemented by the Catholic-Anglican-Christian religion. The common law which came from Great Britain to colonial America was unmodified and unbroken, as American lawyers and clergymen were trained in the same institutions and subject to the same discipline as their English counterparts during the seventeenth and eighteenth “Law of Reason” centuries. This fact is particularly significant when interpreting words such as “the Laws of Nature” or “the Laws of ... Nature’s God,” which are found within the eighteenth-century *Declaration of Independence* (1776). What did this terminology mean, within an eighteenth century context and from the perspective of standard Anglo-American jurisprudence during this period? The *Declaration of Independence* makes reference to “life, liberty, and the pursuit of happiness,” as having been given to every human being by “the Laws of Nature and of Nature’s God,” which appear to be *higher laws* for which “governments are instituted among men,” so as “[t]o secure these rights.” The American Abolition and Civil Rights Movements sought to secure those same constitutional rights for African Americans, and those movements considered these constitutional rights to be deeply-rooted in an idea of *higher law*. It thus stands to reason that natural law is a *higher law* upon which the United States Constitution was authorized, “[t]o secure these rights.” Indeed, as I have commented throughout this series, St. Thomas Aquinas’ legal philosophy of law (Eternal Law----> Divine Law ----> Natural Law ----> Human Law) remained predominant throughout England and continental Europe during the seventeenth and eighteenth centuries. Natural law was determined to be the “Law of God” or the “Law of Reason,” to which all other human laws remained subordinate, including the English common law and statutory law. In fact, the Laws of Nature were coterminous with England’s unwritten constitution, and constituted its “fundamental law.”

For a clearer explanation of the English legal system, Thomas Woods’ classic work, *Institutes of the Laws of England* (1720) provides a detailed analysis of how English law (customary or common law, ecclesiastical law, and natural

law) incorporated all of its several component sub-parts and sub-branches that made up the collective law of eighteenth-century Great Britain, as follows:

Table 1. Thomas Woods, *Institutes of the Laws of England* (1720)

“As Law in General is an Art directing to the Knowledge of Justice, and to the well ordering of civil Society, so the Law of England, in particular, is an Art to know what is Justice in England, and to preserve Order in that Kingdom: And this Law is raised upon fix principal Foundations.

1. Upon the *Law of Nature*, though we seldom make Use of the Terms, *The Law of Nature*. But we say, that such a **Thing is reasonable, or unreasonable, or against the....**

2. Upon the revealed Law of God, Hence it is that our Law punishes Blasphemies, Perjuries, & etc. and receives the Canons of the Church [of England] duly made, and supported a spiritual Jurisdiction and Authority in the Church [of England].

3. The third Ground are several general *Customs*, these Customs are properly called the *Common Law*. Wherefore when we say, it is so by Common Law, it is as much s to say, by common Right, or of common Justice.

Indeed it is many Times very difficult to know what Cases are grounded on the *Law of Reason*, and what upon the *Custom* of the Kingdom, yet we must endeavor to understand this, to know the perfect Reason of the Law.

Rules concerning Law

The *Common Law* is the absolute Perfection of *Reason*. For nothing that is contrary to Reason is consonant to Law

Common Law is common Right.

The Law is the Subject’s best Birth-right.

The Law respects **the Order of Nature....”**

Source: Thomas Wood, LL.D., *An Institute of the laws of England: or, the Laws of England in their Natural Order* (London, England: Strahan and Woodall, 1720), pp. 4-5.

From this description of English law, it is quite clear that Natural Law or the Laws of Nature constituted a pivotal and key component of English jurisprudence. And it is clear that the English Common Law, proper, was believed to be a combination of various laws, including the “fundamental law” of the realm, the law of reason, the law of nature, customary law, common law, ecclesiastical law,

the law of God, and the “Law of Christ.”²² In many respects, these various laws simply applied different labels to the exact same concept or understanding of law. But the general idea is that all law is a reflection of both nature and its Creator; and that the laws of nature constitute the laws of the universe. Hence, **W.E.B. Du Bois** has correctly described this law of nature, where he writes: “[f]or it is certain that **all human striving must recognize the hard limits of natural law, and that any striving, no matter how intense and earnest, which is against the constitution of the world, is vain.**”²³ This idea, which is deeply-rooted in Anglo-American legal tradition, recognized the divine providence of God in nature. Dr. Russell Byrum has stated that the “providence of God may be described as being his preservation of the things he has created and his care for and direction of them to *the accomplishment of the ends of their creation.*”²⁴ Dr. Byrum further explains that “[b]y natural providence is meant the operation of God according to the laws of nature. There he always works uniformly.”²⁵

It should not be forgotten that this theological worldview had a direct impact upon the institution of slavery in the United States. The Christian Church and the American Abolition Movement early and largely relied upon this system of natural law—which had been sewn into the ancient Anglican idea of fundamental law—in their arguments in favor of abolishing slavery and the slave trade. Here, it will be helpful to recall the teachings of the Roman Catholic Church on the Decalogue:

The Ten Commandments state what is required in the love of God and the love of neighbor....

The Decalogue forms a coherent whole. Each ‘word’ refers to each of the others and to all of them; they reciprocally condition one another....

The Ten Commandments belong to God’s revelation. At the same time they teach us the true humanity of man. They bring to light the essential duties, and therefore, indirectly, the fundamental rights

²² The fundamental “Law of Christ,” to wit, is to “love ye one another” (John 15:12); to do justice and judgement (Genesis 18:18-19; Proverbs 21: 1-3); to judge not according to appearance but to judge righteous judgments (John 7:24); and to do justice, judgment, and equity (Proverbs 1:2-3).

²³ See, e.g., W.E.B. Du Bois, “The Conservation of Races,” *Writings* (New York, N.Y.: The Library of America, 1986), p. 815.

²⁴ Russell R. Byrum, *Christian Theology: A Systematic Statement of Christian Doctrine for the Use of Theological Students* (Anderson, IN: Warner Press, 1976), p. 253.

²⁵ *Ibid.*, p. 254.

inherent in the nature of the human person. The Decalogue contains a privileged expression of the natural law:

From the beginning, God had implanted in the heart of man the precepts of the natural law. Then he was content to remind him of them. This was the Decalogue.

The commandments of the Decalogue, although accessible to reason alone, have been revealed. To attain a complete and certain understanding of the requirement of the natural law, sinful humanity needed this revelation....²⁶

Within Western Christendom—both the Roman Catholic and Protestant traditions—the Decalogue, or the natural law, constituted the moral order of God, and was the fundamental or supreme law of the secular body politic. In England, it was understood that even the king could not contravene this fundamental law. Throughout its history, kings had been deposed because they had tried to put themselves above this law. During the seventeenth century, the Stuart monarchy's ideas of "divine right" ran against Sir Edward Coke's ideas of the English Common Law and the fundamental law. In colonial America, from the late seventeenth century to the end of the eighteenth century, the idea of a higher law of Nature, as reflected in the Decalogue, remained predominant throughout the period. Thoroughly incorporated within the Anglo-American constitutional and legal heritage was the idea that "[t]he citizen is obliged in conscience **not to follow** the directives of civil authorities when they are contrary to the demands of the moral order, to the fundamental rights of persons or the teachings of the Gospel. Refusing obedience to civil authorities, when their demands are contrary to those of an upright conscience, finds its justification in the distinction between serving God and serving the political community. 'Render therefore to Caesar the things that are Caesar's, and to God the things that are God's.'"²⁷

Natural law is also deeply rooted in the Pentateuch, and especially in the Book of Genesis, which describes the Creation of the world and the beginning of time. "Creation is the divine act by which all things are caused to exist, but a continuous agency of God is required for the orderly preservation of those things."²⁸ Natural-law philosophy and jurisprudence next look to the works of nature for instruction and understanding as to the meaning of God's laws of nature.

²⁶ *Catechism of the Catholic Church*, (New York, N.Y.: Doubleday Press, 1997), pp. 557-558.

²⁷ *Ibid.*, p. 599.

²⁸ *Ibid.*

This is called the *teleological argument* which supports the concept of natural law: its fundamental premise is that orderly and harmonious cooperation of many separate parts can be accounted for only by the assumption of an intelligent cause; the world everywhere exhibits orderly and harmonious cooperation of all its parts; therefore, the original and absolute cause of the world is an intelligent cause.²⁹

A reasoning from the marks of design to a designer. By design is meant the selection and pursuit of ends. It is the choosing of an end to be attained, the selection of proper means to accomplish it, and the use of the means to attain the end chosen. When we see at the foot of a rocky cliff broken fragments of rock of unequal sizes, irregular and uneven shapes strewn about regardless of their relation to each other, we decide at once that size, shape, and location of them is a result of chance. But when we see hundreds of bricks of equal size, even color, and faces all bearing one imprint, laid in straight, level rows in hard mortar and forming a perpendicular wall with suitable openings for windows and doors, we decide the qualities and arrangement of them are the result of intelligent purpose or design. It is not necessary that one shall have seen the bricks manufactured and laid in the wall to know the wall is the result of design. **The very fact of orderly and useful arrangement therein is abundant proof of contrivance by an intelligent being.**... As in the works of man we reason from marks of design to an intelligent designer, so we may as properly reason from evidence of contrivance, or evidences of adaptation of means to ends, in nature, that the author of nature is intelligent. ... Not only in the origin of nature as shown in the First-cause Argument must we recognize the principle of causation, but also in the orderly arrangement of nature as set forth in the Design Argument.

Orderly and useful arrangement in nature is certain. Marks of design are apparent everywhere and are conclusive proof that the author of nature is an intelligent person. All science assumes that nature is rationally constructed. Huxley said, 'Science is the discovery of a rational order that pervades the universe.' Except for the uniformity which shows nature to be a system and a result of design science would be impossible. The results of chance can not be understood by

²⁹ Ibid.

the mind. *But the universe can be understood by the mind, showing clearly that it is the result of a mind.*³⁰

Another great analogy, which explains the Christian idea of natural law perfectly, would be to compare the planet earth in the Milky Way Galaxy to a golden wrist watch that is found in a corn field. See, e.g., William Paley's *Natural Theology*, to wit:

If in crossing a field I strike my foot against a stone and ask how it came there, I might reply that it has been there forever. But if later in my walk I find a watch and the question of the origin of the watch be raised, the answer must be very different. A casual observance of its mechanism—of its wheels with cogs exactly fitting into each other, of its springs, of the relation of part to part, and of its exact adjustment so that it exactly measures time—furnishes convincing proof that it is a reliable example of human contrivance, and not the result of chance. And even the discovery in the watch of useless, broken, and deranged parts would not invalidate the reasoning that it was designed by an intelligent mind.³¹

Nor does the doctrine of evolution diminish this teleological argument, because evolution in no way diminishes the evidence of an intelligent creator.

Disagreement between the secular and sacred viewpoints as to the general framework of natural law exists. The latter (i.e., the sacred viewpoint) maintains that natural law is uniform, that the reason for this uniformity is God's guiding hand or providence, and that God may, at any time, intervene supernaturally; whereas the former (i.e., the secular viewpoint) holds that once the uniform laws of nature (i.e., biological laws, physical laws, etc.) were established in the beginning at creation, no other force (divine or otherwise) may be safely relied upon and there is no divine providence, as though God simply created the world and then turned away from his creations and died. The secular humanists then take this argument a step further, stating: even if there was an intelligent creator, he (or she) plays no active part in human affairs! "A theory held by not a few, including all deists, is that God created physical nature with inherent forces such as gravitation, cohesive attraction, chemical affinity, electricity, and magnetism, which are sufficient of themselves for the operation and guidance of nature...."³²

³⁰ Ibid., pp. 57-58.

³¹ Ibid., pp. 58-59.

³² Ibid., p. 255.

The Christian Church has answered the secular humanists with arguments regarding man's moral nature. They hold that the secularists' view, that there is no God who governs human affairs, fails to take "human nature" into account. Man's soul must have a cause, and thus a creator, too. Inanimate matter cannot create human spirit and human soul—only a higher Divine spirit or higher Divine soul can create human spirit and human soul. And since the human soul has a moral nature, so must the Divine creator. For this reason, the laws of human psychology, psychiatry, spirituality, and moral autonomy which account for human development, desires, passions, sins, lawbreaking, altruistic deeds, charity, and the rise and fall of empires and civilizations. The internal substance of the content and quality of the human soul implies the existence of Good (God) and Evil (Sin, Hell, Satan, etc.). See, e.g., the following two scriptures:

Genesis 6:5 "And GOD saw that the wickedness of man was great in the earth, and that every imagination of the thoughts of his heart was only evil continually."

Matthew 15:19-20 "For out of the heart proceed evil thoughts, murders, adulteries, fornications, thefts, false witness, blasphemies: these are what defiles a man...."

The Church thus rejects secular humanism's very restricted idea of natural law, because this restricted idea of natural law renders the Holy Scriptures as useless, unfounded and untrustworthy. The internal struggle between Good and Evil that is within every human soul implies the existence of God and make religion necessary. Moreover, the history of the Church has affirmed that God does play a role in human affairs through its publication of the texts of the Holy Scriptures. Clearly these Holy Scriptures attribute the governance of all creation to God's providence. The Roman Catholic Church, the Church of England, and the Puritans held firm to this belief in God's Divine Providence.

THE END

Appendix B: The Church of England in 17th- and 18th-Century North America by Roderick O. Ford, Litt.D.

The Church of England’s lasting influence upon the drafting and codification of the constitutional laws of British North America was very significant. However, we must here point out that the orthodox and traditional Anglican theology and ecclesiology were, from the very beginning, seriously compromised in colonial British North America.

First and most significantly, the fact that several of the American colonies established official Anglican churches does not mean that these churches followed the Anglican dogma and orthodoxy of the Church of England.

As it turned out, the Bishop of London struggled to reign in and to discipline American clergy and lost control over ecclesiastical government to the local church vestries of colonial British North America.

Church of England (England) 17th and 18th Centuries	Anglican Churches of British North America (17th and 18th Centuries)
<p>Clergymen were appointed by Bishops of the Church of England;</p> <p>Churches regulated by Anglican Bishops</p> <p>Archbishop and Bishops within the Church of England retained firm control over Anglican pastors and Churches</p>	<p>Clergymen were elected by local Anglican Church vestry and confirmed by the Governor.</p> <p>Bishop of London required American clergymen to be “certified” by the Church of England.</p> <p>Anglican Churches were regulated by the local vestry.</p> <p>The local colonial vestries in British North America often rejected the authority of the Bishop of London or the Church of England.</p>

And so, the question which must be fairly asked is, “What affect did the Church of England have on the colonial laws of British North America during the seventeenth and early eighteenth centuries?”

For one thing, American planters and slave barons early and largely dominated the local Anglican church vestries, which, in turn, resisted the

ecclesiastical authority of Bishop of London and the Church of England-- particularly on the question of African American slavery.

In his article, "Anglicanism, Catholicism and the Negro Slave," Professor Herbert S. Klein points out that the Church of England, the Bishop of London, and the elite citizens of England early and largely lost control of the Anglican Churches within the American colonies. He thus writes:

The Bishop of London, because of his connection with the Company, originally assisted in providing clergymen and some financial assistance to establishing the Virginia church, but this tenuous connection was destroyed when the Company was dissolved by the Crown in 1624. While the Company provided land for church income, divided the colony up into parishes and encouraged the migration of clergymen, it made not effort to obtain the establishment of a native bishop, primarily because of the cost; nor was the Church or the Crown at this time the least bit interested in subsidizing such a venture, or even in considering it.

Because of this amazing and gross neglect, the colonists within a few short years had completely usurped hierarchical authority and had transformed the centuries-old organization of English church government. In traditional English ecclesiastical organization, the local landowner, or other outside body or institution, had the power to nominate ministers for the local parish within their jurisdiction. This meant that the landowner or institution could present his own candidate for the local parish office to the Bishop for investiture.

The Bishop then had the power to certify or reject the nominee, but once invested with his office, the clergyman served for life. The local parishioners had not say either in the nomination or investiture process, and had not recourse but to accept their minister on a life basis. The minister, in fact, was accountable only to the church, and only the Bishop could control him. What duties the local parishioners' vestry and churchwarden performed were all determined by the law and were subservient to the local clergymen.

The Church hierarchy also had the task of guaranteeing religious uniformity, and had extensive civil-ecclesiastical functions. Thus the Bishops could appoint special courts to try and condemn heretics; they had full jurisdiction over marriages, the probating of wills, the collation to benefices, the appointment of notaries; and extensive rights over tithes and other ecclesiastical taxes. Without the hierarchic structure, however, most of these functions could not be maintained; and, in fact, rapid erosion soon wiped out the complete edifice of the church as it was known in England. Although the Company at first appeared to claim the right of nomination of clergymen to Virginia parishes, it seems not to have exercised that right, but simply sent out pre-ordained clergymen, which left open the question of their initiation into their parishes.

With the dissolution of the Company, and the failure of English authorities to claim their rights, the local colonists absorbed all power. First the General Court of Virginia, consisting of the members of the upper house of the General Assembly, claimed that the right of nomination, or presentation, devolved on them from the Company. They also proceeded to absorb a host of the other juridical, administrative and even ecclesiastical matters which by tradition belonged to the Bishop.

This meant that control over vital statistics, notaries, wills, etc., the establishment of parishes, the naming and defining of all ecclesiastical offices, the collection of tithes; the regulation of church conduct and even the maintenance of purity of faith and dogma, was determined, not by the Bishop, canonical law courts and ecclesiastical officials as in England, but by the local General Assembly of Virginia.

While central authority now came to rest in a popular civil assembly, the local church came increasingly under the power of the parishioners themselves, rather than the ministry. Developing new institutions and adopting old practices to local conditions, the colonists began to establish their own distinctly unique form of Church government, at whose center stood the all-powerful locally elected board of governing parishioners known as the Vestry.

With the devolution to the General Assembly of all matters pertaining to the Church, the Assembly in turn gave to each local parish vestry a multitude of civil and ecclesiastical rights and obligations, and made it the prime institution of a new type of established church. As early as the 1620s the Assembly was providing that local churchwardens and leading members of the parish should concern themselves with the maintenance of the church.... The vestry was to present the minister candidate for their parish appointment to the governor, not to a bishop, as in England, and the governor then made the formal induction and confirmation of that minister to hold the given office for life.

While the creation of the first vestries seems to have been by appointment of the General Court, by the 1640s the Assembly provided that the vestry was to be organized on the basis of election from among the parishioners.... [T]he vestries in fact became autocratic local bodies of the leading planters, who exercised enormous control over social and economic conditions within the parish. After their initial establishment, elections never took place, and members usually held their office till death or resignation. When vacancies occurred, the vestrymen themselves proceeded to choose leading planters as members. So oligarchic and powerful did these vestries become, that one of the constant themes of colonial Virginian history was the popular, and continually unsatisfied, demand for periodic elections and the breakup of this autocratic control.

Given this entrenched self-perpetuating planter leadership in control of the Church, the role of the transitory minister could be only a subordinate one at best.

In complete contradiction to the entire organization of the Church of England, the Vestry refused to present their ministers for induction....

This entire system was bitterly attacked by regular Church of England clergymen. The mid-17th century clergymen, Morgan Godwyn, who served in Virginia and the British West Indies, scornfully called this arrangement a 'probational tenure' system, while the Bishops' representative in the colony, Commissary James Blair, at the end of the century, was badly disturbed by what he described as this "Custom of making annual Agreements with the Ministers... that they may by that Means keep them in more Subjection and Dependence.".... Because of these developments, the regular clergy of England by and large refused to come to Virginia....

While the mother church soon became deeply aware of the heterodoxy and complete breakdown of the established church in Virginia, it could do little to change the situation. Deeply involved in religious civil wars at home, it was not until after the Restoration that the Church of England could even begin to deal with the situation.

It was only with the investiture of Henry Compton as Bishop of London, in 1675, that the Church finally forced the crown to place the colony within a diocese. For a number of historical reasons, the Bishopric of London was chosen; however, traditions were so entrenched [in colonial America] that this brought little real change. The Bishop made no attempt to oppose vestry control, or to retake possession of his normal ecclesiastical or civil functions, or even his right of investiture. His only concern was to maintain some kind of purity of dogma by guaranteeing minimal standards for clergymen. This he did by forcing the colonists to accept only accredited clergymen licensed by himself....

Not only was the Church after the Restoration terribly concerned about the religion of the white colonists, but it also began to take an increasingly involved position on the status of the Negro and Indian heathens within England's American Empire. This concern with the plight of the Negro slave, especially, is heavily attested to by the growing movement for conversion, education and even emancipation among the lower and upper clergy.

This movement began as early as the end of the 17th century, and one of its first advocates was Morgan Godwyn, the angry clergyman, who served both in the British West Indies and the colony of Virginia, and whose *The Negro's and Indians Advocate* (1680) created a good deal of sentiment. This growing awareness of the complete lack of impact of the Church on the Negro slaves, in sharp contrast to the Catholic Church in the Spanish and French islands, as many Church of England men noted, caused the Bishop of London to put pressure on the Crown....

Nevertheless, the English hierarchy was becoming deeply concerned over the failure of the colonists to Christianize the Negro slaves. Finding that little could be accomplished directly through regular Church and governmental channels, despite the establishment relationship of the Church, the Bishops decided that the only alternative was a missionary society, completely financed from England. Thus in 1701, the hierarchy in England founded the famous Society for the Propagation of the Gospel in Foreign Parts. That one of the primary aims of the Society was conversion of the slaves was understood by the Bishops from the very beginning. Thus in the annual sermon given to the society in 1710, Bishop William Fleetwood bitterly attacked the refusal of the masters of slaves to permit their conversion to Christianity....

Not only did Bishop Fleetwood attack the very Christianity of the masters, but also considered that this was probably their greatest sin, for he declared 'no Man living can assign a better and more justifiable Cause, for God's withholding Mercy from a Christian, than that Christian's with-holding the Mercy of Christianity from an Unbeliever.' The radical Bishop even went so far as to attack slavery itself, holding, as Adam Smith was later to proclaim, that hired labor was a far superior system and that slavery should be abolished.³³

As a consequence, the Bishop of London, who retained ecclesiastical jurisdiction over the Anglican Churches in North America, appointed few clergymen in the colonies of Virginia, the Carolinas, and Georgia. Instead, the American colonists and their own legislative assemblies authorized for their local Anglican pastors to be elected by their local church vestries and appointed by the governor of the colony.³⁴

But the local vestries in Virginia, the Carolinas, and other parts of British North America were dominated by American planters and slave barons who eventually came to dominate the Anglican Church in British North America, thus causing major conflict with the Bishop of London and the British elite in London on significant questions of theology, particularly regarding the question of conversion and baptism of Negro slaves. The Anglican churches of North America, though the influence of slave barons, sought to maintain slavery with minimal interference from the Church of England.

³³ Herbert S. Klein, "Anglicanism, Catholicism and the Negro Slave," *Comparative Studies in Society and History*, Vol. 8, Issue 3 (Apr. 1966), 295-327.

³⁴ For example, in the colony of Georgia, Governor James Oglethorpe had appointed Rev. John Wesley as a missionary pastor of the Anglican Church in Savannah in 1735.

For this reason, the awful and unforgiveable mistakes that were made by the Anglican Churches of colonial British North America *regarding the inhumane and maltreatment of African American slaves* ought not to be construed as the official ecclesiastical programme or theological position of the Church of England, or of Western Christianity in general. It is clear that in colonial British North America, powerful commercial interests often overrode the authority of the Bishop of London and the Church of England on many delicate questions regarding human rights for Africans, Indians, and white indentured servants.

THE END

Appendix C. The Charter of Maryland, 1663

Charles, by the Grace of God, of England, Scotland, France, and Ireland, king, Defender of the Faith, &c. To all to whom these Presents come, Greeting.

II. Whereas our well beloved and right trusty **Subject Caecilius Calvert, Baron of Baltimore, in our Kingdom of Ireland, Son and Heir of George Calvert, Knight, late Baron of Baltimore**, in our said Kingdom of Ireland, treading in the steps of his Father, **being animated with a laudable, and pious Zeal for extending the Christian Religion, and also the Territories of our Empire**, hath humbly besought Leave of us, that he may transport, by his own Industry, and Expense, **a numerous Colony of the English Nation, to a certain Region, herein after described, in a Country hitherto uncultivated, in the Parts of America, and partly occupied by Savages, having no knowledge of the Divine Being**, and that all that Region, with some certain Privileges, and Jurisdiction, appertaining unto the wholesome Government, and State of his Colony and Region aforesaid, may by our Royal Highness be given, granted and confirmed unto him, and his Heirs.

III. Know Ye therefore, that We, encouraging with our Royal Favour, the pious and noble purpose of the aforesaid Barons of Baltimore, of our special Grace, certain knowledge, and mere Motion, have Given, Granted and Confirmed, and by this our present Charter, for Us our Heirs, and Successors, do Give, Grant and Confirm, unto the aforesaid Caecilius, now Baron of Baltimore, his Heirs, and Assigns, all that Part of the Peninsula, or Chersonese, lying in the Parts of America, between the Ocean on the East and the Bay of Chesapeake on the West, divided from the Residue thereof by a Right Line drawn from the Promontory, or Head-Land, called Watkin's Point, situate upon the Bay aforesaid, near the river Wigloo, on the West, unto the main Ocean on the East; and between that Boundary on the South, unto that Part of the Bay of Delaware on the North, which lieth under the Fortieth Degree of North Latitude from the Equinoctial, where New England is terminated; And all that Tract of Land within the Metes underwritten (that is to say) passing from the said Bay, called Delaware Bay, in a right Line, by the Degree aforesaid, unto the true meridian of the first Fountain of the River of Pattowmack, thence verging toward the South, unto the further Bank of the said River, and following the same on the West and South, unto a certain Place, called Cinquack, situate near the mouth of the said River, where it disembogues into the aforesaid Bay of Chesapeake, and thence by the shortest Line unto the aforesaid Promontory or Place, called Watkin's Point; so that the whole tract of land, divided by the Line aforesaid, between the main Ocean and Watkin's Point, unto the Promontory called Cape Charles, and every the Appendages thereof, may entirely remain excepted for ever to Us, our Heirs and Successors.

IV. Also We do grant and likewise Confirm unto the said Baron of Baltimore, his Heirs, and Assigns, all Islands and Inlets within the Limits aforesaid, all and singular the Islands, and Islets, from the Eastern Shore of the aforesaid Region, towards the East, which had been, or shall be formed in the Sea, situate within Ten marine Leagues from the said shore; with all and singular the Ports, Harbours, Bays, Rivers, and Straits belonging to the Region or Islands aforesaid, and all the Soil, Plains, Woods, Marshes, Lakes, Rivers, Bays, and Straits, situate, or being within the Metes, Bounds, and Limits aforesaid, with the Fishings of every kind of Fish, as well of Whales, Sturgeons, and other royal Fish, as of other Fish, in the Sea, Bays, Straits, or

Rivers, within the Premises, and the fish t here taken; And moreover all Veins, Mines, and Quarries, as well opened as hidden, already found, or that shall be found within the Region, Islands, or Limits aforesaid, of Gold, Silver, Gems, and precious Stones, and any other whatsoever, whether they be of Stones, or Metals, or of any other Thing, or Matter whatsoever; **And furthermore the Patronages, and Advowsons of all Churches which (with the increasing Worship and Religion of Christ) within the said Region, Islands, Islets, and Limits aforesaid, hereafter shall happen to be built, together with License and Faculty of erecting and founding Churches, Chapels, and Places of Worship, in convenient and suitable places, within the Premises, and of causing the same to be dedicated and consecrated according to the Ecclesiastical Laws of our Kingdom of England, with all, and singular such, and as ample Rights, Jurisdictions, Privileges, Prerogatives, Royalties, Liberties, Immunities, and royal Rights, and temporal Franchises whatsoever, as well by Sea as by Land, within the Region, Islands, Islets, and Limits aforesaid, to be had, exercised, used, and enjoyed, as any Bishop of Durham, within the Bishoprick or County Palatine of Durham, in our Kingdom of England, ever heretofore hath had, held, used, or enjoyed, or of right could, or ought to have, hold, use, or enjoy.**

V. And we do by these Presents, for us, our Heirs, and Successors, Make, Create, and Constitute Him, the now Baron of Baltimore, and his Heirs, the true and absolute Lords and Proprietaries of the Region aforesaid, and of all other Premises (except the before excepted) saving always the Faith and Allegiance and Sovereign Dominion due to Us, our Heirs, and Successors; to have, hold, possess, and enjoy the aforesaid Region, Islands, Islets, and other the Premises, unto the aforesaid now Baron of Baltimore, and to his Heirs and Assigns, to the sole and proper Behoof and Use of him, the now Baron of Baltimore, his Heirs and Assigns, forever. To Hold of Us, our Heirs and Successors, Kings of England, as of our Castle of Windsor, in our County of Berks, in free and common Soccage, by Fealty only for all Services, and not in Capite, nor by Knights Service, Yielding therefore unto Us, our Heirs and Successors Two Indian Arrows of these Parts, to be delivered at the said Castle of Windsor, every Year, on Tuesday in Easter Week: And also the fifth Part of all Gold and Silver Ore, which shall happen from Time to Time, to be found within the aforesaid Limits.

VI. Now, That the aforesaid Region, thus by us granted and described, may be eminently distinguished above all other Regions of that- Territory, and decorated with more ample Titles, Know Ye, that We, of our more especial Grace, certain knowledge, and mere Motion, have thought fit that the said Region and Islands be erected into a Province, as out of the Plenitude of our royal Power and Prerogative, We do, for Ifs' our Heirs and Successors, erect and incorporate the same into a Province, and nominate the same Maryland, by which Name We will that it shall from henceforth be called

VII. And forasmuch as We have above made and ordained the aforesaid now Baron of Baltimore, the true Lord and Proprietary of the whole Province aforesaid, Know Ye therefore further, that We, forges, our Heirs and Successors, do grant unto the said now Baron, (in whose Fidelity, Prudence, Justice, and provident Circumspection of Mind, We repose the greatest Confidence) and to his Heirs, for the good and happy Government of the said Province, free, full, and absolute Power, by the Tenor of these Presents, to Ordain, Make, and Enact Laws, of what Kind soever, according to their sound Discretions whether relating to the Public State of the said

Province, or the private Utility of Individuals, of and with the Advice, Assent, and Approbation of the Free-Men of the same Province, or the greater Part of them, or of their Delegates or Deputies, whom We will shall be called together for the framing of Laws, when, and as often as Need shall require, by the aforesaid now Baron of Baltimore, and his Heirs, and in the Form which shall seem best to him or them, and the same to publish under the Seal of the aforesaid now Baron of Baltimore, and his Heirs, and duly to execute the same upon all Persons, for the time being, within the aforesaid Province, and the Limits thereof, or under his or their Government and Power, in Sailing towards Maryland, or thence Returning, Outward bound, either to England, or elsewhere, whether to any other Part of Our, or of any foreign Dominions, wheresoever established, by the Imposition of Fines, Imprisonment, and other Punishment whatsoever; even if it be necessary, and the Quality of the Offence require it, by Privation of Member, or Life, by him the aforesaid now Baron of Baltimore, and his Heirs, or by his or their Deputy, Lieutenant, Judges, Justices, Magistrates, Officers, and Ministers, to be constituted and appointed according to the Tenor and true Intent of these Presents, and to constitute and ordain Judges, Justices, Magistrates and Officers of what kind, for what Cause, and with what Power soever, within that Land, and the Sea of those Parts, and in such form as to the said now Baron of Baltimore, or his Heirs, shall seem most fitting; **And also to Remit, Release, Pardon, and Abolish, all Crimes and Offences whatsoever against such Laws, whether before, or after Judgment passed; and to do all and singular other Things belonging to the Completion of Justice, and to Courts, Praetorian Judicatories, and Tribunals, Judicial Forms and Modes of Proceeding, although express Mention thereof in these Presents be not made; and, by Judges by them delegated, to award Process, hold Pleas, and determine in those Courts, Praetorian Judicatories, and Tribunals, in all Actions, Suits, Causes, and Matters whatsoever, as well Criminal as Personal, Real and Mixed, and Praetorian:** Which said Laws, so to be published as above-said, We will enjoin, charge, and command, to be most absolute and firm in Law, and to be Kept in those Parts by all the Subjects and Liege-Men of Us, our Heirs, and Successors, so far as they concern them, and to be inviolably observed under the Penalties therein expressed, or to be expressed. **So, nevertheless, that the Laws aforesaid be consonant to Reason, and be not repugnant or contrary, but (so far as conveniently may be) agreeable to the Laws, Statutes, Customs, and Rights of this Our Kingdom of England.**

VIII. And forasmuch as, in the Government of so great a Province, sudden accidents may frequently happen, to which it will be necessary to apply a Remedy, before the Freeholders of the said Province, their Delegates, or Deputies, can be called together for the framing of Laws; neither will it be fit that so great a Number of People should immediately, on such emergent Occasion, be called together, We therefore, for the better Government of so great a Province, do Will and Ordain, and by these Presents, for Us, our Heirs and Successors, do grant unto the said now Baron of Baltimore, and to his Heirs, that the aforesaid now Baron of Baltimore, and his Heirs, by themselves, or by their Magistrates and Officers, thereunto duly to be constituted as aforesaid, may, and can make and constitute fit and Wholesome Ordinances from Time to Time, to be Kept and observed within the Province aforesaid, as well for the Conservation of the Peace, as for the better Government of the People inhabiting therein, and publicly to notify the same to all Persons whom the same in any wise do or may affect. Which Ordinances We will to be inviolably observed within the said Province, under the Pains to be expressed in the same. **So that the said Ordinances be consonant to Reason and be not repugnant nor contrary, but (so far as conveniently may be done) agreeable to the Laws, Statutes, or Rights of our**

Kingdom of England: And so that the same Ordinances do not, in any Sort, extend to oblige, bind, charge, or take away the Right or Interest of any Person or Persons, of, or in Member, Life, Freehold, Goods or Chattels.

IX. Furthermore, that the New Colony may more happily increase by a Multitude of People resorting thither, and at the same Time may be more firmly secured from the Incursions of Savages, or of other Enemies, Pirates, and Ravagers: We therefore, for Us, our Heirs and Successors, do by these Presents give and grant Power, License and Liberty, to all the Liege-Men and Subjects, present and future, of Us, our Heirs and Successors, except such to whom it shall be expressly forbidden, to transport themselves and their Families to the said Province, with fitting Vessels, and suitable Provisions, and therein to settle, dwell and inhabit; and to build and fortify Castles, Forts, and other Places of Strength, at the Appointment of the aforesaid now Baron of Baltimore, and his Heirs, for the Public and their own Defence; the Statute of Fugitives, or any other whatsoever to the contrary of the Premises in any wise notwithstanding.

X. We will also, and of our more abundant Grace, for Us, our Heirs and Successors, do firmly charge, constitute, ordain, and command, that the said Province be of our Allegiance; and that all and singular the Subjects and Liege-Men of Us, our Heirs and Successors, transplanted, or hereafter to be transplanted into the Province aforesaid, and the Children of them, and of others their Descendants, whether already born there, or hereafter to be born, be- and shall be Natives and Liege-Men of Us, our Heirs and Successors, of our Kingdom of England and Ireland; and in all Things shall be held, treated, reputed, and esteemed as the faithful Liege-Men of Us, and our Heirs and Successors, born within our Kingdom of England; also Lands, Tenements, Revenues, Services, and other Hereditaments whatsoever, within our Kingdom of England, and other our Dominions, to inherit, or otherwise purchase? receive, take, have, hold, buy, and possess, and the same to use and enjoy, and the same to give, sell, alien and bequeath; and likewise all Privileges, Franchises and Liberties of this our Kingdom of England, freely, quietly, and peaceably to have and possess, and the same may use and enjoy in the same manner as our Liege-Men born, or to be born within our said Kingdom of England, without Impediment, Molestation, Vexation, Impeachment, or Grievance of Us, or any of our Heirs or Successors; any Statute, Act, Ordinance, or Provision to the contrary thereof, notwithstanding.

XI. Furthermore, That our Subjects may be incited to undertake this Expedition with a ready and cheerful mind: Know Ye, that We, of our especial Grace, certain Knowledge, and mere Motion, do, by the Tenor of these Presents, give and grant, as well as to the aforesaid Baron of Baltimore, and to his Heirs, as to all other Persons who shall from Time to Time repair to the said Province, either for the Sake of Inhabiting, or of Trading with the Inhabitants of the Province aforesaid, full License to Ship and Lade in any the Ports of Us, our Heirs and Successors, all and singular their Goods, as well movable, as immovable, Wares and Merchandizes, likewise Grain of what Sort soever, and other Things whatsoever necessary for Food and dothing, by the Laws and Statutes of our Kingdoms and Dominions, not prohibited to be transported out of the said Kingdoms; and the same to transport, by themselves, or their Servants or Assigns, into the said Province, without the Impediment or Molestation of Us, our Heirs or Successors, or any Officers of Us, our Heirs or Successors, (Saving unto Us, our Heirs and Successors, the Impositions, Subsidies, Customs, and other Dues payable for the same

Goods and Merchandizes) any Statute, Act, Ordinance, or other Thing whatsoever to the contrary notwithstanding.

XII. But because, that in so remote a Region, placed among so many barbarous Nations, the Incursions as well of the Barbarians themselves, as of other Enemies, Pirates and Ravagers, probably will be feared. Therefore We have Given, and for Us, our Heirs, and Successors, do Give by these Presents, as full and unrestrained Power, as any Captain-General of an Army ever hath had, unto the aforesaid now Baron of Baltimore, and to his Heirs and Assigns, by themselves, or by their Captains, or other Officers to summon to their Standards, and to array all men, of whatsoever Condition, or wheresoever born, for the Time being, in the said Province of Maryland, to wage War, and to pursue, even beyond the Limits of their Province, the Enemies and Ravagers aforesaid, infesting those Parts by Land and by Sea, and (if God shall grant it) to vanquish and captivate them, and the Captives to put to Death, or, according to their Discretion, to save, and to do all other and singular the Things which appertain, or have been accustomed to appertain unto the Authority and Office of a Captain-General of an Army.

XIII. We also will, and by this our Charter, do give unto the aforesaid now Baron of Baltimore, and to his Heirs and Assigns, Power, Liberty, and Authority, that, in Case of Rebellion, sudden Tumult, or Sedition, if any (which God forbid) should happen to arise, whether upon Land within the Province aforesaid, or upon the High Sea in making a Voyage to the said Province of Maryland. or in returning thence, they may, by themselves, or by their Captains, or others Officers, thereunto deputed under their Seals (to whom We, for Us, our Heirs and Successors, by these Presents, do Give and Grant the fullest Power and Authority) exercise Martial Law as freely, and in as ample Manner and Form, as any Captain-General of an Army, by virtue of his Office may, or hath accustomed to use the same, against the seditious Authors of Innovations in those Parts, with-drawing themselves from the Government of him or them, refusing to serve in War, flying over to the Enemy, exceeding their Leave of Absence, Deserters, or otherwise howsoever offending against the Rule, Law, or Discipline of War.

XIV. Moreover, left in so remote and far distant a Region, every Access to Honors and Dignities may seem to be precluded, and utterly barred, to Men well born, who are preparing to engage in the present Expedition, and desirous of deserving well, both in Peace and War, of Us, and our Kingdom; for this Cause, We, for Us, our Heirs and Successors, do give free and plenary Power to the aforesaid now Baron of Baltimore, and to his Heirs and Assigns, to confer Favors, Rewards and Honors, upon such Subjects, inhabiting within the Province aforesaid, as shall be well deserving, and to adorn them with whatsoever Titles and Dignities they shall appoint; (so that they be not such as are now used in England) also to erect and incorporate Towns into Boroughs, and Boroughs into Cities, with suitable Privileges and Immunities, according to the Merits of the Inhabitants, and Convenience of the Places; and to do all and singular other Things in the Premises, which to him or them shall seem fitting and convenient; even although they shall be such as, in their own Nature, require a more special Commandment and Warrant than in these Presents may be expressed.

XV. We will also, and by these Presents do, for Us, our Heirs and Successors, give and grant License lay this our Charter, unto the aforesaid now Baron of Baltimore, his Heirs and Assigns, and to al] Persons whatsoever, who are, or shall be Residents and Inhabitants of the

Province aforesaid, freely to import and unlade, by themselves, their Servants, Factors or Assigns, all Wares and Merchandizes whatsoever, which shall be collected out of the Fruits and Commodities of the said Province, whether the Product of the Land or the Sea into any the Ports whatsoever of Us, our Heirs and Successors, of England or Ireland, or otherwise to dispose of the same there; and, if Need be, within One Year, to be computed immediately from the Time of unlading thereof, to lade the same Merchandizes again, in the same, or other Ships, and to export the same to any other Countries they shall think proper, whether belonging to Us, or any foreign Power which shall be in Amity with Us, our Heirs or Successors: Provided always, that they be bound to pay for the same to Us, our Heirs and Successors, such Customs and Impositions, Subsidies and Taxes, as our other Subjects of our Kingdom of England, for the Time being, shall be bound to pay, beyond which We will that the Inhabitants of the aforesaid Province of the said Land, called Maryland, shall not be burdened.

XVI. And furthermore, of our more ample special Grace, and of our certain Knowledge, and mere Motion, We do, for Us, our Heirs and Successors, grant unto the aforesaid now Baron of Baltimore, his Heirs and Assigns, full and absolute Power and Authority to make, erect, and constitute, within the Province of Maryland, and the Islands and Islets aforesaid, such, and so many Sea-Ports, Harbors Creeks, and other Places of Unlading and Discharge of Goods and Merchandizes out of Ships, Boats, and other Vessels, and of Lading in the same, and in so many, and such Places, and with such Rights, Jurisdictions, Liberties, and Privileges, unto such Parts respecting aS to him or them shall seem most expedient: And, that all and every the Ships, Boats, and other Vessels whatsoever, coming to, or going from the Province aforesaid, for the Sake of Merchandizing, shall be laden and unladen at such Ports only as shall be so erected and constituted by the said now Baron of Baltimore, his Heirs and Assigns, any Usage, Custom, or other Thing whatsoever to the contrary notwithstanding, Saving always to Us, our Heirs and Successors, and to all the Subjects of our Kingdoms of England and Ireland, of Us, our Heirs and Successors, the Liberty of Fishing for Sea-Fish, as well in the Sea, Bays, Straits, and navigable Rivers, as in the Harbors, Bays, and Creeks of the Province aforesaid; and the Privilege of Salting and Drying Fish on the Shores of the same Province; and, for that Cause, to cut down and take Hedging-Wood and Twigs there growing, and to build Huts and Cabins, necessary in this in the same Manner, as heretofore they reasonably might, or have used to do. Which Liberties and Privileges, the said Subjects of Us, our Heirs anal Successors, shall enjoy, without notable Damage or Injury in my wise to be done to the aforesaid now Baron of Baltimore, his Heirs or Assigns, or to the Residents and Inhabitants of the same Province in the Ports, Creeks, and Shores aforesaid, and especially in the Woods and Trees there growing. And if any Person shall do Damage or Injury of this Kind, he shall incur the Peril and Pain of the heavy Displeasur of Us, our Heirs and Successors, and of the due Chastisement of the Laws, besides making Satisfaction.

XVII. Moreover, We will appoint, and ordain, and by these Presents, for Us, our Heirs and Successors, do grant unto the aforesaid now Baron of Baltimore, his Heirs and Assigns, that the same Baron of Baltimore, his Heirs and Assigns, from Time to Time, forever, shall have, and enjoy the Taxes and Subsidies payable, or arising within the Ports, Harbors, and other Creeks and Places aforesaid within the Province aforesaid, for Wares bought and sold, and Things there to be laden, or unladen, to be reasonably assessed by. them, and the People there as aforesaid, on emergent Occasion; to whom We grant Power by these Presents, for Us, our Heirs and

Successors, to assess and impose the said Taxes and Subsidies there, upon just Cause and in due Proportion.

XVIII. And furthermore, of our special Grace, and certain Knowledge, and mere Motion, We have given, granted, and confirmed, and by these Presents, for Us, our Heirs and Successors, do give, grant and confirm, unto the said now Baron of Baltimore, his Heirs and Assigns, full and absolute License, Power, and Authority, that he the aforesaid now Baron of Baltimore, his Heirs and Assigns, from Time to Time hereafter, forever, may and can, at his or their Will and Pleasure, assign, alien, grant, demise, or enfeoff so many, such, and proportionate Parts and Parcels of the Premises, to any Person or Persons willing to purchase the same, as they shall think convenient, to have and to hold to the same Person or Persons willing to take or purchase the same, and his and their Heirs and Assigns, in Fee-simple, or Fee-tail, or for Term of Life, Lives or Years; to hold of the aforesaid now Baron of Baltimore, his Heirs and Assigns, by so many, such, and so great Services, Customs and Rents of this Kind, as to the same now Baron of Baltimore, his Heirs, and Assigns, shall seem fit and agreeable, and not immediately of Us, our Heirs and Successors. And We do give, and by these Presents, for Us, our Heirs and Successors, do grant to the same Person and Persons, and to each and every of them, License, Authority and Power, that such Person and Persons may take the Premises, or any Parcel thereof, of the aforesaid now Baron of Baltimore, his Heirs and Assigns, and hold the same to them and their Assigns, or Heirs of the aforesaid Baron of Baltimore, his Heirs and Assigns, of what Estate of Inheritance soever, in Fee Simple or Fee-tail, or otherwise, as to them and the now Baron of Baltimore, his Heirs and Assigns' shall seem expedient; the Statute made in the Parliament of Lord Edward, Son of Icing Henry, late King of England, our Progenitor, commonly called the "*Statute Quia Emptores Terrarum*," heretofore published in our Kingdom of England, or any other Statute, Act, Ordinance, Usage, Law, or Custom, or any other Thing, Cause, or Matter, to the contrary thereof, heretofore had, done, published, ordained or provided to the contrary thereof notwithstanding.

XIX. We also, by these Presents, do give and grant License to the same Baron of Baltimore, and to his Heirs, to erect any Parcels of Land within the Province aforesaid, into Manors, and in every of those Manors, to have and to hold a Court-Baron, and all Things which to a Court Baron do belong; and to have and to Keep View of Frank-Pledge, for the Conservation of the Peace and better Government of those Parts, by themselves and their Stewards, or by the Lords, for the Time being to be deputed, of other of those Manors when they shall be constituted, and in the same to exercise all Things to the View of Frank Pledge belong.

XX. And further We will, and do, by these Presents, for Us, our Heirs and Successors, covenant and grant to, and with the aforesaid now Baron of Baltimore, His Heirs and Assigns, that We, our Heirs, and Successors, at no Time hereafter, will impose, or make or cause to be imposed, any Impositions, Customs, or other Taxations, Quotas, or Contributions whatsoever, in or upon the Residents or Inhabitants of the Province aforesaid for their Goods, Lands, or Tenements within the same Province, or upon any Tenements, Lands, Goods or Chattels within the Province aforesaid, or in or upon any Goods or Merchandizes within the Province aforesaid, or within the Ports or Harbors of the said Province, to be laden or unladen; And We will and do, for Us, our Heirs and Successors, enjoin and command that this our Declaration shall, from Time to Time, be received and allowed in all our Courts and Praetorian Judicatories, and before all the

Judges whatsoever of Us, our Heirs and Successors, for a sufficient and lawful Discharge, Payment, and Acquittance thereof, charging all and singular the Officers and Ministers of Us, our Heirs and Successors, and enjoining them under our heavy Displeasure, that they do not at any Time presume to attempt any Thing to the contrary of the Premises, or that may in any wise contravene the same, but that they, at all Times, as is fitting, do aid and assist the aforesaid now Baron of Baltimore, and his Heirs, and the aforesaid Inhabitants and Merchants of the Province of Maryland aforesaid, and their Servants and Ministers, Factors and Assigns, in the fullest Use and Enjoyment of the Charter.

XXI. And furthermore We will, and by these Presents, for Its, our Heirs and Successors, do grant unto the aforesaid now Baron of Baltimore his Heirs and Assigns, and to the Freeholders and Inhabitants of the said Province, both Present and to come, and to every of them, that the said Province, and the Freeholders or Inhabitants of the said Colony or Country, shall not henceforth be held or reputed a Member or Part of the Land of Virginia, or of any other Colony already transported, or hereafter to be transported, or be dependent on tee same, or subordinate in any kind of Government, from which We do separate both the said Province, and Inhabitants thereof, and by these Presents do will to be distinct, and that they may be immediately subject to our Crown of England, and dependent on the same forever.

XXII. And if, peradventure, hereafter it may happen, that any Doubts or Questions should arise concerning the true Sense and Meaning of any Word, Clause, or Sentence, contained in this our present Charter, We will charge and command, That Interpretation to be applied always, and in all Things, and in all Courts and Judicatories whatsoever, to obtain which shall be judged to be the more beneficial, profitable, and favorable to the aforesaid now Baron of Baltimore, his Heirs and Assigns: Provided always, that no Interpretation thereof be made, whereby God's holy and true Christian Religion, or the Allegiance due to Us, our Heirs and Successors, may in any wise suffer by Change, Prejudice, or Diminution; although express Mention be not made in these Presents of the true- yearly Value or Certainty of the Premises, or of any Part thereof; or of other Gifts and Grants made by Us, our Heirs and Successors, unto the said now Lord Baltimore, or any Statute, Act, Ordinance, Provision, Proclamation or Restraint, heretofore had, made, published, ordained or provided, or any other Thing, Cause, or Matter whatsoever, to the contrary thereof in any wise notwithstanding.

XXIII. In Witness Whereof We have caused these our Letters to be made Patent. Witness Ourselves at Westminster, the Twentieth Day of June, in the Eighth Year of our Reign.

Appendix D. Charter of Carolina, 1663

CHARLES the Second, by the grace of God, king of England, Scotland, France, and Ireland, Defender of the Faith, &c., To all to whom these present shall come: Greeting:

1st. Whereas our right trusty, and right well beloved cousins and counsellors, Edward Earl of Clarendon, our high chancellor of England, and George Duke of Albemarle, master of our horse and captain general of all our forces, our right trusty and well beloved William Lord Craven, John Lord Berkley, our right trusty and well beloved counsellor, Anthony Lord Ashley, chancellor of our exchequer, Sir George Carteret, knight and baronet, vice chamberlain of our household, and our trusty and well beloved Sir William Berkley, knight, and Sir John Colleton, knight and baronet, **being excited with a laudable and pious zeal for the propagation of the Christian faith, and the enlargement of our empire and dominions**, have humbly besought leave of us, by their industry and charge, **to transport and make an ample colony of our subjects, natives of our kingdom of England, and elsewhere within our dominions**, unto a certain country hereafter described, in the parts of America not yet cultivated or planted, and only inhabited by some barbarous people, **who have no knowledge of Almighty God**.

2d. And whereas the said Edward Earl of Clarendon, George Duke of Albemarle, William Lord Craven, John Lord Berkley, Anthony Lord Ashley, Sir George Carteret, Sir William Berkley, and Sir John Colleton have humbly besought us to give, grant and confirm unto them and their heirs, the said country, with priviledges and jurisdictions requisite for the good government and safety thereof: Know ye, therefore, that we, favouring the pious and noble purpose of the said Edward Earl of Clarendon, George Duke of Albemarle, William Lord Craven, John Lord Berkley, Anthony Lord Ashley, Sir George Carteret, Sir William Berkley, and Sir John Colleton, of our special grace, certain knowledge and meer motion, have given, granted atoll confirmed, and by this our present charter, for us, our heirs and successors, do give, grant and confirm unto the said Edward Earl of Clarendon, George Duke of Albemarle, William Lord Craven, Atolls Lord Berkley, Anthony Lord Ashley, Sir George Carteret, Sir William Berkley, and Sir John Colleton, their heirs and assigns, all that territory or tract of ground, scituate, lying and being within our dominions of America, extending from the north end of the island called Lucke island, which lieth in the southern Virginia seas, and within six and thirty degrees of the northern latitude, and to the west as far as the south seas, and so southerly as far as the river St. Matthias, which bordereth upon the coast of Florida, and within one and thirty degrees of northern latitude, and so west in a direct line as far as the south seas aforesaid; together with all and singular ports, harbours, bays, rivers, isles and islets belonging to the country aforesaid; and also all the soil, lands, fields, woods, mountlills, fields, lakes, rivers, bays and islets, scituate or being within the bounds or limits aforesaid, with the fishing of all sorts of fish, whales, sturgeons and all other royal fishes in the sea, bays, islets and rivers within the premises, and the fish therein taken; and moreover all veins, mines, quarries, as well discovered as not discovered, of gold, silver, gems, precious stones, and all other whatsoever, be it of stones, metals, or any other thing whatsoever, found or to be found within the countries, isles and limits aforesaid.

3d. And furthermore, **the patronage and advowsons of all the churches and chappels, which as Christian religion shall increase within the country, isles, islets and limits**

aforesaid, shall happen hereafter to be erected, together with license and power to build and found churches, chappels and oratories, in convenient and fit places, within the said bounds and limits, and to cause them to be dedicated and consecrated according to the ecclesiastical laws of our kingdom of England, together with all and singular the like, and as ample rights, jurisdictions, priviledges, prerogatives, royalties, liberties, immunities and franchises of what kind soever, within the countries, isles, islets and limits aforesaid.

4th. To have, use, exercise and enjoy, and in as ample manner as any bishop of Durham in our kingdom of England, ever heretofore have held, used or enjoyed, or of right ought or could have, use, or enjoy. And them, the said Edward Earl of Clarendon, George Duke of Albemarle, William Lord Craven, John Lord Berkley, Anthony Lord Ashley, Sir George Carteret, Sir William Berkley, and Sir John Colleton, their heirs and assigns, we do by these presents, for us, our heirs and successors, make, create and constitute the true and absolute Lords Proprietors of the country aforesaid, and of all other the premises; saving always the faith, allegiance and sovereign dominion due to us, our heirs and successors, for the same, and saving also the right, title and interest of all and every our subjects of the English nation, which are now planted within the limits and bounds aforesaid (if any be). To have, hold, possess and enjoy the said country, isles, islets, and all and singular other the premises, to them the said Edward Earl of Clarendon, George Duke of Albemarle, William Lord Craven, John Lord Berkley, Anthony Lord Ashley, Sir George Carteret, Sir William Berkley, Sir John Colleton, their heirs and assigns forever, to be holden of us, our heirs and successors, as of our manner of East Greenwich in our county of Kent, in free and common soccage, and not in capite, or by knight service; yielding and paying yearly to us, our heirs and successors, for the same, the yearly rent of twenty marks of lawful money of England, at the feast of All Saints, yearly forever, the first payment thereof to begin and to be made on the feast of All Saints, which shall be in the year of our Lord one thousand six hundred and sixty-five, and also the fourth part of all gold or silver ore, which, within the limits aforesaid, shall from time to time happen to be found.

5th. And that the country, thus by us granted and described, may be dignified by us with as large titles and priviledges as any other part of our dominions and territories in that region, Know ye, that we of our further grace, certain knowledge, and meer motion, have thought fit to erect the same tract of ground, county, and island, into a province, and out of the fulness of our royal power and prerogative, we do, for us, our heirs and successors, erect, incorporate and ordain the same into a province, and call it the Province of Carolina, and so from henceforth will have it called; and forasmuch as we have hereby made and ordained the aforesaid Edward Earl of Clarendon, George Duke of Albemarle, William Lord Craven, John Lord Berkley, Anthony Lord Ashley, Sir George Carteret, Sir William Berkley, and Sir John Colleton, their heirs and assigns, the true lords and proprietors of all the province aforesaid; Know ye, therefore moreover that we, reposing especial trust and confidence in their fidelity, wisdom, justice and provident circumspection, for us, our heirs and successors, do grant full and absolute power, by virtue of these presents, to them the said Edward Earl of Clarendon, George Duke of Albemarle, William Lord Craven, John Lord Berkley, Anthony Lord Ashley, Sir George Carteret, Sir William Berkley, and Sir John Colleton, and their heirs, for the good and happy government of the said province, to ordain, make, enact, and under their seals to publish any laws whatsoever, either appertaining to the publick state of the said province, or to the private utility of particular persons, according to their best discretion, of and with the advice, assent and approbation of the

freemen of the said province, or of the greater part of them, or of their delegates or deputies, whom for enacting of the said laws, when and as often as need shall require, we will that the said Edward Earl of Clarendon, George Duke of Albemarle, William Lord Craven, John Lord Berkley, Anthony Lord Ashley, Sir George Carteret, Sir William Berkley, and Sir John Colleton, and their heirs, shall from time to time assemble in such manner and form as to them shall seem best, and the same laws duly to execute upon all people within the said province and limits thereof, for the time being, or which shall be constituted under the power and government of them or any of them, either sailing towards the said province of Carolina, or returning from thence towards England, or any other of our, or foreign dominions, by imposition of penalties, imprisonment or any other punishment; yea, if it shall be needful!, and the quality of the offence requires it, by taking away member and life, either by them, the said Edward Earl of Clarendon, George Duke of Albemarle, William Lord Craven, John Lord Berkley, Anthony Lord Ashley, Sir George Carteret, Sir William Berkley, and Sir John Colleton, and their heirs, or by them or their deputies, lieutenants, judges, justices, magistrates, officers and members to be ordained or appointed according to the tenor and true intention of these presents; and likewise to appoint and establish any judges or justices, magistrates or officers whatsoever, within the said province, at sea or land, in such manner and form as unto the said Edward Earl of Clarendon, George Duke of Albemarle, William Lord Craven, John Lord Berkley, Anthony Lord Ashley, Sir George Carteret, Sir William Berkley, and Sir John Colleton and their heirs shall seem most convenient; also, to remit, release, pardon and abolish (whether before judgment or after) all crimes and offences whatsoever, against the said laws, and to do all and every other thing and things, which unto the compleat establishment of Justice unto courts, sessions, and forms of judicature and manners of proceedings therein do belong, although in these presents express mention be not made thereof; and by judges and by him or them delegated, to award process, hold pleas, and determine in all the said courts, and places of judicature, all actions, suits and causes whatsoever, as well criminal or civil, real, mixt, personal, or of any other kind or nature whatsoever; which laws, so as aforesaid to be published, our pleasure is, and we do require, enjoin and command, shall be absolute, firm and available in law, and that all the liege people of us, our heirs and successors, within the said province of Carolina, do observe and keep the same inviolably in those parts, so far as they concern them, under the pains and penalties therein expressed, or to be expressed: *Provided nevertheless*, that the said lavrs be consonant to reason, and as near as may be conveniently, agreeable to the laws and customs of this our kingdom of England.

6th. And because such assemblies of freeholders cannot be so conveniently called, as there may be occasion to require the same, we do, therefore, by these presents, give and grant unto the said Edward Earl of Clarendon, George Duke of Albemarle, William Lord Craven, John Lord Berkley, Anthony Lord Ashley, Sir George Carteret, Sir William Berkley, and Sir John Colleton, their heirs and assigns, by themselves or their magistrates, in that behalf lawfully authorized full power and authority from time to time to make and ordain fit and wholesome orders and ordinances, within the province aforesaid to be kept and observed as well for the keeping of the peace, as for the better government of the people there abiding, and to publish the same to all to whom it may concern; which ordinances, we do by these presents straightly charge and command to be inviolably observed within the said province, under the penalties therein expressed, so as such ordinances be reasonable, and not repugnant or contrary, but as near as may be, agreeable to the laws and statutes of this our kingdom of England, and so as the same

ordinances do not extend to the binding, charging, or taking away of the right or interest of any person or persons, in their freehold, goods or chattels whatsoever.

7th. And to the end the said province may be more happily increased, by the multitude of people resorting thither, and may likewise be the more strongly defended from the incursions of salvages and other enemies, pirates and robbers, therefore we, for us, our heirs and successors, do give and grant by these presents, power, license and liberty unto all the liege people of us, our heirs and successors in our kingdom of England or elsewhere, within any other our dominions, islands, colonies or plantations, (excepting those who shall be especially forbidden,) to transport themselves and families unto the said province, with convenient shipping and fitting provisions, and there to settle themselves, dwell and inhabit, any law, statute, act, ordinance, or other thing to the contrary in any wise notwithstanding. And we will also, and of our more special grace, for us, our heirs and successors, do straightly enjoin, ordain, constitute and command, that the said province of Carolina, shall be of our allegiance, and that all and singular the subjects and liege people of us, our heirs and successors, transported or to be transported into the said province, and the children of them and of such as shall descend from them, there born or hereafter to be born, be and shall be denizens and lieges of us, our heirs and successors of this our kingdom of England, and be in all things held, treated, and reputed as the liege faithful people of us, our heirs and successors, born within this our said kingdom, or any other of our dominions, and may inherit or otherwise purchase and receive, take, hold, buy and possess any lands, tenements or hereditaments within the same places, and them may occupy, possess and enjoy, give, sell, aliene and bequeathe; as likewise all liberties, franchises and priviledges of this our kingdom of England, and of other our dominions aforesaid, and may freely and quietly have, possess and enjoy, as our liege people born within the same, without the least molestation, vexation, trouble or grievance of us, our heirs and successors, any statute, act, ordinance, or provision to the contrary notwithstanding.

8th. And furthermore, that our subjects of this our said kingdom of England, and other our dominions, may be the rather encouraged to undertake this expedition with ready and cheerful minds, know ye, that we of our special grace, certain knowledge and meer motion, do give and grant by virtue of these presents, as well to the said Edward Earl of Clarendon, George Duke of Albemarle, William Lord Craven, John Lord Berkley, Anthony Lord Ashley, Sir George Carteret, Sir William Berkley, and Sir John Colleton, and their heirs, as unto all others as shall from time to time repair unto the said province, with a purpose to inhabit there, or to trade with the natives of the said province, full liberty and license to lade and freight in any port whatsoever, of us, our heirs and successors, and into the said province of Carolina, by them, their servants or assigns, to transport all and singular their goods, wares and merchandises, as likewise all sorts of grain whatsoever, and any other things whatsoever, necessary for the food and clothing, not prohibited by the laws and statutes of our kingdoms and dominions, to be carried out of the same, without any let or molestation of us, our heirs and successors, or of any other of our officers, or ministers whatsoever, saving also to us, our heirs and successors, the customs and other duties and payments, due for the said wares and merchandises, according to the several rates of the places from whence the same shall be transported. We will also, and by these presents, for us, our heirs and successors, do give and grant license by this our charter, unto the said Edward Earl of Clarendon, George Duke of Albemarle, William Lord Craven, John Lord Berkley, Anthony Lord Ashley, Sir George Carteret, Sir William Berkley, and Sir John Colleton,

their heirs and assigns, and to all the inhabitants and dwellers in the province aforesaid, both present and to come, full power and absolute authority to import or unlade by themselves or their servants, factors or assigns, all merchandises and goods whatsoever, that shall arise of the fruits and commodities of the said province, either by land or by sea, into any of the ports of us, our heirs and successors, in our kingdom of England, Scotland or Ireland, or otherwise to dispose of the said goods, in the said ports; and if need be, within one year next after the unfading, to lade the said merchandises and goods again into the same or other ships, and to export the same into any other countries either of our dominions, or foreign being in amity with us, our heirs and successors, so as they pay such customs, subsidies, and other duties for the same, to us, our heirs and successors, as the rest of our subjects of this our kingdom, for the time being, shall be bound to pay, beyond which we will not, that the inhabitants of the said province of Carolina, shall be any ways charged.

9th. *Provided nevertheless*, and our will and pleasure is, and we have further for the consideration aforesaid, of our more especial grace, certain knowledge, and meer motion, given and granted, and by these presents, for us, our heirs and successors, do give and grant unto the said Edward Earl of Clarendon, George Duke of Albemarle, William Lord Craven, John Lord Berkley, Anthony Lord Ashley, Sir George Carteret, Sir William Berkley and Sir John Colleton, their heirs and assigns, full and free license, liberty and authority, at any time or times, from and after the feast of St. Michael the archangel, which shall be in the year of our Lord Christ, one thousand six hundred sixty and seven, as well to import, and bring into any of our dominions from the said province of Carolina, or any part thereof, the several goods and commodities, hereinafter mentioned, that is to say, silks, wines, currants, raisins, capers, wax, almonds, oyl and olives, without paying or answering to us, our heirs or successors, any custom, import, or other duty, for and in respect thereof, for and during the term and space of seven years, to commence and be accompted, from and after the first importation of four tons of any the said goods, in any one bottom, ship or vessel from the said province, into any of our dominions, as also to export and carry out of any of our dominions, into the said province of Carolina, custom free, all sorts of tools which shall be usefull or necessary for the planters there, in the accommodation and improvement of the premises, any thing before, in these presents contained, or any law, act, statute, prohibition or other matter, or anything heretofore had, made, enacted or provided, or hereafter to be had, made, enacted or provided, to the contrary, in any wise notwithstanding.

10th. And furthermore, of our own ample and especial grace, certain knowledge, and meer motion, we do for us, our heirs and successors, grant unto the said Edward Earl of Clarendon, George Duke of Albemarle, William Lord Craven, John Lord Berkley, Anthony Lord Ashley, Sir George Carteret, Sir William Berkley and Sir John Colleton, their heirs and assigns, full and absolute power and authority to make erect and constitute, within the said province of Carolina, and the isles and islets aforesaid, such and so many seaports, harbours, creeks and other places, for discharge and unloading of goods and merchandises, out of ships, boats and other vessels, and for lading of them, in such and so many places, and with such jurisdiction, priviledges and franchises unto the said ports belonging, as to them shall seem most expedient, and that all and singular the ships, boats and other vessels, which shall come for merch an rises and trade into the said province, or shall depart out of the same, shall be laden and unladen at such ports only, as shall be erected and constituted by the said Edward Earl of Clarendon, George Duke of Albemarle, William Lord Craven, Jolm Lord Berkley, Anthony Lord Ashley, Sir George

Carteret, Sir William Berkley, and Sir John Colleton, their heirs and assigns, and not elsewhere, any use, custom or any other thing to the contrary, in any wise notwithstanding.

11th. And we do furthermore will, appoint and ordain, and by these presents for us, our heirs and successors, do grant unto the said Edward Earl of Clarendon, George Duke of Albemarle, William Lord Craven, John Lord Berkley, Anthony Lord Ashley, Sir George Carteret, Sir William Berkley and Sir John Colleton, their heirs and assigns, that they the said Edward Earl of Clarendon, George Duke of Albemarle, William Lord Craven, John Lord Berkley, Anthony Lord Ashley, Sir George Carteret, Sir William Berkley and Sir John Colleton, their heirs and assigns, may from time to time forever, have and enjoy, the customs and subsidies in the ports, harbors, creeks and other places within the province aforesaid, payable for goods, merchandise and wares, there laded or to be laded, or unjaded, the said customs to be reasonably assessed, upon any occasion, by themselves, and by and with the consent of the free people there, or the greater part of them as aforesaid; to whom we give power by these presents, for us, our heirs and successors, upon just cause and in a due proportion, to assess and impose the same.

12th. And further, of our special grace, certain knowledge, and meer motion, we have given, granted and confirmed, and by these presents, for us, our heirs and successors, do give, grant and confirm unto the said Edward Earl of Clarendon, George Duke of Albemarle, William Lord Craven, John Lord Berkley, Anthony Lord Ashley, Sir George Carteret, Sir William Berkley, and Sir John Colleton, their heirs and assigns, full and absolute license, power and authority, that the said Edward Earl of Clarendon, George Duke of Albemarle, William Lord Craven, John Lord Berkley, Anthony Lord Ashley, Sir George Carteret, Sir William Berkley, Sir John Colleton, their heirs and assigns, from time to time, hereafter, forever, at his and their will and pleasure, may assign, alien, grant, demise or enfeof the premises, or any part or parcels thereof, to him or them that shall be willing to purchase the same, and to such person or persons as they shall think fit, to have and to hold, to them the said person or persons, their heirs or assigns, in fee simple or fee taylor, or for term for life, or lives, or years, to be held of them, the said Edward Earl of Clarendon, George Duke of Albemarle, William Lord Craven, John Lord Berkley, Anthony Lord Ashley, Sir George Carteret, Sir William Berkley and Sir John Colleton, their heirs and assigns, by such rents, services and customs, as shall seem meet to the said Edward Earl of Clarendon, George Duke of Albemarle, William Lord Craven, John Lord Berkley, Anthony Lord Ashley, Sir George Carteret, Sir William Berkley, and Sir John Colleton, their heirs and assigns, and not immediately of us, our heirs and successors, and to the same person and persons, and to all and every of them, we do give and grant by these presents, for us, our heirs and successors, license, authority and power, that such person or persons, may have or take the premises, or any parcel thereof, of the said Edward Earl of Clarendon, George Duke of Albemarle, William Lord Craven, John Lord Berkley, Anthony Lord Ashley, Sir George Carteret, Sir William Berkley, and Sir John Colleton, their heirs and assigns, and the same to hold, to themselves, their heirs or assigns, in what estate of inheritance whatsoever, in fee simple, or fee taylor, or otherwise, as to them and the said Edward Earl of Clarendon, George Duke of Albemarle, William Lord Craven, John Lord Berkley, Anthony Lord Ashley, Sir George Carteret, Sir William Berkley, and Sir John Colleton, their heirs and assigns, shall seem expedient; the statute made in the parliament of Edward, son of King Henry, heretofore king of England, our predecessor, commonly called the statute⁽³⁾ of "*quia emptores terrarum*;" or any other statute, act, ordinance, use, law, custom or

any other matter, cause or thing heretofore published, or provided to the contrary, in any wise notwithstanding.

13th. And because many persons born, or inhabiting in the said province, for their deserts and services, may expect and be capable of marks of honor and favor, which, in respect of the great distance, cannot be conveniently conferred by us; our will and pleasure therefore is, and we do by these presents, give and grant unto the said Edward Earl of Clarendon, George Duke of Albemarle, William Lord Craven, John Lord Berkley, Anthony Lord Ashley, Sir George Carteret, Sir William Berkley, and Sir John Colleton, their heirs and assigns, full power and authority, to give and confer, unto and upon, such of the inhabitants of the said province, as they shall think do or shall merit the same, such marks of favour and titles of honour as they shall think fit so as these titles of honour be not the same as ale enjoyed by, or conferred upon any the subjects of this our kingdom of England.

14th. And further also, we do by these presents, for us, our heirs and successors, give and grant license to them, the said Edward Earl of Clarendon, George Duke of Albemarle, William Lord Craven, John Lord Berkley, Anthony Lord Ashley, Sir George Carteret, Sir William Berkley, and Sir John Colleton, their heirs and assigns, full power, liberty and license to erect, raise and build within the said province and places aforesaid, or any part or parts thereof, such and so many forts, fortresses, castles, cities, boroughs, towns, villages and other fortifications whatsoever, and the same or any of them to fortify and furnish with ordinance, powder, shot, armory, and all other weapons, ammunition, habilements of war, both offensive and defensive, as shall be thought fit and convenient for the safety and welfare of the said province and places, or any part thereof, and the same, or any of them from time to time, as occasion shall require, to dismantle, disfurnish, demolish and pull down, and also to place, constitute and appoint in and over all or any of the castles, forts, fortifications, cities, towns and places aforesaid, governors, deputy governors, magistrates, sheriffs and other officers, civil and military, as to them shall seem meet, and to the said cities, boroughs, towns, villages, or any other place or places within the said province, to grant "letters or charters of incorporation," with all liberties, franchises and priviledges, requisite and usefull, or to or within any corporations, within this our kingdom of England, granted or belonging; and in the same cities, boroughs, towns and other places, to constitute, erect and appoint such and so many markets, marts and fairs, as shall in that behalf be thought fit and necessary; and further also to erect and make in the province aforesaid, or any part thereof, so many mannors as to them shall seem meet and convenient, and in every of the said mannors to have and to hold a court baron, with all things whatsoever which to a court baron do belong, and to have and to hold views of "frank pledge" and "court leet," for the conservation of the peace and better government of those parts within such limits, jurisdictions, and precincts, as by the said Edward Earl of Clarendon, George Duke of Albemarle, William Lord Craven, John Lord Berkley, Anthony Lord Ashley, Sir George Carteret, Sir William Berkley and Sir John Colleton, or their heirs, shall be appointed for that purpose, with all things whatsoever, which to a court leet, or view of frank pledge do belong, the said court to be holden by stewards, to be deputed and authorized by the said Edward Earl of Clarendon, George Duke of Albemarle, William Lord Craven, John Lord Berkley, Anthony Lord Ashley, Sir George Carteret, Sir William Berkley, and Sir John Colleton, or their heirs, or by the lords of other mannors and leets, for the time being, when the same shall be erected.

15th. And because that in so remote a country, and scituate among so many barbarous nations, and the invasions as well of salvages as of other enemies, pirates and robbers, may probably be feared; therefore we have given, and for us, our heirs and successors, do give power, by these presents, unto the said Edward Earl of Clarendon, George Duke of Albemarle, William Lord Craven, John Lord Berkley, Anthony Lord Ashley, Sir George Carteret, Sir William Berkley, and Sir John Colleton, their heirs and assigns, by themselves, or their captains, or other their officers, to levy, muster and train all sorts of men, of what condition or wheresoever born, in the said province for the time being, and to make war and pursue the enemies aforesaid, as well by sea as by land, yea, even without the limits of the said province, and by God's assistance to vanquish and take them, and being taken to put them to death by the law of war, or to save them at their pleasure; and to do all and every other thing, which unto the charge of a captain general of an army belongeth, or hath accustomed to belong, as fully and freely as any captain general of an army hath or ever had the same.

16th. Also our will and pleasure is, and by this our charter we give unto the said Edward Earl of Clarendon, George Duke of Albemarle, William Lord Craven, John Lord Berkley, Anthony Lord Ashley, Sir George Carteret, Sir William Berkley, and Sir John Colleton, their heirs and assigns, full power, liberty and authority, in case of rebellion, tumult or sedition, (if any should happen,) which God forbid, either upon the land within the province aforesaid, or upon the main sea, in making a voyage thither, or returning from thence, by him or themselves, their captains, deputies and officers, to be authorized under his or their seals for that purpose, to whom also, for us, our heirs and successors, we do give and grant by these presents, full power and authority, to exercise martial law against mutinous and seditious persons of those parts, such as shall refuse to submit themselves to their government, or shall refuse to serve in the wars, or shall fly to the enemy, or forsake their colours or ensigns, or be loyterers or straglers, or otherwise howsoever offending against law, custom or discipline military, as freely and in as ample manner and form as any captain general of an army by vertue of his office, might or hath accustomed to use the same.

17th. And our further pleasure is, and by these presents, for us, our heirs and successors, we do grant unto the said Edward Earl of Clarendon, George Duke of Albemarle, William Lord Craven, John Lord Berkley, Anthony Lord Ashley, Sir George Carteret, Sir William Berkley, and Sir John Colleton, their heirs and assigns, and to all the tenants and inhabitants of the said province of Carolina, both present and to come, and to every of them, that the said province and the tenants and inhabitants thereof, shall not from henceforth be held or reputed a member or part of any colony whatsoever in America, or elsewhere, now transported or made, or hereafter to be transported or made; nor shall be depending on, or subject to their government in anything, but be absolutely seperated and divided from the same; and our pleasure is, by these presents, that they be seperated, and that they be subject immediately to our crown of England, as depending thereof forever; and that the inhabitants of the said Province, nor any of them, shall at any time hereafter be compelled or compellable, or be any ways subject or liable to appear or answer to any matter, suit, cause or plaint whatsoever, out of the Province aforesaid, in any other of our islands, colonies, or dominions in America or elsewhere, other than in our realm of England, and dominion of Wales.

18th. And because it may happen that some of the people and inhabitants of the said province, cannot in their private opinions, conform to the publick exercise of religion, according to the liturgy, form and ceremonies of the church of England, or take and subscribe the oaths and articles, made and established in that behalf, and for that the same, by reason of the remote distances of these places, will, we hope be no breach of the unity and uniformity established in this nation; our will and pleasure therefore is, and we do by these presents, for us, our heirs and successors, give and grant unto the said Edward Earl of Clarendon, George Duke of Albemarle, William Lord Craven, John Lord Berkley, Anthony Lord Ashley, Sir George Carteret, Sir William Berkley, and Sir John Colleton, their heirs and assigns, full and free license, liberty and authority, by such legal ways and means as they shall think fit, to give and grant unto such person or persons, inhabiting and being within the said province, or any part thereof, who really in their judgments, and for conscience sake, cannot or shall not conform to the said liturgy and ceremonies, and take and subscribe the oaths and articles aforesaid, or any of them, such indulgencies and dispensations in that behalf, for and during such time and times, and with such limitations and restrictions as they, the said Edward Earl of Clarendon, George Duke of Albemarle, William Lord Craven, John Lord Berkley, Anthony Lord Ashley, Sir George Carteret, Sir William Berkley, and Sir John Colleton, their heirs or assigns, shall in their discretion think fit and reasonable; and with this express proviso, and limitation also, that such person and persons, to whom such indulgencies and dispensations shall be granted as aforesaid, do and shall from time to time declare and continue, all fidelity, loyalty and obedience to us, our heirs and successors, and be subject and obedient to all other the laws, ordinances, and constitutions of the said province, in all matters whatsoever, as well ecclesiastical as civil, and do not in any wise disturb the peace and safety thereof, or scandalize or reproach the said liturgy, forms and ceremonies, or anything relating thereunto, or any person or persons whatsoever, for or in respect of his or their use or exercise thereof, or his or their obedience and conformity, thereunto.

19th. And in case it shall happen, that any doubts or questions should arise, concerning the true sense and understanding of any word, clause or sentence contained in this our present charter, we will, ordain and command, that at all times, and in all things, such interpretation be made thereof, and allowed in all and every of our courts whatsoever, as lawfully may be adjudged most advantageous and favourable to the said Edward Earl of Clarendon, George Duke of Albemarle, William Lord Craven, John Lord Berkley, Anthony Lord Ashley, Sir George Carteret, Sir William Berkley, and Sir John Colleton, their heirs and assigns, although express mention be not made in these presents, of the true yearly value and certainty of the premises, or any part thereof, or of any other gifts and grants made by us, our ancestors, or predecessors, to them the said Edward Earl of Clarendon, George Duke of Albemarle, William Lord Craven John Lord Berkley, Anthony Lord Ashley, Sir George Carteret, Sir William Berkley, and Sir John Colleton, or any other person or persons whatsoever, or any statute, act, ordinance, provision, proclamation or restraint, heretofore had, made, published, ordained or provided, or any other thing, cause or matter, whatsoever, to the contrary thereof, in any wise notwithstanding.

In Witness, &c.

Witness the King, at Westminster, the four and twentieth day of March, in the fifteenth year of our reign, (1663.)

PER IPSUM REGEM.

Appendix E.

Charter of Carolina, 1665

CHARLES the Second, by the grace of God, of Great Britain, France and Ireland, King, Defender of the Faith, &c. WHEREAS, by our Letters Patents, bearing date the twenty-fourth day of March, in the fifteenth year of our reign, We were graciously pleased to grant unto our right trusty and right well-beloved Cousin and Counsellor Edward Earl of Clarendon, our High Chancellor of England: our right trusty and entirely beloved Cousin and Counsellor George Duke of Albemarle, Master of our Horse; our right trusty and well-beloved William now Earl of Craven; our right trusty and well-beloved Counsellor John Lord Berkeley; our right trusty and well-beloved Counsellor Anthony Lord Ashley, Chancellor of our Exchequer; our right trusty and well-beloved Counsellor Sir George Carteret, Knight and Baronet, Vice-Chancellor of our Household; our right trusty and well-beloved Sir John Colleton, Knight and Baronet; and Sir William Berkeley, Knight; all that province, territory, or tract of ground, called Carolina, situate, lying and being within our dominions of America; extending from the north end of the island called LukeIsland, which lieth in the Southern Virginia seas, and within thirty-six degrees of north latitude; and to the west, as far as the South-Seas; and so respectively as far as the river of Matthias, which bordereth upon the coast of Florida, and within thirty-one degrees of north latitude; and so west, in a direct line as far as the South-Seas aforesaid.

Now Know ye, That We, at the humble request of the said grantees, in the aforesaid Letters Patents named, and as a further mark of our especial favour to them, we are graciously pleased to enlarge our said grant unto them, according to the bounds and limits hereafter specified, and in favour to the pious and noble purpose of the said Edward Earl of Clarendon, George Duke of Albemarle, William Earl of Craven, John Lord Berkeley, Anthony Lord Ashley, Sir George Carteret, Sir John Colleton, and Sir William Berkely, their heirs and assigns, all that province, territory or tract of land, situate, lying and being within our dominions of America aforesaid; extending north and eastward, as far as the north end of Currituck river or inlet, upon a strait westerly line to Wyonoak creek, which lies within or about the degrees of thirty-six and thirty minutes, northern latitude; and so west, in a direct line, as far as the South-Seas; and south and westward, as far as the degrees of twenty-nine, inclusive, of northern latitude; and so west, in a direct line, as far as the South-Seas; together with all and singular the ports, harbours, bays, rivers and inlets, belonging unto the province or territory aforesaid And also, all the soils, lands, fields, woods, mountains, forms, lakes, rivers, bays and islets, situate or being within the bounds or limits last before mentioned; with the fishings of all sorts of fish, whales, sturgeons, and all other royal fish, in the sea, bays, islets and rivers, within the premises, and the fish therein taken, together with the royalty of the sea upon the coast within the limits aforesaid; and moreover all veins, Nines and quarries, as well discovered as not discovered, of gold, silver, gems and precious stones, metal, or any other thing, found, or to be found, within the province, territory, islets and limits aforesaid: **And furthermore, the patronage and advowsons of all the churches and chapels, which, as Christian religion shall increase within the province, territory, isles, and limits aforesaid, shall happen hereafter to be erected; together with licence and power to build and found churches, chapels and oratories, in convenient and fit places, within the said bounds and limits; and to cause them to be dedicated and consecrated, according to the ecclesiastical laws of our kingdom of England; together with all and singular the like and as ample rights, jurisdictions, privileges, prerogatives, royalties, liberties, immunities, and franchises of what kind soever,** within the territory, isles,

islets and limits aforesaid: **To have, hold, use, exercise, and enjoy the same, as amply, fully and in as ample manner, as any Bishop of Durham, in our kingdom of England, ever heretofore had, held, used, or enjoyed, or of right ought or could have, use, or enjoy:** And them the said Edward Earl of Clarendon, George Duke of Albemarle, William Earl of Craven, John Lord Berkeley, Anthony Lord Ashley, Sir George Carteret, Sir John Colleton, and Sir William Berkely, their heirs and assigns, we do, by these presents, for us, our heirs and successors, make, create, and constitute, the true and absolute Lords and Proprietors of the said province or territory, and of all other the premises; saving always the faith, allegiance, and sovereign dominion, due to us, our heirs and successors, for the same: To hold, possess, and enjoy the said province, territory, islets, and all and singular other the premises, to them the said Edward Earl of Clarendon, George Duke of Albemarle, William Earl of Craven, John Lord Berkeley, Anthony Lord Ashley, Sir George Carteret, Sir John Colleton, and Sir William Berkeley, their heirs and assigns forever; to be holden of us, our heirs and successors, as of our manor of East-Greenwich, in Kent, in free and common soccage, and not in capite, or by Knight's service: Yielding and paying, yearly, to us, our heirs and successors, for the same, the fourth part of all gold and silver ore, which, within the limits hereby granted, shall, from time to time, happen to be found, over and besides the yearly rent of twenty marks, and the fourth part of the gold and silver ore, in and by the said written Letters Patent reserved and payable.

AND that the province or territory hereby granted and described, may be dignified with as large tythes and privileges, as any other parts of our dominions and territories in that region; Know ye, That we, of our further grace, certain knowledge, and mere motion, have thought fit to annex the same tract of ground or territory unto the same province of Carolina; and out of the fullness of our royal power and prerogative, we do, for us, our heirs and successors, annex and unite the same to the said province of Carolma.

AND forasmuch as we have made and ordained the aforesaid Edward Earl of Clarendon, George Duke of Albemarle, William Earl of Craven, John Lord Berkeley, Anthony Lord - Ashley, Sir George Carteret, Sir John Colleton, and Sir William Berkeley, their heirs, and assigns, the true Lords and Proprietors of all the province or territory aforesaid; Know ye therefore moreover, That we, reposing especial trust and confidence in their fidelity, wisdom, justice, and provident circumspection, for us, our heirs and successors, do grant full and absolute power, by virtue of these presents, to them the said Edward Earl of Clarendon, George Duke of Albemarle, William Earl of Craven, John Lord Berkeley, Anthony Lord Ashley, Sir George Carteret, Sir John Colleton, and Sir William Berkeley, their heirs and assigns, for the good and happy government of the said whole province or territory, full power and authority, to erect, constitute, and make several counties, baronnies, and colonies, of and within the said provinces, territories, lands, and hereditaments, in and by the said Letters Patent, granted, or mentioned to be granted, as aforesaid, with several and distinct jurisdictions, powers, liberties, and privileges: And also, to ordain, make, and enact, and under their seals, to publish any laws and constitutions whatsoever, either appertaining to the public state of the whole province or territory, or of and distinct or particular county, baronny, or colony, or of or within the same, or to the private utility of particular persons, according to their best directions, by and with the advice, assent and approbation, of the freemen of the said province or territory, or of the freemen of the county, baronny, or colony, for which such law or constitution shall be made, or the greater part of them, or of their delegates or deputies, whom, for enacting of the said laws, when, and as often as need

shall require, We will, that the said Edward Earl of Clarendon, George Duke of Albemarle, William Earl of Craven, John Lord Berkeley, Anthony Lord Ashley, Sir George Carteret, Sir John Colleton, and Sir William Berkeley, and their heirs or assigns, shall, from time to time, assemble in such manner and form as to them shall seem best; and the same laws duly to execute, upon all people within the said province or territory, county, baronny, or colony, or the limits thereof, for the time being, which shall be constituted, under the power, and government of them or any of them, either sailing towards the said province, or territory of Carolina, or returning from thence towards England, or any other of our, or foreign dominions, by imposition of penalties, imprisonment, or any other punishment; yea, if it shall be needful, and the quality of the offence require it, by taking away member and life, either by them the said Edward Earl of Clarendon, George Duke of Albemarle, William Earl of Craven, John Lord Berkeley, Anthony Lord Ashley, Sir George Carteret, Sir John Colleton, and Sir William Berkeley, and their heirs, or by them, or their Deputies, Lieutenants, Judges, Justices, Magistrates, or officers, whatsoever, as well within the said province, as at sea, in such manner and form as unto the said Edward Earl of Clarendon, George Duke of Albemarle, William Earl of Craven, John Lord Berkeley, Anthony Lord Ashley, Sir George Carteret, Sir John Colleton, and Sir William Berkeley, and their heirs, shall seem most convenient: And also, to remit, release, pardon, and abolish, whether before judgment or after, all crimes and offences whatsoever against the said laws; and to do all and every thing and things, which, unto the compleat establishment of justice, unto courts, sessions, and forms of judicature, and manners of proceeding therein, do belong, although in these presents express mention is not made thereof; and by Judges to him or them delegated, to award process, hold pleas, and determine, in all the said courts and places of judicature, all actions, suits, and causes whatsoever, as well criminal as civil, real, mint, personal, or of any other kind or nature whatsoever: Which laws so as aforesaid to be published, our pleasure is. and we do enjoin, require, and command, shall be absolutely firm and available in law; and that all the liege people of us, our heirs and successors, within the said province or territory, do observe and keep the same inviolably in those parts, so far as they concern them, under the pains and penalties therein expressed, or to be expressed: *Provided nevertheless*, That the said laws be consonant to reason, and as near as may be conveniently, agreeable to the laws and customs of this our realm of England.

AND because such assemblies of freeholders cannot be so suddenly called as there may be occasion to require the same, we do therefore, by these presents, give and grant unto the said Edward Earl of Clarendon, George Duke of Albemarle, William Earl of Craven, John Lord Berkeley, Anthony Lord Ashley, Sir George Carteret, Sir John Colleton, and Sir William Berkeley, their heirs and assigns, by themselves, or their magistrates, in that behalf lawfully authorized, full power and authority, from time to time, to make and ordain fit and wholesome orders and ordinances within the province or territory aforesaid, or any county, baronny, or province, within the same, to be kept and observed, as well for the keeping of the peace, as for the better government of the people there abiding, and to publish the same to all to whom it may concern: Which ordinances we do, by these presents, straitly charge and command to be inviolably observed within the same province, counties, territories, baronnies and provinces, under the penalties therein expressed; so as such ordinances be reasonable, and not repugnant or contrary, but as near as may be, agreeable to the laws and statutes of this our kingdom of England; and so as the same ordinances do not extend to the binding, charging, or taking away the right or interest of any person or persons, in their freehold, goods, or chattels, whatsoever.

AND to the end the said province or territory may be the more happily increased, by the multitude people resorting thither, and may likewise be the more strongly defended from the incursions of savages, and other enemies, pirates and robbers; therefore, we, for us, our heirs and successors, do give and grant, by these presents, full power, license and liberty, unto all the liege people of us, our heirs and successors, in our kingdom of England, and elsewhere, within any other our dominions, islands, colonies, or plantations, (excepting those who shall be especially forbidden) to transport themselves and families into the said province or territory, with convenient shipping and fitting provision; and there to settle themselves, dwell, and inhabit: Any law, act, statute, ordinance, or other thing, to the contrary notwithstanding.

AND we will also, and of our especial grace, for us, our heirs and successors, do straitly enjoin, ordain, constitute, and command, that the said province and territory shall be of our allegiance; and that all and singular the subjects and liege people of us, our heirs and successors, transported, or to be transported into the said province, and the children of them, and such as shall descend from them there born, or hereafter to be born be, and shall be denizens and lieges of us, our heirs and successors, of this our kingdom of England, and be in all things, held, treated, and reputed, as the liege faithful people of us, our heirs and successors, born within this our said kingdom, or any other of our dominions; and may inherit or otherwise purchase and receive, take, hold, buy and possess, any lands, tenements, or hereditaments, within the said places, and them may occupy and enjoy, sell, alien, and bequeath; as likewise, all liberties, franchises, and privileges, of this our kingdom, and of other our dominions aforesaid, may freely and quietly have possess, and enjoy, as our liege people, born within the same, without the molestation, vexation, trouble, or grievance, of us, our heirs and successors: Any act, statute, ordinance, or provision, to the contrary, notwithstanding.

AND furthermore, that our subjects of this our said kingdom of England, and other our dominions, may be the rather encouraged to undertake this expedition, with ready and cheerful means; Know ye, That we, of our especial grace, certain knowledge, and mere motion, do give and grant, by virtue of these presents, as well to the said Edward Earl of Clarendon, George Duke of Albemarle, William Earl of Craven, John Lord Berkeley, Anthony Lord Ashley, Sir George Carteret, Sir John Colleton, and Sir William Berkeley, and their heirs, as unto all others as shall, from time to time, repair unto the said province or territory, with a purpose to inhabit there, or to trade with the natives thereof; full liberty and licence, to lade and freight, in every port whatsoever, of us, our heirs and successors, and into the said province of Carolina, by them, their servants and assigns, to transport all and singular their goods, wares and merchandises; as likewise all sorts of grain whatsoever, and any other thinner whatsoever, necessary for their food and clothing, not prohibited by the laws and statutes of our kingdom and dominions, to be carried out of the same, without any let or molestation of us, our heirs and successors, or of any other our officers or ministers whatsoever; saving also unto us, our heirs and successors, the customs and other duties and payments, due for the said wares and merchandises, according to the several rates of the places from whence the same shall be transported.

WE will also, and by these presents, for us, our heirs and successors, do give and grant licence by this our charter, unto the said Edward Earl of Clarendon, George Duke of Albemarle, William Earl of Craved John Lord Berkeley, Anthony Lord Ashley, Sir George Carteret, Sir John Colleton, and Sir William Berkeley, and their heirs and assigns, and to all the inhabitants

and dwellers in the province or territory aforesaid, both present and to come, full power and absolute authority, to import or unlade, by themselves or their servants, factors, or assigns, all merchandises and goods whatsoever that shall arise of the fruits and commodities of the said province or territory, either by land or sea, into any the ports of us, our heirs and successors, in our kingdom of England, Scotland, or Ireland, or otherwise to dispose of the said goods in the said ports; and, if need be within one year next after the unfading to lade the said merchandises and goods again into the same or other ships; and to export the same into any other countries, either of our dominions or foreign, being in amity with us, our heirs and successors, so as they pay such customs, subsidies and other duties, for the same, to us, our heirs and successors, as the rest of our subjects of this our kingdom, for the time being, shall be bound to pay; beyond which, we will not, that the inhabitants of the said province or territory, shall be any ways charged: *Provided nevertheless*, and our will and pleasure is, and we have further, for the considerations aforesaid, of our especial grace, certain knowledge, and mere motion, given and granted, and by these presents, for us, our heirs and successors, do give and grant unto the said Edward Earl of Clarendon, George Duke of Albemarle, William Earl of Craven, John Lord Berkeley, Anthony Lord Ashley, Sir George Carteret, Sir John Colleton, and Sir William Berkeley, their heirs and assigns, full and free licence, power and authority, at any time or times, from and after the Feast of St. Michael the Archangel, which shall be in the year of our Lord Christ one thousand six hundred and sixty-seven, as well to import and bring into any of our dominions, from the said province of Carolina, or any part thereof, the several goods herein after mentioned; that is to say, silks, wines, raisins, capers, wax, almonds, oil, and olives, without paying or answering to us, our heirs and successors, any custom, impost, or other duty, for or in respect thereof, for and during the term and space of seven years, to commence and be accounted from and after the importation of four tons of any of the said goods, in any one bottom, ship, or vessel, from the said province or territory, into any of our dominions; as also, to export, and carry out of any of our dominions, into the said province or territory, custom free, all sorts of tools which shall be useful or necessary for the planters there, in the accommodation and improvement of the premises: Any thing before in these presents contained, or any law, act, statute, prohibition, or other matter or thing, heretofore had, made, enacted, or provided, in any wise notwithstanding.

AND furthermore, of our more ample and especial grace, certain knowledge, and mere motion, we do, for us, our heirs and successors, grant unto the said Edward Earl of Clarendon, George Duke of Albemarle, William Earl of Craven, John Lord Berkeley, Anthony Lord Ashley, Sir George Carteret, Sir John Colleton, and Sir William Berkeley, their heirs and assigns, full and absolute power and authority, to make, erect, and constitute, within the said province or territory, and the isles and islets aforesaid, such and so many sea-ports, harbours, creeks, and other places, for discharge and unfading of goods and merchandises, out of ships, boats and other vessels, and for lading of them, in such and so many places, with such jurisdictions, privileges and franchises, unto the said ports belonging, as to them shall seem most expedient; and that all and singular the ships, boats and other vessels, which shall come for merchandises and trade into the said province or territory, or shall depart out of the same, shall be laden and unladen at such ports only as shall be erected and constituted by the said Edward Earl of Clarendon, George Duke of Albemarle, William Earl of Craven, John Lord Berkeley, Anthony Lord Ashley, Sir George Carteret, Sir John Colleton, and Sir William Berkeley, their heirs and assigns, and not elsewhere: Any use, custom, or thing, to the contrary notwithstanding.

AND we do further will, appoint, and ordain, and by these presents, for US, our heirs, and successors, do grant unto the said Edward Earl of Clarendon, George Duke of Albemarle, William Earl of Craven, John Lord Berkeley, Anthony Lord Ashley, Sir George Carteret, Sir John Colleton, and Sir William Berkeley, and their heirs and assigns, that they the said Edward Earl of Clarendon, George Duke of Albemarle, William Earl of Craven, John Lord Berkeley, Anthony Lord Ashley, Sir George Carteret, Sir John Colleton, and Sir William Berkeley, their heirs and assigns, may, from time to time, forever, have and enjoy the customs and subsidies, in the ports, harbours, creeks, and other places within the province aforesaid, payable for the goods, wares and merchandises there laded, or to be laded or unfaded; the said customs to be reasonably assessed, upon any occasion, by themselves, and by and with the consent of the free people, or the greater part of them, as aforesaid; to whom we give power, by these presents, for us, our heirs and successors, upon just cause, and in due' proportion, to assess and impose the same.

AND further, of our especial grace, certain knowledge, and mere motion, we have given, granted and confirmed, and by these presents, for us, our heirs and successors, do give, grant and confirm, unto the said Edward Earl of Clarendon, George Duke of Albemarle, William Earl of Craven, John Lord Berkeley, Anthony Lord Ashley, Sir George Carteret, Sir John Colleton, and Sir William Berkeley, their heirs and assigns, full and absolute power, licence and authority, that they the said Edward Earl of Clarendon, George Duke of Albemarle, William Earl of Craven, John Lord Berkeley, Anthony Lord Ashley, Sir George Carteret, Sir John Colleton, and Sir William Berkeley, their heirs and assigns, from time to time hereafter, forever, at his and their will and pleasure, may assign, alien, grant, demise, or enfeoff, the premises, or any part or parcel thereof, to him or them that shall be willing to purchase the same, and to such person and persons as they shall think fit; to have and to hold to them, the said person or persons, their heirs and assigns, in fee-simple, or in fee-tail, or for term of life or lives, or years; to be held of them the said Edward Earl of Clarendon, George Duke of Albemarle, William Earl of Craven, John Lord Berkeley, Anthony Lord Ashley, Sir George Carteret, Sir John Colleton, and Sir William Berkeley, their heirs and assigns, by such rents, services and customs, as shall seem fit to them the said Edward Earl of Clarendon, George Duke of Albemarle, William Earl of Craven, John Lord Berkeley, Anthony Lord Ashley, Sir George Carteret, Sir John Colleton, and Sir William Berkeley, their heirs and assigns, and not of us, our heirs and successors: And to the same person and persons, and to all and every of them, we do give and grant, by these presents, for us, our heirs and successors, licence, authority and power, that such person or persons may have and take the premises, or any part thereof, of the said Edward Earl of Clarendon, George Duke of Albemarle, William Earl of Craven, John Lord Berkeley, Anthony Lord Ashley, Sir George Carteret, Sir John Colleton, and Sir William Berkeley, their heirs and assigns; and the same to hold to themselves, their heirs and assigns, in what estate of inheritance soever, in fee-simple, or fee-tail, or otherwise, as to them the said Edward Earl of Clarendon, George Duke of Albemarle, William Earl of Craven, John Lord Berkeley, Anthony Lord Ashley, Sir George Carteret, Sir John Colleton, and Sir William Berkeley, their heirs or assigns, shall seem expedient; the statute in the Parliament of Edward, son of King Henry, heretofore King of England our predecessor, commonly called the statute of *quia emptores terrarum*, or any other statute, act, ordinance, use, law, custom, or any other matter, cause or thing, heretofore published or provided to the contrary, in any-wise notwithstanding.

AND because many persons, born and inhabiting in the said province, for their deserts and services, may expect and be capable of marks of honour and favour, which, in respect of the great distance, cannot be conveniently conferred by us; our will and pleasure therefore is, and we do by these presents, give and grant unto the said Edward Earl of Clarendon, George Duke of Albemarle, William Earl of Craven, John Lord Berkeley, Anthony Lord Ashley, Sir George Carteret, Sir John Colleton, and Sir William Berkeley, and their heirs and assigns, full power and authority, to give and confer unto and upon such of the inhabitants of the said province or territory, as they shall think do or shall merit the same, such marks of favour and titles of honour as they shall think fit; so as their titles of honours be not the same as are enjoyed by or conferred upon any of the subjects of this our kingdom of England.

AND further also, we do, by these presents, for us, our heirs and successors, give and grant licence to the said Edward Earl of Clarendon, George Duke of Albemarle, William Earl of Craven, John Lord of Berkeley, Anthony Lord Ashley, Sir George Carteret, Sir John Colleton, and Sir William Berkeley, and their heirs and assigns, full power, liberty and licence, to erect, raise and build, within the said province and places aforesaid, or any part or parts thereof, such and so many forts, fortresses, castles, cities, boroughs, towns, villages, and other fortifications whatsoever; and the same, or any of them, to fortify and furnish with ordnance, powder, shot, armour, and all other weapons, ammunition, and habiliments of war, both defensive and offensive, as shall be thought fit and convenient, for the safety and welfare of the said province and places, or any part thereof; and the same, or any of them, from time to time, as occasion shall require, to dismantle, disfurnish, demolish and pull down: And also to place, constitute and appoint, in or over all or any of the said castles, forts, fortifications, cities, towns, and places aforesaid, Governors, Deputy-Governors, Magistrates, Sheriffs, and other officers, civil and military, as to them shall seem meet: And to the said cities, boroughs, towns, villages, or any other place or places, within the said province or territory, to grant letters or charters of incorporation, with all liberties, franchises, and privileges, requisite or usual, or to or within this our kingdom of England granted or belonging; and in the same cities, boroughs, towns, and other places, to constitute, erect and appoint such and so many markets, marts, and fairs, as shall, in that behalf, be thought fit and necessary: And further also, to erect and make in the province or territory aforesaid, or any part thereof, so many manors, with such signories as to them shall seem meet and convenient; and in every of the same manors to have and to hold a Court-Baron, with all things whatsoever which to a Court-Baron do belong; and to have and to hold views of Frank-Pledge and Court-Leets, for the conservation of the peace and better government of those parts, with such limits, jurisdictions and precincts, as by the said Edward Earl of Clarendon, George Duke of Albemarle, William Earl of Craven, John Lord Berkeley, Anthony Lord Ashley, Sir George Carteret, Sir John Colleton, and Sir William Berkeley, or their heirs, shall be appointed for that purpose, with all things whatsoever which to a Court-Leet, or view of Frank-Pledge, do belong; the same courts to be holden by stewards, to be deputed and authorized by the said Edward Earl of Clarendon, George Duke of Albemarle, William Earl of Craven, John Lord Berkeley, Anthony Lord Ashley, Sir George Carteret, Sir John Colleton, and Sir William Berkeley, or their heirs, by the Lords of the manors and leets, for the time being, when the same shall be erected.

AND because that in so remote a country, and situate among so many barbarous nations, the invasions of savages and other enemies, pirates and robbers, may probably be feared; therefore,

we have given, and for us, our heirs and successors, do give power by these presents, unto the said Edward Earl of Clarendon, George Duke of Albemarle, William Earl of Craven, John Lord Berkeley, Anthony Lord Ashley, Sir George Carteret, Sir John Colleton, and Sir William Berkeley, their heirs or assigns, by themselves, or their Captains, or other officers, to levy, muster, and train up all sorts of men, of what condition soever, or wheresoever born, whether in the said province, or elsewhere, for the time being; and to make war, and pursue the enemies aforesaid, as well by sea, as by land; yea, even without the limits of the said province, and, by God's assistance, to vanquish, and take them; and being taken, to put them to death, by the law of war, and to save them at their pleasure, and to do all and every other thing, which to the charge and office of a Captain-General of an army, hath had the same.

ALSO, our will and pleasure is, and by this our charter, we do give and grant unto the said Edward Earl of Clarendon, George Duke of Albemarle, William Earl of Craven, John Lord Berkeley, Anthony Lord Ashley, Sir George Carteret, Sir John Colleton, and Sir William Berkeley, their heirs and assigns full power, liberty, and authority, in case of rebellion, tumult, or sedition, (if any should happen, which God forbid) either upon the land within the province aforesaid, or upon the main sea, in making a voyage thither or returning from thence, by him and themselves, their Captains, Deputies, or officers, to be authorized under his or their seals, for that purpose; to whom also, for us, our heirs and successors, we do give and grant, by these presents, full power and authority, to exercise martial law against any mutinous and seditious persons of these parts; such as shall refuse to submit themselves to their government, or shall refuse to serve in the war, or shall fly to the enemy, or forsake their colours or ensigns, or be loiterers, or stragglers, or otherwise offending against law, custom, or military discipline; as freely and in as ample manner and form, as any Captain-General of an army, by virtue of his office, might or hath accustomed to use the same.

AND our further pleasure is, and by these presents, for us, our heirs and successors, we do grant unto the said Edward Earl of Clarendon, George Duke of Albemarle, William Earl of Craven, John Lord Berkeley, Anthony Lord Ashley, Sir George Carteret, Sir John Colleton, and Sir William Berkely, their heirs and assigns, and to the tenants and inhabitants of the said province or territory, both present and to come, and to every of them, that the said province or territory, and the tenants and inhabitants thereof, shall not, from henceforth, be held or reputed any member or part of any colony whatsoever in America, or elsewhere, now transported or made, or hereafter to be transported or made; nor shall be depending on, or subject to their government in any thing, but be absolutely separated and divided from the same; and our pleasure is, by these presents, that they be separated, and that they be subject immediately to our Crown of England, as depending thereof, forever: And that the inhabitants of the said province or territory, nor any of them, shall, at any time hereafter, be compelled, or compellable, or be any ways subject or liable to appear or answer to any matter, suit, cause or plaint whatsoever, out of the province or territory aforesaid, in any other of our islands, colonies, or dominions in America, or elsewhere, other than in our realm of England, and dominion of Wales.

AND because it may happen that some of the people and inhabitants of the said province cannot, in their private opinions, conform to the public exercise of religion according to the liturgy, forms, and ceremonies of the Church of England, or take and subscribe the oaths and articles made and established in that behalf; and for that the same,

by reason of the remote distances of those places, will, as we hope, be no breach of the unity and conformity established in this nation; our will and pleasure therefore is, and we do, by these presents, for us, our heirs and successors, give and grant unto the said Edward Earl of Clarendon, George Duke of Albemarle, William Earl of Craven, John Lord Berkeley, Anthony Lord Ashley, Sir George Carteret, Sir John Colleton, and Sir William Berkeley, their heirs and assigns, full and free licence, liberty, and authority, by such ways and means as they shall think fit, to give and grant unto such person and persons, inhabiting and being within the said province or territory, hereby, or by the said recited Letters Patents mentioned to be granted as aforesaid, or any part thereof, such indulgences and dispensations, in that behalf, for and during such time and times, and with such limitations and restrictions, as they the said Edward Earl of Clarendon, George Duke of Albemarle, William Earl of Craven, John Lord Berkeley, Anthony Lord Ashley, Sir George Carteret, Sir John Colleton, and Sir William Berkeley, their heirs or assigns, shall, in their discretion, think fit and reasonable: **And that no person or persons unto whom such liberty shall be given, shall be any way molested, punished, disquieted, or called in question, for any differences in opinion, or practice in matters of religious concernments, who do not actually disturb the civil peace of the province, county or colony, that they shall make their abode in: But all and every such person and persons may, from time to time, and at all times, freely and quietly have and enjoy his and their Judgments and consciences, in matters of religion, throughout all the said province or colony, they behaving themselves peaceably, and not using this liberty to licentiousness, nor to the civil injury, or outward disturbance of others: Any law, statute, or clause, contained or to be contained, usage or custom of our realm of England, to the contrary hereof, in any-wise, notwithstanding.**

AND in case it shall happen, that any doubts or questions shall arise, concerning the true sense and understanding of any word, clause, or sentence contained in this our present charter; we will, ordain, and command, that in all times, and in all things, such interpretations be made thereof, and allowed in all and every of our courts whatsoever, as lawfully may be adjudged most advantageous and favourable to the said Edward Earl of Clarendon, George Duke of Albemarle, William Earl of Craven, John Lord Berkeley, Anthony Lord Ashley, Sir George Carteret, Sir John Colleton, and Sir William Berkeley, their heirs and assigns, although express mention, &c.

WITNESS Ourselves, at Westminster, the thirtieth day of June, in the seventeenth year of our reign.

PER IPSUM REGEM.

Appendix F. The Fundamental Constitutions of Carolina, 1669

Our sovereign lord the King having, out of his royal grace and bounty, granted unto us the province of Carolina, with all the royalties, properties, jurisdictions, and privileges of a county palatine, as large and ample as the county palatine of Durham, with other great privileges; for the better settlement of the government of the said place, and establishing the interest of the lords proprietors with equality and without confusion; and that the government of this province may be made most agreeable to the monarchy under which we live and of which this province is a part; and that we may avoid erecting a numerous democracy, we, the lords and proprietors of the province aforesaid, have agreed to this following form of government, to be perpetually established amongst us, unto which we do oblige ourselves, our heirs and successors, In the most binding ways that can be devised.

One. The eldest of the lords proprietors shall be palatine; and, upon the decease of the palatine, the eldest of the seven surviving proprietors shall always succeed him.

Two. There shall be seven other chief offices erected, viz: the admirals, chamberlains, chancellors, constables, chief justices, high stewards, and treasurers; which places shall be enjoyed by none but the lords proprietors, to be assigned at first by lot, and, upon the vacancy of any one of the seven great offices, by death or otherwise, the eldest proprietor shall have his choice of the said place.

Three. The whole province shall be divided into counties; each county shall consist of eight signiories, eight baronies, and four precincts; each precinct shall consist of six colonies.

Four. Each signiory, barony, and colony shall consist of twelve thousand acres; the eight signiories being the share of the eight proprietors, and the eight baronies of the nobility; both which shares, being each of them one-fifth of the whole, are to be perpetually annexed, the one to the proprietors, the other to the hereditary nobility, leaving the colonies, being three-fifths, amongst the people; so that in setting out and planting the lands, the balance of the government may be preserved.

Five. At any time before the year one thousand seven hundred and one, any of the lords proprietors shall have power to relinquish, alienate, and dispose to any other person his proprietorship, and all the signiories, powers, and interest thereunto belonging, wholly and entirely together, and not otherwise. But after the year one thousand seven hundred, those who are then lords proprietors shall not have power to alienate or make over their proprietorship, with the signiories and privileges thereunto belonging, or any part thereof, to any person whatsoever, otherwise than in section eighteen; but it shall all descend unto their heirs male, and for want of heirs male, it shall all descend on that landgrave or cazique of Carolina who is descended of the next heirs female of the proprietor; and, for want of such heirs, it shall descend on the next heir general; and, for want of such heirs, the remaining seven proprietors shall, upon the vacancy, choose a landgrave to succeed the deceased proprietors, who, being chosen by the majority of the seven surviving proprietors, he and his heirs successively shall be proprietors, as fully to all intents and purposes as any of the rest.

Six. That the number of eight proprietors may be constantly kept, if, upon the vacancy of any proprietorship, the seven surviving proprietors shall not choose a landgrave to be a proprietor before the second biennial parliament after the vacancy, then the next biennial parliament but one, after such vacancy, shall have power to choose any landgrave to be a proprietor.

Seven. Whosoever, after the year one thousand seven hundred, either by inheritance or choice, shall succeed any proprietor in his proprietorship, and signories thereunto belonging; shall be obliged to take the name and arms of that proprietor whom he succeeds; which from thenceforth shall be the name and arms of his family and their posterity.

Eight. Whatsoever landgrave or cazique shall any way come to be a proprietor, shall take the signories annexed to the said proprietorship; but his former dignity, with the baronies annexed, shall devolve into the hands of the lords proprietors.

Nine. There shall be just as many landgraves as there are counties, and twice as many caziques, and no more. These shall be the hereditary nobility of the province, and by right of their dignity be members of parliament. Each landscape shall have four baronies, and each cazique two baronies, hereditarily and unalterably annexed to and settled upon the said dignity.

Ten. The first landgrave and caziques of the twelve first counties to be planted shall be nominated thus, that is to say: of the twelve landgraves, the lords proprietors shall each of them, separately for himself, nominate and choose one; and the remaining four landgraves of the first twelve shall be nominated and chosen by the palatine's court. In like manner, of the twenty-four first caziques, each proprietor for himself shall nominate and choose two, and the remaining eight shall be nominated and chosen by the palatine's court; and when the twelve first counties shall be planted, the lords proprietors shall again in the same manner nominate and choose twelve more landgraves and twenty-four more caziques, for the next twelve counties to be planted; that is to say, two-thirds of each number by the single nomination of each proprietor for himself, and the remaining third by the joint election of the palatine's court, and so proceed in the same manner till the whole province of Carolina be set out and planted, according to the proportions in these fundamental constitutions.

Eleven. Any landgrave or cazique, at any time before the year one thousand seven hundred and one, shall have power to alienate, sell, or make over, to any other person, his dignity, with the baronies thereunto belonging, all entirely together. But after the year one thousand seven hundred, no landgrave or cazique shall have power to alienate, sell, make over, or let the hereditary baronies of his dignity, or any part thereof, otherwise than as in section eighteen; but they shall all entirely, with the dignity thereunto belonging, descend unto his heirs male; and for want of heirs male, all entirely and undivided to the next heir general; and for want of such heirs, shall devolve into the hands of the lords proprietors.

Twelve. That the due number of landgraves and caziques may be always kept up, if, upon the devolution of any landgraveship or caziqueship, the palatine's court shall not settle the devolved dignity with the baronies thereunto annexed, before the second biennial parliament after such devolution, the next biennial parliament but one after such devolution shall have power to make

any one landgrave or cazique in the room of him who dying without heirs, his dignity and baronies devolved.

Thirteen. No one person shall have more than one dignity, with the signiories or baronies thereunto belonging. But whensoever it shall happen that any one who is already proprietor, landgrave, or cazique shall have any of these dignities descend to him by inheritance, it shall be at his choice to keep which of the dignities, with the lands annexed, he shall like best; but shall leave the other, with the lands annexed, to be enjoyed by him who, not being his heir apparent and certain successor to his present dignity, is next of blood.

Fourteen. Whosoever, by right of inheritance, shall come to be landgrave or cazique, shall take the name and arms of his predecessor in that dignity, to be from thenceforth the name and arms of his family and their posterity.

Fifteen. Since the dignity of proprietor, landgrave, or cazique cannot be divided, and the signiories or baronies thereunto annexed must forever all entirely descend with and accompany that dignity, whensoever, for want of heirs male, it shall descend on the issue female, the eldest daughter and her heirs shall be preferred, and in the inheritance of those dignities, and in the signiories or baronies annexed, there shall be no coheirs.

Sixteen. In every signiory, barony, and manor, the respective lord shall have power, in his own name, to hold court-leet there, for trying of all causes, both civil and criminal; but where it shall concern any person being no inhabitant, vassal, or leet-man of the said signiory, barony, or manor, he, upon paying down of forty shillings to the lords proprietors' use, shall have an appeal from the signiory or barony court to the county court, and from the manor court to the precinct court.

Seventeen. Every manor shall consist of not less than three thousand acres, and not above twelve thousand acres, in one entire piece and colony, but any three thousand acres or more in one piece, and the possession of one man shall not be a manor, unless it be constituted a manor by the grant of the palatine's court.

Eighteen. The lords of signiories and baronies shall have power only of granting estates not exceeding three lives, or twenty-one years, in two-thirds of said signiories or baronies, and the remaining third shall be always demesne.

Nineteen. Any lord of a manor may alienate, sell, or dispose to any other person and his heirs forever, his manor, all entirely together with all the privileges and leet-men thereunto belonging, so far forth as any colony lands; but no grant of any part thereof, either in fee, or for any longer term than three lives, or one-and-twenty years, shall stand good against the next heir.

Twenty. No manor, for want of issue male, shall be divided amongst coheirs; but the manor, if there be but one, shall all entirely descend the eldest daughter and her heirs. If there be more minors than one, the eldest daughter first shall have her choice, the second next, and so on, beginning again at the eldest, until all the manors be taken up; that so the privileges which belong to manors being indivisible, the lands of the manors, to which they are annexed, may be

kept entire and the manor not lose those privileges which, upon parcelling out to several owners, must necessarily cease.

Twenty-one. Every lord of a manor, within his own manor, shall have all the rights, powers, jurisdictions, and privileges which a landgrave or cazique hath in his baronies.

Twenty-two. In every signiory, barony, and manor, all the leet-men shall be under the jurisdiction of the respective lords of the said signiory, barony, or manor, without appeal from him. Nor shall any leet-man or leet-woman have liberty to go off from the land of their particular lord and live anywhere else, without license obtained from their said lord, under hand and seal.

Twenty-three. All the children of leet-men shall be leet-men, and so to all generations.

Twenty-four. No man shall be capable of having a court-leet or leet-men but a proprietor, landgrave, cazique, or lord of a manor.

Twenty-five. Whoever shall voluntarily enter himself a leet-man in the registry of the county court, shall be a leet-man.

Twenty-six. Whoever is lord of leet-men, shall, upon the marriage of a leet-man or leet-woman of his, give them ten acres of land for their lives; they paying to him therefor not more than one-eighth part of all the yearly produce and growth of the said ten acres.

Twenty-seven. No landgrave or cazique shall be tried for any criminal cause in any but the chief justice's court, and that by a jury of his peers.

Twenty-eight. There shall be eight supreme courts. The first called the palatine's court, consisting of the palatine and the other seven proprietors. The other seven courts of the other seven great officers, shall consist each of them of a proprietor, and six councillors added to him. Under each of these latter seven courts shall be a college of twelve assistants. The twelve assistants of the several colleges shall be chosen, two out of the landgraves, caziques, or eldest sons of the proprietors, by the palatine's court; two out of the landgraves by the landgraves' chamber; two out of the caziques by the caziques' chamber; four more of the twelve shall be chosen by the commons' chamber, out of such as have been or are members of parliament, sheriffs, or justices of the county court, or the younger sons of proprietors, or the eldest sons of landgraves or caziques; the two others shall be chosen by the palatine's court, out of the same sort of persons out of which the commons' chamber is to choose.

Twenty-nine. Out of these colleges shall be chosen at first, by the palatine's court, six councillors, to be joined with each proprietor in his court; of which six one shall be of those who were chosen into any of the colleges by the palatine's court, out of the landgraves, caziques, or eldest sons of proprietors; one out of those who were chosen by the landgraves' chamber; one out of those who were chosen by the caziques' chamber; two out of those who were chosen by the commons' chamber; and one out of those who were chosen by the palatine's court, out of the proprietors' younger sons, or eldest sorts of landgraves, caziques, or commons, qualified as aforesaid.

Thirty. When it shall happen that any councillor dies, and thereby there is a vacancy, the grand council shall have power to remove any councillor that is willing to be removed out of any of the proprietors' courts, to fill up the vacancy; provided they take a man of the same degree and choice the other was of, whose place is to be filled up. But if no councillor consent to be removed, or upon such remove, the last remaining vacant place, in any of the proprietors' courts, shall be filled up by the choice of the grand council, who shall have power to remove out of any of the colleges any assistant, who is of the same degree and choice that that councillor was of into whose vacant place he is to succeed. The grand council also have power to remove any assistant, that is willing, out of one college into another, provided he be of the same degree and choice. But the last remaining vacant place in any college shall be filled up by the same choice, and out of the same degree of persons the assistant was of who is dead or removed. No place shall be vacant in any proprietor's court above six months. No place shall be vacant in any college longer than the next session of parliament.

Thirty-one. No man, being a member of the grand council, or of any of the seven colleges, shall be turned out but for misdemeanor, of which the grand council shall be judge; and the vacancy of the person so put out shall be filled, not by the election of the grand council, but by those who first chose him, and out of the same degree he was of who is expelled. But it is not hereby to be understood that the grand council hath any power to turn out any one of the lords proprietors or their deputies, the lords proprietors having in themselves an inherent original right.

Thirty-two. All elections in the parliament, in the several chambers of the parliament, and in the grand council, shall be passed by balloting.

Thirty-three. The palatine's court shall consist of the palatine and seven proprietors, wherein nothing shall be acted without the presence and consent of the palatine or his deputy, and three other of the proprietors or their deputies. This court shall have power to call parliaments, to pardon all offences, to make elections of all officers in the proprietor's dispose, and to nominate and appoint port towns; and also shall have power by their order to the treasurer to dispose of all public treasure, excepting money granted by the parliament, and by them directed to some particular public use; and also shall have a negative upon all acts, orders, votes, and judgments of the grand council and the parliament, except only as in sections six and twelve; and shall have all the powers granted to the lords proprietors, by their patent from our sovereign lord the King, except in such things as are limited by these fundamental constitutions.

Thirty-four. The palatine himself, when he in person shall be either in the army or any of the proprietors' courts, shall then have the power of general or of that proprietor in whose court he is then present, and the proprietor, in whose court the palatine then presides, shall, during his presence there, be but as one of the council.

Thirty-five. The councillor's court, consisting of one of the proprietors, and his six councillors, who shall be called vice-chancellors' shall have the custody of the seal of the palatine, under which charters of lands, or otherwise, commissions and grants of the palatine's court shall pass. And it shall not be lawful to put the seal of the palatinate to any writing which is not signed by the palatine or his deputy and three other proprietors or their deputies. To this court also belong all state matters, despatches, and treaties with the neighbor Indians. To this court also

belong all invasions of the law, of liberty of conscience, and all invasions of the public peace, upon presence of religion, as also the license of printing. The twelve assistants belonging to this court shall be called recorders.

Thirty-six. Whatever passes under the seal of the palatinate, shall be registered in the proprietor's court to which the matter therein contained belongs.

Thirty-seven. The chancellor or his deputy shall be always speaker in parliament, and president of the grand council, and, in his and his deputy's absence, one of the vice-chancellors.

Thirty-eight. The chief justice's court, consisting of one of the proprietors and his six councillors, who shall be called justices of the bench, shall judge all appeals in cases both civil and criminal, except all such cases as shall be under the jurisdiction and cognizance of any other of the proprietor's courts, which shall be tried in those courts respectively. The government and regulation of registries of writings and contracts shall belong to the jurisdiction of this court. The twelve assistants of this court shall be called masters.

Thirty-nine. The constable's court, consisting of one of the proprietors and his six councillors, who shall be called marshals, shall order and determine of all military affairs by land, and all landforces, arms, ammunition, artillery, garrisons, forts, &c., and whatever belongs unto war. His twelve assistants shall be called lieutenant-generals.

Forty. In time of actual war the constable, while he is in the army, shall be general of the army, and the six councillors, or such of them as the palatine's court shall for that time or service appoint, shall be the immediate great officers under him, and the lieutenant-generals next to them.

Forty-one. The admiral's court, consisting of one of the proprietors and his six councillors, called consuls, shall have the care and inspection over all ports, moles, and navigable rivers, so far as the tide flows, and also all the public shipping of Carolina, and stores thereunto belonging, and all maritime affairs. This court also shall have the power of the court of admiralty; and shall have power to constitute judges in port-towns to try cases belonging to law-merchant, as shall be most convenient for trade. The twelve assistants belonging to this court shall be called proconsuls.

Forty-two. In time of actual war, the admiral, whilst he is at sea shall command in chief, and his six councillors, or such of them as the palatine's court shall for that time or service appoint, shall be the immediate great officers under him, and the proconsuls next to them.

Forty-three. The treasurer's court, consisting of a proprietor and his six councillors, called under-treasurers, shall take care of all matters that concern the public revenue and treasury. The twelve assistants shall be called auditors.

Forty-four. The high steward's court, consisting of a proprietor and his six councillors, called comptrollers, shall have the care of all foreign and domestic trade, manufactures, public buildings, workhouses, highways, passages by water above the flood of the tide, drains, sewers,

and banks against inundation, bridges, posts, carriers, fairs, markets, corruption or infection of the common air or water, and all things in order to the public commerce and health; also setting out and surveying of lands; and also setting out and appointing places for towns to be built on in the precincts, and the prescribing and determining the figure and bigness of the said towns, according to such models as the said court shall order; contrary or differing from which models it shall not be lawful for any one to build in any town. This court shall have power also to make any public building, or any new highway, or enlarge any old highway, upon any man's land whatsoever; as also to make cuts, channels, banks, locks, and bridges, for making rivers navigable, or for draining fens, or any other public use. The damage the owner of such lands (on or through which any such public things shall be made) shall receive thereby shall be valued, and satisfaction made by such ways as the grand council shall appoint. The twelve assistants belonging to this court shall be called surveyors.

Forty-five. The chamberlain's court, consisting of a proprietor and six councillors, called vice-chamberlains, shall have the care of all ceremonies, precedence, heraldry, reception of public messengers, pedigrees, the registry of all births, burials, and marriages, legitimation, and all cases concerning matrimony, or arising from it; and shall also have power to regulate all fashions, habits, badges, games, and sports. To this court it shall also belong to convocate the grand council. The twelve assistants belonging to this court shall be called provosts.

Forty-six. All causes belonging to or under the jurisdiction of any of the proprietors' courts, shall in them respectively be tried, and ultimately determined, without any further appeal.

Forty-seven. The proprietors' courts have a power to mitigate all fines and suspend all execution in criminal causes, either before or after sentence, in any of the other inferior courts respectively.

Forty-eight. In all debates, hearings, or trials, in any of the proprietors' courts, the twelve assistants belonging to the said courts, respectively, shall have liberty to be present, but shall not interpose, unless their opinions be required, nor have any vote at all; but their business shall be, by the direction of the respective courts, to prepare such business as shall be committed to them; as also to bear such offices, and despatch such affairs, either where the court is kept or elsewhere, as the court shall think fit.

Forty-nine. In all the proprietors' courts, the proprietor, and any three of his councillors, shall make a quorum: Provided, always, That for the better despatch of business, it shall be in the power of the palatine's court to direct what sort of causes shall be heard and determined by a quorum of any three.

Fifty. The grand council shall consist of the palatine and seven proprietors, and the forty-two councillors of the several proprietors' courts, who shall have power to determine any controversy that may arise between any of the proprietors' courts, about their respective jurisdictions, or between the members of the same court, about their manner and methods of proceedings; to make peace and war, leagues, treaties, &c., with any of the neighbor Indians; to issue out their general orders to the constable's and admiral's courts, for the raising, disposing, or disbanding the forces, by land or by sea.

Fifty-one. The grand council shall prepare all matters to be proposed in parliament. Nor shall any matter whatsoever be proposed in parliament, but what has first passed the grand council; which, after having been read three several days in the parliament, shall by majority oft votes be passed or rejected;

Fifty-two. The grand council shall always be judges of all causes and appeals that concern the palatine, or any of the lords proprietors, or any councillor of any proprietor's court, in any cause, which should otherwise have been tried in the court of which the said councillor is judge himself.

Fifty-three. The grand council, by their warrants to the treasurer's court, shall dispose of all the money given by the parliament, and by them directed to any particular public use.

Fifty-four. The quorum of the grand council shall be thirteen, whereof a proprietor or his deputy shall be always one.

Fifty-five. The grand council shall meet the first Tuesday in every month, and as much oftener as either they shall think fit, or they shall be convocated by the chamberlain's court.

Fifty-six. The palatine, or any of the lords proprietors, shall have power, under hand and seal, to be registered in the grand council, to make a deputy, who shall have the same power to all intents and purposes as he himself who deposes him; except in confirming acts of parliament, as in section seventy-six, and except also in nominating and choosing landgraves and caziques, as in section ten. All such deputations shall cease and determine at the end of four years, and at any time shall be revocable at the pleasure of the deputator.

Fifty-seven. No deputy of any proprietor shall have any power whilst the deputator is in any part of Carolina, except the proprietor whose deputy he is be a minor.

Fifty-eight. During the minority of any proprietor, his guardian shall have power to constitute and appoint his deputy.

Fifty-nine. The eldest of the lords proprietors, who shall be personally in Carolina, shall of course be the palatine's deputy, and if no proprietor be in Carolina, he shall choose his deputy out of the heirs apparent of any of the proprietors, if any such be there; and if there be no heir apparent of any of the lords proprietors above one-and-twenty years old in Carolina, then he shall choose for deputy any one of the landgraves of the grand council; till he have by deputation under hand and seal chosen any one of the forementioned heirs apparent or landgraves to be his deputy, the eldest man of the landgraves, and, for want of a landgrave, the eldest man of the caziques, who shall be personally in Carolina, shall of course be his deputy.

Sixty. Each proprietor's deputy shall be always one of his six councillors, respectively; and in case any of the proprietors hath not, in his absence out of Carolina, a deputy, commissioned under his hand and seal, the eldest nobleman of his court shall of course be his deputy.

Sixty-one. In every county there shall be a court, consisting of a sheriff, and four justices of the county, for every precinct one. The sheriff shall be an inhabitant of the county, and have at

least five hundred acres of freehold within the said county; and the justices shall be inhabitants, and have each of them five hundred acres apiece freehold within the precinct for which they serve respectively. These five shall be chosen from time to time and commissioned by the palatine's court.

Sixty-two. For any personal causes exceeding the value of two hundred pounds sterling, or in title of land, or in any criminal cause, either party upon paying twenty pounds sterling to the lords proprietors' use, shall have liberty of appeal from the county court unto the respective proprietor's court.

Sixty-three. In every precinct there shall be a court, consisting of a steward and four justices of the precinct, being inhabitants and having three hundred acres of freehold within the said precinct, who shall judge all criminal causes; except for treason, murder, and any other offences punishable with death, and except all criminal causes of the nobility; and shall judge also all civil causes whatsoever; and in all personal actions not exceeding fifty pounds sterling, without appeal; but where the cause shall exceed that value, or concern a title of land, and in all criminal causes, there either party, upon paying five pounds sterling to the lords proprietors' use, shall have liberty of appeal to the county court.

Sixty-four. No cause shall be twice tried in any one court, upon any reason or presence whatsoever.

Sixty-five. For treason, murder, and all other offences punishable with death, there shall be a commission, twice a year at least, granted onto one or more members of the grand council or colleges; who shall come as itinerant judges to the several counties, and with the sheriff and four justices shall hold assizes to judge all such causes; but, upon paying of fifty pounds sterling to the lords proprietors' use, there shall be liberty of appeal to the respective proprietor's court.

Sixty-six. The grand jury at the several assizes shall, upon their oaths, and under their hands and seals, deliver in to their itinerant judges a presentment of such grievances, misdemeanors, exigencies, or defects, which they think necessary for the public good of the country; which presentments shall, by the itinerant judges, at the end of their circuit, be delivered in to the grand council at their next sitting. And whatsoever therein concerns the execution of laws already made, the several proprietors' courts, in the matters belonging to each of them, respectively, shall take cognizance of it, and give such order about it as shall be effectual for the due execution of the laws. But whatever concerns the making of any new law, shall be referred to the several respective courts to which that matter belongs, and be by them prepared and brought to the grand council.

Sixty-seven. For terms, there shall be quarterly such a certain number of days, not exceeding one-and-twenty at any one time, as the several respective courts shall appoint. The time for the beginning of the term, in the precinct court, shall be the first Monday in January, April, July, and October; in the county court, the first Monday in February, May, August, and November; and in the proprietors' courts the first Monday in March, June, September, and December.

Sixty-eight. In the precinct court no man shall be a juryman under fifty acres of freehold. In the county court, or at the assizes, no man shall be a grand-juryman under three hundred acres of freehold; and no man shall be a petty-juryman under two hundred acres of freehold. In the proprietors' courts no man shall be a juryman under five hundred acres of freehold.

Sixty-nine. Every jury shall consist of twelve men; and it shall not be necessary they should all agree, but the verdict shall be according to the consent of the majority.

Seventy. It shall be a base and vile thing to plead for money or reward; nor shall any one (except he be a near kinsman, not farther off than cousin-german to the party concerned) be permitted to plead another-man's cause, till, before the judge in open court, he hath taken an oath that he doth not plead for money or reward, nor hath nor will receive, nor directly nor indirectly bargained with the party whose cause he is going to plead, for money or any other reward for pleading his cause.

Seventy-one. There shall be a parliament, consisting of the proprietors or their deputies, the landgraves, and caziques, and one freeholder out of every precinct, to be chosen by the freeholders of the said precinct, respectively. They shall sit all together in one room, and have every member one vote.

Seventy-two. No man shall be chosen a member of parliament who has less than five hundred acres of freehold within the precinct for which he is chosen; nor shall any have a vote in choosing the said member that hath less than fifty acres of freehold within the said precinct.

Seventy-three. A new parliament shall be assembled the first Monday of the month of November every second year, and shall meet and sit in the town they last sat in, without any summons, unless by the palatine's court they be summoned to meet at any other place. And if there shall be any occasion of a parliament in these intervals, it shall be in the power of the palatine's court to assemble them in forty days' notice, and at such time and place as the said court shall think fit; and the palatine's court shall have power to dissolve the said parliament when they shall think fit.

Seventy-four. At the opening of every parliament, the first thing that shall be done shall be the reading of these fundamental constitutions, which the palatine and proprietors, and the rest of the members then present, shall subscribe. Nor shall any person whatsoever sit or vote in the parliament till he hath that session subscribed these fundamental constitutions, in a book kept for that purpose by the clerk of the parliament.

Seventy-five. In order to the due election of members for the biennial parliament, it shall be lawful for the freeholders of the respective precincts to meet the first Tuesday in September every two years in the same town or place that they last met in, to choose parliament men; and there choose those members that are to sit the next November following, unless the steward of the precinct shall, by sufficient notice thirty days before, appoint some other place for their meeting in order to the election.

Seventy-six. No act or order of parliament shall be of any force, unless it be ratified in open parliament, during the same session, by the palatine or his deputy, and three more of the lords proprietors or their deputies; and then not to continue longer in force but until the next biennial parliament, unless in the mean time it be ratified under the hands and seals of the palatine himself, and three more of the lords proprietors themselves, and by their order published at the next biennial parliament.

Seventy-seven. Any proprietor or his deputy may enter his protestation against any act of the parliament, before the palatine or his deputy's consent be given as aforesaid, if he shall conceive the said act to be contrary to this establishment, or any of these fundamental constitutions of the Government. And in such case, after full and free debate, the several estates shall retire into four several chambers; the palatine and proprietors into one; the landgraves into another; the caziques into another; and those chosen by the precincts into a fourth; and if the major part of any of the four estates shall vote that the law is not agreeable to this establishment, and these fundamental constitutions of the government, then it shall pass no farther, but be as if it had never been proposed.

Seventy-eight. The quorum of the parliament shall be one-half of those who are members and capable of sitting in the house that present session of parliament. The quorum of each of the chambers of parliament shall be one-half of the members of that chamber.

Seventy-nine. To avoid multiplicity of laws, which by degrees always change the right foundations of the original government, all acts of parliament whatsoever, in whatsoever form passed or enacted, shall, at the end of a hundred years after their enacting, respectively cease and determine of themselves, and without any repeal become null and void, as if no such acts or laws had ever been made.

Eighty. Since multiplicity of comments, as well as of laws, have great inconveniencies, and serve only to obscure and perplex, all manner of comments and expositions on any part of these fundamental constitutions, or on any part of the common or statute laws of Carolina, are absolutely prohibited.

Eighty-one. There shall be a registry in every precinct, wherein shall be enrolled all deeds, leases, judgments, mortgages, and other conveyances, which may concern any of the lands within the said precinct; and all such conveyances not so entered and registered shall not be of force against any person or party to the said contract or conveyance.

Eighty-two. No man shall be register of any precinct who hath not at least three hundred acres of freehold within the said precinct.

Eighty-three. The freeholders of every precinct shall nominate three men; out of which three the chief justice's court shall choose and commission one to be register of the said precinct, whilst he shall well behave himself.

Eighty-four. There shall be a registry in every signiory, barony, and colony, wherein shall be recorded all the births, marriages, and deaths that shall happen within the respective signiories, baronies, and colonies.

Eighty-five. No man shall be register of a colony that hath not above fifty acres of freehold within the said colony.

Eighty-six. The time of every one's age, that is born in Carolina, shall be reckoned from the day that his birth is entered in the registry, and not before.

Eighty-seven. No marriage shall be lawful, whatever contract and ceremony they have used, till both the parties mutually own it before the register of the place where they were married, and he register it, with the names of the father and mother of each party.

Eighty-eight. No man shall administer to the goods, or have a right to them, or enter upon the estate of any person deceased, till his death be registered in the respective registry.

Eighty-nine. He that doth not enter in the respective registry the birth or death of any person that is born or dies in his house or ground, shall pay to the said register one shilling per week for each such neglect, reckoning from the time of each birth or death, respectively, to the time of entering it in the register.

Ninety. In like manner, the births, marriages, and deaths of the lords proprietors, landgraves, and caziques shall be registered in the chamberlain's court.

Ninety-one. There shall be in every colony one constable, to be chosen annually, by the freeholders of the colony; his estate shall be above a hundred acres of freehold within the said colony, and such subordinate officers appointed for his assistance as the county court shall find requisite, and shall be established by the said county court. The election of the subordinate annual officers shall be also in the freeholders of the colony.

Ninety-two. All towns incorporate shall be governed by a mayor, twelve aldermen, and twenty-four of the common council. The said common council shall be chosen by the present householders of the said town; the aldermen shall be chosen out of the common council; and the mayor out of the aldermen, by the palatine's court.

Ninety-three. It being of great consequence to the plantation that port-towns should be built and preserved; therefore, whosoever shall lade or unlade any commodity at any other place than a port-town, shall forfeit to the lords proprietors, for each ton so laden or unladen, the sum of ten pounds sterling; except only such goods as the palatine's court shall license to be laden or unladen elsewhere.

Ninety-four. The first port-town upon every river shall be in a colony, and be a port-town forever.

Ninety-five. No man shall be permitted to be a freeman of Carolina, or to have any estate or habitation within it, that doth not acknowledge a (lod, and that God is publicly and solemnly to be worshipped.

Ninety-six. [As the country comes to be sufficiently planted and distributed into fit divisions, it shall belong to the parliament to take care for the building of churches, and the public maintenance of divines, to be employed in the exercise of religion, according to the Church of England; which being the only true and orthodox and the national religion of all the King's dominions, is so also of Carolina; and, therefore, it alone shall be allowed to receive public maintenance, by grant of parliament.]

Ninety-seven. But since the natives of that place, who will be concerned in our plantation, are utterly strangers to Christianity, whose idolatry, ignorance, or mistake gives us no right to expel or use them ill; and those who remove from other parts to plant there will unavoidably be of different opinions concerning matters of religion, the liberty whereof they will expect to have allowed them, and it will not be reasonable for us, on this account, to keep them out, that civil peace may be maintained amidst diversity of opinions, and our agreement and compact with all men may be duly and faithfully observed; the violation whereof, upon what presence soever, cannot be without great offence to Almighty God, and great scandal to the true religion which we profess; and also that Jews, heathens, and other dissenters from the purity of Christian religion may not be scared and kept at a distance from it, but, by having an opportunity of acquainting themselves with the truth and reasonableness of its doctrines, and the peaceableness and inoffensiveness of its professors, may, by good usage and persuasion, and all those convincing methods of gentleness and meekness, suitable to the rules and design of the gospel, be won ever to embrace and unfeignedly receive the truth; therefore, any seven or more persons agreeing in any religion, shall constitute a church or profession, to which they shall give some name, to distinguish it from others.

Ninety-eight. The terms of admittance and communion with any church or profession shall be written in a book, and therein be subscribed by all the members of the said church or profession; which book shall be kept by the public register of the precinct wherein they reside.

Ninety-nine. The time of every one's subscription and admittance shall be dated in the said book or religious record.

One hundred. In the terms of communion of every church or profession, these following shall be three; without which no agreement or assembly of men, upon presence of religion, shall be accounted a church or profession within these rules:

1st. "That there is a God."

II. "That God is publicly to be worshipped."

III. "That it is lawful and the duty of every man, being thereunto called by those that govern, to bear witness to truth; and that every church or profession shall, in their terms of communion, set down the external way whereby they witness a truth"

as in the presence of God, whether it be by laying hands on or kissing the bible, as in the Church of England, or by holding up the hand, or any other sensible way."

One hundred and one. No person above seventeen years of age shall have any benefit or protection of the law, or be capable of any place of profit or honor, who is not a member of some church or profession, having his name recorded in some one, and but one religious record at once.

One hundred and two. **No person of any other church or profession shall disturb or molest any religious assembly.**

One hundred and three. **No person whatsoever shall speak anything in their religious assembly irreverently or seditiously of the government or governors, or of state matters.**

One hundred and four. Any person subscribing the terms of communion, in the record of the said church or profession, before the precinct register, and any five members of the said church or profession, shall be thereby made a member of the said church or profession.

One hundred and five. Any person striking out his own name out of any religious record, or his name being struck out by any officer "hereunto authorized by each church or profession respectively, shall cease to be a member of that church or profession.

One hundred and six. No man shall use any reproachful, reviling, or abusive language against any religion of any church or profession; that being the certain way of disturbing the peace, and of hindering the conversion of any to the truth, by them in quarrels and animosities, to the hatred of the professors and that profession which otherwise they might be brought to assent to.

One hundred and seven. Since charity obliges us to wish well to the souls of all men, and religion ought to alter nothing in any man's civil estate or right, it shall be lawful for slaves, as well as others, to enter themselves, and be of what church or profession any of them shall think best, and, therefore, be as fully members as any freeman. But yet no slave shall hereby be exempted from that civil dominion his master hath over him, but be in all things in the same state and condition he was In before.

One hundred and eight. Assemblies, upon what presence soever of religion, not observing and performing the above said rules, shall not be esteemed as churches, but unlawful meetings, and be punished as other riots.

One hundred and nine. No person whatsoever shall disturb, molest, or persecute another for his speculative opinions in religion, or his way of worship.

One hundred and ten. Every freeman of Carolina shall have absolute power and authority over his negro slaves, of what opinion or religion soever.

One hundred and eleven. No cause, whether civil or criminal, of any freeman, shall be tried in any court of judicature, without a jury of his peers.

One hundred and twelve. No person whatever shall hold or claim any land in Carolina by purchase or gift, or otherwise, from the natives, or any other whatsoever, but merely from and under the lords proprietors, upon pain of forfeiture of all his estate, movable or immovable, and perpetual banishment.

One hundred and thirteen. Whosoever shall possess any freehold in Carolina, upon what title or grant soever, shall, at the farthest, from and after the year one thousand six hundred and eighty-nine, pay yearly unto the lords proprietors, for each acre of land, English measure, as much fine silver as is at this present time in one English penny, or the value thereof, to be as a chief rent and acknowledgment to the lords proprietors, their heirs and successors, forever. And it shall be lawful for the palatine's court, by their officers, at any time to take a new survey of any man's land, not to oust him of any part of his possession, but that by such a survey the just number of acres he possesseth may be known, and the rent thereon due may be paid by him.

One hundred and fourteen. All wrecks, mines, minerals, quarries of gems, and precious stones, with pearl-fishing, whale-fishing, and one-half of all ambergris, by whomsoever found, shall wholly belong to the lords proprietors.

One hundred and fifteen. All revenues and profits belonging to the lords proprietors in common shall be divided into ten parts, whereof the palatine shall have three, and each proprietor one; but if the palatine shall govern by a deputy, the deputy shall have one of those three-tenths, and the palatine the other two-tenths.

One hundred and sixteen. All inhabitants and freemen of Carolina above seventeen years of age, and under sixty, shall be bound to bear arms and serve as soldiers, whenever the grand council shall find it necessary.

One hundred and seventeen. A true copy of these fundamental constitutions shall be kept in a great book by the register of every precinct, to be subscribed before the said register. Nor shall any person, of what degree or condition soever, above seventeen years old, have any estate or possession in Carolina, or protection or benefit of the law there, who hath not, before a precinct register, subscribed these fundamental constitutions in this form:

" I, A. B., do promise to bear faith and true allegiance to our sovereign lord King Charles II, his heirs and successors; and will be true and faithful to the palatine and lords proprietors of Carolina, their heirs and successors; and with my utmost power will defend them, and maintain the government according to this establishment in these fundamental constitutions."

One hundred and eighteen. VVhatsoever alien shall, in this form, before any precinct register, subscribe these fundamental constitutions, shall be thereby naturalized.

One hundred and nineteen. In the same manner shall every person, at his admittance into any office, subscribe these flmdamental constitutions.

One hundred and twenty. These fundamental constitutions, in number a hundred and twenty, and every part thereof, shall be and remain the sacred and unalterable form and rule of

government of Carolina forever. Witness our hands and seals, the first day of March, sixteen hundred and sixty-nine.

Appendix G. The Fundamental Constitutions for the Province of East New Jersey in America, 1683

Since the right of government, as well as soil, is in the four and twenty Proprietors, and that the same is confirmed to them a new by a late patent from James Duke of York pursuant to patent granted to Him from the King; the Proprietors for the well ordering and governing of the said Province, according to the powers conveyed to them, do grant and declare, that the government thereof shall be as followeth, VIZ.

I. That altho' the four and twenty Proprietors have formerly made choice of Robert Barclay, Esq: for Governor, during his natural life, and to serve by a deputy to be approved of by sixteen of the Proprietors, until he himself be upon the place, which is by these presents ratified and confirmed, to all intents and purposes: Yet after the decease of the said Robert Barclay, or by reason of His malverstation, the Proprietors shall find cause to divest him of the government, the four and twenty Proprietors shall choose a Governor; in order to which it shall be in the power of each of them to name one, and sixteen of the four and twenty shall determine it: which Governor shall be obliged to serve and reside upon the place, and shall only continue for three years; and if any shall directly or indirectly propound or advise the continuance for any longer time, or of new to choose him again, or his son, within the three years, it shall be esteemed a Straying of the publick liberty of the Province; and the actors shall be esteemed as publick enemies; and the said Governor that shall be so continued, shall be reputed guilty of the same not. only by reason of his acceptance of that continuation, but also by reason of any kind of solicitation which he may directly or indirectly have endeavoured. If the Governor so do die before the three years be expired, the Proprietors shall choose one to supply his place, for the time the other should held it, and no longer. Provided, that this limitation of three years above mentioned, do not extend to the Deputy Governor of Robert Barclay, for seven years after that passing of those constitutions, who may be for a longer time than three years, if the proprietors see meet.

II. That for the government of the Province, there shall be a great Council, to consist of the four and twenty proprietors, or their proxies in their absence, and one hundred forty-four to be chosen by the freemen of the Province. But forasmuch as there are not at present so many towns built as there may be hereafter, nor the Province divided into such counties as it may be hereafter divided into, and that consequently no certain division can be made how many shall be choser for each town and county; at present four and twenty shall be chosen for the eight towns that are at present in being, and eight and forty for the county, making together seventy-two, and with the four and twenty Proprietors, ninety-six persons, till such times as the great council shall see meet to call the above mentioned number of one hundred forty-four, and then shall be determined by the great council how many shall come out of each town and county; but every year shall choose one-third, and the first chosen shall remain for three years, and they that go out shall not be capable to come in again for two years after, and therefore they shall not be put in the ballot in elections for that year; and in order to this election, they shall in course meet in their several boroughs and counties the six and twentieth day of March, beginning in the year one thousand six hundred eighty-four, and choose their several representatives; whose first day of meeting shall be the twentieth of April afterwards; and they shall sit upon their own adjournments, if they see meet, till the twentieth of July following, and then to be dissolved till the next year, unless

the Governor and common council think fit to continue them longer, or call them in the interval; but if any of those days fall on the first day of the week, it shall be deferred until the next day.

III. The persons qualified to be freemen, that are capable to choose and be chosen in the great Council, shall be every planter and inhabitant dwelling and residing within the Province, who hath acquired rights to and is in possession of fifty acres of ground, and hath cultivated ten acres of it; or in boroughs, who have a house and three acres; or have a house and land only hired, if he can prove he have fifty pounds in stock of his own: and all elections must be free and voluntary, but were any bribe or indirect means can be proved to have been used, both the giver and acquirer shall forfeit their privilege of electing and being elected forever; and for the full preventing of all indirect means, the election shall be after this manner, the names of all the persons qualified in each county, shall be put in equal pieces of parchment, and prepared by the sheriff and his clerk the day before, and at the day of election shall be put in a box, and fifty shall be taken out by a boy under ten years of age; these fifty shall be put into the box again, and the first five and twenty then taken out shall be those who shall be capable to be chosen for that time; the other five and twenty shall by plurality of votes, name (of the aforesaid twenty-five) twelve, if there be three to be chosen, and eight if there be two to stand for it; these nominators first solemnly declaring before the sheriff, that they shall not name any known to them to be guilty for the time, or to have been guilty for a year before, of adultery, whoredom, drunkenness, or any such immorality, or who is insolvent or a fool; and then out of the twelve or eight so nominated, three or two shall be taken by the ballot as above said.

IV. It shall be the privilege of every member of the great Council, to propose any bill in order to a law, which being admitted to be debated, shall be determined by the vote, wherein two parts of three shall only conclude; but of this, twelve of the Proprietors, or their proxies, must be assenting; which shall also be requisite after the number of freemen are double: Nor shall any law be made or enacted to have force in the Province, which any ways touches upon the goods or liberties of any in it, but what thus passeth in the great Council; and whoever shall levy, collect or pay any money or goods without a law thus passed, shall be held a publick enemy to the Province, and a betrayer of the publick liberty thereof: also the quorum of this great Council shall be half of the Proprietors, or their proxies, and half of the freemen at least; and in determination, the proportionable assent of both Proprietors and freemen must agree, viz. two parts of whatever number of freemen, and one half of whatever number of Proprietors are present.

V. For the constant government of the Province there shall be with the Governor a common Council, consisting of the four and twenty Proprietors, of their proxies, and twelve of the freemen. which shall be chosen by the ballot out of the freemen of the great Council, and shall successively go off each year as they do; which common Council will thus consist of six and thirty, whereof they shall be three committees; twelve for the public policy, and to look to manners, education and arts; twelve for trade and management of the publick Treasury; and twelve for plantations and regulating of all things, as well as deciding all controversies relating to them: in each committee eight shall be of the Proprietors, or their proxies, and four of the freemen; each of these committees shall meet at least once a week, and all the thirty six once in two months, and oftener, in such places and at such times as they shall find most convenient. - And if it happen the number of freemen in the great Council to be doubled, there shall be twelve

more of them be added to the common Council; in this common Council and those several committees the one half shall be a quorum, as in the former article.

VI. All laws shall be published and run in the name of the Governor, Proprietors and representatives of the freemen of the Province, and shall be signed by two of the Proprietors, two of the freemen, the Secretary and the Governor for the time being, who shall preside in all meetings, and have two votes, but shall no ways pretend to any negative vote: but if he or they refuse to do his or their duty, or be accused of malversation, he shall be liable to the censure of the Proprietors, and if turned out, there shall be another chosen to fulfil his time as is abovesaid.

VII. Forasmuch as by the Concessions and agreements of the former Proprietors, (to wit) the Lord Berkeley and Sir George Carteret, to and with all and every the adventurers and all such as shall settle and plant in the Province in Anno 1664, it is consented and agreed by the six and seven articles, that the great Assembly should have power, by act confirmed as there expressed, to erect, raise and build within the said Province, or any part thereof, such and so many forts, castles, cities and other places of defence, and the same, or any of them, to fortify and furnish with such provisions and proportions of ordnance, powder, shot, armour and all other weapons, ammunition and abilments of war, both offensive and defensive, as shall be thought necessary and convenient for the safety and welfare of the said Province; as also to constitute train bands and companies, with the number of the soldiers, for the safety, strength and defence of the aforesaid Province; to suppress all mutinies and rebellions; to make war offensive and defensive, against all and every one that shall infest the said Province, not only to keep the enemy out of their limits, but also, in case of necessity, the enemy by sea and land to pursue out of the limits and jurisdiction of the said Province. And that amongst the present Proprietors there are several that declare, that they have no freedom to defend themselves with arms, and others who judge it their duty to defend themselves, wives and children, with arms; it is therefore agreed and consented to, and they the said Proprietors do by these presents agree and consent, that they will not in this case force each other against their respective judgments and consciences; in order whereunto it is Resolved, that on the one side, no man that declares he cannot for conscience sake bear arms, whether Proprietor or planter, shall be at any time put upon so doing in his own person, nor yet upon sending any to serve in his stead. And on the other side, those who do judge it their duty to bear arms for the publick defence, shall have their liberty to do in a legal way. In pursuance whereof, there shall be a fourth committee erected, consisting of six proprietors, or their proxies, and three of the freemen, that are to set in the other three committees, which shall be such as to understand it their duty to use arms for the publick defence; which committee shall provide for the publick defence without and peace within, against all enemies whatsoever; and shall therefore be stiled the committee for the preservation of the publick peace: And that all things may proceed in good order, the said committee shall propound-to the great Council what they judge convenient and necessary for the keeping the peace within the said Province, and for publick defence without, by the said great Council to be approved and corrected, as they, according to exigence of affairs, shall judge fit; the execution of which resolutions of the great Council shall be committed to the care of the said committee. But because through the scruples of such of the Proprietors, or their proxies, as have no freedom to use arms, the resolutions of the great Council may be in this point obstructed, it is resolved and agreed, and it is by these presents resolved and agreed, that in things of this nature, the votes of these Proprietors shall only be of weight at such time or times as one of these two points are under deliberation, which shall not be

concluded where twelve of the Proprietors and two thirds of the whole Council, as in other cases, are not consenting, (that is to say) first, whether, to speak after the manner of men, (and abstractly from a man's persuasion in matters of religion) it be convenient and suitable to the present condition or capacity of the inhabitants, to build any forts, castles or any other places of defence? If yea; where and in what places (to speak as men) they ought to be erected. Secondly, whether there be any present or future foreseen danger, that may, (to speak as men without respect- to one's particular perswasion in matters of religion) require the putting the Province into a posture of defence, or to make use of those means which we at present have, or which, from time to time as occasion may require, according to the capacity of the inhabitants, we may have; which ability and conveniency of those means of defence, and (to speak as men without respect to any man's judgment in matters of religion) the necessity of the actual use thereof, being once resolved upon; all further deliberations about it, as the raising of men, giving of commissions both by sea and land, making Governors of forts, and providing money necessary for maintaining the same, shall belong only to those members of the great Council who judge themselves in duty bound to make use of arms for the defence of them and theirs. Provided, that they shall not conclude any thing but by the consent of at least five parts out of six of their number; and that none of the Proprietors and other inhabitants may be forced to contribute any money for the use of arms, to which for conscience sake they have not freedom, that which is necessary for the publick defence, shall be borne by such as judge themselves in duty bound to use arms. Provided, that the other, that for conscience sake do oppose the bearing of arms, shall on the other hand bear so much in other charges, as may make up that portion in the general charge of the Province. And as the refusing to subscribe such acts concerning the use and exercise of arms abovesaid, in the Governor and Secretary, if scrupulous in conscience so to do, shall not be esteemed in them an omission or neglect of duty, so the wanting thereof shall not make such acts invalid, they being in lieu thereof, subscribed by the major part of the six Proprietors of the committees for the preservation of the publick peace.

VIII. The choosing the great and publick officers, as Secretary, Register, Treasurer, Surveyor General, Marshal, and after death of turning out of those now first to be nominated, shall be in the Governor and Common Council; as also of all sheriffs, judges and justices of the peace. But upon any malversation or accusation, they shall be liable to the examination and censure of the great Council, and if condemn'd by them, the Governor and Common Council must name others in their places.

IX. Provided, That all boroughs shall choose their own magistrates, and the hundreds in the county, their constables or under officers, in such manner as shall be agreed to by the great Council.

X. Forasmuch as by the Patent, the power of pardoning in capital offences, is vested in the four and twenty Proprietors; it is hereby declared, that the said power of pardoning shall never be made use of but by the consent of eighteen of the Proprietors, or their proxies: Nevertheless, it shall be in the power of the Governor, in conjunction with four Proprietors, who for the time are judges of the Court of Appeals, to reprieve any person after the day of execution appointed, for some time, not exceeding a month.

XI. The four and twenty Proprietors, in their absence, may vote in the great and common Council by their proxies; one Proprietor may be proxy for another, yet so as not but for one, so that none can have above two votes: The proxies of the Proprietors must be such as has shares in properties not under a twentieth part.

XII. That whoever has any place of publick trust in another Province, tho' a Proprietor, shall not sit in the great or common Council, but by their proxies, unless thereunto particularly called by the one or other Council.

XIII. Whatever Proprietor doth not retain at least one fourth part of his propriety, viz: one ninety sixth part of the country, shall lose the right of government, and it shall pass to him who has the greatest share of that propriety, exceeding the above mentioned proportion: But if two or three has each one ninety sixth part, they shall have it successively year about, like as when a propriety is in two hands, he who is upon the place, if the other be absent, sick or under age, shall still have it; but if both there, then by turns as abovesaid; and if in a provided propriety all be absent, the proxies must be constituted by both; if but two or the greater number if there be more. And if any who sells a part of his propriety, and retains one ninety sixth part and the title of the government portion be absent, whoever has shares for him, not under one ninety sixth part, being present, shall set for him, whether having a proxy or not; and if there be more than one, it shall go by turns as above. But because after sometime by division among children, it may happen that some one twenty fourth part may be so divided, that not any one may have one fourth part of a propriety, or one ninety sixth part of the whole, in that case the Proprietors shall elect one having not under one ninety sixth part, to bear the character of the government for that propriety: But if the county shall fall to be so divided, that there shall not be found four and twenty persons who have one ninety sixth part each; then whoever has five thousand acres, shall be capable to be chosen to be one of the four and twenty, and that by the rest of the Proprietors, by the ballot, each having priviledge to lift one; but this not to take place till forty years after the settlement of these constitutions: And if twenty years after the expiration of the forty years above mentioned, it shall fall out that four and twenty persons cannot be found who have each five thousand acres, it shall be then in the power of the great Council to make a less number of acres sufficient to carry the character of the government, provided they bring it not under three thousand acres (the Proprietors being always electors as abovesaid) no Proprietor under one and twenty years shall be admitted to vote, but during nonage there shall be a proxy appointed by the tutor, and failing that, by the other Proprietors.

XIV. In all civil and ordinary actions, the Proprietors shall be Judged after the same manner, and lyable to the same censure with any other; but in all cases that are capital, or may inferr for forfeiture of their trust or Proprietorship, they shall be adjudged by a jury of twelve of the Proprietors, or their proxies, or such as has share in a propriety not under one twentieth part; the bill being first found relievant against them by a grand jury of twelve Proprietors and twelve free men to be chosen by the ballot, as in article nineteen

XV. For preserving a right balance, no Proprietor shall at any time require or purchase more than his one four and twentieth Dart of the county; but if by any accident, more fall into the hands of the Proprietors, he may be allowed to dispose of it to his children, tho' under age, yet not so as to acquire to himself more than one vote besides his own; but if such an acquirer have

no children he shall be obliged to sell it within one year after he has acquired it, nor shall he evade this by putting in another's name in trust for him; but shall upon his assignment solemnly declare himself to be really and effectually divested of it for the proper use of him it is assign'd to: And if within three years he find not a merchant, he shall be obliged to dispose of it at the current rate to the rest of the Proprietors, to be holden in common by them, who shall appoint one to bear that character in the government, untill such a share of it fall in one hand, by a former article may render him capable, by the consent of two parts of the other Proprietors, to have the power devolved in him; and if by this or any other accident one or more votes be wanting in the interem, the Proprietors shall name others quallified as above to supply their places.

XVI. All persons living in the Province who confess and acknowledge the one Almighty and Eternal God, and holds themselves obliged in conscience to live peaceably and quietly in a civil society, shall in no way be molested or prejudged for their religious perswasions and exercise in matters of faith and worship; nor shall they be compelled to frequent and maintain any religious worship, place or ministry whatsoever: Yet it is also hereby provided, that no man shall be admitted a member of the great or common Council, or any other place of publick trust, who shall not profaith in Christ Jesus, and solemnly declare that he doth no ways hold himself obliged in conscience to endeavour alteration in the government, or seeks the turning out of any in it or their ruin or prejudice, either in person or estate, because they are in his opinion hereticks, or differ in their judgment from him: Nor by this article is it intended, that any under the notion of this liberty shall allow themselves to avow atheism, irreligiousness, or to practice cursing, swearing, drunkenness, prophaness, whoring, adultery, murdering or any kind of violence, or indulging themselves in stage plays, masks, revells or such like abuses; for restraining such and preserving of the people in deligence and in good order, the great Council is to make more particular laws, which are punctually to be put in execution.

XVII. To the end that all officers chosen to serve within the Province, may with the more care and deligence answer the trust reposed in them; it is agreed, that no such person shall enjoy more than one public-office at one time: But least at first before the country be well planted, there might be in this some inconvenience, it is declared, that this shall not necessarily take place till after the year 1686.

XVIII. All chart, rights, grants and conveyances of land (except leases for three years and under) and all bonds, wills, and letters of administration and specialties above fifty pounds, and not under six months, shall be registered in a publick register in each county, else be void in law; also there is to be a register in each county for births, marriages, burials and servants, where their names, times, wages and days of payment shall be registered, but the method and order of settling those registers is recommended to the great Council; as also the fees which are to be moderate and certain, that the taking of more in any office, directly or indirectly by himself or any other, shall forfeit his office.

XIX. That no person or persons within the said Province shall be taken and imprisoned, or be devised of his freehold, free custom or liberty, or be outlawed or exiled, or any other way destroyed; nor shall they be condemn'd or judgment pass'd upon them, but by lawful judgment of their peers: neither shall justice nor right be bought or sold, defered or delayed, to any person

whatsoever: in order to which by the laws of the land, all tryals shall be by twelve men, and as near as it may be, peers and equals, and of the neighborhood, and men without just exception. In cases of life there shall be at first twenty-four returned by the sheriff for a grand inquest, of whom twelve at least shall be to find the complaint to be true; and then the twelve men or peers to be likewise returned, shall have the final judgment; but reasonable challenges shall be always admitted against the twelve men, or any of them: but the manner of returning juries shall be thus, the names of all the freemen above five and twenty years of age, within the district or boroughs out of which the jury is to be returned' shall be written on equal peices of parchment and put into a box, and then the number of the jury shall be drawn out by a child under ten years of age. And in all courts persons of all perswasions may freely appear in their own way, and according to their own manner, and there personally plead their own causes themselves, or if unable, by their friends, no person being allowed to take money for pleading or advice in such cases: and the first process shall be the exhibition of the complaint in court fourteen days before the tryal, and the party complain'd against may be fitted for the same, he or she shall be summoned ten days before, and a copy of the complaint delivered at their dwelling house: But before the complaint of any person be received, he shall solemnly declare in court, that he believes in his conscience his cause is just. Moreover, every man shall be first cited before the court for the place where he dwells nor shall the cause be brought before any other court but by way of appeal from sentence of the first court, for receiving of which appeals, there shall be a court consisting of eight persons, and the Governor (protempore) president thereof, (to wit) four Proprietors and four freemen, to be chosen out of the great Council in the following manner, viz. the names of sixteen of the Proprietors shall be written on small pieces of parchment and put into a box, out of which by a lad under ten years of age, shall be drawn eight of them, the eight remaining in the box shall choose four; and in like manner shall be done for the choosing of four of the freemen.

XX. That all marriages not forbidden in the law of God, shall be esteemed lawful, where the parents or guardians being first acquainted, the marriage is publickly intimated in such places and manner as is agreeable to mens different perswasions in religion, being afterwards still solemnized before creditable witnesses, by taking one another as husband and wife, and a certificate of the whole, under the parties and witnesses hands, being brought to the proper register for that end, under a penalty neglected.

XXI. That all witnesses coming or called to testify their knowledge in or to any matter or thing in any court or before any lawful authority within the Province, shall there give and deliver in their evidence by solemnly promising to speak the truth, the whole truth and nothing but the truth to the matter in question. And in case any person so doing shall be afterwards convict of willful falsehood, both such persons as also those who have proved to have suborn, shall undergo the damage and punishment both in criminal and in civil; the person against whom they did or should have incurred, which if it reach not his life, he shall be publickly exposed as a false witness, never afterwards to be credited before any court; the like punishment in cases of forgery, and both criminals to be stigmatized.

XXII. Fourteen years quiet possession shall give an unquestionable right, except in cases of infants, lunaticks or married women, or persons beyond sea or in prison. And whoever forfeits his estate to the government by committing treason against the Crown of England, or in this Province, or by any other capital crime, the nearest of kin may redeem it within two months after

the criminals death, by paying to the public treasury not above one hundred pounds, and not under five pounds sterling, which proportion the common Council shall determine, according to the value of the criminals estate, and to the nature of the offence; reparation to any who have suffered by him, and payment of all just debts being always allowed.

XXIII. For avoiding innumerable multitude of statutes, no act to be made by the great Council shall be in force above fifty years after it is enacted; but as it is then de novo confirmed, allways excepting these four and twenty fundamental articles, which, as the primitive charter, is forever to remain in force, not to be repealed at any time by the great Council, tho' two parts of the Council should agree to it, unless two and twenty of the four and twenty Proprietors do expressly also agree, and sixty six of seventy two freemen; and when they are one hundred forty four, one hundred thirty two of them; and also this assent of the Proprietors must be either by their being present in their own persons, or giving actually their votes under their hands and seals (if elsewhere) and not by proxies; which solemn and express assent must also be had in the opening of mines of gold and silver; and if such be opened, one third part of the profit is to go to the publick Treasury; one third to be divided among the four and twenty Proprietors, and one third to Proprietor or planter in whose ground it is; the charges by each proportionately borne.

XXIV. It is finally agreed, that both the Governor and the members of the great and common Council, the great officers, judges, sheriffs and justices of the peace, and all other persons of public trust, shall before they enter actually upon the exercise of any of the employs of the Province, solemnly promise and subscribe to be true and faithful to the king of England, his heirs and successors, and to the Proprietors, and he shall well and faithfully discharge his office in all things according to his commission, as by these fundamental constitutions is confirmed, the true right of liberty and property, as well as the just ballance both of the Proprietors among themselves, and betwixt them and the people: it's therefore understood, that here is included whatever is necessary to be retained in the first Concessions, so that henceforward there is nothing further to be proceeded upon from them, that which relates to the securing of every manes land taken up upon them, being allways excepted. And provided also' that all Judicial and legal proceedings heretofore done according to them, be held, approved and confirmed.

Drummond. Robert Burnet. Bar. Gibson. Robert Gordon. Gawn Lawry. Perth. William Gibson. William Dockwra. Thos. Dart. Thomas Barker and as proxy for Ambrose Riggs. Clement Plumstead, proxy for Barclay. Ar. Sonmans. Robert Turner and Thomas Cooper.

Appendix H. Charter of Delaware, 1701

WILLIAM PENN, Proprietary and Governor of the Province of Pennsylvania and Territories thereunto belonging, To all to whom these Presents shall come, sendeth Greeting.

WHEREAS King CHARLES the Second, by his Letter Patents, under the Great Seal of England, bearing Date the Fourth Day of March, in the Year One Thousand Six Hundred and Eighty, was graciously pleased to give and grant unto me, and my Heirs and Assigns for ever, 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 YORKE and ALBANY, &c. by his Deeds of Feoffment, under his Hand and Seal duly perfected, bearing Date the Twenty-Forth Day of Angst, One Thousand Six Hunndred Eighty and Two, did grant unto me, my Heirs and Assigns, all that Tract of Land, now called the Territories of Pennsylvania, 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 the said Province and Territories, and for the good Government thereof, I the said WILLIAM PENN, in the Year One Thousand Bid Hundred Eighty and Three, for me, my Heirs and Assigns, did grant and confirm unto all the Freemen, Planters and Adventurers therein, divers Liberties, Franchises and Properties, as by the said Grant, entitled, The FRAME of the Government the Province of Pennsylvania, and Territories thereunto belonging, in America, may appear; which Charter or Frame being found, in some Parts of it, not so suitable to the present Circumstances of the Inhabitants, was in the 'Third Month, in the Year One Thousand Seven Kindred, delivered up to me, by Six Parts of Seven of the Freemen of this Province and Territories, in General Assembly met, 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 lieu thereof, give them another, better adapted to answer the present Circumstances and Conditions of the said Inhabitants; which they have now, by their Representatives in General Assembly met at Philadelphia, requested me to grant.

KNOW YE THEREFORE, That for the further Well-being and good Government 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 in this Province and Territories, these following Liberties, Franchises and Privileges, so far as in me lieth, to be held, enjoyed and kept, by the Freemen, Planters and Adventurers, and other Inhabitants of and in the said Province and Territories "hereunto annexed, for ever.

FIRST

BECAUSE no People can be truly happy, though under the greatest Enjoyment of Civil Liberties, if abridged of the Freedom of their Consciences, as to their Religious Profession

and Worship: And Almighty God being the only Lord of Conscience, Father of Lights and Spirits; and the Author as well as Object of all divine Knowledge, Faith and Worship, who only doth enlighten the Minds, and persuade 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 professes 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 conscientious Persuasion 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 Persuasion.

AND that all Persons who also profess to believe in Jesus Christ, the Saviour of the World, shall be capable (notwithstanding their other Persuasions 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 Proprietary and Governpr, and taking the Attests as now established by the Law made at Newcastle, in the Year One Thousand and Seven Hundred, entitled, An Act directing the Attests of several Officers and Ministers, as now amended and confirmed this present Assembly.

II.

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 Governor and Assembly shall agree) upon the First Day of October for ever; and shall sit on the Fourteenth Day of the same Month, at Philadelphia, unless the Governor 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 chuse a Speaker and other their Officers; and shall be Judges of the Qualifications and Elections of their own Members; sit upon their own Adjournments; appoint Committees; prepare Bills in order to pass into Laws; impeach Criminals, and redress Grievances; and shall have all other Powers 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 chuse their respective Representatives as aforesaid, or if chosen, do not meet to serve in Assembly, those who are so chosen and met, shall have the full Power of an Assembly, in as ample Manner as if all the Representatives had been chosen and met, provided they are not less than Two Thirds of the whole Number that ought to meet.

AND that the Qualifications of Electors and Elected, and all other Matters and Things relating to elections of Representatives to serve in Assemblies, though not herein particularly expressed, shall be and remain as by a Law of this Government, made at Newcastle, in the Year One Thousand Seven Hundred, entitled, An Act to ascertain the Number of Members of Assembly, and to regulate the Elections.

III.

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, chuse a double Number of Persons to present to the Governor for Sheriffs and Coroners, to serve for Three Years, if so long they behave themselves well; out of which respective Elections and Presentments, the Governor shall nominate and commissionate one for each of the said Offices, 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 the Governor, to serve to the End of the said Term.

PROVIDED ALWAYS, That if the said Freemen shall at any Time neglect or decline to chuse a Person or Persons for either or both the aforesaid suffices, then, and in such Case, the Persons that are or shall be in the Respective Offices of Sheriffs or Coroners, at the Time of Election, shall remain therein, until they shall be removed by another Election as aforesaid.

AND that the Justices of the respective Counties shall or may nominate and present to the Governor Three Persons, to serve for Clerk of the Peace for the said County, when there is a Vacancy, one of which the Governor shall commissionate within Ten Days after such Presentment, or else the First nominated shall serve in the said Office during good Behaviour.

IV.

THAT the Laws of this Government shall be in this Stile, viz. By the Governor, with the Consent and Approbation of the Freemen in General Assembly met; and shall be, alter Confirmation by the Governor, forthwith recorded in the Rolls Office, and kept at Philadelphia, unless the Governor and Assembly shall agree to appoint another Place.

V.

THAT all Criminals shall have the same Privileges of Witnesses and Council as their Prosecutors.

VI.

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 Governor and Council, or in any other Place, but in ordinary Course of Justice, unless Appeals "hereunto shall be hereafter by Law appointed.

VII.

THAT no Person within this Government, shall be licensed by the Governor to keep an Ordinary, Tavern, or House of publick Entertainment, but such who are first recommended to him, under the Hands of the Justices of the respective Counties, signed in open Court; which

Justices are and shall be hereby impowered, to suppress and forbid any Person keeping such Pubjick-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.

VIII.

IF any Person, through Temptation or Melancholy, shall destroy himself, his Estate, real and personal, shall notwithstanding descend to his Wife and Children, or Relations, as if he had died a natural Death; and if any Person shall be destroyed or killed by Casualty or Accident, there shall be no Forfeiture to the Governor 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 Clause therein, contrary to the true Intent and Meaning thereof, without the Consent of the Governor for the Time being, and Six Parts of Seven of the Assembly met.

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, inviolably for ever.

AND LASTLY, I the said William Peters, Proprietary and Governor of the Province of Pennsylvania, and Territories "hereunto belonging, 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 or Assigns, shall procure or do any Thing or Things whereby the Liberties in this Charter contained and expressed, 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.

Ix WITNESS whereof, I the said William Penn, at Philadelphia in Pennsylvania, have unto this present Charter of Liberties, set my Hand and broad Seal, this Twenty-Eighth 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 the Twenty-First Year of my Government.

AND NOTWITHSTANDING the Closure and Test of this present Charter as aforesaid, I think fit to add this following Proviso "hereunto, as Part of the same, That its to say, That notwithstanding any Clause or Clauses in the above-mentioned Charter, obliging the Province and Territories to join together in Legislation, I am content, and do hereby declare, that if the I2representatives of the Province and Territories shall not hereafter agree to join together in legislation, and that the same shall be signified unto 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 and Territories, or the major part of either of them, at 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 than Eight Persons to represent them in Assembly, for the Province;

and the Inhabitants of the Town of Philadelphia, (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 distinct Assembly for the Territories, as shall be by them requested as aforesaid.

NOTWITHSTANDING which Separation of the Province and Territories, in Respect of Legislation, I do hereby promise, grant and declare, That the Inhabitants of both Province and Territories, shall separately enjoy all other Liberties, Privileges and Benefits, granted jointly to them in this Charter, any Law, Image or Custom of this Government, heretofore made and practiced, or any Law made and passed by this General Assembly, to the Contrary hereof, notwithstanding.

WILLIAM PENN.

This Charter of Privileges being distinctly read in Assembly, and the whole and every part thereof being approved and agreed to, by us, we do thankfully receive the same from our Proprietary and Governor, at Philadelphia, this Twenty-Eighth Day of October, One Thousand Seven Hundred and One. Signed on Behalf, and by Order of the Assembly,

per .JOSEPH GROWDON, Speaker.

EDWARD SHIPPEN
GRIFFITH OWEN
PHINEAS PEMBERTON
CALEB PUSEY
SAMUEL CARPENTER
THOMAS STORY

Proprietary and Governor's Council.

Appendix I. Charter of Georgia, 1732

GEORGE the second, **by the grace of God**, of Great Britain, France and Ireland, king, **defender of the faith**, and so forth. To all to whom these presents shall come, greeting.

Whereas we are credibly informed, that many of our poor subjects are, through misfortunes and want of employment, reduced to great necessity, insomuch as by their labor they are not able to provide a maintenance for themselves and families; and if they had means to defray their charges of passage, and other expences, incident to new settlements, they would be glad to settle in any of our provinces in America where by cultivating the lands, at present waste and desolate, they might not only gain a comfortable subsistence for themselves and families, but also strengthen our colonies and increase the trade, navigation and wealth of these our realms. And whereas our provinces in North America, have been frequently ravaged by Indian enemies, more especially that of South-Carolina, which in the late War, by the neighboring savages, was laid waste with fire and sword and great numbers of English inhabitants, miserably massacred, and our loving subjects who now inhabit them, by reason of the smallness of their numbers, will in case of a new war, be exposed to the late calamities; inasmuch as their whole southern frontier continueth unsettled, and lieth open to the said savages. **And whereas we think it highly becoming our crown and royal dignity, to protect all our loving subjects, be they ever so distant from us; to extend our fatherly compassion even to the meanest and most unfortunate of our people, and to relieve the wants of our above mentioned poor subjects;** and that it will be highly conducive for accomplishing those ends, **that a regular colony of the said poor people be settled and established in the southern territories of Carolina.** And whereas we have been well assured, that if we will be most graciously pleased to erect and settle **a corporation, for the receiving, managng and disposing of the contributions of our loving subjects;** divers persons would be induced to contribute to the uses and purposes aforesaid-Know ye therefore, that we have, for the considerations aforesaid, and for the better and more orderly carrying on of the said good purposes; of our special grace, certain knowledge and mere motion, willed, ordained, constituted and appointed, and by these presents, for us, our heirs and successors, do will, ordain, constitute, declare and grant, that our right trusty and well beloved John, lord-viscount Purcival, of our kingdom of Ireland, our trusty and well beloved Edward Digby, George Carpenter, James Oglethorpe, George Heathcote, Thomas Tower, Robert Moore, Robert Hucks, Roger Holland, William Sloper, Francis Eyles, John Laroche, James Vernon, William Beletha, esquires, A. M. John Burton, B. D. Richard Bundy, A. M. Arthur Bedford, A. M. Samuel Smith, A. M. Adam Anderson and Thomas Corane, gentlemen; and such other persons as shall be elected in the manner herein after mentioned, and their successors to be elected in the manner herein after directed; be, and shall be one body politic and corporate, in deed and in name, by the name of the Trustees for establishing **the colony of Georgia in America;** and them and their successors by the same name, we do, by these presents, for us, our heirs and successors, really and fully make, ordain, constitute and declare, to be one body politic and corporate in deed and in name forever; and that by the same name, they and their successors, shall and may have perpetual succession; and that they and their successors by that name shall and may forever hereafter, be persons able and capable in the law, to purchase, have, take, receive and enjoy, to them and their successors,

any manors: messuages, lands, tenements, rents, advowsons, liberties, privileges, Jurisdictions, franchises, and other hereditaments whatsoever, lying and being in Great Britain, or any part thereof, of whatsoever nature, kind or quality, or value they be, in fee and in perpetuity, not exceeding the yearly value of one thousand pounds, beyond reprises; also estates for lives, and for years, and all other manner of goods, chattels and things whatsoever they be; for the better settling and supporting, and maintaining the said colony, and other uses aforesaid; and to give, grant, let and demise the said manors, messuages, lands, tenements, hereditaments, goods, chattels and things whatsoever aforesaid, by lease or leases, for term of years, in possession at the time of granting thereof, and not in reversion, not exceeding the term of thirty-one years, from the time of granting thereof; on which in case no fine be taken, shall be reserved the full value, and in case a fine be taken, shall be reserved at least a moiety of the full value that the same shall reasonably and bona fide be worth at the time of such demise; and that they and their successors, by the name aforesaid, shall and may forever hereafter, be persons able, capable in the law, to purchase, have, take, receive, and enjoy, to them and their successors, any lands, territories, possessions, tenements, jurisdictions, franchises and hereditaments whatsoever, lying and being in America, of what quantity, quality or value whatsoever they be, for the better settling and supporting and maintaining the said colony; and that by the name aforesaid they shall and may be able to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended, in all courts and places whatsoever, and before whatsoever judges, justices, and other officers, of us, our heirs and successors, in all and singular actions, plaints, pleas, matters, suits and demands, of what kind, nature or quality soever they be; **and to act and to do, all matters and things in as ample manner and form as any other our liege subjects of this realm of Great Britain,** and that they and their successors forever hereafter, shall and may have a common seal, to serve for the causes and business of them and their successors; and that it shall and may be lawful for them and their successors, to change, break, alter and make new the said seal, from time to time, and at their pleasure, and as they shall think best.

And we do further grant, for us, our heirs and successors, that the aid corporation, and the common council of the said corporation, hereinafter by us appointed, may from time to time, and at all times, meet about their affairs when and where they please, and transact and carry on the business of the said corporation. And for the better execution of the purposes aforesaid, we do, by these presents, for us, our heirs and successors, give & grant to the said corporation, and their successors, that they and their successors forever, may upon the third Thursday in the month of March, yearly, meet at some convenient place to be appointed by the said corporation, or major part of them who shall be present at any meeting of the said corporation, to be had for the appointing of the said place; and that they, or two thirds of such of them, that shall be present at such yearly meeting, and at no other meeting of the said corporation, between the hours of ten in the morning and four in the afternoon of the same day, choose and elect such person or persons to be members of the said corporation, as they shall think beneficial to the good designs of the said corporation. And our further will and pleasure is, that if it shall happen that any person hereinafter by us appointed, as the common council of the said corporation, or any persons to be elected or admitted members of the said common council in the manner hereafter directed, shall die, or shall by writing under his and their hands respectively resign his or their office or offices of common council man or common council men; the said corporation, or the major part of such of them as shall be present, shall and may at such meeting, on the said third Thursday in March yearly, in manner as aforesaid, next after such

death or resignation, and at no other meeting of the said corporation, into the room or place of such person or persons so dead or so resigning, elect and choose one or more such person or persons, being members of the said corporation, as to them shall seem meet; and our will is, that all and every the person or persons which shall from time to time hereafter be elected common council men of the said corporation as aforesaid, do and shall, before he or they act as common men of the said corporation, take an oath for the faithful and due execution of their office; which oath the president of the said corporation for the time being, is hereby authorized and required to administer to such person or persons elected as aforesaid. **And our will and pleasure is, that the first president of the said corporation is and shall be our trusty and well-beloved, the said Lord John Viscount Percival;** and that the said president shall, within thirty days after the passing this charter, cause a summons to be issued to the several members of the said corporation herein particularly named, to meet at such time and place as he shall appoint, to consult about and transact the business of said corporation. And our will and pleasure is, and we, by these presents, for us, our heirs, and successors, grant, ordain, and direct, that the common council of this corporation shall consist of fifteen in number; and we do, by these presents, nominate, constitute, and appoint our right - trusty and well-beloved John Lord Viscount Percival, our trusty and beloved Edward Digby, George Carpenter, James Oglethorpe, George Heathcote, Thomas Laroche, James Vernon, William Beletha, esqrs., and Stephen Hales, Master of Arts, to be the common council of the said corporation, to continue in the said office during their good behavior. And whereas it is our royal intention, that the members of the said corporation should be increased by election, as soon as conveniently may be, to a greater number than is hereby nominated; Our further will and pleasure is, and we do hereby, for us, our heirs and successors, ordain and direct, that from the time of such increase of the members of the said corporation, the number of the said common council shall be increased to twenty-four; and that the same assembly at which such additional members of the said corporation shall be chosen, there shall likewise be elected in the manner hereinbefore directed for the election of common council men, nine persons to be the said common council men, and to make up the number thereof twenty-four. And our further will and pleasure is, that our trusty and well beloved Edward Digby, esquire, shall be the first chairman of the common council of the said corporation; and that the said lord viscount Purcival shall be, and continue, president of the said corporation, and that the said Edward Digby shall be and continue chairman of the common council of the said corporation, respectively, until the meeting which shall be had next and immediately after the first meeting of the said corporation, or of the common council of the said corporation respectively, and no longer; at which said second meeting, and every other subsequent and future meeting of the said corporation or of the common council of the said corporation respectively, in order to preserve an indifferent rotation of the several offices, of president of the corporation, and of chairman of the common council of the said corporation we do direct and ordain that all and every the person and persons, members of the said common council for the time being, and no other, being present at such meetings, shall severally and respectively in their turns, preside at the meetings which shall from time to time be held of the said corporation, or of the common council of the said corporation respectively: and in case any doubt or question shall at any time arise touching or concerning the turn or right of any member of the said common council to preside at any meeting of the said corporation, or at the common council of the said corporation, the same shall respectively be determined by the major part of the said corporation, or of the common council of the said corporation respectively, who shall be present at such meeting. Provided always, that no member of the said common council having served in the offices of

president of the said corporation, or of chairman of the common council of the said corporation, shall be capable of being, or of serving as president or chairman at any meeting of the said corporation, or common council of the said corporation next and immediately ensuing that in which he so served as president of the said corporation or chairman of the said common council of the said corporation respectively; unless it shall so happen that at any such meeting of the said corporation, there shall not be any other member of the said common council present.

And our will and pleasure is, that at all and every of the meetings of the said corporation, or of the common council of the said corporation, the president or chairman for the time being, shall have a voice and shall vote, and shall act as a member of the said corporation or of the common council of the said corporation, at such meeting; and in case of any equality of votes, the said president or chairman for the time being, shall have and exercise a casting vote. And our further will and pleasure is, that no president of the said corporation, or chairman of the common council of the said corporation, or member of the said common council or corporation, by us by these presents appointed, or hereafter from time to time to be elected and appointed in Manner aforesaid, shall have, take, or receive, directly or indirectly, any salary, fee, perquisite, benefit or profit whatsoever, for or by reason of his or their serving the said corporation, or common council of the said corporation, or president, chairman or common councilman, or as being a member of the said corporation. **And our will and pleasure is, that the said herein before appointed president, chairman or common councilmen, before he and they act respectively as such, shall severally take an oath for the faithful and due execution of their trust, to be administered to the president by the Chief Baron of our Court of Exchequer,** for the time being, and by the president of the said corporation to the rest of the common council, who are hereby authorized severally and respectively, to administer the same. And our will and pleasure is, that all and every person and persons, shall have in his or their own name or names, or in the name or names of any person or persons in trust for him or them, or for his or their benefit, any place, office or employment of profit, under the said corporation, shall be incapable of being elected a member of the said corporation; and if any member of the said corporation during such time as he shall continue a member thereof, shall in his own name or in the name of any person or persons, in trust for him or for his benefit, have, hold or exercise, accept, possess or enjoy, any office, place or employment of profit, under the said corporation, or under the common council of the said corporation-such member shall from the time of his having, holding, exercising, accepting possessing and enjoying such office, place and employment of profit, cease to be a member of the said corporation. And we do for us, our heirs and successors, grant unto the said corporation, that they and their successors or the major part of such of them as shall be present at any meeting of the said corporation, convened and assembled for that purpose by a convenient notice thereof, shall have power from time to time, and at all times hereafter, to authorize and appoint such persons as they shall think fit to take subscriptions, and to gather and collect such moneys as shall be by any person or persons contributed for the purposes aforesaid; and shall and may revoke and make void such authorities and appointments, as often as they shall see cause so to do.

And we do hereby for us, our heirs and successors, ordain and direct, that the said corporation shall every year lay an account in writing before the chancellor, or speaker, or commissioners, for the custody of the great seal of Great-Britain, of us, our heirs and successors the Chief Justice of the Court of King's Bench, the Master of Rolls the Chief

Justice of the Court of Common Pleas, and the chief Baron of the Exchequer of us, our heirs and successors for the time being, or any two of them; of all moneys and edects by them received or expended, for the carrying on of the good purposes aforesaid. And we do hereby, for us, our heirs and successors, give and grant unto the said corporation, and their successors, full power and authority to constitute, ordain and make, such and so many by-laws, constitutions, orders and ordinances, as to them, or the greater part of them, at their general meeting for that purpose, shall seem necessary and convenient for the well ordaining and governing of the said corporation; and the said by-laws, constitutions, orders and ordinances, or any of them, to alter and annul, as they or the major part of them then present shall see requisite and in and by such by-laws, rules orders and ordinances, to sell, impose and inflict, reasonable pains and penalties upon any offender or offenders, who shall transgress, break or violate the said by-laws, constitutions, orders and ordinances, so made as aforesaid, and to mitigate the same as they or the major part of them then present shall find cause, which said pains and penalties, shall and may be levied, sued for, taken, retained and recovered, by the said corporation and their successors, by their officers and servants, from time to time, to be appointed for that purpose, by action of debt, or by any other lawful ways or means, to the use and behoof of the said corporation and their successors, all and singular: which bylaws, constitutions, orders and ordinances, so as aforesaid to be made, we will shall be duly observed and kept, under the pains and penalties therein to be contained, so always as the said by-laws, constitutions, orders, and ordinances, pains and penalties, from time to time to be made and imposed, be reasonable and not contrary or repugnant to the laws or statutes of this our realm; and that such by-laws, constitutions and ordinances, pains and penalties, from time to time to be made and imposed; and any repeal or alteration thereof, or any of . them, may be likewise agreed to be established and confirmed by the said general meeting of the said corporation, to be held and kept next after the same shall be respectively made. And whereas the said corporation intend to settle a colony, and to make an habitation and plantation in that part of our province of South-Carolina, in America, herein after described.

Know ye, therefore that we greatly desiring the happy success of the said corporation, for their further encouragement in accomplishing so excellent a work have of our aforesaid grace, certain knowledge and mere motion, given and granted by these presents, for us, our heirs and successors, do give and grant to the said corporation and their Successors under the reservation, limitation and declaration, hereafter expressed, seven undivided parts. the whole in eight equal parts to be divided, of all those lands, countrys and territories, situate, lying and being in that part of South-Carolina, in America, which lies from the most northern part of a stream or river there, commonly called the Savannah, all along the sea coast to the southward, unto the most southern stream of a certain other great water or river called the Alatamaha, and westerly from the heads of the said rivers respectively, in direct lines to the south seas; and all that share, circuit and precinct of land, within the said boundaries, with the islands on the sea, lying opposite to the eastern coast of the said lands, within twenty leagues of the same, which are not inhabited already, or settled by any authority derived from the crown of Great-Britain together with all the soils, grounds, havens, ports, gulfs and bays, mines, as well royal mines of gold and silver, as other minerals, precious stones, quarries, woods, rivers, waters, fishings, as well royal fishings of whale and sturgeon as other fishings, pearls, commodities, jurisdictions, royalties, franchises, privileges and pre-eminences within the said frontiers and precincts thereof and thereunto, in any sort belonging or appertaining, and which we by our letters patent may or can grant, and in as

ample manner and sort as we may or any of our royal progenitors have hitherto granted to any company, body politic or corporate, or to any adventurer or adventurers, undertaker or undertakers, of any discoveries, plantations or traffic, of, in, or unto any foreign parts whatsoever; and in as large and ample manner, as if the same were herein particularly mentioned and expressed: to have, hold, possess and enjoy, the said seven undivided parts, the whole into eight equal parts, to be divided as aforesaid, of all and singular the lands, countries and territories, with all and singular other the premises herein before by these presents granted or mentioned, or intended to be granted to them, the said corporation, and their successors forever, for the better support of the said colony, to be holden of us, our heirs and successors, as of our honour of Hampton-court, in our county of Middlesex in free and common soccage, and not in capite, yielding, and paying therefor to us, our heirs and successors yearly forever, the sum of four shillings for every hundred acres of the said lands, which the said corporation shall grant, demise, plant or settle; the said payment not to commence or to be-made. until ten years after such grant, demise, planting or settling; and to be answered and paid to us, our heirs and successors, in such manner and in such species of money or notes, as shall be current in payment, by proclamation from time to time, in our said province of South-Carolina. **All which lands, countries, territories and premises, hereby granted or mentioned, and intended to be granted, we do by these presents, make, erect and create one independent and separate province, by the name of Georgia, by which name we will, the same henceforth be called. And that all and every person or persons, who shall at any time hereafter inhabit or reside within our said province, shall be, and are hereby declared to be free, and shall not be subject to or be bound to obey any laws, orders, statutes or constitutions, which have been heretofore made, ordered or enacted by, for, or as, the laws, orders, statutes or constitutions of our said province of South-Carolina, (save and except only the commander in chief of the militia, of our said province of Georgia, to our governor for the time being of South-Carolina, in manner hereafter declared;) but shall be subject to, and bound to obey, such laws, orders, statutes and constitutions as shall from time to time be made, ordered and enacted, for the better government of the said province of Georgia, in the manner hereinafter declared**

And we do hereby, for our heirs and successors, ordain, will and establish, that for and during the term of twenty-one years, to commence from the date of these our letters patent, the said corporation assembled for that purpose, **shall and may form and prepare, laws, statutes and ordinances, fit and necessary for and concerning the government of the said colony, and not repugnant to the laws and statutes of England;** and the same shall and may present under their common seal to us, our heirs and successors, in our or their privy council for our or their approbation or disallowance: **and the said laws, statutes and ordinances, being approved of by us, our heirs and successors, in our or their privy council, shall from thence forth be in full force and virtue within our said province of Georgia. And forasmuch as the good and prosperous success of the said colony cannot but chiefly depend, next under the blessing of God, and the support of our royal authority,** upon the provident and good direction of the whole enterprise, and that it will be too great a burthen upon all the members of the said corporation to be convened so often as may be requisite, to hold meetings for the settling, supporting, ordering, and maintaining the said colony; therefore we do will, ordain and establish, that the said common council for the time being, of the said corporation, being assembled for that purpose, or the major part of them, shall from time to time, and at all times hereafter, have full

power and authority to dispose of, extend and apply all the monies and effects belonging to the said corporation, in such manner and ways and by such expenses as they shall think best to conduce to the carrying on and effecting the good purposes herein mentioned and intended; and also shall have full power in the name and on account of the said corporation, and with and under their common seal, to enter under any covenants or contracts, for carrying on and effecting the purposes aforesaid. And our further will and pleasure is, that the said common council for the time being, or the major part of such common council, which shall be present and assembled for that purpose, from time to time, and at all times hereafter, shall and may nominate, constitute and appoint a treasurer or treasurers, secretary or secretaries, and such other officers, ministers and servants of the said corporation as to them or the major part of them as shall be present, shall seem proper or requisite for the good management of their affairs; and at their will and pleasure to displace, remove and put out such treasurer or treasurers, secretary or secretaries, and all such other officers, ministers and servants, as often as they shall think fit so to do; and others in the room, office, place or station of him or them so displaced, remove or put out, to nominate, constitute and appoint; and shall and may determine and appoint, such reasonable salaries, perquisites and other rewards, for their labor, or service of such officers, servants and persons as to the said common council shall seem meet; and all such officers servants and persons shall, before the acting of their respective take an oath to be to them administered by the chairman for the time being of the said common council of the said corporation, who is hereby authorized to administer the same, for the faithful and due execution of their respective offices and places.

And our will and pleasure is, that all and every person and persons. who shall from time to time be chosen or appointed treasurer or treasurers, secretary or secretaries of the said corporation, in manner herein after directed, shall during such times as they shall serve in the said offices respectively, be incapable of being a member of the said corporation. **And we do further of our special grace, certain knowledge and mere motion, for us, our heirs and successors, grant, by these presents, to the said corporation and their successors, that it shall be lawful for them and their officers or agents, at all times hereafter, to transport and convey out of our realm of Great-Britain, or any other of our dominions, into the said province of Georgia, to be there settled all such so many of our loving subjects, or any foreigners that are willing to become our subjects, and live under our allegiance, in the said colony, as shall be willing to go to, inhabit, or reside there, with sufficient shipping, armour, weapons, powder, shot, ordnance, munition, victuals, merchandise and wares, as are esteemed by the wild people; dothing, implements, furniture, cattle, horses, mares, and all other-things necessary for the said colony, and for the use and defence and trade with the people there, and in passing and returning to and from the same. Also we do, for ourselves and successors, declare, by these presents, that all and every the persons which shall happen to be born within the said province, and every of their children and posterity, shall have and enjoy all liberties, franchises and immunities of free denizens and natural born subjects, within any of our dominions, to all intents and purposes, as if abiding and born within this our kingdom of Great-Britain, or any other of our dominions And for the greater ease and encouragement of our loving subjects and such others as shall come to inhabit in our said colony, we do by these presents, for us, our heirs and successors, grant, establish and ordain, that forever hereafter, there shall be a liberty of conscience allowed in the worship of God, to all persons inhabiting, or which shall inhabit or be resident within our said provinces and that all such persons, except papists, shall have a free exercise of**

their religion, so they be contented with the quiet and peaceable enjoyment of the same, not giving offence or scandal to the government. And our further will and pleasure is, and we do hereby for us, our heirs and successors, declare and grant, that it shall and may be lawful for the said common council, or the major part of them assembled for that purpose, in the name of the corporation, and under the common seal, to distribute, convey, assign and set over such particular portions of lands, tenements and hereditaments by these presents granted to the said corporation, unto such our Loving subjects, natural born, denizens or others that shall be willing to become our subjects, and live under our allegiance in the said colony, upon such terms, and for such estates, and upon such rents, reservations and conditions as the same may be lawfully granted, and as to the said common council, or the major part of them so present, shall seem fit and proper. Provided always that no grants shall be made of any part of the said lands unto any person, being a member of the said corporation, or to any other person in trust, for the benefit of any member of the said corporation; and that no person having any estate or interest, in law or equity, in any part of the said lands, shall be capable of being a member of the said corporation, during the continuance of such estate or interest. Provided also, that no greater quantity of lands be granted, either entirely or in parcels, to or for the use, or in trust for any one person, than five hundred acres; and that all grants made contrary to the true intent and meaning hereof, shall be absolutely null and void.

And we do hereby grant and ordain, that such person or persons, for the time being as shall be thereunto appointed by the said corporation, shall and may at all times, and from time to time hereafter, have full power and authority to administer and give the oaths, appointed by an act of parliament, made in the first year of the reign of our late royal father, to be taken instead of the oaths of allegiance and supremacy; and also the oath of abjuration, to all and every person and persons which shall at any time be inhabiting or residing within our said colony; and in like cases to administer the solemn affirmation to any of the persons commonly called quakers, in such manner as by the laws of our realm of Great-Britain, the same may be administered. And we do, of our further grace, certain knowledge and mere motion, grant, establish and ordain, for us our heirs and successors, that the said corporation and their successors, shall have full power and authority, for and during the term of twenty-one years, to commence from the date of these our letters patent, to erect and constitute judicatories and courts of record, or other courts, to be held in the name of us, our heirs and successors for the hearing and determining of all manner of crimes, offences, pleas, processes, complaints, actions, matters, causes and things whatsoever, arising or happening, within the said province of Georgia, or between persons of Georgia; whether the same be criminal or civil, and whether the said crimes be capital or not capital, and whether the said pleas be real, personal or mixed: and for awarding and making out executions thereupon; to which courts and judicatories, we do hereby, for us, our heirs and successors, give and grant full power and authority, from time to time, to administer oaths for the discovery of truth in any matter in controversy, or depending before them, or the solemn affirmation, to any of the persons commonly called quakers, in such manner, as by the laws of our realm of Great-Britain, the same may be administered.

And our further will and pleasure is, that the said corporation and their successors, do from time to time and at all times hereafter, register or cause to be registered, all such leases, grants, plantings, conveyances, settlements, and improvements whatsoever, as shall at any time hereafter be made by, or in the name of the said corporation, or any lands, tenements or hereditaments

within the said province; and shall yearly send and transmit, or cause to be sent or transmitted, authentic accounts of such leases, grants, conveyances, settlements and improvements respectively, unto the auditor of the plantations for the time being, or his deputy, and also to our surveyor for the time being of our said province of South-Carolina; to whom we do hereby grant full power and authority from time to time, as often as need shall require, to inspect and survey, such of the said lands and premises, as shall be demised, granted and settled as aforesaid: which said survey and inspection, we do hereby declare, to be intended to ascertain the quitrents which shall from time to time become due to us, our heirs and successors according to the reservation herein before mentioned, and for no other purposes whatsoever; hereby for us, our heirs and successors, strictly enjoining and commanding, that neither our or their surveyor, or any person whatsoever, under the pretext and colour of making the said survey or inspection, shall take, demand or receive, any gratuity, fee or reward, to or from, any person or persons, inhabiting in the said colony, or from the said corporation or common council thereof, on the pain of forfeiture of the said office or offices, and incurring our highest displeasure. Provided always, and our further will and pleasure is, that all leases, grants and conveyances to be made by or in the name of the said corporation, of any lands within the said province, or a memorial containing the substance and effect thereof, shall be registered with the auditor of the said plantations, of us, our heirs and successors, within the space of one year, to be computed from the date thereof, otherwise the same shall be void.

And our further will and pleasure is, that the rents, issues and all other profits, which shall at any time hereafter come to the said corporation, or the major part of them which shall be present at any meeting for that purpose assembled, shall think will most improve and enlarge the said colony, and best answer the good purposes herein before mentioned, and for defraying all other charges about the same. And our will and pleasure is, that the said corporation and their successors, shall from time to time give in to one of the principal secretaries of state, and to the commissioners of trade and plantations, accounts of the progresses of the said colony. And our will and pleasure is that no act done at any meeting of the said common council of the said corporation, shall be effectual and valid, unless eight members at least of the said common council, including the member who shall serve as chairman at the said meeting, be present, and the major part of them consenting thereunto. And our will and pleasure is, that the common council of the said corporation for the time being, or the major part of them who shall be present, being assembled for that purpose, shall from time to time, for, and during, and unto the full end and expiration of twenty-one years, to commence from the date of these our letters patent, have full power and authority to nominate, make, constitute and commission, ordain and appoint, by such name or names, style or styles, as to them shall seem meet and fitting, all and singular such governors, judges, magistrates, ministers and officers, civil and military, both by sea and land, within the said districts, as shall by them be thought fit and needful to be made or used for the said government of the said colony; save always, and except such offices only as shall by us, our heirs and successors, be from time to time constituted and appointed, for the managing collecting and receiving such revenues, as shall from time to time arise within the said province of Georgia, and become due to us, our heirs and successors.

Provided always, and it is our will and pleasure, that every governor of the said province of Georgia, to be appointed by the common council of the said corporation, before he shall enter upon or execute the said office of governor, shall be approved by us, our heirs or successors, and

shall take such oaths, and shall qualify himself in such manner, in all respects, as any governor or commander in chief of any of our colonies or plantations in America, are by law required to do; and shall give good and sufficient security for observing the several acts of parliament relating to trade and navigation, and to observe and obey all instructions that shall be sent to him by us, our heirs and successors, or any acting under our or their authority, pursuant to the said acts, or any of them. And we do by these presents for us, our heirs and successors, will, grant and ordain, that the said corporation and their successors, shall have full power for and during and until the full end and term of twenty-one years, to commence from the date of these our letters patent, by any commander or other officer or officers, by them for that purpose from time to time appointed, to train and instruct, exercise and govern a militia, for the special defence and safety of our said colony, to assemble in martial array, the inhabitants of the said colony, and to lead and conduct them, and with them to encounter, expulse, repel, resist and pursue by force of arms, as well by sea as by land, within or without the limits of our said colony; and also to kill, slay and destroy, and conquer by all fitting ways, enterprises and means whatsoever, all and every such person or persons as shall at any time hereafter, in any hostile manner, attempt or enterprise the destruction, invasion, detriment or annoyance of our said colony; and to use and exercise the martial law in time of actual war and invasion or rebellion, in such cases, where by law the same may be used or exercised; and also from time to time to erect forts, and fortify any place or places within our said colony, and the same to furnish with all necessary ammunition, provisions and stores of war, for offence and defence, and to commit from time to time the custody or government of the same, to such person or persons as to them shall seem meet: and the said forts and fortifications to demolish at their pleasure; and to take and surprise, by all ways and means, all and every such person or persons, with their ships, arms, ammunition and other goods, as shall in an hostile manner, invade or attempt the invading, conquering or annoying of our said colony. And our will and pleasure is, and we do hereby, for us, our heirs and successors, declare and grant, that the governor and commander in chief of the province of South-Carolina, of us, our heirs and successors, for the time being, shall at all times hereafter have the chief command of the militia of our said province, hereby erected and established; and that such militia shall observe and obey all orders and directions, that shall from time to time be given or sent to them by the said governor or commander in chief; any thing in these Presents before contained to the contrary hereof, in any wise notwithstanding. And, of our more special grace, certain knowledge and mere motion, we have given and granted, and by these presents, for us, our heirs and successors, do give and grant, unto the said corporation and their successors, full power and authority to import and export their goods, at and from any port or ports that shall be appointed by us, our heirs and successors, within the said province of Georgia, for that purpose, without being obliged to touch at any other port in South-Carolina. And we do, by these presents, for us, our heirs and successors, will and declare, that from and after the termination of the said term or twenty-one years, such form of government and method of making laws, statutes and ordinances, for the better governing and ordering the said province of Georgia, and the inhabitants thereof, shall be established and observed within the same, as we, our heirs and successors, shall hereafter ordain and appoint, and shall be agreeably to law; and that from and after the determination of the said term of twenty-one Years, the governor of our said province of Georgia, and all officers civil and military, within the same, shall from time to time be nominated and constituted, and appointed by us, our heirs and successors. And lastly, we do hereby, for us, our heirs and successors, grant unto the said corporation and their successors, that these our letters patent, or the enrolments or exemplification thereof, shall be in and by all things

good, firm, valid, sufficient and effectual in the law, according to the true intent and meaning thereof, and shall be taken, construed and adjudged, in all courts and elsewhere in the most favorable and beneficial sense, and for the best advantage of the said corporation and their successors any omission, imperfection, defect, matter or cause, or thing whatsoever to the contrary, in any wise notwithstanding. In witness, whereof we have caused these our letters to be made patent: witness ourself at Westminster, the ninth day of June. in the fifth year of our reign.

By writ of privy-seal.

COOKS.