

[[Colonial Charters, Grants and Related Documents. \(1492-1778\)](#). General, CT, DE, GA, ME, MD, MA, NH, NJ, NY, NC, PA, RI, SC, VT, VA. Yale Law School. Source: https://avalon.law.yale.edu/subject_menus/statech.asp]

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Colonial Charters, Grants and Related Documents

General Charters

Connecticut	Delaware	Georgia	Maine
Maryland	Massachusetts	New Hampshire	New Jersey
New York	North Carolina	Pennsylvania	Rhode Island
South Carolina	Vermont	Virginia	

General Charters

- [1492 - Priviledges and Prerogatives Granted by Their Catholic Majesties to Christopher Columbus; April 30](#)
- [1498 - The Letters Patents of King Henry the Seventh Granted unto Iohn Cabot and his Three Sonnes, Lewis, Sebastian and Sancius for the the Discoverie of New and Unknown Lands; March 5](#)
- [1578 - Letters Patent to Sir Humfrey Gylberte June 11](#)
- [1584 - Charter to Sir Walter Raleigh; March 25](#)
- [1603 - Charter of Acadia Granted by Henry IV of France to Pierre du Gast, Sieur de Monts; December 18](#)
- [1614 - General Charter for Those who Discover Any New Passages, Havens, Countries, or Places; March 27](#)
- [1614 - Grant of Exclusive Trade to New Netherland by the States-General of the United Netherlands; October 11](#)
- [1619/20 - Petition for a Charter of New England by the Northern Company of Adventurers; March 3](#)
- [1621 - Charter of the Dutch West India Company; June 3](#)
- [1624 - Warrant for William Ussling to Establish a General Company for Trade to Asia, Africa, America and Magellanica; December 21](#)
- [1626 - Charter of Privileges which Gustavus Adolphus Has Graciously Given by Letters Patent to the Newly Established Swedish South Company; June 14](#)
- [1629 - Grant of Land North of the Saco River to Thomas Lewis and Richard Bonighton by the Council for New England; February 12](#)
- [1629 - Sir Robert Heath's Patent 5 Charles 1st; October, 30](#)
- [1634 - Royal Commission for Regulating Plantations; April 28](#)
- [1635 - Declaration for Resignation of the Charter by the Council for New England; April 25](#)
- [1635 - Confirmation of the Grant from the Council for New England to Captain John Mason](#)
- [1637 - Proclamation Against the Disorderly Transporting His Majesty's subjects to the Plantations Within the Parts of America; April 30](#)
- [1637 - Commission to Sir Ferdinando Gorges as Governor of New England by Charles : July 23](#)

Connecticut

- [1639 - Fundamental Orders; January 14](#)
- [1639 - Fundamental Agreement, or Original Constitution of the Colony of New Haven, June 4](#)
- [1643 - Government of New Haven Colony](#)
- [1662 - Charter of Connecticut](#)

Delaware

- [1701 - Charter of Delaware](#)
- [1776 - Constitution of Delaware](#)

Georgia

[1732 - Charter of Georgia](#)

- [1777 - Constitution of Georgia; February 5](#)

Maine

- [1622 - A Grant of the Province of Maine to Sir Ferdinando Gorges and John Mason, esq., 10th of August](#)
- [1639 - Grant of the Province of Maine](#)
- [1664 - Grant of the Province of Maine](#)
- [1674 - Grant of the Province of Maine](#)

Maryland

- [1632 - Charter of Maryland](#)
- [1776 - Constitution of Maryland; November 11](#)
- [Amendments to the Maryland Constitution of 1776](#)

Massachusetts

- [1620 - The Charter of New England](#)
- [1620 - Agreement Between the Settlers at New Plymouth](#)
- [1629 - Charter of the Colony of New Plymouth Granted to William Bradford and His Associates](#)
- [1629 - The Charter of Massachusetts Bay](#)
- [1635 - The Act of Surrender of the Great Charter of New England to His Majesty](#)
- [1640 - William Bradford, &c. Surrender of the Patent of Plymouth Colony to the Freeman, March 20](#)
- [1688 - Commission of Sir Edmund Andros for the Dominion of New England, April 7](#)
- [1691 - The Charter of Massachusetts Bay, October 7](#)
- [1725 - Explanatory Charter of Massachusetts Bay - August 26](#)

New Hampshire

- [1629 - Grant of Hampshire to Capt. John Mason, 7th of Novemr.](#)
- [1629 - Grant of Laconia to Sir Ferdinando Gorges and Captain John Mason by the Council for New England; November 17](#)
- [1635 - Grant of the Province of New Hampshire to John Wollaston, Esq.,](#)
- [1635 - Grant of the Province of New Hampshire From Mr. Wollaston to Mr. Mason, 11th June](#)
- [1635 - Grant of the Province of New Hampshire to Mr. Mason, 22 April, By the Name of Masonia](#)
- [1635 - Grant of the Province of New Hampshire to Mr. Mason, 22 Apr., By the Name of New Hampshire](#)
- [1635 - Grant of His Interest in New Hampshire by Sir Ferdinando Gorges to Captain John Mason; September 17](#)
- [1639 - Agreement of the Settlers at Exeter in New Hampshire](#)
- [1641 - The Combinations of the Inhabitants Upon the Piscataqua River for Government](#)
- [1680 - Commission of John Cutt](#)
- [1776 - Constitution of New Hampshire](#)

New Jersey

- [1664 - The Duke of York's Release to John Ford Berkeley, and Sir George Carteret, 24th of June](#)
- [1664 - The Concession and Agreement of the Lords Proprietors of the Province of New Caesarea, or New Jersey, to and With All and Every the Adventurers and All Such as Shall Settle or Plant There](#)
- [1672 - A Declaration of the True Intent and Meaning of us the Lords Proprietors, and Explanation of There Concessions Made to the Adventurers and Planters of New Caesarea or New Jersey](#)
- [1674 - His Royal Highness's Grant to the Lords Proprietors, Sir George Carteret, 29th July](#)
- [1676 - The Charter or Fundamental Laws, of West New Jersey, Agreed Upon](#)
- [1676 - Quintipartite Deed of Revision, Between E. and W Jersey: July 1st](#)
- [1680 - Duke of York's Second Grant to William Penn, Gawn Lawry, Nicholas Lucas, John Eldridge, Edmund Warner, and Edward Byllynge, for the Soil and](#)

[Government of West New Jersey-August 6](#)

- [1681 - Province of West New-Jersey, in America, The 25th of the Ninth Month Called November](#)
- [1682 - Duke of York's Confirmation to the 24 Proprietors: 14th of March](#)
- [1683 - The Fundamental Constitutions for the Province of East New Jersey in America](#)
- [1683 - The King's Letter Recognizing the Proprietors' Right to the Soil and Government](#)
- [1702 - Surrender from the Proprietors of East and West New Jersey, of Their Pretended Right of Government to Her Majesty](#)
- [1709 - The Queen's Acceptance of the Surrender of Government: April 17](#)
- [1712 - Charles II's Grant of New England to the Duke of York, 1676 - Exemplified by Queen Anne](#)
- [1776 - Constitution of New Jersey](#)

New York

- [1626 - Notification of the Purchase of Manhattan by the Dutch: November 5](#)
- [1777 - The Constitution of New York : April 20](#)

North Carolina

- [1663 - Charter of Carolina : March 24](#)
- [1663 - A Declaration and Proposals of the Lord Proprietor of Carolina, Aug. 25-Sept. 4](#)
- [1665 - Concessions and Agreements of the Lords Proprietors of the Province of Carolina](#)
- [1665 - Charter of Carolina: June 30](#)
- [1669 - The Fundamental Constitutions of Carolina : March 1](#)
- [1775 - The Mecklenburgh Resolutions : May 20](#)
- [1776 - Constitution of North Carolina : December 18](#)

Pennsylvania

- [1681 - Charter for the Province of Pennsylvania : February 28](#)
- [1681 - Concessions to the Province of Pennsylvania - July 11.](#)
- [1682 - Penn's Charter of Libertie - April 25](#)
- [1682 - Frame of Government of Pennsylvania - May 5](#)
- [1683 - Frame of Government of Pennsylvania - February 2](#)
- [1696 - Frame of Government of Pennsylvania](#)
- [1701 - Charter of Privileges Granted by William Penn, esq. to the Inhabitants of Pennsylvania and Territories, October 28](#)
- [1776 - Constitution of Pennsylvania - September 28](#)

Rhode Island

- [1640 - Plantation Agreement at Providence August 27 - September 6](#)
- [1641 - Government of Rhode Island-March 16-19](#)
- [1643 - Patent for Providence Plantations - March 14](#)
- [1663 - Charter of Rhode Island and Providence Plantations - July 15](#)

South Carolina

- [1776 - Constitution of South Carolina - March 26](#)
- [1778 - Constitution of South Carolina - March 19](#)

Vermont

- [1777 - Constitution of Vermont - July 8](#)
- [1786 - Constitution of Vermont - July 4](#)
- [1791 - Admission of the State of Vermont - February 18](#)

Virginia

[1606 - The First Charter of Virginia: April 10](#)

- [1609 - The Second Charter of Virginia: May 23](#)
- [1611 - The Third Charter of Virginia: March 12](#)
- [1621 - Ordinances for Virginia: July 24-August 3](#)

Document Collections

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Document Collections
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Major Document Collections

- [African-Americans - Biography, Autobiography and History](#)
- [The American Constitution - A Documentary Record](#)
- [American Diplomacy : Bilateral Treaties 1778 - 1999](#)
- [American Diplomacy : Multilateral Treaties 1864 - 1999](#)
- [American History : A Chronology 1492-Present](#)
- [American Revolution - A Documentary Record](#)
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- [The Barbary Treaties 1816-1836](#)
- [Belgian-American Diplomacy](#)
- [Blackstone's Commentaries on the Laws of England : 1765-1769](#)
- [Bolivian-American Diplomacy](#)
- [Brazilian-American Diplomacy 1829 -](#)
- [British-American Diplomacy 1782 -](#)
- [Chilean-American Diplomacy 1832 -](#)
- [Chinese-American Diplomacy](#)
- [The Cold War](#)
- [Cold War Diplomacy - Defense Treaties of the United States](#)
- [Colonial Charters, Grants and Related Documents](#)
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- [Inaugural Addresses of the Presidents](#)

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- [Journals of the Continental Congress 1774-1789 : Selected Documents](#)
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- [Madison's Notes on Debates in the Federal Convention of 1787](#)
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- [Texas - From Independence to Annexation 1836-1846](#)
- [Treaties Between The United States and Native Americans](#)
- [United Nations - Documents](#)
- [The United States and the Soviet Union - The Airplane Incidents 1950-1960](#)
- [The United States, Southeast Asia and the Pacific Area 1950 -1999](#)
- [United States Statutes](#)
- [United States Statutes Concerning Native Americans](#)
- [United States Statutes Concerning Slavery](#)
- [Western European Security and Co-operation: 1948 -](#)
- [World War II - Documents: 1940-1945](#)

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Ancient Documents : 4000bce - 399

- [Acilian Law on the Right to Recovery of Property Officially Extorted, 122 B.C.](#)
- [Agrarian Law; 111 B.C.](#)
- [The Athenian Constitution](#)
- [Charter of Urso, 44 B.C.](#)
- [Code of Hammurabi](#)
- [Edicts of Augustus and Decree of the Senate on the Judicial Process in Cyrene, 64 B.C.](#)
- [Julian Law on Agrarian Matters, 58\(?\) B.C.](#)
- [Law of Caesar on Municipalities, 44 B.C.](#)
- [The Twelve Tables; 450BC](#)

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Medieval Documents : 400 - 1399

- [Anglo-Saxon Chronicle](#)
- [Anglo-Saxon Law - Extracts From Early Laws of the English.](#)
- [Assize of Clarendon, 1166](#)
- [The Bull of Pope Adrian IV Empowering Henry II to Conquer Ireland. A.D. 1155](#)
- [Capitulary of Charlemagne Issued in the Year 802](#)
- [Confirmation of the Charters, 1297](#)
- [Constitutions of Clarendon, 1164](#)
- [Count Palatinate as Judge Over the Kings. Decree of the Nuremberg Diet, November 19, 1274](#)
- [The Declaration of Arbroath; April 6, 1320](#)
- [Decree of the Emperor Henry IV Concerning a Truce of God \(1085 A.D.\)](#)
- [The Dialogue Concerning the Exchequer. circa 1180](#)
- [The Establishment of the Duchy of Austria; September 17, 1156](#)
- [The Foundation of the University of Heidelberg AD. 1386](#)
- [The Gelnhausen Charter; April 13, 1180 A.D.](#)
- [The Golden Bull of the Emperor Charles IV 1356 A.D.](#)
- [Laws of Richard I \(Coeur de Lion\) Concerning Crusaders Who Were to Go by Sea. 1189 A.D.](#)
- [Laws of the Kings, 753 - 510 B.C.](#)
- [Laws of William the Conqueror](#)
- [Magna Carta, 1215](#)
- [The Manner of Holding Parliament](#)
- [History Of The Britons \(Historia Brittonum\) by Nennius Translated by J. A. Giles](#)
- [The Ordinance of Louis the Pius - Division of the Empire of the Year 817](#)
- [Ordinance of William I, Separating the Spiritual and Temporal Courts.](#)
- [Peace of the Land Established by Frederick Barbarossa Between 1152 and 1157 A.D.](#)
- [The Salic Law](#)
- [Statute of Edward I Concerning the Buying and Selling of Land \(Quai emptoires\): 1290](#)
- [The Statute of Laborers: 1351](#)
- [Statute of Mortmain; November 15, 1279](#)
- [Treaty at Aix Between Louis II and Charles the Bald Concerning the Division of the Kingdom of Lothar II A.D. 870.](#)

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15th Century Documents : 1400 - 1499

- [Compact between Spain and Portugal, signed by the Catholic Sovereigns at Madrid, May 7, 1495](#)
- [The Letters Patents of King Henry the Seventh Granted unto John Cabot and his Three Sonnes, Lewis, Sebastian and Sancius for the the Discoverie of New and Unknowen Lands; March 5, 1498](#)
- [Privileges and Prerogatives Granted by Their Catholic Majesties to Christopher Columbus : April 30, 1492](#)
- [Treaty Between Spain and Portugal, Concluded at Alcacovas, September 4, 1479](#)
- [Treaty Between Spain and Portugal concluded at Tordesillas; June 7, 1494](#)

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16th Century Documents : 1500 - 1599

- [Charter to Sir Walter Raleigh : March 25, 1584](#)
- [A Discourse Upon Coins by Bernardo Davanzati : 1588](#)
- [Letters Patent to Sir Humfrey Gylberte June 11, 1578](#)
- [Treaty between Spain and Portugal, concluded at Vitoria: February 19, 1524](#)

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17th Century Documents : 1600 - 1699

- [The Act of Surrender of the Great Charter of New England to His Majesty : June 7, 1635](#)
- [Agreement of the Settlers at Exeter in New Hampshire, August 4, 1639](#)
- [The American Constitution - A Documentary Record](#)
- [The Articles of Confederation of the United Colonies of New England; May 19 1643](#)
- [Brief Observations Concerning Trade and Interest of Money by Josiah Childs : 1668](#)
- [Charter for the Province of Pennsylvania : February 28, 1681](#)
- [Charter of Acadia Granted by Henry IV of France to Pierre du Gast, Sieur de Monts; December 18, 1603](#)
- [Charter of Carolina : March 24, 1663](#)
- [Charter of Carolina : June 30, 1665](#)
- [Charter of Connecticut - April 23, 1662](#)
- [Charter of Maryland : June 20, 1632](#)
- [Charter of Massachusetts Bay : March 4, 1629](#)
- [Charter of Massachusetts Bay : October 7, 1691](#)
- [Charter of New England : November 3, 1620](#)
- [Charter of Privileges which Gustavus Adolphus Has Graciously Given by Letters Patent to the Newly Established Swedish South Company; June 14, 1626](#)
- [Charter of Rhode Island and Providence Plantations - July 15, 1663](#)
- [Charter of the Colony of New Plymouth Granted to William Bradford and His Associates : 1629](#)
- [Charter of the Dutch West India Company : June 3, 1621](#)
- [The Charter or Fundamental Laws, of West New Jersey, Agreed Upon - 1676](#)
- [The Combinations of the Inhabitants Upon the Piscataqua River for Government, October 22, 1641](#)
- [Commission of John Cutt, September 18, 1680](#)
- [Commission of Sir Edmund Andros for the Dominion of New England. April 7, 1688](#)
- [Commission to Sir Ferdinando Gorges as Governor of New England by Charles : July 23, 1637](#)
- [Concessions and Agreements of the Lords Proprietors of the Province of Carolina, 1665](#)
- [The Concession and Agreement of the Lords Proprietors of the Province of New Caesarea, or New Jersey, to and With All and Every the Adventurers and All Such as Shall Settle or Plant There - February 10 1664](#)
- [Concessions to the Province of Pennsylvania - July 11, 1681](#)
- [Confirmation of the Grant from the Council for New England to Captain John Mason; 1635](#)
- [A Declaration and Proposals of the Lord Proprietor of Carolina, Aug. 25-Sept. 4, 1663](#)
- [Declaration for Resignation of the Charter by the Council for New England; April 25, 1635](#)
- [A Declaration of the True Intent and Meaning of us the Lords Proprietors, and Explanation of There Concessions Made to the Adventurers and Planters of New Caesarea or New Jersey - December 6, 1672](#)
- [Discourses Upon Trade by Dudley North : 1691](#)

- [Duke of York's Confirmation to the 24 Proprietors: 14th of March 1682](#)
- [The Duke of York's Release to John Ford Berkeley, and Sir George Carteret, 24th of June, 1664](#)
- [Duke of York's Second Grant to William Penn, Gawn Lawry, Nicholas Lucas, John Eldridge, Edmund Warner, and Edward Byllynge, for the Soil and Government of West New Jersey-August 6, 1680](#)
- [English Bill of Rights, 1689](#)
- [An Essay on the East-India Trade by Charles D'Avenant : 1697](#)
- [The First Charter of Virginia; April 10, 1606](#)
- [Frame of Government of Pennsylvania - May 5, 1682](#)
- [Frame of Government of Pennsylvania - February 2, 1683](#)
- [Frame of Government of Pennsylvania - November 1, 1696](#)
- [Fundamental Agreement, or Original Constitution of the Colony of New Haven, June 4, 1639](#)
- [The Fundamental Constitutions for the Province of East New Jersey in America, Anno Domini 1683](#)
- [The Fundamental Constitutions of Carolina : March 1, 1669](#)
- [Fundamental Orders of January 14, 1639](#)
- [Further Considerations Concerning Raising the Value of Money by John Locke](#)
- [General Charter for Those who Discover Any New Passages, Havens, Countries, or Places; March 27, 1614](#)
- [Government of New Haven Colony; October 27-November 6, 1643](#)
- [Government of Rhode Island-March 16-19, 1641](#)
- [Grant of Exclusive Trade to New Netherland by the States-General of the United Netherlands; October 11, 1614](#)
- [Grant of His Interest in New Hampshire by Sir Ferdinando Gorges to Captain John Mason; September 17, 1635](#)
- [Grant of Hampshire to Capt. John Mason, 7th of Novemr., 1629](#)
- [Grant of Laconia to Sir Ferdinando Gorges and Captain John Mason by the Council for New England; November 17, 1629](#)
- [Grant of Land North of the Saco River to Thomas Lewis and Richard Bonighton by the Council for New England; February 12, 1629](#)
- [A Grant of the Province of Maine to Sir Ferdinando Gorges and John Mason, esq., 10th of August, 1622](#)
- [Grant of the Province of Maine : April 3, 1639](#)
- [Grant of the Province of Maine : March 12, 1664](#)
- [Grant of the Province of Maine : June 29, 1674](#)
- [Grant of the Province of New Hampshire From Mr. Wollaston to Mr. Mason, 11th June, 1635](#)
- [Grant of the Province of New Hampshire to John Wollaston, Esq., AN. April 18, 1635](#)
- [Grant of the Province of New Hampshire to Mr. Mason, 22 April 1635, By the Name of Masonia](#)
- [Grant of the Province of New Hampshire to Mr. Mason, 22 Apr., 1635, By the Name of New Hampshire](#)
- [His Royal Highness's Grant to the Lords Proprietors, Sir George Carteret, 29th July, 1674](#)
- [The King's Letter Recognizing the Proprietors' Right to the Soil and Government ; November 23, 1683](#)
- [Mayflower Compact; November 11, 1620](#)
- [Notification of the Purchase of Manhattan by the Dutch; November 5, 1626](#)
- [Ordinances for Virginia; July 24-August 3, 1621](#)
- [Patent for Providence Plantations - March 14, 1643](#)
- [Penn's Charter of Libertie - April 25, 1682](#)
- [Petition for a Charter of New England by the Northern Company of Adventurers; March 3, 1619/20](#)

Plantation Agreement at Providence August 27 - September 6, 1640

- [Proclamation Against the Disorderly Transporting His Majesty's subjects to the Plantations Within the Parts of America: April 30, 1637](#)
- [Province of West New-Jersey, in America, The 25th of the Ninth Month Called November. 1681](#)
- [Quintipartite Deed of Revision, Between E. and W Jersey: July 1st, 1676](#)
- [Resolutions of The Germantown Mennonites: February 18, 1688](#)
- [Royal Commission for Regulating Plantations: April 28, 1634](#)
- [The Second Charter of Virginia: May 23, 1609](#)
- [Short Observations on a Printed Paper, Entitled "For encouraging the coining Silver Money in England, and after for keeping it here." by John Locke](#)
- [Sir Robert Heath's Patent 5 Charles 1st: October, 30 1629](#)
- [The Third Charter of Virginia: March 12, 1611](#)
- [Treaty of Westphalia: October 24, 1648](#)
- [Warrant for William Ussling to Establish a General Company for Trade to Asia, Africa, America and Magellanica: December 21, 1624](#)
- [William Bradford, &c. Surrender of the Patent of Plymouth Colony to the Freeman, March 2D, 1640](#)

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Avalon Home	Document Collections	Ancient 4000bce - 399	Medieval 400 - 1399	15th Century 1400 - 1499	16th Century 1500 - 1599	17th Century 1600 - 1699	18th Century 1700 - 1799	19th Century 1800 - 1899	20th Century 1900 - 1999	21st Century 2000 -
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18th Century Documents : 1700 - 1799

- [An Act for the Gradual Abolition of Slavery - Pennsylvania; March 1, 1780](#)
- [An Act Repealing the Stamp Act; March 18, 1766](#)
- [The Administration of Justice Act; May 20, 1774](#)
- [Albany Plan of Union 1754](#)
- [Alexander Hamilton's Opinion as to the Constitutionality of the Bank of the United States, 1791](#)
- [Algeria : Treaty of Peace and Amity September 5, 1795](#)
- [The Alien Act - An Act Respecting Alien Enemies : July 6, 1798](#)
- [The Alien and Sedition Acts : 1798](#)
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- [The Annapolis Convention; September 11, 1786](#)
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- [Articles of Capitulation; October 18, 1781](#)
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- [Articles of Convention Between Lieutenant-General Burgoyne and Major General Gates; October 16, 1777](#)
- [Association of the Sons of Liberty in New York; December 15, 1773](#)
- [The Association of the Virginia Convention; August 1-6, 1774](#)
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- [Boston Non-Importation Agreement, August 1, 1768](#)
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- [Charles II's Grant of New England to the Duke of York, 1676 - Exemplified by Queen Anne; 1712](#)
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- [The Charlotte Town Resolves; May 31, 1775](#)
- [Charter of Delaware - October 28, 1701](#)
- [Charter of Georgia : June 9, 1732](#)
- [Charter of Privileges Granted by William Penn, esq. to the Inhabitants of Pennsylvania and Territories, October 28, 1701](#)
- [Chronology of American History](#)
- [Circular Letter of the Boston Committee of Correspondence; May 13, 1774](#)
- [Circular Letter to the Governors in America; April 21, 1768](#)
- [Circular Letter of the Secretary of Congress, Dated September 28, 1787, Transmitting Copy of the Constitution to the Several Governors.](#)

- [Colonial Charters, Grants and Related Documents](#)
- [Connecticut Resolutions on the Stamp Act: December 10, 1765](#)
- [Constitution of Delaware: September 21, 1776](#)
- [Constitution of Georgia: February 5, 1777](#)
- [Constitution of Maryland: November 11, 1776](#)
- [Constitution of New Hampshire - January 5, 1776](#)
- [Constitution of New Jersey: July 2, 1776](#)
- [Constitution of New York : April 20, 1777](#)
- [Constitution of North Carolina : December 18, 1776](#)
- [Constitution of Pennsylvania - September 28, 1776](#)
- [Constitution of South Carolina - March 26, 1776](#)
- [Constitution of South Carolina - March 19, 1778](#)
- [Constitution of the United States - 1787](#)
- [Constitution of Vermont - July 8, 1777](#)
- [Constitution of Vermont - July 4, 1786](#)
- [The Constitution of Virginia: June 29, 1776](#)
- [Contract Between the King and the Thirteen United States of North America, signed at Versailles July 16, 1782](#)
- [Contract between the King and the Thirteen United States of North America February 25, 1783](#)
- [Convention Defining and Establishing the Functions and Privileges of Consuls and Vice Consuls, signed at Versailles November 14, 1788.](#)
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- [Declaration of the Commissioners under Article 5 of the Jay Treaty October 25, 1798](#)
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- [Draft Constitution for Virginia: June 1776](#)
- [Exchange of Notes Referring to Articles 2 and 3 of the Treaty of Amity and Commerce with France of February 6, 1778](#)
- [Explanatory Article to Article 3 of the Jay Treaty May 5, 1796](#)
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- [Explanatory Charter of Massachusetts Bay - August 26, 1725](#)
- [The Federalist Papers](#)
- [France : Treaties of 1778 and Associated Documents](#)
- [Franco-American Diplomacy](#)
- [George Washington : Papers](#)
- [Gervaise, Isaac: The System or Theory of the Trade of the World : 1720](#)
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- [James Madison : Papers](#)
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- [The Jefferson Papers](#)
- [Jefferson's Opinion on the Constitutionality of a National Bank, 1791](#)
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- [The Judiciary Act: September 24, 1789](#)
- [Kentucky Resolutions : Draft - October 1798](#)
- [Kentucky Resolution - 1799](#)
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- [Letter from the New York Committee of Fifty-One to the Boston Committee of Correspondence: May 23, 1774](#)
- [Letter of the President of the Federal Convention, Dated September 17, 1787, to the President of Congress, Transmitting the Constitution.](#)
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- [The Massachusetts Government Act: May 20, 1774](#)
- [The Mecklenburgh Resolutions : May 20, 1775](#)
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- [Massachusetts Circular Letter to the Colonial Legislatures: February 11, 1768](#)
- [Money and Trade Considered With a Proposal for Supplying the Nation with Money by John Law 1705](#)
- [Morocco - Treaty of Treaty of Peace and Friendship : 1786](#)
- [Native Americans : Statutes of the United States](#)
- [Native Americans : Treaties with the United States](#)
- [New Hampshire Constitution - January 5, 1776](#)
- [New York Merchants Non-importation Agreement: October 31, 1765](#)
- [Northwest Ordinance: July 13, 1787](#)
- [Notes of Alexander Hamilton in the Federal Convention of 1787](#)
- [Notes of Major William Pierce \(Georgia\) in the Federal Convention of 1787](#)
- [Notes of Rufus King in the Federal Convention of 1787](#)
- [Notes of William Paterson in the Federal Convention of 1787](#)
- [Notes on Debates in the Federal Convention of 1787 Reported by James Madison](#)
- [Notes of the Secret Debates of the Federal Convention of 1787, Taken by the Late Hon Robert Yates, Chief Justice of the State of New York, and One of the Delegates from That State to the Said Convention](#)
- [Papers of Dr. James McHenry on the Federal Convention of 1787](#)
- [Papers of the Presidents of the United States](#)
- [The Paris Peace Treaty 1783 and Associated Documents](#)
- [Patrick Henry - Give Me Liberty Or Give Me Death: March 23, 1775](#)
- [Petition from the Massachusetts House of Representatives to the House of Commons: November 3, 1764](#)
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[The Philadelphia Resolutions; October 16, 1773](#)

- [The Plan of Charles Pinckney \(South Carolina\), Presented to the Federal Convention, May 29, 1787](#)
- [Plan of the Treaties with France of 1778](#)
- [Preamble and Resolution of the Virginia Convention, May 15, 1776](#)
- [Preliminary Articles of Peace; November 30, 1782](#)
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- [The Proclamation of Neutrality, April 22, 1793](#)
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- [The Quebec Act; October 7, 1774](#)
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- [Ratification of the Constitution by the State of Massachusetts; February 6, 1788](#)
- [Ratification of the Constitution by the State of New Hampshire; June 21, 1788](#)
- [Ratification of the Constitution by the State of New Jersey; December 18, 1787](#)
- [Ratification of the Constitution by the State of New York; July 26, 1788](#)
- [Ratification of the Constitution by the State of North Carolina; November 21, 1789](#)
- [Ratification of the Constitution by the State of Pennsylvania; December 12, 1787](#)
- [Ratification of the Constitution by the State of Rhode Island; May 29, 1790.](#)
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- [Resolution of Congress, Dated July 2, 1788, Submitting Ratifications of the Constitution to a Committee](#)
- [Resolution of the Congress, of September 13, 1788, Fixing Date for Election of a President, and the Organization of the Government Under the Constitution, in the City of New York.](#)
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- [Resolution of Secrecy Adopted by the Continental Congress, November 9, 1775](#)
- [Resolution of the Federal Convention Submitting the Constitution to Congress, September 17, 1787](#)
- [Resolution of the General Assembly of Virginia, January 21, 1786](#)
- [Resolutions of the Boston Town Meeting; September 13, 1768](#)

- [Resolutions of the Congress of October 19, 1765](#)
- [Resolutions of the Massachusetts House of Representatives Agreeing to the Virginia Proposal: May 28, 1773](#)
- [Resolutions of the Provincial Congress of Virginia: March 23, 1775](#)
- [Resolves of the Pennsylvania Assembly on the Stamp Act, September 21, 1765](#)
- [The Royal Proclamation - October 7, 1763](#)
- [Sedition Act - An Act in Addition to the Act, Entitled "An Act for the Punishment of Certain Crimes Against the United States.": July 14, 1798](#)
- [Spanish-American Diplomacy](#)
- [The Stamp Act, March 22, 1765](#)
- [The Statute of Anne: April 10, 1710](#)
- [Statutes of the United States](#)
- [Statutes of the United States Concerning Native Americans](#)
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- [The Sugar Act: September 29, 1764](#)
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- [Thomas Jefferson's Opinion on the Constitutionality of a National Bank, 1791](#)
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- [The Treaty of Paris: February 10, 1763](#)
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- [Treaty of Peace and Friendship Between the United States and Morroco: 1786](#)
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- [Variant Texts of the Plan Presented by Hamilton to the Federal Convention, June 18, 1787. Text. A](#)
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- [Variant Texts of the Plan Presented by Hamilton to the Federal Convention, June 18, 1787. Text. D](#)
- [Variant Texts of the Plan Presented by Hamilton to the Federal Convention, June 18, 1787. Text. E](#)
- [Variant Texts of the Plan Presented by William Patterson, \(N. J. \) to the Federal Convention, June 15, 1787. Text A](#)
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- [Variant Texts of the Virginia Plan, Presented by Edmund Randolph to the Federal Convention, May 29, 1787. Text A.](#)
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- [Virginia Declaration of Rights; June 12, 1776](#)
- [Virginia Resolution; December 24, 1798](#)
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- [Additional Article to the Treaty for the Suppression of the African Slave Trade Between the U.S. and Great Britain; February 17, 1863](#)
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- [Algeria : Treaty of Peace with the United States; June 30 And July 3, 1815](#)
- [Algeria : Treaty of Peace and Amity with the United States; December 22 and 23, 1816](#)
- [Amendments Proposed by the Peace Conference, February 8-27, 1861](#)
- [Amendments Proposed in Congress by Senator John J. Crittenden, December 18, 1860](#)
- [Amendments to the Constitution Proposed by the Hartford Convention, 1814](#)
- [Ancient Law by Henry Maine : 1861](#)
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- [Austria-Hungary : Agreement Concerning Admission of Tobacco with the United States; December 24, 1863](#)
- [Austria-Hungary : Consular Convention with the United States; July 11, 1870.](#)
- [Austria-Hungary : Convention Relative to Disposal of Property and Consular Jurisdiction With the United States; May 8, 1848](#)
- [Austria-Hungary - Extradition Convention With the United States; July 3, 1856](#)
- [Austria-Hungary - Naturalization Convention with the United States; September, 20 1870](#)
- [Austria-Hungary - Trade-Mark Convention with the United States; November 25, 1871](#)
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- [The Barbary Treaties 1786-1836](#)
- [Bill of Rights for the Territory of New Mexico; September 22, 1846](#)
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- [Cape Spartel Lighthouse - May 31, 1865](#)
- [Cartel for the exchange of prisoners of war between Great Britain and the United States of America May 12, 1813](#)
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- [The Crittenden Compromise, December 18, 1860](#)
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- [The Franco-Russian Alliance Military Convention - August 18, 1892](#)
- [Fort Laramie Treaty, April 29, 1868](#)
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- [General Postal Union: October 9, 1874](#)
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- [Morocco - Treaty of Peace; September 16, 1836](#)
- [My Bondage and Freedom by Frederick Douglass; 1855](#)
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- [Naturalization Convention Between the United States and Austria-Hungary; September, 20 1870](#)
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- [Ottoman Empire - Treaty of Commerce and Navigation with the United States; February 25, 1862](#)
- [Papers of the Presidents of the United States](#)
- [Peace Conference at the Hague 1899 : Correspondence, Instructions and Reports](#)
- [A Plea for Captain John Brown by Henry David Thoreau; October 30, 1859](#)
- [Postal Convention between the United States of America and the Republic of Mexico; December 11, 1861](#)
- [Postal Convention with Great Britain; December 15, 1848](#)
- [Proclamation on Nullification, December 10, 1832](#)
- [Russian Treaty; March 30, 1867](#)
- [Samoa: Commerce, Consular Rights, Shipping - November 5, 1839](#)
- [San Ildefonso: Treaty of - October 1, 1800](#)
- [Simonoseki Indemnities : October 22, 1864](#)
- [South Carolina Ordinance of Nullification, November 24, 1832](#)
- [Spain - Treaty of Peace with the United States; Decmeber 10, 1898](#)
- [Spanish-American Diplomacy](#)
- [Statues of the United States](#)
- [Statutes of the United States Concerning Native Americans](#)
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- [Texas - From Independence to Annexation : Documents](#)
- [The Texas Declaration of Independence : March 2, 1836](#)
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- [Treaty with the Apache, July 1, 1852.](#)
- [Treaty with the Apache, Cheyenne, and Arapaho; October 17, 1865.](#)
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- [Agreement Between the United States and Cuba for the Lease of Lands for Coaling and Naval stations: February 23, 1903](#)
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- [Agreement on Measures to Reduce the Risk of Outbreak of Nuclear War Between the United States of America and the Union of Soviet Socialists Republics - September 30, 1971](#)
- [Agreement on the Cessation of Hostilities in Viet-Nam, July 20, 1954](#)
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- [Agreement Relating to Prisoners of War and Civilians Liberated by Forces Operating Under Soviet Command and Forces Operating Under United States of America Command: February 11, 1945](#)
- [American Treaty on Pacific Settlement \(Pact of Bogota\): April 30, 1948](#)
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- [Armistice Agreement with Bulgaria: October 28, 1944](#)
- [Armistice Agreement with Hungary: January 20, 1945](#)
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- [In the Matter of J. Robert Oppenheimer, United States Atomic Energy Commission.](#)
- [Inaugural Addresses of the Presidents of the United States](#)
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- [The Palestinian National Charter; 1968](#)
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- [Treaty of Rapallo; April 16, 1922](#)
- [The Treaty of Versailles; June 28, 1919](#)
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21st Century Documents : 2000 -

- [9/11 Commission Report](#)- PDF File
- [Address to a Joint Session of Congress and the American People \(As Delivered Before Congress\) 9:00 P.M. EDT; September 20, 2001](#)
- [Africa-Europe Summit under the Aegis of the OAU and the EU : Cairo, 3-4 April 2000 - Cairo Declaration](#)
- [Africa-Europe Summit Under the Aegis of the OAU and the EU : Cairo, 3-4 April 2000 - Cairo Plan of Action](#)
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- [Executive Order Blocking Property and Prohibiting Transactions With Persons Who Commit, Threaten to Commit, or Support Terrorism; September 24, 2001](#)
- [Executive Order Establishing the Office of Homeland Security and the Homeland Security Council; October 8, 2001](#)
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- [The Middle East Peace Process at a Crossroads; June 11, 2003 - PDF File](#)
- [Joint Statement on Counterterrorism by the President of the United States and the President of Russia; October 21, 2001](#)
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- [Sharm el-Sheikh Fact-Finding Committee - The Mitchell Plan; April 30, 2001](#)
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Privileges and Prerogatives Granted by Their Catholic Majesties to Christopher Columbus : 1492

FERDINAND and ELIZABETH, by the Grace of God, King and Queen of *Castile*, of *Leon*, of *Arragon*, of *Sicily*, of *Granada*, of *Toledo*, of *Valencia*, of *Galicia*, of *Majorca*, of *Minorca*, of *Sevil*, of *Sardinia*, of *Jaen*, of *Algarve*, of *Algezira*, of *Gibraltar*, of the *Canary Islands*, Count and Countess of *Barcelona*, Lord and Lady of *Biscay* and *Molina*, Duke and Duchess of *Athens* and *Neopatria*. Count and Countess of *Rousillion* and *Cerdaigne*, Marquess and Marchioness of *Oristan* and *Gociano*, &c.

For as much of you, *Christopher Columbus*, are going by our command, with some of our vessels and men, to discover and subdue some Islands and Continent in the ocean, and it is hoped that by God's assistance, some of the said Islands and Continent in the ocean will be discovered and conquered by your means and conduct, therefore it is but just and reasonable, that since you expose yourself to such danger to serve us, you should be rewarded for it. And we being willing to honour and favour You for the reasons aforesaid: Our will is, That you, *Christopher Columbus*, after discovering and conquering the said Islands and Continent in the said ocean, or any of them, shall be our Admiral of the said Islands and Continent you shall so discover and conquer; and that you be our Admiral, Vice-Roy, and Governour in them, and that for the future, you may call and stile yourself, D. *Christopher Columbus*, and that your sons and successors in the said employment, may call themselves Dons, Admirals, Vice-Roys, and Governours of them; and that you may exercise the office of Admiral, with the charge of Vice-Roy and Governour of the said Islands and Continent, which you and your Lieutenants shall conquer, and freely decide all causes, civil and criminal, appertaining to the said employment of Admiral, Vice-Roy, and Governour, as you shall think fit in justice, and as the Admirals of our kingdoms use to do; and that you have power to punish offenders; and you and your Lieutenants exercise the employments of Admiral, Vice-Roy, and Governour, in all things belonging to the said offices, or any of them; and that you enjoy the perquisites and salaries belonging to the said employments, and to each of them, in the same manner as the High Admiral of our kingdoms does. And by this our letter, or a copy of it signed by a *Public Notary*: We command Prince *John*, our most dearly beloved Son, the Infants, Dukes, Prelates, Marquesses, Great Masters and Military Orders, Priors. Commendaries, our Counsellors, Judges, and other Officers of Justice whatsoever, belonging Courts, and Chancery, and Constables of Castles, Strong Houses, and others; and all Corporations, Bayliffs, Governours, Judges, Commanders, Sea Officers; and the Aldermen, Common Council, Officers, and Good People of all Cities, Lands, and Places in our Kingdoms and Dominions, and in those you shall conquer and subdue, and the captains masters, mates, and other officers and sailors, our natural subjects now being, or that shall be for the time to come, and any of them that when you shall have discovered the said Islands and Continent in the ocean; and you, or any that shall have your commission, shall have taken the usual oath in such cases, that they for the future, look upon you as long as you live, and after you, your son and heir, and so from one heir to another forever, as our Admiral on our said Ocean, and as Vice-Roy and Governour of the said Islands and Continent, by you, *Christopher Columbus*, discovered and conquered; and that they treat you and your Lieutenants, by you appointed, for executing the employments of Admiral, Vice-Roy, and Governour, as such in all respects, and give you all the perquisites and other things belonging and appertaining to the said offices; and allow, and cause to be allowed you, all the honours, graces, concessions, prehaminences, prerogatives, immunities, and other things, or any of them which are due to you, by virtue of your commands of Admiral, Vice-Roy, and Governour, and to be observed completely, so that nothing be diminished; and that they make no objection to this, or any part of it, nor suffer it to be made; forasmuch as we from this time forward, by this our letter, bestow on you the employments of Admiral, Vice-Roy, and perpetual Governour forever; and we put you into possession of the said offices, and of every of them, and full power to use and exercise them, and to receive the perquisites and salaries belonging to them, or any of them, as was said above. Concerning all which things, if it be requisite, and you shall desire it, We command our Chancellour, Notaries, and other Officers, to pass, seal, and deliver to you, our Letter of Privilege, in such form and legal manner, as you shall require or stand in need of. And that none of them presume to do any thing to the contrary, upon pain of our displeasure, and forfeiture of 30 ducats for each offence. And we command him, who shall show them this our Letter, that he summon them to appear before us at our Court, where we shall then be, within fifteen days after such summons, under the said penalty. Under which same, we also command any Public Notary whatsoever, that he give to him that shows it him, a certificate under his seal, that we may know how our command is obeyed.

GIVEN at *Granada*, on the 30th of April, in the year of our Lord, 1492.-

I, THE KING, I, THE QUEEN.

By their Majesties Command,

John Coloma

Secretary to the King and Queen.

Entered according to order.

RODERICK. Doctor.

SEBASTIAN DOLONA,

FRANCIS DE MADRID,

Councillors.

Registered

Source:

The Federal and State Constitutions Colonial Charters, and Other Organic Laws of the States, Territories, and Colonies Now or Heretofore Forming the United States of America
Compiled and Edited Under the Act of Congress of June 30, 1906 by Francis Newton Thorpe
Washington, DC : Government Printing Office, 1909.

Colonial Charters Page	15th Century Documents
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The Letters Patents of King Henry the Seventh Granted unto Iohn Cabot and his Three Sonnes, Lewis, Sebastian and Sancius for the the Discouerie of New and Unknownen Lands. (1)

Henry, by the grace of God, king of England and France, and lord of Ireland, to all to whom these presents shall come, Greeting.

Be it known that we haue giuen and granted, and by these presents do giue and grant for vs and our heiress to our welbeloued Iohn Cabot citizen of Venice, to Lewis, Sebastian, and Santius, sonnes of the sayd Iohn, and to the heires of them, and euery of them, and their deputies, full and free authority, leaue, and power to saile to all parts, countreys, and seas of the East, of the West, and of the North, vnder our banners and ensignes, with fine ships of what burthen or quantity soeuer they be, and as many mariners or men as they will haue with them in the sayd ships, vpon their owne proper costs and charges, to seeke out, discover, and finde whatsoever isles, countreys, regions or prouinces of the heathen and infidels whatsoever they be, and in what part of the world soeuer they be, which before this time haue bene vnknown to all Christians: we haue granted to them, and also to euery of them, the heires of them, and euery of them, and their deputies, and haue giuen them licence to set vp our banners and ensignes in euery village, towns, castle, isle, or maine land of them newly found. And that the aforesayd Iohn and his sonnes, or their heires and assignee may subdue, occupy and possesse all such townes, cities, castles and isles of them found, which they can subdue, occupy and possesse, as our vassals, and lieutenants, getting vnto vs the rule, title, and jurisdiction of the same villages, townes, castles, & firme land so found. Yet so that the aforesayd Iohn, and his sonnes and heires, and their deputies, be holden and bounder of all the fruits, profits, gaines, and commodities growing of such navigation, for euery their voyage, as often as they shall arrine at our port of Bristol (at the which port they shall be bound and holden onely to arrine) all maner of necessary costs and charges by them made, being deducted, to pay vnto vs in wares or money the lift part of the capital! gaine so gotten. We gluing and granting vnto them and to their heires and deputies, that they shall be free from all paying of customer of all and singular such merchandise as they shall be free from all paying of customes of all and singular they shall bring with them from those places so newlie found.

And moreover, we haue giuen and granted to them, their heires and deputies, that all the firme lands, isles, villages, townes, castles and places whatsoever they be that they shall chance to finde, may not of any other of our subjects be frequented or visited without the licence of the foresayd John and his sonnes, and their deputies, vnder payee of forfeiture as well of their ships as of all and singular goods of all them that shall presume to saile to those places so found. Willing, and most straightly commanding all and singular our subjects as well on land as on sea, appointed officers, to giue good assistance to the aforesaid John, and his sonnes and deputies, and that as well in arming and furnishing their ships or vessels, as in provision of quietnesse, and in buying of victuals for their money, and all other things by them to be provided necessary for the sayd naulgation, they do gine them all their helpe and fanour. In witnesse whereof we haue caused to be made these our lettres patents. Witnesse our selfe at Westminster, the fift day of March, In the eleventh yeere of our reigne.-

SECOND CABOT PATENT
REFERENCES
Letters Patent. February 3,1498.
Latin text in Harrise John and Sebastian Cabot (1896.) pp. 393, 394.

In English-

Harrise Jean and Sebastian Cabot. (Paris, 1882.) pp. 327 328.
Riddle Richard. A Memoir of Sebastian Cabot. (Phila., 1831) pp. 74, 75.
Beazley John and Sebastian Cabot. pp. 95, 96.

(1) Richard Hakluyt, Principale Navigations, (1509). [Back](#)

Source:

The Federal and State Constitutions Colonial Charters, and Other Organic Laws of the States, Territories, and Colonies Now or Heretofore Forming the United States of America
Compiled and Edited Under the Act of Congress of June 30, 1906 by Francis Newton Thorpe
Washington, DC : Government Printing Office, 1909.

15th Century Documents

Avalon Home	Document Collections	Ancient 4000bce - 399	Medieval 400 - 1399	15th Century 1400 - 1499	16th Century 1500 - 1599	17th Century 1600 - 1699	18th Century 1700 - 1799	19th Century 1800 - 1899	20th Century 1900 - 1999	21st Century 2000 -
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Avalon Home	Document Collections	Ancient 4000bce - 399	Medieval 400 - 1399	15th Century 1400 - 1499	16th Century 1500 - 1599	17th Century 1600 - 1699	18th Century 1700 - 1799	19th Century 1800 - 1899	20th Century 1900 - 1999	21st Century 2000 -
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Letters Patent to Sir Humfrey Gylberte June 11, 1578. (1)

Elizabeth by the grace of God Queeneof England, &c. To all people to whom these presents shall come, greeting.

Know ye that of our especiall grace, certaine science and meere motion, we have given and granted, and by these presents for us, our heires and successours, doe give and graunt to our trustie and welbeloved servaunt Sir Humphrey Gilbert of Compton, in our castle of Devonshire Knight, and to his heires and assignee for ever, free libertie and licence from time to time, and at all times for ever hereafter, to discover, finde, search out, and view such remote, heathen and barbarous lands, countreys and territories not actually possessed of any Christian prince or people, as to him, his heirs & assignee, and to every or any of them, shall seeme good: and the fame to have, hold, occupie and enjoy to him, his heires and assignee for ever, with all commodities, jurisdictions, and royalties both by sea and land; and the said sir Humfrev and all such as from time to time by licence of us, our heiress and successours, shall goe and travell thither, to inhabits or romaine there, to build and fortifie at the discretion of the sayde Sir Humfrey, and of his heires and assignee, the statutes or actes of Parliament made against Fugitives, or against such as shall depart, romaine or continue out of our Realme of England without licence, or any other acte, statute, lawe or matter whatsoever to the contrary in any wise notwithstanding. And wee doe likewise by these presents, for US, our heires and successours, give full authoritie and power to the saide Sir Humfrey, his heires and assignee, and every of them, that tree and they, and every of any of them, shall and may at all and every time and times hereafter, have, take and lead in the same voyages, to travell thitherward, and to inhabits there with him, and every or any of them, such and so many of our subjects as shall willingly accompany him and them, and every or any of them, with sufficient shipping and furniture for their transportations, so that none of the same persons, nor any of them be such as hereafter shall be specially restrained by us, our heires and successors. And further, that he the said Humfrey, his heires and assignee, and every or any of them shall have, hold, occupy and enjoy to him, his heires and assignee, and every of them for ever, all the soyle of all such lands. countries, & territories so to be discovered or possessed as aforesaid, and of all Cities, Castles, Townes and Villages, and places in the same, with the rites, royalties and jurisdictions, as well marine as other, within sayd lands or countreys of the seas thereunto adjoining, to be had or used with ful power to dispose thereof, & of every part thereof in fee simple or otherwise, according to the order of the laws of England, as near as the same conveniently may be, at his, and their will & pleasure, to any person then being, or that shall romaine within the allegiance of us, our heires and successours, paying unto us for all services, dueties and demaunds, the fift part of all the oare of gold and silver, that from time to time, and at all times after such discoverie, subduing and possessing shall be there gotten: all which hands, countreys and territories, shall for ever bee holden by the said Sir Humfrey, his heires and assignee of us, our heires and successors by homage, and by the sayd payment of the sayd fift part before reserved onely for all services.

And moreover, we doe by these presents for us, our heires and successours, give and graunt licence to the sayde Sir Humfray Gilbert, his heires or assignee, and to every of them, that tree and they, and every or any of them shall, and may from time to time, and all times for ever hereafter, for his and their defence, encounter, expulse, repell and resift, as well by Sea as by land, and by all other wayes whatsoever, all and every such person and persons whatsoever, as without the special licence and liking of the sayd Sir Humfrey, and of his heires and assignee, shall attempt to inhabits within the sayd countreys, or any of them, or within the space of two hundreth leagues nerre to the place or places within such countreys as aforesayd, if they shall not bee before planted or inhabited within the limiter aforesayd, with the subjects of any Christian prince, being amitie with her-Majesty, where the said sir Humfrey, his heires or assignee, or any of them, or his, or their or any of their associates or companies, shall within sixe yeeres next ensuing, make their dwellings and abidings, or that shall enterprise or attempt at any time hereafter unlawfully to annoy either by Sea or land, the said sir Humfrey, his heires or assignee, or any of them, or his, or their, or any of their companies: giving and granting by these presents, further power and authorite to the sayd sir Humfrey, his heires and assignee, and every of them from time to time, and at all times for ever hereafter to take and surprise by all maner of meanes whatsoever all and every person and persons, with their shipper, vessels, and other goods and furniture, which without the licence of the sayd sir Humfrey, or his heires or assignee as aforesayd, shall bee found trafficking into any harborough or harboroughs creeke or creekes within the limites aforesayde, the subjects of our Realmes and dominions, and all other persons in amitie with us, being driven by force of tempest or shipwracke onely excepted, and those persons and every of them with their ships, vessels, goods, and furniture, to detainee and possesse, as of good and lawful prize, according to the discretion of him the sayd sir Humfrey, his heires and assignee, and of every or any of them. And for uniting in more perfect league and amitie of such countreys, lances and territories so to bee possessed and inhabited as aforesayde, with our Realmes of England and Ireland, and for the better encouragement of men to this enterprise: wee doe by these presents graunt, and declare, that all such countreys so hereafter to bee possessed and inhabited as aforesayd, from thencefoorth shall bee of the allegiance of us' our heiress and successours. And wee doe graunt to the sayd sir Humfrey, his heires and assignee, and to all and every of them, and to all and every other person and persons, being of our allegiance, whose names shall be noted or entred in some of our courts of Record, within this our Realme of England, and that with the assent of the said sir Humfrey, his heires or assignee, shall nowe in this journey for discoverie, or in the second journey for conquest hereafter, travel to such lands, countries and territories as aforesaid, and to their and every of their heires: that they and every or any of them being either borne within our sayd Realmes of England or Ireland, or within any other place within our allegiance, and which hereafter shall be inhabiting within any the lands, countreys and territories, with such licence as aforesayd, shall and may have, and enjoy all the priveleges of free denizens and persons native of England, and within our allegiance: any law, custome, or usage to the contrary notwithstanding

And forasmuch, as upon the finding out, discovering and inhabiting of such remote lands, countreys and territories, as aforesayd, it shall be neecessarie for the safetie of all men that shall adventure themselves in those journeys or voiaages, to determine to live together In Christian peace and civil quietnesse each with other, whereby every one may with more pleasure and profit, enjoy that whereunto they shall attaine with great Paine and perill: wee for us, our heires and successours are likewise pleased and contented, and by these presents doe give and graunt to the sayd sir Humfrey and his heires and assignee for ever, that he and they, and every or any of them, shall and may, from time to time, for ever hereafter within the sayd mentioned remote lands and countreys, and in the way by the Seas thither, and from thence, have full and meere power and authoritie to correct, punish, pardon, governe and rule by their, and every or any of their good discretions and policies, as well in causes capitall or criminall, as chill, both marine and other, all such our subjects and others, as shall from time to time hereafter adventure themselves in the sayd journeys or voyages habitative or possessive, or that shall at any time hereafter inhabite any such lands, countreys or territories as aforesayd, or that shall abide within two hundred leagues of any sayd place or places, where the sayd sir Humfrey or his heires, or assignee, or any of them, or any of his, or their associate or companies, shall inhabite within sixe yeeres next ensuing the date hereof, according to such statutes, lawes and ordinances, as shall be by him the said sir Humfrey, his heires and assignee, or every, or any of them, devised or established for the better government of the said people as aforesayd: so alwayes that the sayd statutes, lawes and ordinances may be as neere as conveniently may, agreeable to the forme of the lawes & pollicy of England: and also, that they be not against the true Christian faith or religion now professed in the Church of England, nor in any wise to withdraw any of the subjects or people of those lands or places from the allegiance of us, our heires or successours, as their immediate Sovereignes under God. And further we do by these presents for us, our heires and successours, give and graunt full power and authority to our trustie and well-beloved counsellor, sir William Cecil Knight, lord Burleigh, our high treasurer of England, and to the lord treasurer of England of us, for the time being and to the privie counsell of us, our heires and successours, or any fours of them, for the time being that he, they, or any foure of them, shall, and may from time to time, and at all times hereafter, under his or their handes or scales by vertue of these presents, authorize and licence the sayd sir Humfrey Gilbert, his heires and assignee, and every or any of them by him and themselves, or by their or any of their sufficient attorneys, deputies, officers, ministers, factors and servants, to imbarke and transport out of our Realmes of England and Ireland, all, or any of his or their goods, and all or any of the Roods or his or their associates and companies, and every or any of them, with such other necessities and commodities of any of our Realmes, as to the said lord treasurer or foure of the privie counsell of us, our heires, or successours for the time being, as aforesayd, shall be from time to time by his or their wisdoms or discretions thought meete and convenient for the better reliefe and supportation of him the sayd sir Humfrey, his heires and assignee, and every or any of them, and his and their, and every or any of their said associates and companies, any act, statute, lawe, or other thing to the contrary in any wise notwithstanding.

Provided alwayes, and our will and pleasure is, and wee doe hereby declare to all Christian Kings, princes and states, that if the said sir Humfrey, his heires or assignee, or any of them, or any other by their licence or appointment, shall at any time or times hereafter robbe or spoile by Sea or by land, or doe any act of unjust and unlawful! hostilitie to any of the Subjects of us, our heires, or successours, or any of the Subjects of any King, prince, ruler, governour or state being then in perfect league and amitie with us, our heires or successours: and that upon such injurie, or upon just complaint of any such prince, ruler, governour or state, or their subjects, wee, our heires or successours shall make open proclamation within any of the portes of our Realme of England commodious, that the said Sir Humfrey, his heires or assignee or any other to whom these our Letters patents may extend, shall within the terme to be limited by such proclamations, make such restitution and satisfaction of all such injuries done, so as both we and the said Princes, or others so complayning, may horde us and themselves fully contented: And if the saide Sir Humfrey, his heires and assignee, shall not make or cause to bee made satisfaction accordingly, within such time so to be limited; that then it shall be lawfull to us, our heires and successours, to put the said Sir Humfrey, his heires and assignee, and adherents, and all the inhabitants of the said places to be discovered as is aforesaide, or any of them out of our allegiance and protection, and that from and after such time of putting out of protection the saide Sir Humfrey, and his heires, assignes, adherents and others so to be put out, and the said places within their habitation, possession and rule, shall be out of our protection and allegiance, and free for all princes and others to pursue with hostilitie as being not our Subjects, nor by us any way to be advowed, maintained or defended, nor to be holden as any of ours, nor to our protection, dominion or allegiance any way belonging, for that expresse mention, &c. In witnesse whereof, &c. Witnesse ourselfe at Westminster the 11, day of June, the twentieth yeere of our raigne. Anno Dom 1578.

PER IPSAM REGINAM, &C.

(1) Text in Sir Humfrey Gylberte and His Enterprise of Colonization in America. By Rev. Carlos Shatter. Publications of the Prince Society. (Boston, 1903.) pp. 95-102. [Back](#)

Source:

The Federal and State Constitutions Colonial Charters, and Other Organic Laws of the States, Territories, and Colonies Now or Heretofore Forming the United States of America
Compiled and Edited Under the Act of Congress of June 30, 1906 by Francis Newton Thorpe
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Charter to Sir Walter Raleigh : 1584

ELIZABETH by the Grace of God of England, Fraunce and Ireland Queene, defender of the faith, &c. To all people to whome these presents shall come, greeting.

Knowe yee that of our especial grace, certaine science, and meere motion, we haue given and graunted, and by these presents for us, our heires and successors, we giue and graunt to our trustie and welbeloued seruant *Walter Raleigh*, Esquire, and to his heires assignee for euer, free libertie and licence from time to time, and at all times for ever hereafter, to discover, search, finde out, and view such remote, heathen and barbarous lands, countries, and territories, not actually possessed of any Christian Prince, nor inhabited by Christian People, as to him, his heires and assignee, and to every or any of them shall seeme good, and the same to haue, horde, occupie and enjoy to him, his heires and assignee for euer, with all prerogatives, commodities, jurisdictions, royalties, privileges, franchises, and preheminences, thereto or thereabouts both by sea and land, whatsoever we by our letters patents may graunt, and as we or any of our noble progenitors haue heretofore graunted to any person or persons, bodies politique.or corporate: and the said *Walter Raleigh*, his heires and assignee, and all such as from time to time, by licence of us, our heires and successors, shall goe or trauaile thither to inhabite or remaine, there to build and fortifie, at the discretion of the said *Walter Raleigh*, his heires and assignee, the statutes or acte of Parliament made against fugitives, or against such as shall depart, remaine or continue out of our Realme of England without licence, or any other statute, acte, lawe, or any ordinance whatsoever to the contrary in anywise notwithstanding.

And we do likewise by these presents, of our especial grace, meere motion, and certain knowledge, for us, our heires and successors, giue and graunt full authoritie, libertie and power to the said Walter Salem, his heires and assignee, and every of them, that he and they, and euery or any of them, shall and may at all and euery time, and times hereafter, haue, take, and leade in the saide voyage, and trauaile thitherward, or to inhabit there with him, or them, and euery or any of them, such and so many of our subjects as shall willingly accompanie him or them, and euery or any of them to whom also we doe by these presents, giue full libertie and authority in that behalfe, and also to hare, take, and employ, and vse sufficient shipping and furniture for the Transportations and Nauigations in that behalfe, so that none of the same persons or any of them, be such as hereafter shall be restrained by us, our heires, or successors.

And further that the said *Walter Raleigh*, his heires and assignee, and euery of them, shall haue holde, occupie, and enioye to him, his heires and assignee, and euery of them for euer, all the soile of all such lands, territories, and Countreis, so to bee discovered and possessed as aforesaide, and of all such Cities, castles, townes, villages, and places in the same, with the right, royalties, franchises, and iurisdictions, as well marine as other within the saide lances, or Countreis, or the seas thereunto adioyning, to be had, or used, with full power to dispose thereof, and of euery part in fee-simple or otherwise, according to the order of the lawes of England, as neere as the same conveniently may bee, at his, and their will and pleasure, to any persons then being, or that shall remaine within the allegiance of us, our heires, and successors: resewing always to us our heires, and successors, for all services, duties, and demaundes, the lift part of all the oare of golde and siluer, that from time to time, and at all times after such discouerie, subduing and possessing, shal be there gotten and obtained: All which lances, Countreis, and territories, shall for ever be holden of the said *Walter Raleigh*, his heires and assignee, of us, our heirs and successors, by homage, and by the said paiment of the said fift part, resewed onely for all services.

And moreover, we doe by these presents, for us, our heires and. successors, giue and graunt licence to the said *Walter Raleigh*, his heirs, and assignee, and euery of them, that he, and they, and euery or any of them, shall and may from time to time, and at all times for euer hereafter, for his and their defence, encounter and expulse, repell and resist as well by sea as by lance, and by all other wayes whatsoever, all, and every such person and persons whatsoever, as without the especial liking and licence of the saide *Walter Raleigh*, and of his heires and assignee, shall attempt to inhabite within the said Countreis, or any of them, or within the space of two hundreth leagues neere to the place or places within such Countreis as aforesaide (if they shall not bee before planted or inhabited within the limits as aforesaide with the subjects of any Christian Prince being in amitie with us) where the saide *Walter Raleigh*, his heires, or assignee, or any of them, or his, or their or any of their associates or company, shall within sine yeeres (next ensuing) make their dwellings or abidings, or that shall enterprise or attempt at any time hereafter unlawfully to annoy, either by sea or lance, the saide *Walter Raleigh*, his heirs or assignee. or any of them, or his or their, or any of his or their companies giuing, and granting by these presents further power and authoritie, to the said *Walter Raleigh*, his heirs and assignee, and euery of them from time to time, and at all times for euer hereafter, to take and surprise by all maner of meanes whatsoever, all and euery those person or persons, with their shipper, vessels, and other goods and furniture, which without the licence of the saide *Walter Raleigh*, or his heires, or assignee, as aforesaide, shalbe founde trafiquing into any harbour or harbors, creeke, or creekes, within the limits aforesaide, (the subjects of our Realms and Dominions, and all other persons in amitie with us, trading to the Newfound land for fishing as heretofore they haue commonly used, or being driven by force of a tempest, or shipwracke onely excepted:) and those persons, and euery of them, with their shippes, vessels, goods and furniture to deteine and possesse as of good and lawfull prize, according to the discretion of him the saide *Walter Raleigh*, his heires, and assignee, and euery, or any of them. And for uniting in more perfect league and amitie, of such Countreis, lances, and territories so to bee possessed and inhabited as aforesaide with our Realmes of Englande, and Ireland, and the better incouragement of men to these enterprises: we do by these presents, graunt and declare that all such Countreis, so hereafter to be possessed and inhabited as is aforesaide, from thencefoorth shall bee of the allegiance of vs. our heires and successours. And wee doe graunt to the saide *Walter Raleigh*, his heires, and assignee, and to all, and euery of them, and to all and euery other person, and persons being of our allegiance, whose names shall be noted or entred in some of our Courtes of recorde within our Realme of Englande, that with the assentof the saide *Walter Raleigh*,his heires or assignes, shall in his journeis for discouerie, or in the iourneis for conquest, hereafter trauelle to such lands, countreis and territories, as aforesaide, and to their, and to euery of their heires, that they, and every or any of them, being either borne within our saide Realmes of Englande, or Irelande or in any other place within our allegiance, and which hereafter shall be inliabiting within any the lands, Countreis, and territories, with such licence (as aforesaide) shall and may haue all the priniledges of free Denizens, and persons native of England, and within our allegiance in such like ample manor and fourme, as if they were borne and personally resident within our saide Realme of England, any lawe, custome, or vsage to the contrary notwithstanding

And for asmuch as upon the finding out, discovering, or inhabiting of such remote lands, countreis, and territories as aforesaid, it shal be necessary for the safetie of al men, that shal aduenture them selues in those munnies or voyages, to determine to line together in Christian peace, and ciuill quietnes ech with other, whereby euery one may with snore pleasure and profit enjoy that whereunto they shall attaine with great Paine and perill, we for vs. our heires and successors, are likewise pleased and contented, and by these presents do giue and graunt to the said *Walter Raleigh*, his heires and assignee for ever, that tree and they, and euery or any of them, shall and may from time to time for euer hereafter, within the said mentioned remote lances and Countreis in the way by the seas thither, and from thence, inane full and meere power and authoritie to correct, punish, pardon, gouerne, and rule by their and euery or any of their good discretions and pollicies, as well in causes capital, or criminall, as ciuill, both marine and other all such our subjects as shall from time to time aduenture themselves in the said iournies or voyages, or that shall at any time hereafter inhabite any such lances, countreis, or territories as aforesaide, or shall abide within 200. leagues of any of the saide place or places, where the saide Walter Raleqh, his heires or assignee, or any of them, or any of his or their associates or companies, shall inhabits within 6. yeeres next ensuing the date hereof, according to such statutes, lawes and ordinances, as shall bee by him the saide Walter Raleqh his heires and assignee, and euery or any of them deuised, or established, for the better government of the said people as aforesaid. So always as the said statutes, lawes, and ordinances may be as neere as conveniently may be, agreeable to the forme of the lawes, statutes, government, or pollicie of England, and also so as they be not against the true Christian faith, nowe professed in the Church of England, nor in any wise withdraws any of the subjects or people of those lances or places from the allegiance of vs. our heires and successours, as their immediate Soueraigne vnder God.

And further, wee doe by these presents for vs. our heires and successors, giue and graunt full power and authoritie to our trustie and welbeloued counsailler sir *William Cicill* knight, Lorde *Burghley*, our high Treasurer of England, and to the Lorde Treasurer of England, for vs. our heires and successors for the time being, and to the priuie Counsell, of us, our heirs and successours, or any foure or more o f them for the time being, that tree, they, or any fours or more of them, shall and may from time to time, and at all times hereafter, under his or their handes or scales by vertue of these presents, authorise and licence the saide *Walter Raleigh*, his heires and assignee. and euery or any of them by him, and by themselves, or by their, of any of their sufficient Attornies, deputies, officers, ministers, factors. and servants, to imbarke and transport out of our Realme of England and Ireland, and the Dominions thereof all, or any of his, or their goods, and all or any the goods of his and their associate and companies, and euery or any of them, with such other necessities and commodities of any our Realmes, as to the saide Lorde Treasurer, or foure or more of the priuie Counsaile, of vs. our heires and successors for the time being (as aforesaide) shalbe from time to time by his or their wisdomes, or discretions thought meete and convenient, for the better reliefe and supportation of him the saide *Walter Raleigh*, his heires, and assignee, and euery or any of them, and of his or their or any of their associate and companies, any acte, statute, lawe, or other thing to the contrary in any wise notwithstanding.

Provided alwayes, and our will and pleasure is, and wee do hereby declare to all Christian kings, princes and states, that if the saide *Walter Raleigh*, his heires or assignee, or any of them, or any other lay their licence or appointment, shall at any time or times hereafter. robbe or spoile by sea or by lance, or do any acte of unjust or unlawful hostilitie, to any of the subjects of vs. our heires or successors, or to any of the subjects of any the kings, princes, rulers, governors, or estates, being then in perfect league and amitie with us, our heires and successors, and that upon such injury, or upon lust complaint of any such prince, ruler, gouvernoir, or estate, or their subjects, wee, our heires and successours, shall make open proclamation within any the Fortes of our Realme of England, that the saide *Walter Raleigh*, his heires and assignee, and adherents, or any to whome these our letters patents may extende, shall within the termes to be Emitted, by such proclamation, make full restitution, and satisfaction of all such inJuries done, so as both we and the said princes, or other so complayning, may horde vs and themselves fully contented. And that if the saide *Walter Raleigh*, his heires and assignee, shall not make or cause to be made satisfaction accordingly, within such time so to be limited, that then it shall be lawfull to us our heires and successors, to put the saide *Walter Raleigh*, his heires and assignee and adherents, and all the inhabitants of the said places to be discovered (as is aforesaide) or any of them out of our allegiance and protection, and that from and after such time of putting out of protection the said Walter Rategh, his heires, assignee and adherents, and others so to be put out, and the said places within their habitation, possession and rule, shaL be out of our allegiance and protection, and free for all princes and others, to pursue with hostilitie, as being not our subjects, nor by vs any way to be avouched, maintained or defended, nor to be holden as any of ours, nor to our protection or dominion, or allegiance any way belonging, for that expresse mention of the cleer yeerely value of tile certaintie of the premisses, or any part thereof, or of any other gift, or grant by vs. or any our progenitors, or predecessors to the said Walter Raleigh, before this time made in these presents be not expressed, or any other grant, ordinance, provision, proclamation, or restraint to the contrarye thereof, before this time giuen, ordained, or provided, or any other thing, cause, or matter whatsoever, in any wise notwithstanding. In witness whereof, we haue caused these our letters to be made patents. Witnesse our selues, at *Westminster*, the 25. day of March, in the sixe and twentieth yeere of our Raigne.

Source:

The Federal and State Constitutions Colonial Charters, and Other Organic Laws of the States, Territories, and Colonies Now or Heretofore Forming the United States of America
Compiled and Edited Under the Act of Congress of June 30, 1906 by Francis Newton Thorpe
Washington, DC : Government Printing Office, 1909.

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Charter of Acadia Granted by Henry IV of France to Pierre du Gast, Sieur de Monts; December 18, 1603

Henry, by the grace of God, King of France and of Navarre:

To our well-beloved and faithful advisors the officers of our Admiralty of hlormandie, Bretagne, Picardie, and Guienne, and to each one of them in their own right, and in the extent of their powers and jurisdictions, Greetings. We have, for many important reasons, ordered, commissioned, and established the Lord of Monts, gentleman ordinary of our chamber, our lieutenant-general, to people and inhabit the lands, shores, and countries of Acadia, and other surrounding areas, stretching from the fortieth parallel to the forty-sixth, and there to establish our authority, and otherwise to there settle and maintain himself in such a way that our subjects will henceforth be able to be received, to frequent, to dwell there, and to trade with the savage inhabitants of the said places as we have most expressly declared in our letters patents sent and delivered for this effect to the said Lord of Monts the eighth day of last November, following the conditions and articles, in consideration of which he is charged with the conduct and execution of this undertaking. To facilitate which and to those who are therein joined with him, and to give them some means and facility to support its expenses we have been pleased to promise and assure them that it will be permitted to no other of our subjects, except to those who enter into association with him, to make the said expenditures to trade in pelts and other merchandises during ten years in the lands, countries, ports, rivers, and routes in the expanse of his jurisdiction, which we wish to take place. We, for these reasons and other contributing considerations, command and order you that you act, each of you, in the extent of your powers, jurisdictions, and boundaries in our behalf, since from our full power and royal authority we very expressly prohibit and forbid all merchants, masters, and captains of ships, sailors and others of our subjects of whatever state, quality, and condition they may be, all others, nevertheless, and apart from those who have entered into association with the said Lord of Monts for the said undertaking, according to the articles of these by us decreed as it is stated, to equip any ships and in them to go or to send for the purpose of trading or bartering in skins, and other things with the savages, to frequent, to negotiate, and to communicate during the said time of ten years, from the cape of Rane as far as the fortieth parallel, including the entire coast of Accadia, the land, and Cape Breton, the bay of Saint Cler, of Chaleur, the included islands, Gaspay, Chichedec, Mesamichi, Lesquemin, Tadoussac, and the river of Canada, one bank as well as the other, and all the bays and rivers which enter the interior of the said coasts, under pain of disobedience and the complete confiscation of the vessels, men, arms, and merchandise to the profit of the said Lord of Monts and of his associates, and of thirty thousand pounds fine. For the assurance and acquittal of which, and for the coercion and punishment of their disobedience, you will be permitted, as we have also permitted and do permit the said Lord of Monts and his associates, to seize, apprehend, and arrest all those who go against our present prohibition and command as well as their vessels, merchandise, arms, and provisions, to take and remit them into the hands of justice, and to be prosecuted, both against the persons as well as against the goods of the said disobedient ones in the manner that it applies; which we desire and which we order and command you to have immediately published and read in all the public places of your powers and jurisdictions or where you will judge the need to be so that none of our said subjects may claim cause of ignorance, so that each one may obey and conform to this our will to do which we have given and do give you power, commission, and special command, since such is our pleasure. Given in Paris the eighteenth day of December in the year of grace one thousand six hundred and three, and of our reign the fifteenth, thus signed Henry. And lower, by the King, Potier. And sealed with the great seal of yellow wax.

Source:

The Federal and State Constitutions Colonial Charters, and Other Organic Laws of the States, Territories, and Colonies Now or Heretofore Forming the United States of America
Compiled and Edited Under the Act of Congress of June 30, 1906 by Francis Newton Thorpe
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General Charter for Those who Discover Any New Passages, Havens, Countries, or Places; March 27, 1614

The States-General of the United Netherlands, to all those who shall see these presents or hear them read, greeting.

Be it known, whereas we understand it would be honorable, serviceable, and profitable to this country and for the promotion of its prosperity, as well as for the maintenance of seafaring people, that the good inhabitants should be excited and encouraged to employ and occupy themselves in seeking out and discovering passages, havens, countries, and places that have not before now been discovered nor frequented; and being informed by some traders that they intend, with God's merciful help, by diligence, labor, danger, and expense, to employ themselves thereat, as they expect to derive a handsome profit therefrom if it pleased us to privilege, charter, and favor them that they alone might resort and sail to and frequent the passages, havens, countries, and places to be by them newly found and discovered for six voyages as a compensation for their outlays, trouble and risk, with interdiction to all, directly or indirectly to resort or sail to or frequent the said passages, havens, countries, or places before and until the first discoverers and finders thereof shall have completed the aforesaid six voyages. Therefore, we, having duly weighed the aforesaid matter and finding, as hereinbefore stated, the said undertaking to be laudable, honorable, and serviceable for the prosperity of the united provinces and wishing that the experiment be free and open to all and every of the inhabitants of this country, have invited and do hereby invite all and every of the inhabitants of the United Netherlands to the aforesaid search, and, therefore, have granted and consented, grant and consent hereby that whosoever any new passages, havens, countries, or places shall from now henceforward discover, shall alone resort to the same or cause them to be frequented for four voyages, without any other person directly or indirectly sailing, frequenting or resorting from the United Netherlands to the said newly discovered and found passages, havens, countries, or places until the first discoverer and finder shall have made or cause to be made the said four voyages, on pain of confiscation of the goods and ships wherewith the contrary attempt shall be made, and a fine of fifty thousand Netherlands ducats to the profit of the aforesaid finder or discoverer. Well understanding that the discoverer, on completion of the first voyage, shall be beholden, within fourteen days after his return from said voyage, to render unto us a pertinent report of the aforesaid discoveries and adventures, in order on hearing thereof we may adjudge and declare according to circumstances and distance within what time the aforesaid four voyages must be completed. Provided, that we do not understand to prejudice hereby or in any way to diminish our former charters and concessions. And if one or more companies find and discover, in or about one time or one year, such new passages, countries, havens, or places, the same shall conjointly enjoy this our grant and privilege; and in case any differences or questions concerning these or otherwise should arise or occur from this our concessions, the same shall be decided by us, whereby each shall have to regulate himself. And in order that this our concession shall be made known equally to all, we have ordered that these be published and affixed at the usual places in the united countries.

Thus done at the Assembly of the Lords States-General at the Hague the twenty-seventh of March sixteen hundred and fourteen. Was paraphereed: J. van Oldenbarnevelt. Understood: by order of the Lords States-General, Signed, C. Aerssen.

Source:
Documents relative to the colonial history of the state of New-York : procured in Holland, England, and France / by John Romeyn Brodhead ; edited by F.B. O'Callaghan with a general introduction by the agent.
Albany : Weed, Parsons, 1853-1887.
15 v. : ill., plates, maps (some folded) ; 30 cm.

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Grant of Exclusive Trade to New Netherland by the States-General of the United Netherlands; October 11, 1614

The States-General of the United Netherlands, to all to whom these presents shall come, greeting.

Whereas Gerrit Jacobz Witssen, ancient Burgomaster of the city Amsterdam, Jonas Witssen, Simon Morrisen, owners of the ship named the Little Fox, whereof Jan de With has been skipper; Jans Hongers, Paulus Pelgrom, Lambrecht van Tweenhuyzen, owners of the two ships named the Tiger and the Fortune, whereof Aedriaen Block and Henrick Corstiaenssen were skippers; Arnolt van Lybergen, Wessel Schenck, Hans Claessen, and Berent Sweetsssen, owners of the ship named the Nightingale, whereof Thys Volckertssen was skipper, merchants of the aforesaid city Amsterdam, and Pieter Clementsssen Bronwer, Jan Clementsssen Kies, and Cornelis Volckertssen, merchants of the city of Hoor, owners of the ship named the Fortuyn, whereof Cornelis Jacobsssen May was skipper, all now associated in one company, have respectfully represented to us that they, the petitioners, after great expenses and damages by loss of ships and other dangers, had, during the present year, discovered and found with the above named five ships certain new lands situate in America between New France and Virginia, the sea coast whereof lie between forty and forty-five degrees of latitude, and now called New Netherland. And whereas we did, in the month of March last, for the promotion and increase of commerce, cause to be published a certain general consent and charter setting forth that whosoever should thereafter discover new havens, lands, places, or passages might frequent or cause to be frequented, for four voyages, such newly discovered and found places, passages, havens, or lands to the exclusion of all others from visiting or frequenting the same from the United Netherlands until the said first discoverers and finders shall themselves have completed the said four voyages or cause the same to be done within the time prescribed for that purpose, under the penalties expressed in the said octroy, etc.; they request that we would accord to them due act of the aforesaid octroy in the usual form.

Which, being considered, we, therefore, in our Assembly, having heard the pertinent report of the petitioners relative to the discoveries and finding of the said new countries between the above named limits and degrees and also of their adventures, have consented and granted, and by these presents do consent and grant, to the said petitioners now united into one company that they shall be privileged exclusively to frequent or cause to be visited the above newly discovered lands, situate in America between New France and Virginia, whereof the sea coasts lie between the fortieth and forty-fifth degrees of latitude, now named New Netherland, as can be seen by a figurative map hereunto annexed, and that for four voyages within the term of three years, commencing the first of January, sixteen hundred and fifteen next ensuing, or sooner, without it being permitted to any other person from the United Netherlands, to sail to, navigate, or frequent the said newly discovered lands, havens, or places, either directly or indirectly within the said three years, on pain of confiscation of the vessel and cargo wherewith infraction hereof shall be attempted, and a fine of fifty thousand Netherland ducats for the benefit of said discoverers or finders; provided, nevertheless, that by these presents we do not intend to prejudice or diminish any of our former grants or charters. And it is also our intention that if any disputes or differences arise from these our concessions, they shall be decided by ourselves.

We, therefore, expressly command all governors, justices, officers, magistrates, and inhabitants of the aforesaid united countries that they allow the said company peaceably and quietly to enjoy the whole benefit of this our grant and consent, ceasing all contradictions and obstacles to the contrary. For such we have found to appertain to the public service. Given under our seal, parable, and signature of our Secretary at the Hague the 11th of October, 1614.

Source:

Maine Historical Society.

Documentary history of the state of Maine / published by the Maine Historical Society, aided by appropriations from the state.

Portland : Bailey and Noyes, 1869-1916.

I. A history of the discovery of Maine, by J.G. Kohl. 1869.--II. A discourse on western planting, written ... 1854, by R. Hakluyt ... Preface and an introduction, by L. Woods ... ed. ... by C. Deane.

1877.--III. The Trelawny papers. Ed. ... by J.P. Baxter. 1884.--IV-VI. The Baxter manuscripts. [v. 1-3] ed. by J.P. Baxter. 1889-1900.--VII-VIII. The Farnham papers ... comp. by Mary F. Farnham.

1901-02.--IX-XXIV. The Baxter manuscripts. [v. 4-19] ed. by J.P. Baxter. 1907-16.

Collection of the Maine historical society. Second series.

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Petition for a Charter of New England by the Northern Company of Adventurers; March 3, 1619/20

To the King's most excellent Majesty.

The most humble petition of your Majesty's counsel for the second colony and other the adventurers in the western parts of England for the plantation in the north parts of Virginia in America. May it please your most excellent Majesty. Whereas, it pleased your Majesty by your most gracious letters patents bearing date the [. . .] of April in the fourth year of your Majesty's most blessed reign to give license for the establishing of two colonies in Virginia in America, the one called the First Colony undertaken by certain noblemen, knights, and merchants about London, the other called the Second Colony likewise undertaken by certain knights and merchants of the western parts; by virtue whereof some of the western parts have, at their great charge and extreme hazard, continued to endeavour to discover a place fit to entertain such a design, as also to find the means to bring to pass so noble a work, in the constant pursuit whereof it has pleased God to aid them with His blessing so far as, in the confidence of the continuance of His Grace, they are resolved to pursue the same with all the power and means they are able to make to His glory, your Majesty's honor, and the public good of the country.

And as it pleased your Majesty to be gracious to those of the first colony in enlarging of the first patent two several times with many privileges and immunities according to your princely bounty, whereby they have been encouraged in their proceedings, your petitioners do in all humility desire that your Majesty will vouchsafe unto them the like that they may with more boldness go on as they have begun to the satisfaction of your Majesty's most religious expectation, with the alteration only of some few things and the additions here ensuing.

First, that the territories where your petitioners make their plantation may be called, as by the prince his Highness it has been named, New England, that the bounds thereof may be settled from 40 to 45 degrees of northerly latitude and so from sea to sea through the main as the coast lies, and that your Majesty's council residing here in England for that plantation may consist of a president, vice president, treasurer, secretary, and other their associates, to be chosen out of the noblemen and knights adventurers home about London, and others the adventurers both knights, gentlemen, and merchants in the western countries; so as the said council do not exceed the number of forty, who, as one incorporate body, may as often as need requires be assembled when and where the president or vice president, with the treasurer and secretary, or any two of them, to be assisted with five or three others of the council, shall think most convenient for that service. Whereby your Majesty's most humble petitioners do verily hope, by God's holy assistance, to settle their plantation to the employing of many of your Majesty's subjects and the content of all that are well disposed to the prosperity of your Majesty's most happy reign.

And so your Majesty's most humble petitioners shall be bound, as in duty they are, to pray for all increase of glory and perpetual happiness to your Majesty's blessed posterity forever.

March 3, 1619. Upon reading of this petition, their lordships did order that the Lord Duke of Lenox, Lord Steward of his Majesty's household, and the Earl of Arundel shall take notice of the petition, consider of the demands for privileges, and thereupon certify their opinions to their lordships that such further order may be taken as shall be meet.

C. Edmonds

Source:

Maine Historical Society.

Documentary history of the state of Maine / published by the Maine Historical Society, aided by appropriations from the state.

Portland : Bailey and Noyes, 1869-1916.

I. A history of the discovery of Maine, by J.G. Kohl. 1869.--II. A discourse on western planting, written ... 1854, by R. Hakluyt ... Preface and an introduction, by L. Woods ... ed. ... by C. Deane.

1877.--III. The Trelawny papers. Ed. ... by J.P. Baxter. 1884.--IV-VI. The Baxter manuscripts. [v. 1-3] ed. by J.P. Baxter. 1889-1900.--VII-VIII. The Farnham papers ... comp. by Mary F. Farnham.

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Charter of the Dutch West India Company : 1621

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Charter of Privileges and Exemptions the Dutch West India Company. June 7, 1629.

Documents Relative to the Colonial History of the State of New York. VolL II. pp. 553-57.

O'Callaghan, History of New Netherland, I, 112-120.

Modified Concessions of 1040. Doe. Relative to Col. Hist. of N. Y. Vol. I.

JUNE 3, 1621

The States-General of the United Netherlands, to all who shall see these Presents, or hear them read, Greeting.

Be it known, that we knowing the prosperity of these countries, and the welfare of their inhabitants depends principally on navigation and trade, which in all former times by the said Countries were carried on happily, and with a great blessing to all countries and kingdoms; and desiring that the aforesaid inhabitants should not only be preserved in their former navigation, traffic, and trade, but also that their trade may be encreased as much as possible in special conformity to the treaties, alliances, leagues and covenants for traffic and navigation formerly made with other princes, republics and people, which we give them to understand must be in. all parts punctually kept and adhered to: And we find by experience, that without the common help, assistance, and interposition of a General Company, the people designed from hence for those parts cannot be profitably protected and maintained in their great risque from pirates, extortion and otherwise, which will happen in so very long a voyage. We have, therefore, and for several other important reasons and considerations as thereunto moving, with mature deliberation of counsel, and for highly necessary causes, found it good, that the navigation, trade, and commerce, in the parts of the West-Indies, and Africa, and other places hereafter described, should not henceforth be carried on any otherwise than by the common united strength of the merchants and inhabitants of these countries; and for that end there shall be erected one General Company, which we out of special regard to their common well-being, and to keep and preserve the inhabitants of those places in good trade and welfare, will maintain and strengthen with our Help, Favour and assistance as far as the present state and condition of this Country will admit: and moreover furnish them with a proper Charter, and with the following Priveleges and Exemptions, to wit, That for the Term of four and twenty Years, none of the Natives or Inhabitants of these countries shall be permitted to sail to or from the said lands, or to traffic on the coast and countries of *Africa* from the *Tropic of Cancer* to the *Cape of Good Hope*, nor in the countries of *America*, or the West-Indies, beginning at the fourth end of *Terra Nova*, by the streights of *Magellan*, *La Maire*, or any other streights and passages situated thereabouts to the straights of *Anian*, as well on the north sea as the south sea, nor on any islands situated on the one side or the other, or between both; nor in the western or southern countries reaching, lying, and between both the meridians, from the Cape of Good Hope, in the East, to the east end of New Guinea, in the West, inclusive, but in the Name of this United Company of these United Netherlands. And whoever shall presume without the consent of this Company, to sail or to traffic in any of the Places within the aforesaid Limits granted to this Company, he shall forfeit the ships and the goods which shall be found for sale upon the aforesaid coasts and lands; the which being actually seized by the aforesaid Company, shall be by them kept for their own Benefit and Behoof. And in case such ships or goods shall be sold either in other countries or havens they may touch at, the owners and partners must be fined for the value of those ships and goods: Except only, that they who before the date of this charter, shall have sailed or been sent out of these or any other countries, to any of the aforesaid coasts, shall be able to continue their trade for the sale of their goods, and cosine back again, or otherwise, until the expiration of this charter, if they have had any before, and not longer: Provided, that after the first of July sixteen hundred and twenty one, the day and time of this charters commencing, no person shall be able to send any ships or goods to the places comprehended in this charter, although that before the date hereof, this Company was not finally incorporated: But shall provide therein as is becoming, against those who knowingly by fraud endeavour to frustrate our intention herein for the public good: Provided that the salt trade at *Ponte del Re* may be continued according to the conditions and instructions by us already given, or that may be given respecting it, any thing in this charter to the contrary notwithstanding.

II. That, moreover, the aforesaid Company may, in our name and authority, within the limits herein before prescribed, make contracts, engagements and alliances with the limits herein before prescribed, make contracts, engagements and alliances with the princes and natives of the countries comprehended therein, and also build any forts and fortifications there, to appoint and discharge Governors, people for war, and officers of justice, and other public officers, for the preservation of the places, keeping good order, police and justice, and in like manner for the promoting of trade; and again, others in their place to put, as they from the situation of their affairs shall see fit: Moreover, they must advance the peopling of those fruitful and unsettled parts, and do all that the service of those countries, and the profit and increase of trade shall require: and the Company shall successively communicate and transmit to us such contracts and alliances as they shall have made with the aforesaid princes and nations; and likewise the situation of the fortresses, fortifications, and settlements by them taken.

III. Saving, that they having chosen a governor in chief, and prepared instructions for him, they shall be approved, and a commission given by us, And that further, such governor in chief, as well as other deputy governors, commanders, and officers, shall be held to take an oath of allegiance to us and also to the Company.

IV. And if the aforesaid Company in and of the aforesaid places shall be cheated under the appearance of friendship, or badly treated, or shall suffer loss in trusting their money or Goods, without having restitution, or receiving payment for them, they may use the best methods in their power, according to the situation of their affairs, to obtain satisfaction.

V. And if it should be necessary for the establishment, security and defence of this trade, to take any troops with them, we will, according to the constitution of this country, and the situation of affairs furnish the said Company with such troops, provided they be paid and supported by the Company.

VI. Which troops, besides the oath already taken to us and to his excellency, shall swear to obey the commands of the said Company, and to endeavour to promote their interest to the utmost of their ability.

VII. That the provosts of the Company on shore may apprehend any of the military, that have inlisted in the service of the aforesaid company, and may confine them on board the ships in whatever city, place, or jurisdiction they may be found; provided, the provosts first inform the officers and magistrates of the cities and places where this happens.

VIII. That we will not take any ships, ordnance, or ammunition belonging to the company, for the use of this country, without the consent of the said company.

IX. We have moreover incorporated this company, and favoured them with privileges, and we give them a charter besides this, that they may pass freely with all their ships and goods without paying any toll to the United Provinces; and that they themselves may use their liberty in the same manner as the free inhabitants of the cities of this country enjoy their freedom, notwithstanding any person who is not free may be a member of this company.

X. That all the goods of this company during the eight next ensuing years, be carried out of this country to the parts of the West Indies and Africa, and other places comprehended within the aforesaid limits, and those which they shall bring into this country, shall be from outward and home convoys; provided, that if at the expiration of the aforesaid eight years, the state and situation of these Countries will not admit of this Freedom's continuing for a longer time, the said goods, and the merchandises coming from the places mentioned in this Charter, and exported again out of these countries, and the outward convoys and licenses, during the whole time of this Charter, shall not be rated higher by us than they have formerly been rated, unless we should be again engaged in a war, in which case, all the aforesaid goods and merchandises will not be rated higher by us than they were in the last list in time of war.

XI. And that this company may be strengthened by a good government, to the greatest profit and satisfaction of all concerned, we have ordained, that the said government shall be vested in five chambers of managers; one at Amsterdam, this shall have the management of four-ninths parts; one chamber in Zealand, for two-ninth parts; one chamber at the Maeze, for one-ninth part; one chamber in North Holland, for one-ninth-part; and the fifth chamber in Friesland, with the city and country, for one-ninth part; upon the condition entered in the record of our resolutions, and the Act past respecting it. And the Provinces in which there are no chambers shall be accommodated with so many managers, divided among the respective chambers, as their hundred thousand guilders in this company shall entitle them to.

XII. That the chamber of Amsterdam shall consist of twenty managers; the chamber of Zealand of twelve; the chambers of Maeze and of the North Part, each of fourteen, and the chamber of Friesland, with the city and country, also of fourteen managers; if it shall hereafter appear, that this work cannot be carried on without a greater number of persons; in that case, more may be added, with the knowledge of nineteen, and our approbation, but not otherwise

XIII. And the States of the respective United Provmces are authorized, to lay before their High Mightinesses' ordinary deputies, or before the magistrates of the cities of these Provinces, any order for registering the members, together with the election of managers, if they find they can do it according to the constitution of their Provinces. Moreover, that no person in the chamber of Amsterdam shall be chosen a manager who has not of his own in the fields of the company, the sum of five thousand guilders; and the Chamber of Zealand four thousand Builders, and the chamber of Maeze, of the North Part, and of Friesland, with the city and country. the like sum of four thousand guilders.

XIV. That the first managers shall serve for the term of six years, and then one-third part of the number of managers shall be changed by lot; and two years after a like third part, and the two next following years, the last third part; and so on successively the oldest in the service shall be dismissed; and in the place of those who go off, or of any that shall die, or for any other reason be dismissed, three others shall be nominated by the managers, both remaining and going oaf, together with the principal adventures in person, and at their cost, from which the aforesaid Provinces, the deputies, or the magistrates, shall make a new election of a manager, and successively supply the vacant places; and it shall be held before the principal adventurers, who have as great a concern as the respective managers.

XV. That the accounts of the furniture and outfit of the vessels, with their dependencies, shall be made up three months after the departure of the vessels, and one month after, copies shall be sent to us, and to the respective chambers: and the state of the returns, and their sales, shall the chambers (as often as we see good, or they are required thereto by the chambers) send to us and to one another.

XVI. That evry six years they shall make a general account of all outfits and returns, together with all the gains and losses of the company; to wit, one of their business, and one of the war, each separate; which accounts shall be made public by an advertisement, to the end that every one who is interested may, upon hearing of it, attend; and if by the expiration of the seventh year, the accounts are not made out in manner aforesaid, the managers shall forfeit their commissions, which shall be appropriated to the use of the poor, and they themselves be held to render their account as before, till such time and under such penalty as shall be fixed by us respecting offenders. And notwithstanding there shall be a dividend made of the profits of the business, so long as we find that term per Cent shall have been gained.

XVII. No one shall, during the continuance of this charter, withdraw his capital, or sum advanced? from this company; nor shall any new members be admitted. If at the expiration of four and twenty years it shall be found good to continue this company, or to erect a a new one, a final account and estimate shall be made by the nineteen, with our knowledge, of all that belongs to the company, and also of all their expences, and any one, after the aforesaid settlement and estimate, may withdraw his money, or continue it in the new company, in whole or in part, in the same proportion as in this; And the new company shall in such case take the remainder, and pay the members which do not think fit to continue in the company their share, at such times as the nineteen, with our knowledge and approbation, shall think proper.

XVIII. That so often as it shall be necessary to have a general meeting of the aforesaid chambers, it shall be by nineteen persons, of whom eight shall come from the chamber of Amsterdam; from Zealand, four; from the Maeze, two; from North Holland, two; from Friesland, and the city and country, two, provided, that the nineteen persons, or so many more as we shall at any time think fit, shall be deputed by US for the purpose of helping to direct the aforesaid meeting of the company.

XIX. By which general meeting of the aforesaid chambers, all the business of this Company which shall come before them shall be managed and finally settled, provided, that in case of resolving upon a war, our approbation shall be asked.

XX. The aforesaid general meeting being summoned, it shall meet to resolve when they shall fit out, and how many vessels they will send to each place, the company in general observing that no particular chamber shall undertake any thing in opposition to the foregoing resolution, but shall be held to carry the same effectually into execution. And if any chamber shall be found not following the common resolution, or contravening it, we have authorized, and by these presents do authorize, the said meeting, immediately to cause reparation to be made of every defect or contravention, wherein we, being desired, will assist them.

XXI. The said general meeting shall be held the first six years in the city of Amsterdam, and two years thereafter in Zealand. and so on from time to time in the aforesaid two places.

XXII. The managers to whom the affairs of the company shall be committed, who shall go from home to attend the aforesaid meeting or otherwise, shall have for their expences and wages, four guilders a day, besides boat and carriage hire; Provided, that those who go from one city to another, to the chambers as managers and governors, shall receive no wages or travelling charges, at the cost of the company.

XXIII. And if it should happen that in the aforesaid general meeting, any weighty matter should come before them wherein they cannot agree, or in case the vote are equally divided, the same shall be left to our decision; and whatever shall be determined upon shall be carried into execution.

XXIV. And all the inhabitants of these countries, and also of other countries, shall be notified by public advertisements within one month after the date hereof, that they may be admitted into this Company, during five months from the first of July this year, sixteen hundred and twenty one, and that they must pay the money they put into the Stock in three payments; to wit, one third part at the expiration of the aforesaid five months, and the other two-thirds parts within three next succeeding years. In case the aforesaid general meeting shall find it necessary to prolong the time the members shall be notified by an advertisement.

XXV. The ships returning from a voyage shall come to the place they sailed from; and if by stress of weather. the vessels which sailed out from one part shall arrive in another; as those from Amsterdam, or North Holland, in Zealand, or in the Maeze; or from Zealand, in Holland; or those from Friesland, with the city and country, in another part; each chamber shall nevertheless have the direction and management of the vessels and goods it sent out, and shall send and transport the goods to the places from whence the vessels sailed, either in the same or other vessels: Provided, that the managers of that chamber shall be held in person to find the place where the vessels and goods are arrived, and not appoint factors to do this business; but in case they shall not be in a situation for travelling, they shall commit this business to the chamber of the place where the vessels arrived.

XXVI. If any chamber has got any goods or returns from the places included within the Limits of this charter, with which another is not provided, it shall be held to send such goods to the chamber which is unprovided, on its request, according to the situation of the case, and if they have sold them, to send to another chamber for more. And in like manner, if the managers of the respective chambers have need of any persons for fitting out the vessels, or otherwise, from the cities where there are chambers or managers, they shall require and employ the managers, of this company, without making use of a factor.

XXVII. And if any of the Provinces think fit to appoint an agent to collect the money from the inhabitants, and to make a fund in any chamber, and for paying dividends, the chamber shall be obliged to give such agent access, that he may obtain information of the state of the disbursements and receipts, and of the debts; provided, that the money brought in by such agent amount to fifty thousand builders or upwards.

XXVIII. The managers shall have for commissions one per cent. On the outfits and returns, besides the Prince's; and an half per cent. On gold and silver: which commission shall be divided; to the Chamber of Amsterdam, four-ninth parts; the Chamber of Zealand, two-ninth parts; the Maeze, one-ninth part; North Holland, one-ninth part, and Friesland, with the city and country, a like ninth part.

XXIX. Provided that they shall not receive commissions on the ordnance and the ships more than once. They shall, moreover, have no commissions on the ships, ordnance, and other things with which we shall strengthn the Company; nor on the money which they shall collect for the Company, nor on the profits they receive from the goods, nor shall they charge the Company with any expenses of traveling or provisions for those to whom they shall commits the providing a cargo, and purchasing goods necessary for it.

XXX. The book-keepers and cashiers shall have a salary paid them by the managers out of their commissions.

XXXI. The manager shall not deliver or sell to the Company, in whole or in part, any of their own ships, merchandise or goods; nor buy or cause to be bought, of the said Company, directly or indirectly, any goods or merchandize nor have any portion or part therein on forfeiture of one year's commissions for the use of the poor, and the loss of Office.

XXXII. The managers shall give notice by advertisement, as often as they have a fresh importation of goods and merchandize, to the end that every one may have seasonable knowledge of it, before they proceed to a final sale.

XXXIII. And if it happens that in either Chamber, an of the managers shall get into such a situation, that he cannot make good what was entrusted to him during his administration, and in consequence thereof any loss shall happen, such Chamber shall be liable for the damage, and shall also be specially bound for their administration, which shall also be the case with all the members, who, on account of goods purchased, or otherwise, shall become debtors to the Company, and so shall be reckoned all cases relating to their stock and what may be due to the Company.

XXXIV. The managers of the respective chambers shall be responsible for their respective cashiers and book-keepers.

XXXV. That all the goods of this Company which shall be sold by weight shall be sold by one weight, to wit, that of Amsterdam; and that all such goods shall be put on board ship, or in store without paying any excise, import or weigh-money; provided that they being sold; shall not be delivered in any other way than by weight; and provided that the impost and weigh-money shall be paid as often as they are alienated, in the same manner as other goods subject to weigh-money.

XXXVI. That the persons or goods of the managers shall not be arrested, attached or encumbered, in order to obtain from them an account of the administration of the Company, nor for the payment of the wages of those who are in the service of the Company, but those who shall pretend to take the same upon them, shall be bound to refer the matter to their ordinary judges.

XXXVII. So when any ship shall return from a voyage, the generals or commanders of the fleets, shall be obliged to come and report to us the success of the voyage of such ship or ships, within ten days after their arrival, and shall deliver and leave with us a report in writing, if the case requires it.

XXXVIII. And if it happens (which we by no means expect) that any person will, in any manner, hurt or hinder the navigation, business, trade, or traffic of this Company, contrary to the common right, and the contents of the aforesaid treaties, leagues, and covenants, they shall defend it against them, and regulate it by the instructions we have given concerning it.

XXXIX. We have moreover promised and do promise, that we will defend this Company against every person in free navigation and traffic, and assist them with a million of Builders, to be paid in five years, whereof the first two hundred thousand guilders shall be paid them when the first payment shall be made by the members; Provided that we, with half the aforesaid million of Builders, shall receive and bear profit and risque in the same manner as the other members of this Company shall.

XL. And if by a violent and continued interruption of the aforesaid navigation and traffic, the business within the limits of their Company shall be brought to an open war, we will, if the situation of this country will in any wise admit of it, give them for their assistance sixteen ships of war, the least one hundred and fifty lasts burthen; with four good well sailing yachts, the least, forty lasts burthen, which shall be properly mounted and provided in all respects, both with brass and other cannon, and a proper quantity of ammunition, together with double suits of running and standing rigging, sails, cables, anchors, and other things thereto belonging, such as are proper to be provided and used in all great expeditions; upon condition, that they shall be manned, victualled, and supported at the expense of the Company, and that the Company shall be obliged to add thereto sixteen like ships of war, and four yachts, mounted and provided as above, to be used in like manner for the defence of trade and all exploits of war: Provided that all the ships of war and merchant-men (that shall be with those provided and manned as aforesaid) shall be under an admiral appointed by us according to the previous advise of the aforesaid General Company, and shall obey our commands, together with the resolutions of the Company, if it shall be necessary, in the same manner as in time of war; so notwithstanding that the merchantmen shall not unnecessarily hazard their lading.

XLI. And if it should happen that this country should be remarkably eased of its burthens, and that this Company should be laid under the grievous burthen of a war, we have further promised, and do promise, to encrease the aforesaid subsidy in such a manner as the situation of these countries will admit, and the affairs of the Company shall require.

XLII. We have moreover ordained, that in case of a war, all the prizes which shall be taken from enemies and pirates within the aforesaid limits, by the Company or their assistants; also the goods which shall be seized by virtue of our proclamation, after deducting all expenses and the damage which the Company shall suffer in taking each prize, together with the just part of his excellency the admiral, agreeable to our resolution of the first of April sixteen hundred and two; and the tenth part for the officers, sailors and soldiers, who have taken the prize, shall await the disposal of the managers of the aforesaid Company; Provided that the account of them shall be kept separate and apart from the account of trade and commerce; and that the nett proceeds of the said prizes shall be employed in fitting our ships, paying the troops, fortifications, garrisons, and like matters of war and defence by sea and land; but there shall be no distribution unless the said nett proceeds shall amount to so much that a notable share may be distributed without weakening the said defence, and after paying the expenses of the war, which shall be done separate and apart from the distributions on account of Trade: And the distribution shall be made one-tenth part for the use of the United Netherlands, and the remainder for the members of this Company, in exact proportion to the capital they have advanced.

XLIII. Provided nevertheless, that all the prizes and goods, taken by virtue of our proclamation, shall be brought in, and the right laid before the judicature of the counsellors of the admiralty for the part to which they are brought, that they may take cognizance of them, and determine the legality or illegality of the said prizes: the process of the administration of the goods brought in by the Company remaining nevertheless pending, and that under a proper inventory; and saving a revision of what may be done by the sentence of the admiralty, agreeable to the instruction given the admiralty in that behalf. Provided that the vendue-masters and other officers of the Admiralty shall not have or pretend to any right to the prizes taken by this Company, and shall not be employed respecting them.

XLIV. The managers of this Company shall solemnly promise and swear, that they will act well and faithfully in their administration, and make good and just accounts of their trade: That they in all things will consult the greatest profit of the Company, and as much as possible prevent their meeting with losses: That they will not give the principal members any greater advantage in the payments or distribution of money than the least: That they, in getting in and receiving outstanding debts, will not favour one more than another: that they for their own account will take, and, during the continuance of their administration, will continue to take such sum of money as by their charter is allotted to them; and moreover, that they will, as far as concerns them, to the utmost of their power, observe and keep, and cause to be observed and kept, all and every the particulars and articles herein contained.

XLV. All which privileges, freedoms and exemptions, together with the assistance herein before mentioned, in all their particulars and articles, we have, with full knowledge of the business, given, granted, promised and agreed to the- aforesaid Company; giving, granting, agreeing and promising moreover that they shall enjoy them peaceably and freely; ordaining that the same shall be observed and kept by all the magistrates, officers and subjects of the United Netherlands, without doing anything contrary thereto directly or indirectly, either within or out of these Netherlands, on penalty of being punished both in life and goods as obstacles to the common welfare of this country, and transgressors of our ordinance: promising moreover that we will maintain and establish the Company in the things contained in this charter,

in all treaties of peace, alliances and agreements with the neighboring princes, kingdoms and countries, without doing anything, or suffering any thing to be done which will weaken their establishment. Charging and expressly commanding all governors, justices, officers, magistrates and inhabitants of the aforesaid United Netherlands, that they permit the aforesaid Company and managers peaceably and freely to enjoy the full effect of this charter, agreement, and privilege, without any contradiction or impeachment to the-contrary. And that none may pretend ignorance hereof, we command that the contents of this charter shall be notified by publication, or an advertisement, where, and in such manner, as is proper; for we have found it necessary for the service of this country.

Given under our Great Seal, and the Signature and Seal of our Recorder, at the Hague, on the third day of the month of June, in the year sixteen hundred and twenty one.

Was countersigned

J. MAGNUS, Secr.

Underneath was written,

The ordinance of the High and Mighty Lords the States General.

It was subscribed,

C. AERSSSEN.

And has a Seal pendant, of red Wax, and a string of white silk.

Source:

The Federal and State Constitutions Colonial Charters, and Other Organic Laws of the States, Territories, and Colonies Now or Heretofore Forming the United States of America
Compiled and Edited Under the Act of Congress of June 30, 1906 by Francis Newton Thorpe
Washington, DC : Government Printing Office, 1909.

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Warrant for William Ussling to Establish a General Company for Trade to Asia, Africa, America and Magellanica;
December 21, 1624

We, Gustavus Adolphus, by the grace of God, King of Sweden, Gothland and the Wendes, Grand Duke of Finland, Duke of Esthonia and Dalecarlia, Lord of Lugermland, etc., etc.

Know you, that by a petition the honest and prudent William Ussling has humbly shown and proved to us how a general trading company here from our kingdom of Sweden to Asia, Africa, America, and Magellanica could be established for the considerable improvement of our and the Crown's revenues and the great advantage and benefit of our subjects; besides, that the said Ussling has also promised to us and engaged himself that he will organize this company using the utmost of his diligence and power, while he cherishes the certain hope that, with God's gracious blessing and help, it shall have a good beginning and progress as well as a favorable result and end. Such being the proposition which he made, we have taken it into consideration and find it to be founded and based upon so good reasons that we cannot disapprove of it nor do we see but what it is sure that if God will give success it shall tend to the honor of his Holy Name, to our and the state's welfare, and the advancement and advantage of our subjects. We have, therefore, graciously received and with pleasure approved of it and consented that the said company be organized and established. And that it may be done so much easier and better and capital and a management may be got so much quicker, we have given to the said Ussling power and permission now and in future to raise, inscribe, and accept in this our kingdom of Sweden and its dependent provinces all those who wish and desire to participate in the said society or company, not doubting that our faithful subjects, considering the advantages which they can have thereby both for themselves as well as their descendants in future, shall let themselves be found willing, each according to his power and means, to contribute something to and take a share in the said undertaking which is with especial well-meaning directed and organized for the common welfare and everybody's advantage. We also command herewith to all our governors, lords-lieutenants, bailiffs, crown-farmers, mayors, and councillors, as well as to all our other officers, whom the abovementioned Ussling shall ask for assistance and encouragement, that they receive him in friendship and, as far as their positions require and admit, give him for the promotion of this work what is needed, aid, and help him while he and everybody in his place here shall communicate more detailed information and advice about it.

Given and signed in our Royal Palace at Stockholm, the 21st of December, 1624.

Gustavus Adolphus.

Source:
B. Fernow, ed. Documents Relating to the Colonial History of the State of New York

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Charter of Privileges which Gustavus Adolphus Has Graciously Given by Letters Patent to the Newly Established Swedish South Company; June 14, 1626

We, Gustavus Adolphus, by the grace of God, King of Sweden, Gothland, and the Wendes, Grand Duke of Finland, Duke in Esthonia, Lord of Ingermanland, etc. Know you, that whereas we find that it will considerably add to the welfare of our kingdom and of our subjects and that it is necessary that the commerce, trades, and navigation in our lands and territories should grow, be increased, and improved by all suitable means. And whereas by the reports of experienced and trustworthy men we have received reliable and certain intelligence that there are in Africa, America, and Magellanica, or terra australis, many rich countries and islands, of which some are inhabited by quiet and rather effeminate people, some by heathens and savages, some uninhabited, and some as yet only imperfectly explored. With which said countries it will not only be possible to carry on an extraordinary large commerce from our kingdom, but it is also most likely that the said people may likewise be made more civilized and taught morality and the Christian religion by the mutual intercourse and trade. Therefore, we have maturely considered and as far as in our power concluded that the advantages, profits, and welfare of our kingdom and faithful subjects, besides the further propagation of the holy gospel, will be much improved and increased by the discovery of new commercial relations and navigation. We have been so much more indured thereto, as we understand that our faithful subjects, many merchants, as well as others, are willing to promote it and ready to make large advances of money for it. In consideration thereof, after much deliberation and for weighty causes and reasons which have made us well disposed towards this useful and praiseworthy undertaking, we have resolved, desired, and demanded that the commerce and navigation to the countries of Africa, Asia, America, and Magellanica shall be begun and carried on, subject to the formerly stated conditions and rules, by a powerful combination of inhabitants of our lands and territories and others who may desire to take part in it and join. For this purpose a general company shall be established, which, by special favors, we will firmly maintain and strengthen with our help and assistance, granting it the proper permission and the following privileges.

I. First, that during the time of twelve years none of our subjects and inhabitants of our lands and territories shall be allowed to sail and trade in anybody's but the company's name and behalf south of the Straits of Gibraltar to the countries of Africa, Asia, America, and Magellanica, or Terra Australis, reckoning the coast of America up to the same latitude as the said Straits, of 36 degrees, nor to any country or island lying between Africa and America under the said latitudes, while the ships and goods of all who have dared to trade there without our and this company's consent and permission shall be confiscated. And the shipowners who may have sent them there to trade shall be prosecuted. Against those who shall violate this rule, we will institute proceedings as against one who transgresses our laws and ordinances.

II. The association shall commence on the first of May of next year, the 1627th after the birth of Christ, and continue during the following twelve years. During this time no one shall be allowed to withdraw his invested capital nor shall new stockholders be admitted. But when towards the end when the twelve years are about to expire, the shareholders conclude to ask us that the time of the charter be prolonged, then we promise, that we will extend it if we can come to the conclusion that it may be done in reason.

III. Every year an account shall be rendered in presence of such shareholders as have invested for their own account one thousand dalers. Every six years all the general accounts shall be closed and new ones opened. If, which God may prevent, it then should happen that the profits are not so large or the results such as to justify the shareholders to resolve by a majority of votes not to let the company continue, it shall be dissolved and the funds divided.

IV. That the moneys which are needed hereto may be collected so much easier, everyone shall be reminded and warned by public proclamations that all inhabitants of this country must make their subscriptions between now and the first of March next, likewise those from other places beyond sea until the first of May next, be it for larger or smaller amounts. These sums must be paid in four years, each year one-fourth.

V. After the time for subscribing has passed, measures shall be taken for an election of directors and as many directors shall be chosen as hundreds of thousand dalers shall be found to have been subscribed, unless someone should conclude to appoint, for such a sum of hundred thousand dalers which he has invested, two directors, which he may do, but so that both together shall not receive more than one director's salary.

VI. The directors shall be chosen by a majority of votes from the number of shareholders. Nobody shall be allowed to cast a vote at the election unless he has subscribed for his own account one thousand dalers; likewise shall no one be chosen director unless he has subscribed for his own account two thousand dalers, which sum he shall have no right to dispose or divest himself of during the period of his official service.

VII. The first directors shall serve during the six years following. After this period has elapsed, they shall all be discharged and removed and then two-thirds shall again be elected out of the number of the out-going directors by the shareholders and the remaining one-third shall be taken from the principal shareholders. This rule shall thus be observed every two years until the time of the charter has expired.

VIII. All countries, cities, companies, or single individuals, foreigners as well as natives who invest the sum of one hundred thousand dalers are entitled to appoint a director. To this end, each national shall have a special contract to appoint for the management of their moneys such persons as they have the most confidence in. Likewise everyone, when subscribing, may expressly state under which nationality he desires to place his money. And the foreigners, who should desire to come into our kingdom and reside here and who will invest five and twenty thousand dalers in this company, shall enjoy the rights of citizens of the places where they reside, insofar as they will not carry on any burghers trade. They shall be free from all taxes and duties and at liberty to leave when they please without paying to us or the cities where they have resided any departing fee. Likewise, their heirs, or those whom in their last wills they shall institute as their heirs, may sell, take away, and remove the inherited property without any further tax or other toll being imposed, as before said.

IX. The directors shall have equal power and authority, without regard to the office and dignity with which they are clothed outside of the company or to the rank of the persons who may have appointed them. They shall take a solemn oath that they will faithfully and honestly perform. the duties of their office, not endeavor to promote the interests of one shareholder more than those of another, as well as further the company's interests in every respect, prevent losses and during their term of office not buy any kind of goods outside of the company nor at any time either directly or indirectly sell or deliver any.

X. The directors shall have for their services a yearly remuneration and subsistence of one thousand dalers.

XI. If the directors should have to travel for the company, then they shall receive a daily allowance of six marks Swedish, besides what they pay out for the hire of horses, drivers, and carriages.

XII. Bookkeepers, cashiers, and clerks are to be paid out of the company's funds. The directors of each department shall be answerable for their respective cashiers and employees.

XIII. If it should happen that a director of one or the other department should get into such a position that he cannot execute his trust and any loss may be caused thereby, then it falls upon the department which is under his management, or to which he belongs, or upon those who especially may have appointed such a director.

The sums, therefore, which the directors have invested in the company shall, for the greater insurance of their faithfulness, remain so invested. This refers also to all shareholders who should become indebted to the company, but it shall be so understood as if the sums, which have been paid in from the first beginning, have been extinguished by assignment.

XIV. The persons or the property of the directors shall not be held liable or molested for what concerns the whole company; but if there is somebody who has any claim upon them, then he shall be obliged in such a case to sue them according to law.

XV. The moneys invested herein shall be free from confiscation and not be forfeited, even though it should happen, which God may prevent, that any misunderstanding or war should occur between us and any king, prince, or republic whose subjects have joined this company; they may, like the inhabitants of our kingdom and all other shareholders, freely and frankly, without any hindrance or loss, take out their capital and the accrued profits.

XVI. Any country or city conveniently located for navigation and commerce, investing a sum of three hundred thousand dalers, shall have a separate department and the right to send out ships in proportion of the invested capital.

XVII. Different countries and cities which have subscribed the aforesaid sum may unite their capital and have a separate department and shipping rights as often as their turn and the distribution comes, subject to their agreement. But the extraordinary expenses which may arise from such distributions shall fall upon the cities which desire to enjoy this advantage and not upon the company.

XVIII. All ships about to sail shall assemble in the port of Gottenburg and depart in company as a fleet, also upon their return come back to the same port to discharge there such cargoes as it may be serviceable to sell and to send away; thence the ships shall then go to the places from where they hail, as far as wind and weather permit and it can be done without any considerable danger and loss to the company.

XIX. In case one or the other department should receive or have on hand an abundance of goods with which another department is not provided, then the first shall be obliged to furnish them to the other which is unprovided and further assist it when they are sold.

XX. After the election of directors and the establishment of departments, as many supervising stockholders shall be appointed for each department as the stockholders think necessary, who shall be instructed to inspect the accounts every day as well as deliberate with the directors upon all matters of importance, also resolve whether the company shall be continued or dissolved, also when the incoming cargoes and the profits on them shall be divided. Care must also be taken that, as far as possible, in the selection and choice of supervising stockholders, directors, commissaries, officers, skippers, mates, and others engaged into the company's service, always those are especially and above all others considered and promoted who hold the most shares in the company.

XXI. Departments shall have authority to transfer a director from one department to another and all the other departments are especially obliged to have one director in Gottenburg. The separate departments shall further transmit to each other, at least within two months after the departure of the ships, statements of the cost of fitting out the ships and of the cargoes, likewise every three months a statement of what each department has sold.

XXII. Whenever it will be necessary to call together the departments to determine the voyages, where and how many ships shall be fitted out, the price to be placed on arriving goods, and to audit accounts and other similar business, it shall be done the first year in the department which has invested the largest sum, then in that one the capital of which exceeds that of the others and after that in the other departments the shares of which are the least.

XXIII. When a meeting is to be held, twelve directors shall appear from all departments, to whom we will add a thirteenth vote so that all matters may be decided by a majority of votes. Each department shall further send to the meeting as many persons, as in proportion they are interested in the capital, to wit: if any department is interested in one-half (of the capital) it shall delegate six persons; if in one-third, four; if in one-fourth, three; and for one-sixth, two. All departments must submit to what is decided by a majority of votes and nobody shall dare to act otherwise.

XXIV. We have further granted and privileged this company, as we herewith now do grant and privilege, that they shall not pay any higher duties than four percent on all goods and merchandises which they import to or export from our kingdom and territories. When the aforesaid four percent are once paid on imported goods, the company shall have permission to export and pass the said goods through our customs' offices as often as it may be necessary without paying further duties. They may also, under the same condition, freely transport and remove all goods and merchandises imported by others and on which duty has been paid or they shall be duty free when the duties are paid within this country; provided, however, that this company shall do only a wholesale business and carry on no country trade to the prejudice and disadvantage of the privileges of our citizens or cities.

XXV. We take, besides all this, herewith this company as a ward into our protection, promising to defend and guard them with the power of our kingdom in their free commerce and navigation against all and everybody in special who should hinder and damage them in their good and lawful undertaking; and if any war should be made against them, we will come to their assistance and relief with as many men-of-war and soldiers as the occasion may require and the circumstances of our kingdom will allow.

XXVI. We will, likewise, in peace as well as in times of war, establish and have erected such forts and fortifications as we shall find useful and necessary for the safety of the commerce and of the people who went there, providing all the fortifications with ordnance, ammunition, and troops; which troops we will pay and subsist without expense to the company.

XXVII. All booty taken by the company from pirates and other enemies shall be used for the defense and protection of the commerce and we or our admiral will make no claims upon it. But if any booty should be taken while our ships-of-war are present, then the said booty shall be divided as follows: one part shall belong to us, the other to the company in proportion to the people who were present when the ships were taken.

XXVIII. We will not take or have taken by any means from the company's into our or our kingdom's service any ship, ordnance, ammunition, money, goods, or merchandises, unless it may be done with the free, thorough, joyous, and unanimous consent and approval of the company, its supervising stockholders and directors.

XXIX. This company shall have power, within the aforesaid limits and rules, to make in our name alliances, treaties, and agreements with kings, princes, and republics, people and inhabitants of the abovementioned countries, also to build cities, castles, and forts, settle people in fertile countries as well as in unsettled places, decide upon, make arrangements for, and promote the population and settlements, and carry into effect everything which may be of service to us and of advantage and profit to the company. But, it is at the same time ordered that they shall not commit or begin any hostilities with the people and inhabitants of the aforesaid countries nor against any nation in Europe which may trade or have settlements at the aforesaid places, nor even against the subjects of the King of Spain unless obliged to defend themselves, nor shall they trade at any place within the said King's jurisdiction unless his subjects are inclined to allow and grant it. And we expressly forbid that any of our subjects shall undertake to act contrary to this order, under such penalties and fines as are imposed upon those who transgress our laws and disturb the public peace.

XXX. But in case the members of company are cheated under the appearance of friendship and badly treated in whatever manner or if anyone should try to injure or hinder them in their free trade by force or fraud, then we give them full authority, consent, and command to obtain an indemnification by all possible means and as quickly as feasible. They may also treat like pirates and declared enemies all who want to damage them in their trade by force. They shall take, punish, and proceed against them in the same manner as it is usually done against all such disturbers of the public peace.

XXXI. In order to manifest the great pleasure which we have in the progress of this company, we promise that we will subscribe and invest a sum of four hundred thousand dalers, counting thirty-two round pieces to a daler, which we will risk for our own account, dividing profit and loss with the other shareholders.

XXXII. As compensation for all these advantages, assistance, franchises, and privileges we will take, besides, the aforesaid duty of four per cent and keep one-fifth part of all the gold, silver, quicksilver, and other minerals which may be found in the mines and the tenth of the produce of the country, not including herein the goods and merchandises which are handled by the company nor the coined or uncoined gold and silver which they have received in payment of their merchandises and which,

if imported, shall be duty free. Besides this, we do not wish to have the members of the company burdened with any other taxes and imposts.

XXXIII. Whereas William Usselinx, born in Amsterdam in Brabant, has spent most of his lifetime in discovering and exploring the advantages of the countries mentioned in this charter and is in possession of testimonials and certificates from the high mighty Lords States-General of the United Netherlands and the illustrious Prince Maurice, Prince of Orange, of Christian memory, as well as from several now living historians of our time, that he has been the most prominent originator and promoter who, through many years, has assisted in the establishment of the West India Company in the United Netherlands and has given to the said Lords States-General the most reliable information. And whereas he has in the same manner made a good report of it to us, so that we were pleased with it, offering us his services and that he will also further discover and impart to us all the knowledge and information which he has gathered in regard to the said commerce by long continued observations and experience. Therefore, we have, both for the services which he has performed and hereafter shall perform for us and also for the troubles, work, and great expenses which he has had, granted and conceded to him that he shall receive and enjoy from this company one per mille of all goods and merchandise which are bought and sold in the company, as long as the commerce under this charter to the aforesaid places continue, so that the managers of the company shall be obliged to pay the said sum to him, his attorneys and heirs, as soon as the accounts for goods bought and sold can be made up.

XXXIV. When this company shall have been put in working order, a council shall be established which we will invest with proper authority, power, and instructions to take care of military affairs, administer law and justice, make laws and ordinances, and, in case of war, to see that it is begun for a just cause, carried on with caution, and prudently concluded, also to recruit soldiers, to appoint governors, commanders, and those who shall administer law and justice, to build castles and forts, as well as to decide upon and remove all difficulties and litigations which may arise between the people who go over and the natives, or between the same and the directors, likewise between the departments and the shareholders; finally, to take care of and watch over everything which concerns the State and its government. As these are matters mostly foreign to a merchant's affairs, who has too much to do with trading, fitting out ships, keeping books, and writing letters, as to look sufficiently after them, this council shall take this burden from him. The said council shall be chosen from the most prominent supervising shareholders and shall not in the least interfere with the commercial business nor the appointment of commissaries, skippers, and other officers of the company; but all these shall stand under the orders of the directors who must advise us and our council at once of all news and communications which they receive from foreign lands, so that we may know how to arrange and direct our affairs accordingly. The said council shall decide everything by a majority of votes and there shall be as many members of it as we shall find necessary, whom we will provide with the proper means of support.

XXXV. Any prince, republic, country, city, or company investing the sum of five hundred thousand dalers shall have the right to appoint an agent and resident manager, who may, on behalf of his principals, treat and communicate with us in regard to all matters.

XXXVI. We promise, that, when it should occur that by and by the stockholders deem it advisable and expedient to petition us in regard to any point beneficial to the company which has been omitted here, we shall grant and concede it if we can come to the conclusion that it will be for the welfare of our kingdom and for the advantage and benefit of the commerce.

Source:
B. Fernow, ed. Documents Relating to the Colonial History of the State of New York, Vol. XI

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Grant of Land North of the Saco River to Thomas Lewis and Richard Bonighton by the Council for New England; February 12, 1629

To all Christian people to whom these present writing indented shall come, the Council for the affairs of New England in America send greeting in our Lord God everlasting.

Whereas King James of famous memory, late King of England, Scotland, France, and Ireland, by his Highness' letters patent and royal grant under the great seal of England, bearing date the third day of November in the eighteenth year of his reign of England, France, and Ireland, etc., for the causes therein expressed did absolutely give, grant, and confirm to the said Council for the affairs of New England in America, and their successors forever, all the land of New England lying and being from forty to forty-eight degrees of northerly latitude and in length by all that breadth aforesaid from sea to sea throughout the main land, together with all the woods, waters, rivers, soils, havens, harbors, islands, and other commodities whatsoever thereunto belonging, with diverse other privileges, preeminences, profits, and liberties by sea and land, as by the said letters patents among other things contained, whereunto due relation being had more at large it does and may appear. Now know you that the said council for the affairs of New England in America, as well for and in consideration that Thomas Lewis, Gentleman, has already been at the charge to transport himself and others to take a view of New England in America aforesaid for the bettering of his experience in advancing of a plantation, and does now wholly intend by God's assistance with his associates to plant there, both for the good of his Majesty's realms and dominions and for the propagation of Christian religion among those infidels, and in consideration also that the said Thomas Lewis together with Captain Richard Bonighton, and also with their associates and company, have undertaken at their own proper costs and charges to transport fifty persons there within seven years next ensuing to plant and inhabit there to the advancement of the general plantation of that country and the strength and safety thereof among the natives or any other invaders, also for the encouragement of the said Thomas Lewis and Captain Richard Bonighton, and other considerations the said council thereunto moving, have given, granted, enfeoffed, and confirmed, and by this present writing do fully, clearly, and absolutely give, grant, enfeof, and confirm to the said Thomas Lewis and Captain Richard Bonighton, their heirs and assigns for ever, all that part of the main land in New England in America, aforesaid, commonly called or known by the name of Swanckadocke, or by whatsoever other name or names the same is or shall be hereafter called or known by, situated, lying, and being between the cape or bay commonly called Cape Elizabeth and the cape or bay commonly called Cape Porpoise, containing in breadth from northeast to southwest along by the sea four miles in a straight line, or accounting seventeen hundred and three score yards according to the standard of England to every mile, and eight English miles upon the main land on the north side of the river Swanckadock after the same rate, from the sea through all the breadth aforesaid, together with all the shores, creeks, bays, harbors, and coasts along the sea within the limits and bounds aforesaid, with the woods and islands next adjoining the said lands not being already granted by the said council to any other person or persons, together also with all the lands, rivers, mines, minerals of what kind or nature soever, woods, quarries, marshes, waters, lakes, fishings, buntings, hawkings, fowlings, commodities, emoluments, and heriditaments whatsoever, with all and singular their and every of their appurtenances in or within the limits or bounds aforesaid or to the said land lying within the said limits or bounds belonging or in anywise appertaining. To have and to hold all and singular the said lands and premises with all and singular the woods, quarries, marshes, waters, rivers, lakes, fishings, fowlings, hawkings, huntings, mines, minerals, of what kind or nature soever, privileges, rights, jurisdictions, liberties, royalties, and all other profits, commodities, emoluments, and hereditaments whatsoever before in and by these presents given and granted, or herein meant, mentioned, or intended, to be hereby given, or granted with their and every of their appurtenances and every part and parcel thereof, except before excepted, to the only proper use and behoof of the said Thomas Lewis, and Captain Richard Bonighton, their heirs, associates, and assigns forever, to the said Thomas Lewis and Captain Richard Bonighton, their heirs, associates, and assigns forever. Yielding and paying to our sovereign lord the King, one-fifth part of gold and silver ore, and another fifth part to the council aforesaid and their successors, to be holden of the said council and their successors by the rent hereafter in these presents reserved. Yielding and paying, therefore, yearly forever to the said Council, their successors or assigns, for every hundred acres of the said land in use twelve pence of lawful money of England, into the hands of the rent gatherer for the time being of the said council, their heirs or successors, for all service whatsoever. And the said Council for the affairs of New England in America aforesaid, do by these presents nominate, depute, authorize, appoint, and in their place and stead, put William Blakeston of New England aforesaid, clerk, William Jefferys and Edward Hilton of the same, gentlemen, and either or any of them jointly or severally, to be their true and lawful attorney or attorneys, and in their name and stead to enter into the said part or portion of land and other the premises, with the appurtenances by these presents given and granted, or into some part thereof in the name of the whole, and peaceable and quiet possession and seizin thereof for them to take and the same so had and taken in their names and stead to deliver possession and seizin thereof to the said Thomas Lewis and Captain Bonighton, their heirs, associates, and assigns, according to the tenor, form, and effect of these presents, ratifying, confirming, and allowing all and whatsoever the said attorney or attorneys or either of them shall do in or about the premises by virtue hereof. In witness whereof the said Council for the affairs of New England, aforesaid, have hereunto caused their common seal to be put thereon the twelfth day of February, anno Domini 1629, and in the fifth year of the reign of our sovereign lord Charles, by the grace of God, King of England, Scotland, France, and Ireland, Defender of the Faith, etc.,

R. Warwick
Edward Gorges

June 28, 1631: Possession, livery, and seizin had and delivered by the within named Edward Hilton, Gentleman, one of the commissioners nominated by the lords of the Council for the affairs of New England, to the within named Thomas Lewis, Gentleman. In the presence and sight of the persons named under.

Thomas Wiggin
James Parker
Henry Watts
George Vahan

This is a true copy of a patent exhibited by Mr. John Bonighton to the commissioners of the general court, being examined therewith word for word attests.

9:5th mo:1660

Thomas Savage.

Source:
Maine Historical Society.
Documentary history of the state of Maine / published by the Maine Historical Society, aided by appropriations from the state.
Portland : Bailey and Noyes, 1869-1916.

I. A history of the discovery of Maine, by J.G. Kohl. 1869.--II. A discourse on western planting, written ... 1854, by R. Hakluyt ... Preface and an introduction, by L. Woods ... ed. ... by C. Deane. 1877.--III. The Trelawny papers. Ed. ... by J.P. Baxter. 1884.--IV-VI. The Baxter manuscripts. [v. 1-3] ed. by J.P. Baxter. 1889-1900.--VII-VIII. The Farnham papers ... comp. by Mary F. Farnham. 1901-02.--IX-XXIV. The Baxter manuscripts. [v. 4-19] ed. by J.P. Baxter. 1907-16.

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Sir Robert Heath's Patent 5 Charles 1st; October, 30 1629 (1)

Charles by the grace of God of England Scotland France & Ireland King Defender of the faith &c: To all to whom these present Ires shall come, greeting

We have seen the inrolement of certaine of our Ires patents under our great scale of England made to Sr Robert Heath Knight our Attorney Generall, bearing date at Westminster the 30. day of October in the 5 yeare of our reigne & inrolled in our Court of Chancery, & remaining upon Record among the Roles of the Said Court in these words: The king to all to whom these present &c: greeting. Whereas our beloved and faithful subject and servant Sr Robert Heath Knight our Attorney Generall, kindled with a certain laudable and pious desire as well of enlarging the Christian religion as our Empoire & encreasing the Trade & Commerce of this our kingdom: A certaine Region or Territory to bee hereafter described, in our lands in the parts of America betwixt one & thirety & 36 degrees of northerne latitude inclusively placed (yet hitherto untild, neither inhabited by ours or the subjects of any other Christian king, Prince or state But some parts of it inhabited by certain Barbarous men who have not any knowledge of the Divine Dietye) He being about to lead thither a Colonye of men large & plentifull, professing the true religion; seduously & industriously applying themselves to the culture of the sayd lands & to merchandising to be performed by industry & at his owne charges & others by his example. And in this his purpose in this allayer for our service and honour he hath given us full satisfaction, which purpose of his being soe laudable & manifestly tending to our honour, & the profit of our kingdome of England Wee with a Royal regard considering these things doe thinke meete to approve & prosecute them, for which end the sayd Sr Robert Heath hath humbly supplicated that all that Region with the Isles thereunto belonging with certain sorts of privileges & jurisdictions for the wholesome government of his Colonye & Region aforesaid & for the estate of the apurtenances may be given granted and confirmed to him, his heires & Assignes by our Royall Hiahnesse.

Know therefore that wee prosecuting with our Royall favor the pious & laudable purpose & desire of our aforesaid Attorney of our especiall grace certaine knowledge & meere motion, have given, granted & confirmed & by this our present charter to the said Sr Robert Heath Knight his heirs & assignee for ever, doe give, grant & confirme all that River or Rivelett of St Matthew on the South side & all that River or Rivelett of the great passe on the North side, & all the lands Tenements & Hereditaments lying, beeing & extending within or between the sayd Rivers by that draught or Tract to the Ocean upon the east side & soe to the west & soe fare as the Continent extends itselfe with all & every their apurtenances & alsoe all those our Islands of beayus Bahama & all other Isles & Islands lying southerly there or neare upon the foresayd continent ail which lye inclusively within the degrees of 31 & 36 of Northerne latitude; And all & singular the ports & stations of shippes & the Creeks of the sea belonging to the Rivers, Islands & lands aforesaid; with the fishings of all sorts of fish, whales, sturgeons & of other Royalives in the sea or in the rivers moreover all veines, mines or pits either upon or conceald of Gold, Silver Jewells & precious stones & all other things whatsoever, whither of stones or metalls or any other thing or matter found or to be found in the Region Territory Isles or limitts aforesaid. And furthermore the patronages and advowsons of all churches which shall happen to be built hereafter in the said Region Territory & Isles and limitts by the increase of the religion & worship of Christ Together with all & singular these & these soe amply, Rights Jurisdictions, priviledges prerogatives Rovaltyes libertyes immunityes with Royall rights & franchises whatsoever as well by sea as by land, within that Region Territory Isles & limitts aforesaid To have exercise use & enjoy in like manner as any Bishop of Durham within the Bpricke or County palatine of Durham in our kingdome of England ever heretofore had held used or enjoyed or of right ought or could have hold use or enjoy. And by the presents we make create & constitute the same Sr Robert Heath his heires & assignee true and absolute Lords & Proprietors of the Region & Territory aforesaid & all other the premises for us our heires & successors savinge alwaies the faith & allegiance due to us our heires & successors. To have hold possess & enjoy the said Region Isles Rivers & the rest of the premises to the said Sr Robert Heath Knight his heires & assignee to the sole & behoofe of him Sr Robert Heath Knight his heires & assignee for ever with that meaning that the said Sr Robert Heath his heires & assignee shall plant the premisses according to certaine instructions & directions of oures signed with our Royall hand of the date of the presents remaining with our principall Secretary to our use our heires & successors To be held of us our heires & successors Kings of England in Cheife by knights service & by paying for it to us our heires & successors one Circle of Gold formed in the fashion of a crowne of the weight of twenty Ounces with this inscription ingraved upon it Deos Coronet Opus Suum whensoever & as often as it shall happen, that we our heires or successors shall enter the said Region, & also the fifth & part of all the metall of Gold & Silver (which in English is called Gold & Silver Oare) which shall from time to time happen to be found within the foresavd limits & such a proportion of the profits & commodities out of the premises as are fully contained m the instructions & declarations aforesaid.

But that the aforesaid region or Territory soe granted & described may be more illustrious by us than all the other Regions of that land & may be adorned with more ample Titles.

Know that we of-our free grace certain knowledge & meere motion doe thinke fit to erect the sand Region Territory & Isles into a Province & by the fulness of our power & Kingly Authority for us our heires & successors, we doe erect & incorporate them into a province & name the same Carolina or the province of Carolina, & the foresaid Isles the Carolarns Islands & soe we will that in all times hereafter they shall be named. And because we herebefore have ordained & made the forest Sr Robert Heath Knight true lord & proprietor of all the aforementioned Province. Furthermore know vee that we for ourselves our heires & successors doe give power to the said Sr Robert (of whose faith prudence industry & provident circumspection we have great confidence) & to his heires & assignee for the good & happy Government of the said Province to forme make & enact & publish under the scale of the said Sr Robert his heires & assignee what lawes soever may concerns the publicke state of the said province or the private profit of all according to the wholesome directions of & with the counsell assent & approbation of the Freeholders of the same Province or the Major part of them who when & as often as need shall require shall by the aforesaid Sr Robert Heath his Heires & Assignes & in that forme which to him or them shall seem best, be called together to make lawes & those to be for all men within the said province & the bounds of it for the time beeing or under his or their Government or power either sayling towards Carolana or returning from thence either outward to England or outward to any other dominion of ours whatsoever constituted by imposition of fines imprisonment or any other constraint whatsoever & we grant to the said Sr Robert his heires & assignee free full & all kind of power by the Tenour of these presents if the qualitye of the offence requires it to punish by the losse of life or limbe by himself his heires or assignee, or by their Deputyes Lieutenants Judges Justices Magistrates Officers & ministers to be constituted & made according to the tenour & true intent of these presents duely to be executed: And also to the said Sr Robert Heath his Heires & assignee as to them shall seem most meet power of constituting & ordaining Judges & Justices Magistrates & officers whatsoever for whatsoever causes and with what power soever & in what forme by sea or by land. Alsoe crimes & all excesses whatsoever against such lawes either before judgement received or after, power of remitting releasing pardoning & abolishing; & all & singular complements of justice courts tribunalls forms of judgements & manners of processe belonging to them although there be not mention made nor expression of them in these presents which laws as aforesaid to be proclaimed & to be endowed with the most absolute firmnesse of right. we will injoyn command & order that they he inviolably observed & kept by all men the Lieges & Subjects of US our heires & successors (as farre as it may concerne them) & under the paines in them expressed & to be expressed yet soe that the foresaid lawes & ordinances be consonant treason and not repugnant or contrary but (as conveniently as may be done) consonant to the [awes, statutes, customer & rights of our Realme of England.

And because in the Government of see great a Province sudden chances many times happen to which it will be necessary to apply a remedy before that the Freeholders of the sayd province can be called together to make [awes, neither will it be convenient, upon a continued title in an emergent occasion to gather together soe great a people therefore for the better Government of the sayd Province, we will & ordaine & by these presents for Us our Heires & Successors; doe grant unto the said Sr Robert Heath his Heires & Assignes by himself or by magistrates & officers duly constituted for that purpose (as before is sayd) shall & may have power from time to time to make & constitute wholesome & convenient Ordinances within the Province aforesaid & be kept & observed as well for the preserving the peace as for the better Government of the people there liveing; & to give publicke notice of them to all whom it doth or may concerne: which Ordinances we will that they be inviolably observed within the sayd Province under the paines expressed in them soe as the sayd Ordinances be consonant to Reason & not repugnant nor contrary, but (as conveniently as may be done) consonant to the laws, statutes & rights of our Realme of England as is aforesaid soe alsoe that the same Ordinances extend not

themselves against the right or interest of any person or persons or to distrayne bind or burden in or upon his freehold goods or chattels: or to be received any where there in the same Province or the Isles aforesayd.

Moreover that New Carolana may happily increase by the multitude of people thronging thither & alsoe that they be firmly defended from the incursions of the Barbarous & of others practicall or plundering enemyes. Therefore we for ourselves our Heires & Successors at the will & pleasure of the sayd Sr Robert Heath his heires and assignee, doe give & grant by these presents to all men & our subjects, ledges of our heires and successors both those in present & to come (unless it shall be in an especiall manner forbidden) power, licence & libertye to build & fortifye themselves & their families in the sayd Province of Carolana for the publicke safety of their seats there planted, tilled & inhabited with forts castles & other fortifications, with fitting stripes alsoe & convenient; furniture for transportation the statute of fugitives or any other whatsoever contrary to these premises in any wise notwithstanding. We will alsoe & for lfs our Heires & successors out of our great favour we firmly comand constitute ordaine & require that the said Province be in our Allegiance & that all & every our subjects: & ledges & of our heires & successors brought or to be brought into the said Province, their children either their already borne or hereafter to be borne are & shall be Naturall and leiges to us our Heires & successors & in all things shall be held, treated reputed & accounted as faithful ledges of us, our heires & successors borne in our Kingdom of England. And alsoe that they shall possesse lands, tenements, rents services & Hereditaments whatsoever with our Kingdome of England & other our Dominions to purchase, receive, take, have, hold, buy and possesse & them to use & enjoy & alsoe then to give sell alienate & bequeath & alsoe all libertyes, franchises & priviledges of this our Realme, to have & possess freely quietly & peaceably & that they may use enjoy them as our ledges borne or to be borne within our Kingdom of England without impediment molestation or vexation, claime or grievance from us our Heires & successors whatsoever; any statute, act Ordinance or provision here upon to the contrary notwithstanding: furthermore that our subjects may be incited with a ready & cheerful mind, to undertake this expedition with the hope of gaine & the meeknesse of priviledges. Know that we out of our especiall favour, certain knowledge & meere motion doe give license & grant free power, as well to the said Sr Robert Heath Knight his Heires & assignee as to all others who shall goe from time to time to inhabits in Carolana aforesaid, all & singular their goods as well moveable as immoveable wares, merchandise alsoe weapons & warlicke instruments offensive & defensive in any ports of ours, our Heires & successors to be laded in shipper, for to be transported into the province of Carolana, by him or his, or their assignee & this without molestation by us our Heires & successors or any officers of us our Heires or successors, or farmers to us, our Heires & successors: paying notwithstanding to us, our Heires & successors all & all manner of impositions, subsidyes, customes & other Dues for the sayd things wares & merchandises soe exported as are usuall & accustomed, any statute act Ordinance or other thing whatsoever to the contrary notwithstanding. Alwaies provided that before the sayd Goodes, things & merchandises are carried to & loaded in the shippes that licence for them be desired & obtained from the High Treasurer of the Kingdome of England to us, our heires & successors, or the commissioners for our Treasurye or from six or more of the Privy Councell, of us our Heires & successors inscribed under their hands To which Treasurer Commissioners & privy Councell of us our heirs & successors or to any sine or more of them; we for ourselves our Heires & successors have given & granted as by these presents we doe give & grant power to grant licence in the form aforesayd. And because in see remote a Region, seated among so many barbarous nations it is probable that the incursions as well of those Barbarous as of other enemyes Pirates & Robbers may cause feare. Therefore we for ourselves our Heires & successors have given to the foresayd Sr Robert Heath Knight his heires & assignee by himself his Captains or other his officers, that all men of whatever condition, or wherever borne, being at that time in the Province of Carolana power to call to their colours, to cause Musters to make warre, to pursue enemyes & Robbers aforesaid by land & sea, even beyond the bounds of his province, and then (with Gods blessing) to overcome & to take, & being taken by right of warre to slay, or according to his pleasure to preserve, & all & every thing which doe appertains to the right & office of a Captaine Generall or have been used to appertaine to be done & by these presents doe give full & free power as any Captaine Generall ever had.

Will will also & by this our charter doe give power, liberty and Authority to the foresayd Sr Robert Heath Knight his heires & assignee that in case of Rebellion sudden tumult or sedition, if any such shall chance to be which (God forbid) either upon the land within this Province aforesayd, or upon the wide Ocean, either making a journey towards Carolana aforesayd or returning from thence, we by these presents for us our heires & successors doe give & grant power and authoritye most ample to himself or by Captaines Deputyes or other their officers authorised to this purpose under their scales, against all authors of innovations, seditions against the Government of him or them, withdrawing themselves speakers evill of the militia, renegadors, deserters or any others whatsoever offending against the matter manner & discipline military shall by them be punished by law militarye soe freely and in such ample manner & forme as any Captaine Generall by the vertue of his office may or could doe

Furthermore least the way to Honours & Dignities may seem to be shuts & altogether barr'd up to men honestly borne, & are willing to undertake this present expedition & are desirous in soe remote and far distant a Region to deserve well of us & of our kingdomes in peace & warre for that doe for ourselves our heires & successors give full & free power to the foresayd Sr Robert Heath Knight his heires & assignee to confere favours graces & honours upon those well deserving citizens that inhabit within the foresayd province & the same with whatever Titles & dignities (provided they be not the same as are now used in England) to adorne at his pleasure alsoe to erect villages into Borowes & Borowes into Cityttes for the meritts of the inhabitants and conveniency of the places with priviledges & befitting immunities to be erected & incorporated, & to doe all other & singular upon the premises which shall seem most convenient to him or them, although they be such which of their owne natures doe require mandates or warrant more especiall then is expressed in these presents. And because the beginnings of Colonys & all publicke goods & affayres doe want to labour under divers inconveniences & difficultyes, therefore wee favoring the beginning of this present Colonye, & that those that are molested in one thing may be relieved in another providing by our kingly care, out of our espetiall grace, certaine knowledge & moor motion, by this our charter doe give and grant licence to the foresayd Sr Robert Heath his heires & assignee & to all the Dwellers & inhabits of Carolana aforesayd whatsoever both present & to come: That whatsoever wares and merchandises out of the growth & increase of the sayd Province by land or sea, freely to bring by himselfe or his factors or assignee into whatever port of us, our heires & successors of our kingdomes of England or Ireland & them to unlode and otherwise thereof to dispose, or if need be continually to keep for a whole yeare the sayd merchandises from being unloaded, or them againe into the same or other shippes to lode, & to export them into what Regions soever they please whither ours or others strangers. Alwayes provided that soe many & such customes impositions subsidyes & Toles & other duties which they are bound to pav to us, our heires and successors & onely such & the like as our other subjects for the time beeing are bound to pay, beyond what & which by noe meanes we will that the inhabitants of the aforesayd Carolana be molested or grieved.

And furthermore of our more ample & espetiall favour & out of our certaine knowledge & meer motion we for ourselves our heires & successors doe grant to the foresayd Sr Robert Heath King his Heires & Assignes full & absolute power and authority of making erecting & constituting within the foresayd province of Carolana & the Isles aforesayd soe many or such sea-ports stations of shippes creeks & other places of lodeing for shippes boats & other vessels & in soe many & in such like places & with such rights jurisdictions libertyes & priviledges belonging to the like ports as to him or them shall seeme most expedient & that all & singular shippes boates & other vessells whatsoever, for whatever cause of merchandising coming to or goeing from the sayd Province shall be loafed & unloded only at such ports as shall be erected & appointed soe by the sayd Sr Robert Heath his Heires or assignee any use or custome or any other thing notwithstanding. Alwaies saveing & reserveing to ail our subjects of our Kingdom of England our Heires & successors liberty of fishing as well in the sea as in the creeks of the foresayd Province & priveledge to salt harden & drye fishes upon the shores of the said province; as it hath been reasonably used & enjoyed heretofore anything in these presents to the contrary notwithstanding. All which libertyes & priveledges the subjects of us our heires & successors as is aforesd shall enjoy yer without doeing any notable hurt or injury in any way to the aforesd Sr Robert Heath his heires & assignee or to the Dwellers or inhabitants on the ports, creeks & shores aforesayd of the same Province; & more especial in their Trees there growing; And if any one committe any such harme or injury he shall undergoe the peril & danger of the highest displeasure of us our heires & successors & the due chastisem of the Law. And if by chance hereafter some doubts & questions may be framed about the true sence & meaning of any word clause or sentence contain'd in this our present charter we will, enjoyne & comand that alwaies & in all things that interpretation be used & shall be received in all our Courtes which shall be judged more benigne profitable & favourable to the foresayd S' Robert Heath Knight his Heires & assignee & to the Dwellers & inhabitants of the foresayd Province, provided alwaies that noe interpretation be made by which the religion of the holy God & true christian, or the Alleglance due to us our heires & successors may suffer in the least any lessening prejudice or losse. Neverthelesse we will & our trust in the aforesayd Sr Robert Heath Knight his heires & assignee is & the aforesaid Sr Robert Heath Knight for himselfe. his heires executors & assignee doth agree & grant to & with us our heires & successors that the sayd Sr Robert Heath Knight his heires & assignee in the Province & foresayd Isles to be planted & inhabited shall soe behave themselves in all things as we by our instructions and directions signed with our Royall hand as aforesaid most espetially to instruct & direct them, shall thinke most convenient and necessary for our honour & service.

Neverthelesse alwaies provided that it shall happen the River or Rivelett or Isles aforesayd or other the premises or any part or parcell of the same to be now granted to any person or persons by us or by our deare father King James, or is now actually possessed or inhabited by any of our subjects or by the subjects of any other Christian Prince or State, that then those our letters patents & all in them contained, soe farre as the containe soe much of the premises soe granted, and are now so actually possessed & inhabited as is aforesayd shall be void & of noe effect. These our letters patents or anything in them contained to the contrary in any wise notwithstanding. And that expresse mention &c.; In witnesse whereof &c: Witnesse the King at Westminster the thirtyeth day of Oct: & ye de privato sigillo And we have thought fit by these presents to exemplifye the Tenour and inrollment of our foresayd letters patents, at the request of the foresayd Sr Robert Heath Knight.

In Testimony whereof we have caused these our letters to be made patents witsesse our selfe at Canbury the fourth day of August in the seventh year of our Reign.

Exam: by us

JO: MYCHELL

ROB: RICH

clerckes.

(1) The Colonial Records of North Carolina, Published under the Supervision of the Trustees of the Public Libraries, by order of the General Assembly. Collected and edited by William L. Saunders, Secretary of State. Vol. I, 1662 to 1712. Raleigh. P. M. Hale, Printer to the State, 1886. [Back](#)

Source:

The Federal and State Constitutions Colonial Charters, and Other Organic Laws of the States, Territories, and Colonies Now or Heretofore Forming the United States of America
Compiled and Edited Under the Act of Congress of June 30, 1906 by Francis Newton Thorpe
Washington, DC : Government Printing Office, 1909.

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Royal Commission for Regulating Plantations; April 28, 1634

Charles, by the grace of God, of England, Scotland, France, and Ireland, King, Defender of the Faith, etc..

To the right reverend father in God, our right trusty and wellbeloved counselor, William, by the providence of God, Archbishop of Canterbury, primate and metropolitan of all England; to our right trusty and well-beloved counselor, Thomas, Lord Coventry, Lord Keeper of our great seal of England; to our right reverend father in God, our right trusty and well-beloved counselor, Richard, by the providence of God, Archbishop of York, primate and metropolitan of England; to our right trusty and well-beloved counselor, Richard, Earl of Portland and high treasurer of England; Henry, Earl of Manchester, keeper of our privy seal; Thomas, Earl of Arundell and Surrey, Earl Marshall of England; Edward, Earl of Dorset, chamberlain to our most dear consort, the Queen; and to our trusty and well-beloved counselor Francis Lord Cottington, Chamberlain and under treasurer of our Exchequer; Thomas Edmunds, Knight, treasurer of our household, John Cook, Knight, one of our principal secretaries of state; and Francis Windebank, another of our principal secretaries of state, greeting. Whereas diverse of the subjects of us and of our late dear father, King James, of famous memory, late, of England, King, by virtue of our royal authority, granted not only to enlarge the territories of our empire, but more especially to propagate the gospel of our Lord Jesus Christ, having, with their exceeding industry and charge, deduced great numbers of the people of England into several colonies in several places of the world, either altogether desert and unpeopled, or enjoyed by savage and barbarous nations, void of all manner of knowledge of Almighty God, we, being graciously pleased to provide for the ease and tranquility of the said subjects, and reposing assured confidence in your fidelity, wisdom, justice, and providence, do constitute you, our said Archbishop of Canterbury, etc., or any five or more of you, our counselors, and to you, or to any five or more of you, do commit and give power of protection and government, as well over the said English colonies already planted as over all such other colonies, which by any of our people of England, hereafter shall be deduced into any other like parts whatsoever, and power to make laws, ordinances, and constitutions, concerning either the state public of the said colonies, or utility of private persons and their lands, goods, debts, and succession within the precincts of the same, and for ordering and directing of them, in their demeanors towards foreign princes and their people, and likewise towards us and our subjects, as well within any foreign parts whatsoever beyond the seas as during their voyages, or upon the seas, to and from the same.

And for relief and support of the clergy, and the rule and cure of the souls of our people living in those parts, and for consigning of convenient maintenance to them by tiths, oblations, and other profits accruing, according to your good discretion, with the advice of two or three of our bishops, whom you shall think fit to call to your consultations, touching the distribution of such maintenance to the clergy, and all other matters ecclesiastical, and to inflict punishment on all offenders or violaters of constitutions and ordinances, either by imprisonments or other restraints, or by loss of life or members, according as the quality of the offense shall require with power also, our royal assent being first had and obtained, to remove all governors and presidents of the said colonies, upon just cause appearing, from their several places, and to appoint others in their stead, and also to require and take account of them touching their office and government, and whom you shall find delinquents you shall punish, either by depriving them of their several places and provinces over which they are appointed, or by pecuniary mulcts and penalties, according to the qualities of the offenses; and power also to ordain temporal judges and civil magistrates to determine of civil causes, with such powers in such a form as to you or any five or more of you shall seem expedient; and also to ordain judges, magistrates, and officers for and concerning courts ecclesiastical, with such power and such a form as to you or any five or more of you, with the advice of the bishops suffragan to the Archbishop of Canterbury for the time being, shall be held meet; and power to constitute and ordain tribunals and courts of justice, both ecclesiastical and civil, with such power and in them form of judicature and manner of process and appeals from and to the said courts in all cases and matters, as well criminal as civil, both personal, real, and mixed, and touching the determination pertaining to any courts of justice, ecclesiastical and civil, to judge thereof and determine; provided nevertheless, the said laws, ordinances, and constitutions shall not be put in execution until our royal assent, expressed under our sign at least, be first thereto had and obtained, the which our royal assent so obtained, together with the said laws, ordinances, constitutions, being published and proclaimed in the provinces in which they are to be executed, the said laws, ordinances, and constitutions, from thenceforth, shall be in force in law; and we do hereby will and command all persons whom it shall concern inviolably to keep and observe the same. Notwithstanding, it may and shall be lawful for you, and every five and more of you, with our royal assent, the said laws, ordinances, and constitutions, though so published and proclaimed as aforesaid, to alter, revoke, and appeal, and other new laws, etc., in form aforesaid, from time to time, to make and publish as aforesaid, and to new and growing evils and perils to apply new remedies in such manner, and so often as to you shall appear to be necessary and expedient.

Know you also, that we do constitute you, the said Archbishop of Canterbury, etc., and every five or more of you, our committees, according to your good discretions, to hear and determine all complaints at the entrance and suit of the party grieved, whether it be against the whole colonies themselves or any governor or officer of the same, or whether complaint touching wrongs exhibited and depending, either between the whole bodies of the colonies or any private member thereof, and to summon the persons before you, and they or their procurators or agents being on both sides heard, finally to determine thereof, according to justice. Giving moreover, and granting to you and any five or more of you, that if it shall appear that any officer or governor of the said colonies shall injuriously intend and usurp upon the authority, power, and possessions of any other, or shall unjustly wrong one another, or shall not suppress all revels to us, or such as shall not obey our commands, that then it shall be lawful, upon advice with ourself first had, for the causes aforesaid, or upon any other just reason, to remand and cause the offender to return into England, or into any other place, according as in your good discretions you shall think just and necessary.

And we do, furthermore, give to you, or any five or more of you, letters patents and other writings whatsoever, of us or of our royal predecessors granted, for or concerning the planting of any colonies in any countries, provinces, islands, or territories whatsoever, beyond the seas, and if, upon view thereof, the same shall appear to you, or any five or more of you, to have been surreptitiously and unduly obtained, or that any privileges or liberties therein granted- be hurtful to us, our crown, or prerogative royal, or to any foreign princes, to cause the same, according to the laws and customs of our realm of England, to be revoked and to do all other things which shall be necessary for the wholesome government and protection of the said colonies and our people therein abiding.

Wherefore, we command you that you diligently intend the premises at such times and places as yourselves for that purpose shall appoint, charging also and firmly commanding all presidents of provinces within the aforesaid colonies now planted or to be planted, and all and every the said colonies themselves, and all other persons whom it does concern, that they attend you in the premises, and be obedient to your commands touching the same so often as they shall be thereto commanded, at their peril. In witness whereof, we caused these our letters to be made patent. Witness ourself at Westminster, 28th day of April, in the tenth year of our reign.

Source:

Hutchinson, Thomas, 1711-1780.

The history of the colony and province of Massachusetts-bay, by Thomas Hutchinson. Edited from the author's own copies of volumes I and II and his manuscript of volume III, with a memoir and additional notes, by Lawrence Shaw Mayo.

Cambridge, Mass., Harvard University Press, 1936.

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Declaration for Resignation of the Charter by the Council for New England; April 25, 1635

Forasmuch as we have found by a long experience that the faithful endeavors of some of us that have sought the advancement of the plantation of New England have not been without frequent and inevitable troubles of companions to our undertakings from our first discovery of that coast to the present by great charges and necessary expenses, but also depriving us of diverse of our friends and faithful servants employed in that work abroad while we at home were assaulted with sharp litigious questions before the lords of his Majesty's most honorable Privy Council, by the Virginia Company, and that in the very infancy thereof, who finding they could not prevail in that way they failed not to prosecute the same in the House of Parliament, pretending our said plantation to be a grievance to the Commonwealth, and for such presented it to King James of blessed memory, who, although his justice and royal nature could not so relish it, but was otherwise pleased to give his gracious encouragement for prosecution thereof, yet such was the times, as the affections of the multitude were thereby disheartened, and so much the more by how much it pleased God about that time to bereave us of the most noble and principal props thereof, as the Duke of Lenox, Marquis Hamilton, and many other strong stays to this work of building, then followed the claim of the French ambassador, taking advantage of the divisions made of the sea coasts between ourselves, to whom we made a just and satisfactory answer, as it seems, for that he rested contented therewith, and since that we have heard no more thereof. Nevertheless these crosses did draw upon us such a disheartened weakness as there only remained a carcass in a manner breathless til the end of the last Parliament when there were certain that desired a patent of some lands in the Massachusetts Bay to plant upon, who, presenting the names of honest and religious men, easily obtained their first desires. But these being once gotten they used other means to advance themselves and step beyond their first proportions to a second grant surreptitiously gotten of other lands also justly past unto Captain Robert Gorges long before, who, being made governor of those parts, went in person and took an absolute seizure and actual possession of that country by a settled plantation he made in the Massachusetts Bay, which afterwards he left to the charge and custody of his servants and certain other undertakers and tenants belonging to some of us, who were thrust out by those intenders that had exorbitantly bounded their grant from east to west through all that main land from sea to sea, being near about three thousand miles in length, with all riding over the heads of all those lords and others that had their portions assigned to them in his late Majesty's presence and with his Highness' approbation by lot upon the south coast from east to west some eighty or one hundred leagues long. But herewith not yet content, they labored and obtained unknown to us a confirmation of all this from his Majesty, and unwitting thereof by which means they did not only enlarge their first extents to the west limits spoken of, but wholly excluded themselves from the public government of the council authorized for those affairs, and made themselves a free people, and for such hold themselves at the present. Whereby they did rend in pieces the first foundation of the building and so framed to themselves both new laws and new conceits of matters of religion and forms of ecclesiastical and temporal orders and government, punishing diverse that would not approve thereof, some by whipping, others by burning their houses over their heads, and some by banishing and the like, and all this partly under other pretences, though indeed for no other cause save only to make themselves absolute masters of the country, and unconscionable in your new laws. So as those complaints posting first to ourselves that had no sufficient means to redress or give satisfaction to the persons aggrieved, they were at last of necessity petitioners to his Majesty who, pitying their cases, referred them to the lords to examine the truth thereof, and to consider of the means of reformation, who calling some of us to give account by what authority or by whose means these people were sent over, and conceiving some of us to be guilty thereof, we were called for from our houses far remote in the country at unseasonable times to our great charge and trouble. But as innocence is confident, so we easily made it appear that we had no share in the evils committed, and wholly disclaimed having any hand therein, humbly referring to your lordships to do what might best sort with your wisdoms who found matters in so desperate a case as that they saw a necessity for his Majesty to take the whole business into his own hands, as otherwise we could not undertake to rectify what was brought to ruin. But, finding it a task too great for us to perform, we rather chose to resign all into his Majesty's hands to do therein as he pleased, to whom we conceived it did principally belong to have care of a business of so high a consequence as it is now found to be.

After all these troubles and upon these considerations, it is now resolved that the patent shall be surrendered to his Majesty with reservation of all such lawful rights as any is or has been seized with either before or since the patent granted to those of the Bay of Massachusetts. And that it may please his Majesty to pass particular grants to us of such proportions of lands as we have mutually agreed upon and are recorded before in this book that we, having his Majesty's grants of the same under a settled government, may the more cheerfully proceed in the planting of our several provinces, and with the better courage and assurance prosecute the same to a full settling of the state of those countries, and a dutiful obedience of all such as shall come under us to his Majesty's laws and ordinances there to be established and put in execution by such his Majesty's lieutenants or governors as shall be employed for those services to the glory of Almighty God, the honor of his Majesty, and public good of his faithful subjects. And thus much we have thought fit to be recorded and, in convenient time, published that posterity may know the reasons and necessities moving us to quit ourselves of these inconveniences and dangers that might have fallen upon the plantations for want of power in us to reform the same.

Source:
Documentary history of the State of Maine / published by the Maine Historical Society, aided by appropriations from the state.
Portland : Bailey and Noyes, 1869-1916.

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Confirmation of the Grant from the Council for New England to Captain John Mason; 1635

Forasmuch as by a mutual agreement we whose names are subscribed patentees or adventurers and of the Council of New England are to join in the surrender to his Majesty of the great charter of that country which was granted to us in the 18th year of the reign of King James of blessed memory, in those presence February 3, 1634, lots were drawn for settling of diverse and sundry divisions of lands on the sea coasts of said country upon most of us who hereto have never been confirmed in the lands so allotted.

To the intent that everyone of us, according to equity and in some reasonable manner answerable to his adventurers or other interests, may enjoy a proportion of the lands of the said country, to be immediately held of his Majesty.

We, therefore, do condescend and agree that all the part of the sea coast of the country aforesaid shall belong to Captain John Mason to begin at the middle of Naukeek River and from there to proceed eastward along the sea coast to Cape Anne, and around about the same into Pascataqua Harbor, and so forward up the river of Newichawanock and to the furthest head of said river, and from there northwestward til sixty miles be finished from the first entrance of Pascataqua Harbor; also from Naumkeek through the harbor and river thereof up into the land west sixty miles, from which period to cross over land to the sixty miles end accounted from Pascataqua, through Newichawanock River and into the said land northwest as aforesaid; and hereunto is to belong the south half of the Isle of Shoals and 10,000 acres of land on the southeast part of Sagadahock at the mouth or entrance thereof; saving and reserving out of this division to every one that has any lawful grants of lands or plantations lawfully settled in the same the freeholding and enjoying of his rights with the liberties thereunto appertaining, laying down his jura regalis, if he have any, to the proprietor of his division wherein his land lies, and paying some small acknowledgement for that he is now to hold his said land anew of the proprietor of his division.

Lenox Hamilton Arundel and Surrey Carlisle

Sterling Edward Gorges Sir Ferdinando Gorges

Concordat cum originali facta collatione per me,

Thomas Maydwell, Notary Public.

Source:
Collections of the New Hampshire Historical Society.
Concord, N.H. : Jacob B. Moore, 1824-

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Proclamation Against the Disorderly Transporting His Majesty's subjects to the Plantations Within the Parts of America; April 30, 1637

By The King The King's most excellent majesty being informed that great numbers of his subjects have been and are every year transported into those parts of America, which have been granted by patent to several persons, and there settle themselves, some of them with their families and whole estates, amongst which numbers there are also many idle and refractory humors whose only or principal end is to live as much as they can without the reach of authority; his Majesty, having taken the premises into consideration, is minded to restrain for the time to come such promiscuous and disorderly departing out of the realm, and does therefore straightly charge and command all and every the officers and ministers of his several ports in England, Wales, and Berwick that they do not hereafter permit or suffer any persons being subsidy men or of the value of subsidy men to embark themselves in any of the said ports, or the members thereof, for any of the said plantations without license from his Majesty's commissioners for plantations first had and obtained in that behalf; nor that they admit to be embarked any persons under the degree or value of subsidymen without an attestation or certificate from two justices of the peace living next the place where the party last of all, or lately, then before dwelt, that he has taken the Oath of Supremacy and Allegiance, and like testimony from the minister of the parish of his conversation and conformity to the orders and disciplines of the Church of England. And further, his Majesty's express will and pleasure is that the officers and ministers of his several ports, and the members thereof, do return to his Majesty's said commissioners for plantations every half year a particular and perfect list of the names and qualities of all such persons as shall from time to time be embarked in any of the said ports for any of the said plantations. And of these his Majesty's royal commands all the officers and ministers of his said ports, and the members thereof, are to take care, as they will answer the neglect thereof at their perils.

Given at our court at Whitehall the last day of April in the thirteenth year of our reign.

God Save The King

imprinted at London by Robert Barker, printer to the King's most excellent majesty, and by the assigns of John Bill. 1637.

Source:
C. S. Brigham, ed. [British Royal Proclamations Relating to America, 1603-1783](#)

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Commission to Sir Ferdinando Gorges as Governor of New England by Charles ; July 23, 1637

Manifesting our royal pleasure for the establishing a general government in our territories of New England for prevention of those evils that otherwise might ensue for default thereof, forasmuch as we have understood and been credibly informed of the many inconveniences and mischiefs that have grown and are like more and more to arise amongst our subjects already planted in the parts of New England by reason of the several opinions, differing humors, and many other differences springing up between them and daily like to increase, and for that it rested not in the power of the Council of New England by our gracious father's royal charter established for those affairs to redress the same, without we take the whole managing thereof into our own hands and apply thereunto our immediate power and authority, which being perceived by the principal undertakers of those businesses, they have humbly resigned the said charter unto us, that thereby there may be a speedy order taken for reformation of the aforesaid errors and mischiefs. And knowing it to be a duty proper to our royal justice not to suffer such numbers of our people to run to ruin and so religious and good intents to languish for want of timely remedy and sovereign assistance, we have, therefore, graciously accepted of the said resignation and do approve of their good affections to a service so acceptable to God and us. And we have seriously advised with our Council both of the way of reformation and of a person meet and able for that employment by whose gravity, moderation, and experience we have hopes to repair what is amiss and settlement of those affairs to the good of our people and honour of our government. And for that purpose we have resolved with ourself to employ our servant Ferdinando Gorges, Knight, as well for that our gracious father of blessed memory as we have had for a long time good experience of his fidelity, circumspection, and knowledge of his government in martial and civil affairs, besides his understanding of the state of those countries wherein he has been an immediate mover and a principal actor to the great prejudice of his estate, long troubles, and the loss of many of his good friends and servants in making the first discovery of those coasts, and taking the first seizure thereof, as of right belongs to us our Crown and dignity, and is still resolved according to our gracious pleasure to prosecute the same in his own person, which resolution and most commendable affection of his to serve us therein as we highly approve, so we hold it properly of our princely care to second him with our royal and ample authority, such as shall be meet for an employment so eminent and the performance of our service therein. Whereof, we have thought it fit to make public declaration of our said pleasure, that thereby it may appear to our good subjects the resolution we have graciously to provide for the peace and future good of those whose affection leads them to any such undertaking, and withall to signify that our further will and pleasure is that none be permitted to go into any those parts to plant or inhabit but that they first acquaint our said governor therewith, or such other as shall be deputed for that purpose during his abode here in England, and who are to receive from him or them allowance to pass with his or their further directions where to set down most for their particular commodities and public good of our service, saving and reserving to all those that have joined in the surrender of the great Charter of New England and have grants immediately to be holden of us for their several plantations in the said country free liberty at all times hereafter to go themselves and also to send such numbers of people to their plantations as by themselves shall be thought convenient. Hereby strictly charging and commanding all our officers and others to whom it shall or may pertain, to take notice of this our pleasure and to be careful the same be firmly observed as they or any of them shall answer the same at their utmost peril.

Given at the Court of Whitehall the 23 day of July 1637 and in the thirteenth year of our reign.

Source:

Maine Historical Society.

Documentary history of the state of Maine / published by the Maine Historical Society, aided by appropriations from the state.

Portland : Bailey and Noyes, 1869-1916.

I. A history of the discovery of Maine, by J.G. Kohl. 1869.--II. A discourse on western planting, written ... 1854, by R. Hakluyt ... Preface and an introduction, by L. Woods ... ed. ... by C. Deane.

1877.--III. The Trelawny papers. Ed. ... by J.P. Baxter. 1884.--IV-VI. The Baxter manuscripts. [v. 1-3] ed. by J.P. Baxter. 1889-1900.--VII-VIII. The Farnham papers ... comp. by Mary F. Farnham.

1901-02.--IX-XXIV. The Baxter manuscripts. [v. 4-19] ed. by J.P. Baxter. 1907-16.

Collection of the Maine historical society. Second series.

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Fundamental Orders of 1639

For as much as it hath pleased Almighty God by the wise disposition of his divine providence so to order and dispose of things that we the Inhabitants and Residents of Windsor, Hartford and Wethersfield are now cohobiting and dwelling in and upon the River of Connectecotte and the lands thereunto adjoining; and well knowing where a people are gathered together the word of God requires that to maintain the peace and union of such a people there should be an orderly and decent Government established according to God, to order and dispose of the affairs of the people at all seasons as occasion shall require; do therefore associate and conjoin ourselves to be as one Public State or Commonwealth; and do for ourselves and our successors and such as shall be adjoined to us at any time hereafter, enter into Combination and Confederation together, to maintain and preserve the liberty and purity of the Gospel of our Lord Jesus which we now profess, as also, the discipline of the Churches, which according to the truth of the said Gospel is now practiced amongst us; as also in our civil affairs to be guided and governed according to such Laws, Rules, Orders and Decrees as shall be made, ordered, and decreed as followeth:

1. It is Ordered, sentenced, and decreed, that there shall be yearly two General Assemblies or Courts, the one the second Thursday in April, the other the second Thursday in September following; the first shall be called the Court of Election, wherein shall be yearly chosen from time to time, so many Magistrates and other public Officers as shall be found requisite: Whereof one to be chosen Governor for the year ensuing and until another be chosen, and no other Magistrate to be chosen for more than one year: provided always there be six chosen besides the Governor, which being chosen and sworn according to an Oath recorded for that purpose, shall have the power to administer justice according to the Laws here established, and for want thereof, according to the Rule of the Word of God; which choice shall be made by all that are admitted freemen and have taken the Oath of Fidelity, and do cohabit within this Jurisdiction having been admitted Inhabitants by the major part of the Town wherein they live or the major part of such as shall be then present.
2. It is Ordered, sentenced, and decreed, that the election of the aforesaid Magistrates shall be in this manner: every person present and qualified for choice shall bring in (to the person deputed to receive them) one single paper with the name of him written in it whom he desires to have Governor, and that he that hath the greatest number of papers shall be Governor for that year. And the rest of the Magistrates or public officers to be chosen in this manner: the Secretary for the time being shall first read the names of all that are to be put to choice and then shall severally nominate them distinctly, and every one that would have the person nominated to be chosen shall bring in one single paper written upon, and he that would not have him chosen shall bring in a blank; and every one that hath more written papers than blanks shall be a Magistrate for that year; which papers shall be received and told by one or more that shall be then chosen by the court and sworn to be faithful therein; but in case there should not be six chosen as aforesaid, besides the Governor, out of those which are nominated, than he or they which have the most written papers shall be a Magistrate or Magistrates for the ensuing year, to make up the aforesaid number.
3. It is Ordered, sentenced, and decreed, that the Secretary shall not nominate any person, nor shall any person be chosen newly into the Magistracy which was not propounded in some General Court before, to be nominated the next election; and to that end it shall be lawful for each of the Towns aforesaid by their deputies to nominate any two whom they conceive fit to be put to election; and the Court may add so many more as they judge requisite.
4. It is Ordered, sentenced, and decreed, that no person be chosen Governor above once in two years, and that the Governor be always a member of some approved Congregation, and formerly of the Magistracy within this Jurisdiction; and that all the Magistrates, Freemen of this Commonwealth; and that no Magistrate or other public officer shall execute any part of his or their office before they are severally sworn, which shall be done in the face of the court if they be present, and in case of absence by some deputed for that purpose.
5. It is Ordered, sentenced, and decreed, that to the aforesaid Court of Election the several Towns shall send their deputies, and when the Elections are ended they may proceed in any public service as at other Courts. Also the other General Court in September shall be for making of laws, and any other public occasion, which concerns the good of the Commonwealth.
6. It is Ordered, sentenced, and decreed, that the Governor shall, either by himself or by the Secretary, send out summons to the Constables of every Town for the calling of these two standing Courts one month at least before their several times: And also if the Governor and the greatest part of the Magistrates see cause upon any special occasion to call a General Court, they may give order to the Secretary so to do within fourteen days' warning: And if urgent necessity so required, upon a shorter notice, giving sufficient grounds for it to the deputies when they meet, or else be questioned for the same; And if the Governor and major part of Magistrates shall either neglect or refuse to call the two General standing Courts or either of them, as also at other times when the occasions of the Commonwealth require, the Freemen thereof, or the major part of them, shall petition to them so to do; if then it be either denied or neglected, the said Freemen, or the major part of them, shall have the power to give order to the Constables of the several Towns to do the same, and so may meet together, and choose to themselves a Moderator, and may proceed to do any act of power which any other General Courts may.
7. It is Ordered, sentenced, and decreed, that after there are warrants given out for any of the said General Courts, the Constable or Constables of each Town, shall forthwith give notice distinctly to the inhabitants of the same, in some public assembly or by going or sending from house to house, that at a place and time by him or them limited and set, they meet and assemble themselves together to elect and choose certain deputies to be at the General Court then following to agitate the affairs of the Commonwealth; which said deputies shall be chosen by all that are admitted Inhabitants in the several Towns and have taken the oath of fidelity; provided that none be chosen a Deputy for any General Court which is not a Freeman of this Commonwealth.

The aforesaid deputies shall be chosen in manner following: every person that is present and qualified as before expressed, shall bring the names of such, written in several papers, as they desire to have chosen for that employment, and these three or four, more or less, being the number agreed on to be chosen for that time, that have the greatest number of papers written for them shall be deputies for that Court; whose names shall be endorsed on the back side of the warrant and returned into the Court, with the Constable or Constables' hand unto the same.
8. It is Ordered, sentenced, and decreed, that Windsor, Hartford, and Wethersfield shall have power, each Town, to send four of their Freemen as their deputies to every General Court; and Whatsoever other Town shall be hereafter added to this Jurisdiction, they shall send so many deputies as the Court shall judge meet, a reasonable proportion to the number of Freemen that are in the said Towns being to be attended therein; which deputies shall have the power of the whole Town to give their votes and allowance to all such laws and orders as may be for the public good, and unto which the said Towns are to be bound.
9. It is Ordered, sentenced, and decreed, that the deputies thus chosen shall have power and liberty to appoint atime and a place of meeting together before any General Court, to advise and consult of all such things as may concern the good of the public, as also to examine their own Elections, whether according to the order, and if they or the greatest part of them find any election to be illegal they may seclude such for present from their meeting, and return the same and their reasons to the Court; and if it be proved true, the Court may fine the party or parties so intruding, and the Town, if they see cause, and give out a warrant to go to a new election in a legal way, either in part or in whole. Also the said deputies shall have power to fine any that shall be disorderly at their meetings, or for not coming in due time or place according to appointment; and they may return the said fines into the Court if it be refused to be paid, and the Treasurer to take notice of it, and to escheat or levy the same as he does other fines.

10. It is Ordered, sentenced, and decreed, that every General Court, except such as through neglect of the Governor and the greatest part of the Magistrates the Freemen themselves do call, shall consist of the Governor, or some one chosen to moderate the Court, and four other Magistrates at least, with the major part of the deputies of the several Towns legally chosen; and in case the Freemen, or major part of them, through neglect or refusal of the Governor and major part of the Magistrates, shall call a Court, it shall consist of the major part of Freemen that are present or their deputies, with a Moderator chosen by them: In which said General Courts shall consist the supreme power of the Commonwealth, and they only shall have power to make laws or repeal them, to grant levies, to admit of Freemen, dispose of lands undisposed of, to several Towns or persons, and also shall have power to call either Court or Magistrate or any other person whatsoever into question for any misdemeanor, and may for just causes displace or deal otherwise according to the nature of the offense; and also may deal in any other matter that concerns the good of this Commonwealth, except election of Magistrates, which shall be done by the whole body of Freemen.

In which Court the Governor or Moderator shall have power to order the Court, to give liberty of speech, and silence unseasonable and disorderly speakings, to put all things to vote, and in case the vote be equal to have the casting voice. But none of these Courts shall be adjourned or dissolved without the consent of the major part of the Court.

11. It is Ordered, sentenced, and decreed, that when any General Court upon the occasions of the Commonwealth have agreed upon any sum, or sums of money to be levied upon the several Towns within this Jurisdiction, that a committee be chosen to set out and appoint what shall be the proportion of every Town to pay of the said levy, provided the committee be made up of an equal number out of each Town.

14th January 1639 the 11 Orders above said are voted.

Source:

The Federal and State Constitutions Colonial Charters, and Other Organic Laws of the States, Territories, and Colonies Now or Heretofore Forming the United States of America
Compiled and Edited Under the Act of Congress of June 30, 1906 by Francis Newton Thorpe
Washington, DC : Government Printing Office, 1909.

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Fundamental Agreement, or Original Constitution of the Colony of New Haven, June 4, 1639

THE 4th day of the 4th month, called June, 1639, all the free planters assembled together in a general meeting, to consult about settling civil government, according to GOD, and the nomination of persons that might be found, by consent of all, fittest in all respects for the foundation work of a church, which was intended to be gathered in Quiniack. After solemn invocation of the name of GOD, in prayer for the presence and help of his spirit and grace, in those weighty businesses, they were reminded of the business whereabout they met, (viz.) for the establishment of such civil order as might be most pleasing unto GOD, and for the choosing the fittest men for the foundation work of a church to be gathered. For the better enabling them to discern the mind of GOD, and to agree accordingly concerning the establishment of civil order, Mr. John Davenport propounded divers queries to them publicly, praying them to consider seriously in the presence and fear of GOD, the weight of the business they met about, and not to be rash or slight in giving their votes to things they understood not; but to digest fully and thoroughly what should be propounded to them, and without respect to men, as they should be satisfied and persuaded in their own minds, to give their answers in such sort as they would be willing should stand upon record for posterity.

This being earnestly pressed by Mr. Davenport, Mr. Robert Newman was intreated to write, in characters, and to read distinctly and audibly in the hearing of all the people, what was propounded and accorded on, that it might appear, that all consented to matters propounded, according to words written by him.

Query I. WHETHER the scriptures do hold forth a perfect rule for the direction and government of all men in all duties which they are to perform to GOD and men, as well in families and commonwealth, as in matters of the church ? This was assented unto by all, no man dissenting, as was expressed by holding up of hands. Afterwards it was read over to them, that they might see in what words their vote was expressed. They again expressed their consent by holding up their hands, no man dissenting.

Query II. WHEREAS there was a covenant solemnly made by the whole assembly of free planters of this plantation, the first day of extraordinary humiliation, which we had after we came together, that as in matters that concern the gathering and ordering of a church, so likewise in all public officers which concern civil order, as choice of magistrates and officers, making and repealing laws, dividing allotments of inheritance, and all things of like nature, we would all of us be ordered by those rules which the scripture holds forth to US; this covenant was called a plantation covenant, to distinguish it from a church covenant. which could not at that time be made a church not being then gathered, but was deferred till a church might be gathered, according to GOD. It was demanded whether all the free planters do hold themselves bound by that covenant, in all businesses of that nature which are expressed in the covenant, to submit themselves to be ordered by the rules held forth in the scripture t

THIS also was assented unto by all, and no man gainsayed it; and they did testify the same by holding up their hands, both when it was first propounded, and confirmed the same by holding up their hands when it was read unto them in public. John Clark being absent, when the covenant was made, doth now manifest his consent to it. Also Richard Beach, Andrew Law, Goodman Banister, Arthur Halbridge, John Potter, Robert Hill, John Brocket, and John Johnson, these persons, being not admitted planters when the covenant was made, do now express their consent to it.

Query III. THOSE who have desired to be received as free planters, and are settled in the plantation, with a purpose, resolution and desire, that they may be admitted into church fellowship, according to CHRIST, as soon as GOD shall fit them "hereunto, were desired to express it by holding up hands. According all did express this to be their desire and purpose by holding up their hands twice (viz.) at the proposal of it, and after when these written words were read unto them.

Query IV. All the free planters were called upon to express, whether they held themselves bound to establish such civil order as might best conduce to the securing of the purity and peace of the ordinance to themselves and their posterity according to GOD In answer hereunto they expressed by holding up their hands twice as before, that they held themselves bound to establish such civil order as might best conduce to the ends aforesaid.

THEN Mr. Davenport declared unto them, by the scripture, what kind of persons might best be trusted with matters of government; and by sundry arguments from scripture proved that such men as were described in Exod. xviii. 2, Dent. 1. 13, with Dent. xvii. A, and 1 C!or. vi. 1, 6, 7, ought to be intrusted by them, seeing they were free to cast themselves into that mould and form of commonwealth which appeared best for them in reference to the securing. the peace and peaceable improvement of all CHRIST his ordinances in the church according to GOD, whereunto they have bound themselves, as hath been acknowledged.

HAVING thus said he sat down praying the company freely to consider, whether they would have it voted at this time or not. After some space of silence, Mr. Theophilus Eaton answered it might be voted, and some others also spake to the same purpose, none at all opposing it. Then it was propounded to vote.

Query V. WHETHER free burgesses shall be chosen out of the church members, they that are in the foundation work of the church being actually free burgesses, and to choose to themselves out of the like estate of church fellowship, and the power of choosing magistrates and officers from among themselves, and the power of making and repealing laws, according to the word, and the dividing of inheritances, and deciding of differences that may arise, and all the businesses of like nature are to be transacted by those free burgesses. This was put to vote and agreed unto by lifting up of hands twice, as in the former it was done. Then one man stood up and expressed his dissenting from the rest in part; yet granting, 1. That magistrates should be men fearing GOD. 2. That the church is the company where, ordinarily, such men may be expected. 3. That they that choose them ought to be men fearing GOD; only at this he stuck, that free planters ought not to give this power out of their hands. Another stood up and answered, that nothing was done, but with their consent. The former answered, that all the free planters ought to resume this power into their own hands again, if things were not orderly carried. Mr. Theophilus Eaton answered, that in all places they choose committees in like manner. The companies in London choose the liveries by whom the public magistrates are chosen. In this the rest are not wronged, because they expect, in time, to be of the livery themselves, and to have the same power. Some others intreated the former to give his arguments and reasons whereupon he dissented. He refused to do it, and said, they might not rationally demand it, seeing he let the vote pass on freely and did not speak till after it was past, because he would not hinder what they agreed upon. Then Mr. Davenport, after a short relation of some former passages between them two about this question, prayed the company that nothing might be concluded by them on this weighty question, but what themselves were persuaded to be agreeing with the mind of GOD, and they had heard what had been said since the voting; he intreated them again to consider of it, and put it again to vote as before. Again all of them, by holding up their hands, did show their consent as before. And some of them confessed that, whereas they did waver before they came to the assembly, they were now fully convinced, that it is the mind of GOD. One of them said that in the morning before he came reading Deut. xvii. 15, he was convinced at home. Another said, that he came doubting to the assembly, but he blessed GOD, by what had been said, he was now fully satisfied, that the choice of burgesses out of church members and to intrust those with the power before spoken of is according to the mind of GOD revealed in the scriptures. All having spoken their apprehensions it was agreed upon, and Mr. Robert Newman was desired to write it as an order whereunto every one, that hereafter should be admitted here as planters, should submit, and testify the same by subscribing their names to the order: Namely, that church members only shall be free burgesses, and that they only shall choose magistrates and officers among themselves, to have power of transacting all the public civil affairs of this plantation; of making and repealing laws, dividing of inheritances, deciding of differences that may arise, and doing all things and businesses of like nature.

THIS being thus settled, as a fundamental agreement concerning civil government, Mr. Davenport proceeded to propound something to consideration about the gathering of a church' and to prevent the blemishing of the first beginnings of the church work, Mr. Davenport advised, that the names of such as were to be admitted might be publicly propounded, to the end that they who were most approved might be chosen; for the town being cast into several private meetings, wherein they that

lived nearest together gave their accounts one to another of GOD'S gracious world upon them, and prayed together and conferred to their mutual edification, sundry of them had knowledge one of another, and in every meeting some one was more approved of all than any other; for this reason and to prevent scandals, the whole company was intreated to consider whom they found fittest to nominate for this work.

Query VI. WHETHER are you all willing and do agree in this, that twelve men be chosen, that their fitness for the foundation work may be tried; however there may be more named yet it may be in their power who are chosen to reduce them to twelve, and that it be in the power of those twelve to choose out of themselves seven, that shall be most approved of by the major part, to begin the church.

THIS was agreed upon by consent of all, as was expressed by holding up of hands, and that so many as should be thought fit for the foundation work of the church, shall be propounded by the plantation, and written down and pass without exception, unless they had given public scandal or offence. Yet so as in case of public scandal or offense, every one should have liberty to propound their exception, at that time, publicly against any man, that should be nominated, when all their names should be writ down. But if the offence were private, that mens names might be tendered, so many as were offended were intreated to deal with the offender privately, and if he gave not satisfaction to bring the matter to the twelve, that they might consider of it impartially and in the fear of GOD.

Source:

The Federal and State Constitutions Colonial Charters, and Other Organic Laws of the States, Territories, and Colonies Now or Heretofore Forming the United States of America.
Compiled and Edited Under the Act of Congress of June 30, 1906 by Francis Newton Thorpe
Washington, DC : Government Printing Office, 1909.

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Government of New Haven Colony

October 27/November 6, 1643

It was agreed and concluded as a fundamentall order nott to be disputed or questioned hereafter, thatt none shall be admitted to be free burgesses in any of the plantations within this jurisdiction for the future, butt such planters as are members of some or other of the approved churches of New England, nor shall any butt such free burgesses have any vote in any election, (the six present freemen aft Milforde enjoying the liberty with the cautions agreed,) nor shall any power or trust in the ordering of any civill affayres, be aft any time putt into the hands of any other than such church members, though as free planters, all have right to their inheritance & to comerce, according to such grants, orders and lawes as shall be made concerning the same.

2. All such free burgesses shall have power in each towne or plantation within this jurisdiction to chuse flit and able men, from amongst themselves, being church members as before, to be the ordinary judges, to heare and determine all inferior causes, whether civill or criminal!, provided that no civill cause to be tryed in any of these plantation Courts in value exceed 20^l, and thatt the punishment in such criminals, according to the mince of God, revealed in his word, touching such offences, doe nott exceed stocking and whipping, or if the fine be pecuniary, thatt itt exceed nott five pounds. In which Court the magistrate or magistrates, if any be chosen by the free burgesses or the jurisdiction for thatt plantation, shall sift and assist with due respect to their place, and sentence shall according to the vote of the major part of each such Court, only if the parties, or any of them be nott satisfied with the justice of such sentences or executions, appeales or complaints may be made from and against these courts to the Court of Magistrates for the whole jurisdiction.

3. All such free burgesses through the whole jurisdiction, shall have vote in the election of all magistrates, whether Governor, Deputy Governor, or other magistrates, with a Treasurer, a Secretary and a Marshall, &c. for the jurisdiction.. And for the ease of those free burgesses, especially in the more remote plantations, they may by proxi vote in these elections, though absent, their votes being sealed up in the presence of the free burgesses themselves, thatt their several severall libertyes may be preserved, and their votes directed accord-ng to their owne particular light, and these free burgesses may, att every election, chuse so many magistrates for each plantation, as the weight of aflayres may require, and as they shall finde fitt men for thatt trust. Butt it is provided and agreed, thatt no plantation shall aft any election be left destitute of a magistrate if they desire one to be chosen out of those in church fellowship with them.

4. All the magistrates for the whole jursidiction shall meete twice a yeare att Newhaven, namely, the Munday immediately before the sitting of the two fixed Generall Courts hereafter mentioned, to keep a Court called the Court of Magistrates, for the tryall of weighty and capitall cases, whether civill or criminal!, above those lymitted to the ordinary judges in the particular plantations, and to receive and try all appeales brought unto them from the aforesaid Plantation Courts, and to call all the inhabitants, whether free burgesses, free planters, or others, to account for the breach of any lawes established, and for other misdeameanours, and to censure them according to the quality of the offence, in which meetings of magistrates, less then tower shall nott be accounted a Court, nor shall they carry on any busines as a Court, butt itt is expected and required, thatt all the magistrates in this jurisdiction doe constantly attend the publique service att the times before mentioned, & if any of them be absent aft one of the clock in the afternoons on Munday aforesaid, when the court shall sift, or if any of them depart the towne without leave, while the court sifts, he or they shall pay for any such default, twenty shillings fine, unless some providence of God occasion the same, which the Court of Magistrates shall judge of from time to time, and all sentences in this court shall pass by the vote of the major part of magistrates therein, butt from this Court of Magistrates, appeales and complaints may be made and brought to the Generall Court the last and highest of this jurisdiction; butt in all appeales or complaints from, or to, what court soever, due costs and damages shall be paid by him or them thatt make appeale or complaint without just cause.

5. Besides the Plantation Courts and Court of Magistrates, there shall be a Generall Court for the Jurisdiction, which shall consist of the Governor, Deputy Governor and all the Magistrates within the Jurisdiction, and two Deputyes for every plantation in the Jurisdiction, which Deputyes shall from time to time be chosen against the approach of any such Generall Court, by the aforesaid free burgesses, and sent with due certificate to assist- in the same, all which, both Governor and Deputy Governor, Magistrates and Deputyes, shall have their vote in the said Court. This Generall Court shall always sift aft New-haven, (unless upon weighty occasions the Generall Court see cause for a time to sift elsewhere,) and shall assemble twice every yeare, namely, the first Wednesday in Aprill, & the last Wednesday in October, in the later of which courts the Governor, the Deputy Governor and all the magistrates for the whole jurisdiction with a Treasurer, a Secretary and Marshall, shall yearly be chosen by all the free burgesses before mentioned, besides which two fixed courts, the Governor, or in his absence, the Deputy Governor. shall have power to summon a Generall Court att any other time, as the urgent and extraordinary occasions of the jurisdiction may require, and aft all Generall Courts, whether ordinary or extraordinary, the Governor and Deputy Governor, and all the rest of the magistrates for the jurisdiction, with the Deputyes for the severall! plantations, shall sift together, till the affayres of the jurisdiction be dispatched or may safely be resited, and if any of the said magistrates or Deputyes shall either be absent aft the first sitting of the said Generall Court, (unless some providence of God hinder, which the said Court shall judge of,) or depart, or absent themselves disorderly before the Court be finished he or they shall each of them pay twenty shillings fine, with due considerations of further aggravations if there shall be cause; which Generall Court shall, with all care and delligence provide for the maintenance of the purity of religion' and suppress the contrary, according to their best light from the worde of God, and all wholesome and sound advice which shall be given by the elders and churches in the jurisdiction, so fare as may concerne their civill power to deale therein.

Secondly they shall have power to mak and repeale lawes, and, while they are in force, to require execution of them in all the severall! plantations.

Thirdly, to impose an oath upon all the magistrates, for the faithful discharge of the trust committed to them, according to their best abilityes, and to call them to account for the breach of any lawes established, or for other misdemeanors, and to censure them, as the quality of the opulence shall require.

Fowerthly, to impose and [an] oath of fidelity and due subjection to the lawes upon all the free burgesses, free planters, and other inhabitants within the whole jurisdiction.

5ly to settle and leivie rates and contributions upon all the severall plantations; publique service of the jurisdiction.

6ly, to heare and determine all causes, whether civill or crominall which by appeale or complaint shall be orderly brought unto them from any of the other Courts, or from any of the other plantations In all which, with whatsoever else shall fall within their cognisance or judicature, they shall proceed according to the scriptures, which is the rule of all righteous lawes and sentences, and nothing shall pass an act of the Generall Court butt by the consent of the major part of the magistrates, and the greater part of Deputyes.

These generalls being thus land and settled, though with purpose thatt the scircumstantialls, such as the value of the causes to be tryed in the Plantation Courts, the ordinary and fixed times of meetings, both for the Generall Courts, and courts of magistrates, how oft and when they shall silt, with the fines for absence or default, be hereafter considered oR, continued or altered, as may best and most advance the course of justice, and best sute the occasions of the plantations, the Court proceed to present particular busines of the jurisdiction.

Source:

The Federal and State Constitutions Colonial Charters, and Other Organic Laws of the States, Territories, and Colonies Now or Heretofore Forming the United States of America
Compiled and Edited Under the Act of Congress of June 30, 1906 by Francis Newton Thorpe
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Charter of Connecticut - 1662

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 Presents shall come, Greeting.

Whereas by the several Navigations, Discoveries, and Successful Plantations of divers of Our loving Subjects of this Our Realm of England, several lands, Islands, Places, Colonies, and Plantations have been obtained and settled in that Part of the Continent of America called New-England, and thereby the Trade and Commerce there, hath been of late Years much increased: And whereas We have been informed by the hirable Petition of our Trusty and Well beloved John Winthrop, John Mason, Samuel Wyllys, Henry Clarke, Matthew Allyn, John Tapping, Nathan Gold, Richard Treat, Richard Lord, Henry Wolcott, John Talcott, Daniel Clarke, John Ogden, Thomas Wells, Obadiah Brewen, John Clerke, Anthony Hawkins, John Deming, and Matthew Camfeild, being Persons principally interested in Our Colony or Plantation of Connecticut, in NewEngland, that the same Colony, or the greatest part thereof, was Purchased and obtained for great and valuable Considerations, and some other Part thereof gained by Conquest, and with touch difficulty, and at the only Endeavors, Cadence, and Charges of theirs and their Associates, arced those under whom they Claim, Subdued, and Improved, and thereby become a considerable Enlargement and Addition of Our Dominions and Interest there. Now Know YE, That in consideration thereof, and in Regard the said Colony is remote from other the English Plantations in the places aforesaid, and to the End the Affairs and Business which shall from Time to Time happen or arise concerning the same, may be duly Ordered and Managed, we have thought fit, and at the humble Petition of the Persons aforesaid, and are graciously Pleased to create and make them a Body Politicly and Corporate, with the Powers and Privileges herein after mentioned; and accordingly Our Will and Pleasure is, and of our especial Grace, certain Knowledge, and meer Motion, We have ordained, constituted and declared, and by these presents, for Us, Our Heirs and Successors, Do ordain, constitute and declare, that they the said John Winthrop, John Mason, Samuel Wyllys, Henry Clarke, Matthew Allyn, John Tapping, Nathan Gold, Richard Treat, Richard lord, Henry Wolcott, John Talcott, Daniel Clarke, John Ogden, Thomas Wells, Obadiah Bowed, John Clerke, Anthony Hawkins, John Deming, and Matthew Camfeild, and all such others as now are, or hereafter shall be admitted and made free of the Company and Society of Our Colony of Connecticut, in America, shall from Time to Time, and for ever hereafter, be One Body Corporate and politique, in Fact and Name, by the Name of, Governor and Company of the English colony of Connecticut in New-England, in America;

And that by the same Name they and their Successors shall and may have perpetual Succession, and shall and may be Persons able and capable in the Law, to plead and be impleaded, to answer and to be answered unto, to defend and be defended in all and singular Suits, Causes, Quarrels, Matters, Actions, and Things, of what Kind or Nature soever; and also to have, take, possess, acquire, and purchase Lands, Tenements, or Hereditaments, or any Goods or Chattels, and the same to lease, grant, demise, alien, bargain, sell, and dispose of, as other Our liege People of this Our Realm of England, or any other Corporation or Body Politique within the same may lawfully do. And further, That the said Governor and Company, and their Successors shall and may forever hereafter have a common Seal, to serve and use for all Causes, Matters, Things, and affairs whatsoever, of them and their Successors, and the same Seal, to alter, change, break and make new from Time to Time, at their Wills and Pleasures, as they shall think fit. And further, We will and ordain, and by these Presents, forms, our Heirs and Successors, do declare and appoint, that for the better ordering and managing of the Affairs and Business of the said Company and their Successors, there shall be One Governor, One Deputy-Governor, and Twelve Assistants, to be from time to Time constituted, elected and chosen out of the Freemen of the said Company for the Time being, in such Manner and Form as hereafter in these Presents is expressed, which said Officers shall apply themselves to take Care for the best disposing and ordering of the general Business and all airs of and concerning the Land and Hereditaments herein after mentioned to- be granted, and the Plantation thereof, and the Government of the People thereof: And for the better Execution of Our Royal Pleasure herein, We do for Us, Our Heirs, and Successors, assign, name, constitute and appoint the aforesaid John Winthrop to be the first and present Governor of the said Company, and the said John Mason, to be the Deputy-Governor, and the said Samuel Wyllys, Matthew Allyn, Nathan Gold, Henry Clerke, Richard Treat, John Ogden, John Tapping, John Talcott, Thomas Wells, Henry Wolcott, Richard Lord, and Daniel Clerke, to be the Twelve present assistants of the said Company, to continue in the said several Offices respectively, until the second Thursday which shall be in the Month of October now next coming. And further we Will, and by these Presents for Us, Our Heirs, and Successors, Do ordain and grant, That the Governor of the said Company for the Time being, or in his Absence by occasion of Sickness, or otherwise by his Leave or Permission, the Deputy-Governor for the Time being, shall and may from Time to Time upon all Occasions, give Order for the assembling of the said Company, and calling them together to consult and advise of the Business and Affairs of the said Company, and that for ever hereafter, twice in every Year, That is to say, On every Second Thursday in October, and on every Second Thursday in May, or oftener in case it shall be requisite; the Assistants, and Freemen of the said Company, or such of them (not exceeding Two Persons from each Place, Town, or City) who shall be from Time to Time "hereunto elected or deputed by the major Part of the Freemen of the respective Towns, Cities, and Places for which they shall be elected or deputed, shall have a General Meeting or Assembly, then and there to consult and advise in and about the Affairs and Business of the said Company: and that the Governor, or in his Absence the Deputy-Governor of the said Company for the Time being, and such of the Assistants and Freemen of the said Company as shall be so elected or deputed, and be present at such Meeting or Assembly, or the greatest Number of them, whereof the Governor of Deputy-Governor, and Six of the Assistants at least, to be Seven, shall be called the General Assembly, and shall have full Power and authority to alter-and change their Days and Times of Meeting, or General-Assemblies, for electing the Governor, Deputy-Governor, and Assistants, other Officers or any other Courts, Assemblies or Meetings, and to choose, nominate and appoint such and so many other Persons as they shall; and shall be willing to accept the same, to be Free of the said Company and Body Politique, and them into the same to admit; And to elect and constitute such Officers as they shall think fit and requisite for the ordering, managing and disposing of the Affairs of the said Governor and Company, and their Successors:

And we do hereby for Us, Our Heirs and Successors, establish and ordain, That once in the Year for ever hereafter, Namely, the said Second Thursday in May, the Governor, Deputy-Governor, and Assistants of the said Company, and other Officers of the said Company, or such of them as the said General Assembly shall thinly fit, shall be in the said General Court and Assembly to be held from that Day or Time, newly chosen for the Year ensuing, by such greater Part of the said Company for the Time being, then and there present; and if the Governor, Deputy-Governor, and Assistants by these Presents appointed, or such as hereafter be newly chosen into their Rooms, or any of them, or any other the Officers to be appointed for the said Company shall die, or be removed from his or their several Offices or Places before the said general Day of Election, whom We do hereby declare for any Misdemeanor or Default, to be removable by the Governor, Assistants, and Company, or such greater Part of them in any of the said public Courts to be assembled, as is aforesaid, that then and in every such Case, it shall and may be lawful to and for the Governor, Deputy-Governor, and Assistants, and Company aforesaid, or such greater Part of them so to be assembled, as is aforesaid, in any of their Assemblies, to proceed to a new Election of one or more of their Company, in the Room or Place, Rooms or Places of such Governor, Deputy-Governor, Assistant, or other Officer or Officers so dying or removed, according to their Discretions, and immediately upon and after such Election or Elections made of such Governor, Deputy-Governor, Assistant or Assistants,- or any other Officer of the said Company, in Manner and Form aforesaid, the Authority, Office and Power before given to the former Governor, Deputy-Governor, or other Officer and Officers so removed, in whose Stead and Place new shall be chosen, shall as to him and them, and every of them respectively, cease and determine.

Provided also, And Our Will and Pleasure is, That as well such as are by these Presents appointed to be the present Governor, Deputy-Governor, and Assistants of the said Company, as those that shall succeed them, and all other Officers to be appointed and chosen, as aforesaid, shall before they undertake the Execution of their said Offices and Places respectively, take their several and respective corporal Oaths for the due and faithful Performance of their Duties, in their several Offices and Places, before such Person or Persons as are by these Presents hereafter appointed to take and receive the same; That is to say, The said John Winthrop, who is herein before nominated and appointed the present Governor of the said Company, shall take the said Oath before One or more of the Masters of Our Court of

Chancery for the Time being, unto which Master of Chancery, We do by these Presents give full Power and Authority to administer the Oath to the said John Winthrop accordingly: And the said John Mason, who is herein before nominated and appointed the present Deputy-Governor of the said Company, shall take Math before the said John Winthrop, or any Two of the Assistants of the said Company, unto whom We do by these Presents give full Power and Authority to administer the said Oath to the said John Mason accordingly: And the said Saqnnel Wyllys, Henry Clerice, Matthew Allyn, John Tapping, Nathan Cold, Richard Treat, Richard Lord, Henry Wolcott, John Talcott, Daniel Clerke, John Ogden, and Thomas Wells, who are herein before nominated and appointed the present Assistants of the said Company, shall take the Oath before the said John Winthrop, and John Mason, or One of them, to whom We do hereby give full Power and Authority to administer the same accordingly.

And Our further Will and Pleasure is, that all and every Governor, or Deputy-Governor to be elected and chosen by Virtue of these Presents, shall take the said Oath before Two or more of the Assistants of the said Company for the Time being, unto whom We do by these Presents give full Power and Authority to give and administer the said Oath accordingly; and the said Assistants, and every of them, and all and every other Officer or Officers to be here after chosen from Time to Time, to take the said Oath before the Governor, or Deputy-Governor for the Time being, unto which Governor, or Deputy-Governor, We do by these Presents give full Power and Authority to administer the same accordingly. And further, Of Our more ample Grace, certain Knowledge, and meer Motion, We have given and granted, and by these presents for Us, Our Heirs and Successors, do give and grant unto the said Governor and Company of the English Colony of Connecticut, in New England, in America, and to every Inhabitant there, and to every Person and Persons trading thither, and to every such Person and Persons as are or shall be Free of the said Colony, full Power and Authority from Time to Time, and at all Times hereafter, to take Ship, Transport and carry away for and towards the Plantation and Defence of the said Colony, such of Our loving Subjects and Strangers, as shall or will willingly accompany them in, and to their said Colony and Plantation, except such Person and Persons as are or shall be therein restrained by Us, Our Heirs and Successors; and also to ship and transport all, and all Manner of Goods, Chattels, Merchandises, and other Things whatsoever that are or shall be useful or necessary for the Inhabitants of the said Colony, and may lawfully be transported thither; Nevertheless, not to be discharged of Payment to Us, our Heirs and Successors, of the Duties, Customs and Subsidies which are or ought to be paid or payable for the same.

And further, Our Will and Pleasure is, and We do for Us, Our Heirs and Successors, ordain, declare, and grant unto the said Governor and Company, and their Successors, That all, and every the Subjects of Us, Our Heirs, or Successors, which shall go to inhabit within the said Colony, and every of their Children, which shall happen to be born there, or on the Seas in going thither, or returning from thence, shall have and enjoy all Liberties and Immunities of free Did natural Subjects within any the Dominions of US, Our Heirs or Successors, to all Intents, Constructions and Purposes whatsoever, as if the they and every of them were born within the realm of England; And We do authorize and empower the Governor or in his Absence the Deputy governor for the Time being, to appoint Two or more of the said Assistants at any of their Courts or Assemblies to be held as aforesaid, to have Power and Authority to administer the Oath of Supremacy and Obedience to all and every Person or Persons which shall at any Time or Times hereafter go or pass into the said Colony of Connecticut, unto which said Assistants so to be appointed as aforesaid We do by these Presents give full Power and Authority to administer the said Oath accordingly. And We do further of Our especial Grace, certain Knowledge: and meer Motion, give, and grant unto the said Governor and Company of the English Colony of Connecticut, in New-England, in America, and their Successors, That it shall and may be lawful to and for the Governor, or Deputy-Governor, and such of the Assistants of the said Company for the Time being as shall be assembled in any of the General Courts aforesaid, or in any Courts to be especially summoned or assembled for that Purpose, or the greater part of them, whereof the Governor, or Deputy-Governor, and Six of the Assistants to be always Seven, to erect and make such Judicatories, for the hearing, and determining of all Actions, Causes, Matters, and Things happening within the said Colony, or Plantation, and which shall be in Dispute, and Depending there, as they shall think Fit, and Convenient, and also from Time to Time to Make, Ordain, and Establish all manner of wholesome, and reasonable Laws Statutes, Ordinances, Directions, and Instructions, not Contrary to the Laws of this Realm of England, as well for settling the Forms, and Ceremonies of Government, and Magistracy, fit and necessary for the said Plantation, and the Inhabitants there, as for Naming, and Stiling all Sorts of Officers, both Superior and Inferior, which they shall find Needful for the Government, and Plantation of the said Colony, and the distinguishing and setting forth of the several Duties, Powers, and Limits of every such Office and Place, and the Forms of such Oaths not being contrary to the Laws and Statutes of this Our Realm of England, to be administered for the Execution of the said several Offices and Places as also for the disposing and ordering of the Election of such of the said Officers as are to be annually chosen, and of such others as shall succeed in case of Death or Removal, and administring the said Oath to the newly-elected Officers, and granting necessary Commissions, and for Imposition of lawful Fines, Mulcts. Imprisonment or other Punishment upon Offenders and Delinquents according to the Curse of other Corporations within this our Kingdom of England, and the same Laws, Fines, Mulcts and Executions, to alter, change, revoke, annul, release, or pardon under their Common Seal, as by the said General Assembly, or the major Part of them shall be thought fit, and for the directing, ruling and disposing of all other Matters and things, whereby Our said People Inhabitants there, may be so religiously, peaceably and civilly governed, as their good Life and orderly Conversation may win and invite the Natives of the Country to the Knowledge and Obedience of the only true GOD, and He Saviour of Mankind, and the Christian Faith, which in Our Royal Intentions, and the adventurers free Possession, is the only and principal End of this Plantation; willing, commanding and requiring, and by these Presents for Us, Our Heirs and Successors, ordaining and appointing, that all such Laws, Statutes and Ordinances, Instructions, Impositions and Directions as shall be so made by the Governor, Deputy-Governor, and Assistants as aforesaid, and published in Writing under their Common Seal, shall carefully and duly be observed, kept, performed, and put in Execution, according to the true Intent and Meaning of The same, and these Our Letters Patents, or the Duplicate, or Exemplification thereof, shall be to all and every such Officers, Superiors and Inferiors from Time to Time, for the putting of the same Orders, Laws, Statutes, Ordinances, Instructions, and Directions in due Execution, against Us, Our Heirs and Successors, a sufficient Warrant and Discharge.

And We do further for US, Our Heirs and Successors, give and grant unto the said Governor and Company, and their Successors, by these Presents, That it shall and may be lawful to, and for the Chief Commanders, Governors and Officers of the said Company for the Time being, who shall be resident in the Parts of New-England hereafter mentioned, and others inhabiting there, by their Leave, Admittance Appointment, or Direction, from Time to Time, and at Al Times hereafter, for their special Defence and Safety, to Assemble, Martial-Array, and put in warlike Posture the Inhabitants of the said Colony, and to Commissionate, Impower, and Authorize such Person or Persons as they shall think fit, to lead and conduct the said Inhabitants, and to encounter, expulse, repel and resist by Force of Arms, as well by Sea as by Land, and also to kill, slay, and destroy by all fitting Ways Enterprises, and Means whatsoever, all and every such Person or Persons as shall at any Time hereafter attempt or enterprise the Destruction, Invasion, Detriment, or Annoyance of the said Inhabitants or Plantation, and to use and exercise the Law Martial in such Cases only as Occasion shall require; and to take or surprize by all Ways and Means whatsoever, all and every such Person and Persons, with their Ships' Armour, Ammunition and other Goods of such as shall in such hostile Manner invade or attempt the defeating of the said Plantation, or the hurt of the said Company and Inhabitants, and upon just Causes to invade and destroy the Natives, or other Enemies of the said Colony. Nevertheless; Our Will and Pleasure is, and We do hereby declare unto all Christian Kings, Princes, and States, that if any Persons which shall hereafter lie of the said Company or Plantation, or any other by Appointment of the said Governor and Company for the Time being, shall at anv Time or Times hereafter rob or spoil by Sea or by Land, and do any Hurt, Violence, or unlawful Hostility to any of the Subjects of Us, Our Heirs or Successors, or any of the Subjects of any Prince or State, being then in League with Us, Our Heirs or Successors, upon Complaint of such Injury done to any such Prince or State, or their Subjects, We, Our Heirs and Successors will make open Proclamation within any Parts of Our Realm of England fit for that Purpose, thin the Person or Persons committing any such Robbery or Spoil, shall within the Time limited by such Proclamation, make full Restitution or Satisfaction of all such Injuries Lone or committed, so as the Said Prince, or others so complaining may be fully satisfied and contented; and if the said Person or Persons who shall commit any such Robbery or Spoil shall not make Satisfaction accordingly, within such Time so to be limited, that then it shall and may be lawful for Us, Our Heirs and Successors, to put such Person or Persons out of (whir Allegiance and Protection; and that it shall and may be lawful and free for all Princes or others to prosecute with Hostility such Offenders, and every of them, their, and every of their Procurers, Aiders, Abettors and Counsellors in that Behalf.

Provided also, and Our express Will and Pleasure is, and We do by these Presents for Us, Our Heirs; and Successors, Ordain and Appoint, that these Presents shall not in any Manner hinder any of Our loving Subjects whatsoever to use and exercise the Trade of Fishing upon the Coast of New-England, in America, but they and every or any of them shall have full and free Power and Liberty, to continue, and use the said Trade of Fishing upon the said Coast, in any of the Seas thereunto adjoining, or any Arms of the Seas, or Salt Water Rivers where they have been accustomed to fish, and to build and set up on the. waste Land belonging to the said Colony of Connecticut, such Wharves, Stages, and Work-Houses as shall be necessary for the salting, drying, and keeping of their Fish to be taken, or gotten upon that Coast, any Thing in these Presents contained to the contrary notwithstanding. And Know Ye further, That We, of Our abundant Grace, certain Knowledge, and mere Motion, have given, granted, and confirmed, and by these Presents for Us, our Heirs and Successors, do give, grant and confirm unto the said Governor and Company, and their Successors, all that Part of Our Dominions in New-England in America, bounded on the East by Narraganset-River, commonly called Narraganset-Bay, where the said River falleth into the Sea; and on the North by the Line of the If Massachusetts-Plantation; and on the South by the Sea; and in Longitude as the Line of the Massachusetts-Colony, running from East to West, That is to say, From the said Narraganset-Bay on the East, to the South Sea on the West Part, with the Islands thereunto adjoining, together with all firm Lands, Soils, Grounds, Havens, Ports, Rivers, Waters, Dishings, Mines, Minerals, precious Stones, Quarries, and all and singular other Commodities, Jurisdictions, Royalties, Privileges, Franchises, Preheminences, and Hereditaments whatsoever, within the said Tract, Bounds, Lands, and Islands aforesaid, or to them or any of them belonging. To have and to hold the same unto the said Governor and Company, their Successors and Assigns for ever, upon Trust, and for the Use and Benefit of Themselves and their Associates, Freemen of the said Colony, their Heirs and Assigns, to be holden of Its, Our Heirs and

Successors, as of Our Manor of East-Greenwich, in free and common Soccage, and not in Capite, nor by Knights Service, yielding and paying therefore to Us, Our Heirs and Successors, only the Fifth Part of all the Ore of Gold add Silver which from Time to Time, and at all Times hereafter, shall be there gotten, had, or obtained, in Lieu of all Services, Duties, and Demands whatsoever, to be to Us, our Heirs, or Successors therefore, or thereout rendered, made, or paid.

And lastly, We do for Us, our Heirs and Successors, grant to the said Governor and Company, and their Successors, by these Presents, That these Our Letters Patents, shall be firm, good and effectual in the Law, to all Intents, Constructions, and Purposes whatsoever according to Our true Intent and Meaning herein before declared, as shall be construed, reputed and adjudged most favourable on the Behalf, and for the best Benefit, and Behoof of the said Governor and Company, and their Successors, although express Mention of the true Yearly Value or Certainty of the Premises, or of any of them, or of any other Gifts or Grants by Us, or by any of Our Progenitors, or Predecessors, heretofore made to the said Governor and Company of the English Colony of Connecticut, in New-England, in America, aforesaid, in these Presents is not made, or any Statute, Act, Ordinance, Provision, Proclamation, or Restriction heretofore had, made, enacted, ordained, or provided, or any other Matter, Cause, or Thing whatsoever, to the contrary thereof, in any wise notwithstanding. In Witness whereof, We have caused these Our Letters to be made Patents. Witness Ourself at Westminster, the Three and Twentieth Day of April, in the Fourteenth Year of our Reign.

By Writ of Privy Seal,

HOWARD

Source:

The Federal and State Constitutions Colonial Charters, and Other Organic Laws of the States, Territories, and Colonies Now or Heretofore Forming the United States of America
Compiled and Edited Under the Act of Congress of June 30, 1906 by Francis Newton Thorpe
Washington, DC : Government Printing Office, 1909.

[Colonial Charters Page](#)

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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 W HEREAS 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.

Source:

The Federal and State Constitutions Colonial Charters, and Other Organic Laws of the States, Territories, and Colonies Now or Heretofore Forming the United States of America

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Constitution of Delaware; 1776 (1)

Art 1	Art 2	Art 3	Art 4	Art 5	Art 6	Art 7	Art 8	Art 9	Art 10
Art 11	Art 12	Art 13	Art 14	Art 15	Art 16	Art 17	Art 18	Art 19	Art 20
Art 21	Art 22	Art 23	Art 24	Art 25	Art 26	Art 27	Art 28	Art 29	Art 30

The Constitution, or System of Government, agreed to and resolved upon by the Representatives in full Convention of the Delaware State, formerly styled "The Government of the Counties of New Castle, Kent, and Sussex, upon Delaware," the said Representatives being chosen by the Freemen of the said State for that express Purpose.

ARTICLE 1. The government of the counties of New- Castle, Kent and Sussex, upon Delaware, shall hereafter in all public and other writings be called The Delaware State.

ART. 2. The Legislature shall be formed of two distinct branches; they shall meet once or oftener in every year, and shall be called, " The General Assembly of Delaware."

ART. 3. One of the branches of- the Legislature shall be called, " The House of Assembly," and shall consist of seven Representatives to be chosen for each county annually of such persons as are freeholders of the same.

ART. 4.4 The other branch shall be called " The council," and consist of nine members; three to be chosen for each county at the time of the first election of the assembly, who shall be freeholders of the county for which they are chosen, and be upwards of twenty-five years of age. At the end of one year after the general election, the councillor who had the smallest number of votes in each county shall be displaced, and the vacancies thereby occasioned supplied by the freemen of each county choosing the same or another person at a new election in manner aforesaid. At the end of two years after the first general election, the councillor who stood second in number of votes in each county shall be displaced, and the vacancies thereby occasioned supplied by a new election in manner aforesaid. And at the end of three years from the first general election, the councillor who had the greatest number of votes in each county shall be displaced, and the vacancies thereby occasioned supplied by a new election in manner aforesaid. And this rotation of a councillor being displaced at the end of three years in each county, and his office supplied by a new choice, shall be continued afterwards in due order annually forever, whereby, after the first general election, a councillor will remain in trust for three years from the time of his being elected, and a councillor will be displaced, and the same or another chosen in each county at every election.

ART. 5. The right of suffrage in the election of members for both houses shall remain as exercised by law at present; and each house shall choose its own speaker, appoint its own officers, judge of the qualifications and elections of its own members, settle its own rules of proceedings, and direct writs of election for supplying intermediate vacancies. They may also severally expel any of their own members for misbehavior, but not a second time in the same sessions for the same offence, if reelected; and they shall have all other powers necessary for the legislature of a free and independent State.

ART. 6. All money-bills for the support of government shall originate in the house of assembly, and may be altered, amended, or rejected by the legislative council. All other bills and ordinances may take rise in the house of assembly or legislative council, and may be altered, amended, or rejected by either.

ART. 7. A president or chief magistrate shall be chosen by joint ballot of both houses' to be taken in the house of assembly, and the box examined by the speakers of each house in the presence of the other members, and in case the numbers for the two highest in votes should be equal, then the speaker of the council shall have an additional casting voice, and the appointment of the person who has the majority of votes shall be entered at large on the minutes and journals of each house, and a copy thereof on parchment, certified and signed by the speakers respectively, and sealed with the great seal of the State, which they are hereby authorized to affix, shall be delivered to the person so chosen president, who shall continue in that office three years, and until the sitting of the next general assembly and no longer, nor be eligible until the expiration of three years after he shall have been out of that office. An adequate but moderate salary shall be settled on him during his continuance in office. He may draw for such sums of money as shall be appropriated by the general assembly, and be accountable to them for the same; he may, by and with the advice of the privy council, lay embargoes or prohibit the exportation of any commodity for any time not exceeding thirty days in the recess of the general assembly; he shall have the power of granting pardons or reprieves, except where the prosecution shall be carried on by the house of assembly, or the law shall otherwise direct, in which cases no pardon or reprieve shall be granted, but by a resolve of the house of assembly, and may exercise all the other executive powers of government' limited and restrained as by this constitution is mentioned, and according to the laws of the State. And on his death, inability, or absence from the State, the speaker of the legislative council for the time being shall be vice-president, and in case of his death, inability, or absence from the State, the speaker of the house of assembly shall have the powers of a president, until a new nomination is made by the general assembly.

ART. 8. A privy council, consisting of four members, shall be chosen by ballot, two by the legislative council and two by the house of assembly: *Provided*, That no regular officer of the army or navy in the service and pay of the continent, or of this, or of any other State, shall be eligible; and a member of the legislative council or of the house of assembly being chosen of the privy council, and accepting thereof, shall thereby lose his seat. Three members shall be a quorum, and their advice and proceedings shall be entered of record, and signed by the members present, (to any part of which any member may enter his dissent,) to be laid before the general assembly when called for by them. Two members shall be removed by ballot, one by the legislative council and one by the house of assembly, at the end of two years, and those who remain the next year after, who shall severally be ineligible for the three next years. The vacancies, as well as those occasioned by death or incapacity, shall be supplied by new elections in the same manner; and this rotation of a privy councillor shall be continued afterwards in due order annually forever. The president may by summons convene the privy council at any time when the public exigencies may require, and at such place as he shall think most convenient, when and where they are to attend accordingly.

ART. 9. The president, with the advice and consent of the privy council, may embody the militia, and act as captain-general and commander-in-chief of them, and the other military force of this State, under the laws of the same.

ART. 10. Either house of the General assembly may adjourn themselves respectively. The president shall not prorogue, adjourn, or dissolve the general assembly, but he may, with the advice of the privy council, or on the application of a majority of either house, call them before the time they shall stand adjourned; and the two houses shall always sit at the same time and place, for which purpose immediately after every adjournment the speaker of the house of assembly shall give notice to the speaker of the other house of the time to which the house of assembly stands adjourned.

ART. 11. The Delegates for Delaware to the Congress of the United States of America shall be chosen annually, or superseded in the mean time, by joint ballot of

both houses in the general assembly.

ART. 12. The president and general assembly shall by joint ballot appoint three justices of the supreme court for the State, one of whom shall be chief justice, and a judge of admiralty, and also four justices of the courts of common pleas and orphans' courts for each county, one of whom in each court shall be styled "*chief justice*," (and in case of division on the Ballot the president shall have an additional casting voice,) to be commissioned by the president under the great seal, who shall continue in office during good behavior; and during the time the justices of the said supreme court and courts of common pleas remain in office, they shall hold none other except in the militia. Any one of the justices of either of said courts shall have power, in case of the noncoming of his brethren, to open and adjourn the court. An adequate fixed but moderate salary shall be settled on them during their continuance in office. The president and privy council shall appoint the secretary, the attorney-general, registers for the probate of wills and granting letters of administration, registers in chancery, clerks of the courts of common pleas and orphans' courts, and clerks of the peace, who shall be commissioned as aforesaid, and remain in office during five years, if they behave themselves well; during which time the said registers in chancery and clerks shall not be justices of either of the said courts of which they are officers, but they shall have authority to sign all writs by them issued, and take recognizances of bail. The justices of the peace shall be nominated by the house of assembly; that is to say, they shall name twenty-four persons for each county, of whom the president, with the approbation of the privy council, shall appoint twelve, who shall be commissioned as aforesaid, and continue in office during seven years, if they behave themselves well; and in case of vacancies, or if the legislature shall think proper to increase the number, they shall be nominated and appointed in like manner. The members of the legislative and privy councils shall be justices of the peace for the whole State, during their continuance in trust; and the justices of the courts of common pleas shall be conservators of the peace in their respective counties.

ART. 13. The justices of the courts of common pleas and orphans courts shall have the power of holding inferior courts of chancery, as heretofore, unless the legislature shall otherwise direct.

ART. 14. The clerks of the supreme court shall be appointed by the chief justice thereof, and the recorders of deeds, by the justices of the courts of common pleas for each county severally, and commissioned by the president, under the great seal, and continue in office five years, if they behave themselves well.

ART. 15. The sheriffs and coroners of the respective counties shall be chosen annually, as heretofore; and any person, having served three years as sheriff, shall be ineligible for three years after; and the president and privy council shall have the appointment of such of the two candidates, returned for said offices of sheriff and coroner, as they shall think best qualified, in the same manner that the governor heretofore enjoyed this power.

ART. 16. The general assembly, by joint ballots shall appoint the generals and field-officers, and all other officers in the army or navy of this State; and the president may appoint, during pleasure, until otherwise directed by the legislature, all necessary civil officers not hereinbefore mentioned.

ART. 17. There shall be an appeal from the supreme court of Delaware, in matters of law and equity, to a court of seven persons, to consist of the president for the time being, who shall preside therein, and six others, to be appointed, three by the legislative council, and three by the house of assembly, who shall continue in office during good behavior, and be commissioned by the president, under the great seal; which court shall be styled the " court of appeals," and have all the authority and powers heretofore given by law in the last resort to the King in council, under the old government. The secretary shall be the clerk of this court; and vacancies therein occasioned by death or incapacity, shall be supplied by new elections, in manner . aforesaid.

ART. 18. The justices of the supreme court and courts of common pleas, the members of the privy council, the secretary, the trustees of the loan office, and clerks of the court of common pleas, during their continuance in office, and all persons concerned in any army or navy contracts, shall be ineligible to either house of assembly; and any member of either house accepting of any other of the offices herein before mentioned (excepting the office of a justice of the peace) shall have his seat thereby vacated, and a new election shall be ordered.

ART. 19. The legislative council and assembly shall have the power of making the great seal of this State, which shall be kept by the president, or, in his absence, by the vice-president, to be used by them as occasion may require. It shall be called "*The Great Seal of the Delaware State*," and shall be affixed to all laws and commissions.

ART. 20. Commissions shall run in the name of " The Delaware State," and bear test by the president Writs shall run in the same manner, and bear test in the name of the chief-justice, or justice first named in the commissions for the several courts, and be sealed with the public seals of such courts. Indictments shall conclude, "*Against the peace and dignity of the State.*"

ART. 21. In case of vacancy of the offices above directed to be filled by the president and general assembly, the president and privy council may appoint others in their stead until there shall be a new election.

ART. 22. Every person who shall be chosen a member of either house, or appointed to any office or place of trust, before taking his seat, or entering upon the execution of his office, shall take the following oath, or affirmation, if conscientiously scrupulous of taking an oath, to wit:

" I, A B. will bear true allegiance to the Delaware State, submit to its constitution and laws, and do no act wittingly whereby the freedom thereof may be prejudiced."

And also make and subscribe the following declaration, to wit:

" I, A B. do profess faith in God the Father, and in Jesus Christ His only Son, and in the Holy Ghost, one God, blessed for evermore; and I do acknowledge the holy scriptures of the Old and New Testament to be given by divine inspiration."

And all officers shall also take an oath of office.

ART. 23. The president, when he is out of office, and within eighteen months after, and all others offending against the State, either by maladministration, corruption, or other means, by which the safety of the Commonwealth may be endangered, within eighteen months after the offence committed, shall be impeachable by the house of assembly before the legislative council; such impeachment to be prosecuted by the attorney-general, or such other person or persons as the house of assembly may appoint, according to the laws of the land. If found guilty, he or they shall be either forever disabled to hold any office under government, or removed from office *pro tempore*, or subjected to such pains and penalties as the laws shall direct. And all officers shall be removed on conviction of misbehavior at common law, or on impeachment, or upon the address of the general assembly.

ART. 24. All acts of assembly in force in this State on the 15th day of May last (and not hereby altered, or contrary to the resolutions of Congress or of the late house of assembly of this State) shall so continue, until altered or repealed by the legislature of this State, unless where they are temporary, in which case they shall expire at the times respectively limited for their duration.

ART. 25. The common law of England, as-well as so much of the statute law as has been heretofore adopted in practice in this State, shall remain in force, unless they shall be altered by a future law of the legislature; such parts only excepted as are repugnant to the rights and privileges contained in this constitution, and the declaration of rights, &c., agreed to by this convention.

ART. 26. No person hereafter imported into this State from Africa ought to be held in slavery under any presence whatever; and no negro, Indian, or mulatto slave ought to be brought into this State, for sale, from any part of the world.

ART. 27. The first election for the general assembly of this State shall be held on the List day of October next, at the court-houses in the several counties, in the manner heretofore used in the election of the assembly, except as to the choice of inspectors and assessors, where assessors have not been chosen on the 16th day of September, instant, which shall be made on the morning of the day of election, by the electors, inhabitants of the respective hundreds in each county. At which time the sheriffs and coroners, for the said counties respectively, are to be elected; and the present sheriffs of the counties of Newcastle and Kent may be rechosen to that office until the 1st day of October, A. D. 1779; and the present sheriff for the county of Sussex may be rechosen to that office until the 1st day of October, A. D. 1778, provided

the freemen think proper to reelect them at every general election; and the present sheriffs and coroners, respectively, shall continue to exercise their offices as heretofore, until the sheriffs and coroners, to be elected on the said 21st day of October, shall be commissioned and sworn into office. The members of the legislative council and assembly shall meet, for transacting the business of the State, on the 28th day of October next, and continue in office until the 1st day of October, which will be in the year 1777; on which day, and on the 1st day of October in each year forever after, the legislative council, assembly, sheriffs, and coroners shall be chosen by ballot, in manner directed by the several laws of this State, for regulating elections of members of assembly and sheriffs and coroners; and the general assembly shall meet on the 20th day of the same month for the transacting the business of the State; and if any of the said 1st and 20th days of October should be Sunday, then, and in such case, the elections shall be held, and the general assembly meet, the next day following.

ART. 28. To prevent any violence or force being used at the said elections, no person shall come armed to any of them, and no muster of the militia shall be made on that day; nor shall any battalion or company give in their votes immediately succeeding each other, if any other voter, who offers to vote, objects thereto; nor shall any battalion or company, in the pay of the continent, or of this or any other State, be suffered to remain at the time and place of holding the said elections, nor within one mile of the said places respectively, for twenty-four hours before the opening said elections, nor within twenty-four hours after the same are closed, so as in any manner to impede the freely and conveniently carrying on the said election: *Provided always*, That every elector may, in a peaceable and orderly manner, give in his vote on the said day of election.

ART. 29. There shall be no establishment of any one religious sect in this State in preference to another; and no clergyman or preacher of the gospel, of any denomination, shall be capable of holding any civil once in this State, or of being a member of either of the branches of the legislature, while they continue in the exercise of the pastoral function.

ART. 30. No article of the declaration of rights and fundamental rules of this State, agreed to by this convention, nor the first, second, fifth, (except that part thereof that relates to the right of suffrage,) twenty-sixth, and twenty-ninth articles of this constitution, ought ever to be violated on any presence whatever. No other part of this constitution shall be altered, changed, or diminished without the consent of five parts in seven of the assembly, and seven members of the legislative council.

GEORGE READ, President.

Attest:

JAMES BOOTH, Secretary. - Friday, September 10, 1776.

(1) Verified from " The Constitutions of the Several Independent States of America, Published by order of Congress, Boston: Printed by Norman and Bowen, 1785."

This constitution was framed by a Convention which assembled at New Castle, August 27, 1776, in accordance with the recommendation of the Continental Congress that the people of the Colonies should form independent State Governments. It was not submitted to the people but was proclaimed September 21, 1776.

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Source:

The Federal and State Constitutions Colonial Charters, and Other Organic Laws of the States, Territories, and Colonies Now or Heretofore Forming the United States of America
Compiled and Edited Under the Act of Congress of June 30, 1906 by Francis Newton Thorpe
Washington, DC : Government Printing Office, 1909.

Colonial Charters Page

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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, managing 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 hall 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 council-men, 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 Alatomah, 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.

Source:

The Federal and State Constitutions Colonial Charters, and Other Organic Laws of the States, Territories, and Colonies Now or Heretofore Forming the United States of America
Compiled and Edited Under the Act of Congress of June 30, 1906 by Francis Newton Thorpe
Washington, DC : Government Printing Office, 1909.

Colonial Charters Page

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Constitution of Georgia; February 5, 1777 (1)

Whereas the conduct of the legislature of Great Britain for many years past has been so oppressive on the people of America that of late years they have plainly declared and asserted a right to raise taxes upon the people of America, and to make laws to bind them in all cases whatsoever, without their consent; which conduct, being repugnant to the common rights of mankind, hath obliged the Americans, as freemen, to oppose such oppressive measures, and to assert the rights and privileges they are entitled to by the laws of nature and reason; and accordingly it hath been done by the general consent of all the people of the States of New Hampshire, Massachusetts Bay, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, the counties of New Castle, Kent, and Sussex on Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia, given by their representatives met together in general Congress, in the city of Philadelphia;

And whereas it hath been recommended by the said Congress, on the fifteenth of May last, to the respective assemblies and conventions of the United States, where no government, sufficient to the exigencies of their affairs, hath been hitherto established, to adopt such government as may, in the opinion of the representatives of the people, best conduce to the happiness and safety of their constituents in particular and America in general;

And whereas the [independence of the United States of America has been also declared, on the fourth day of July, one thousand seven hundred and seventy-six](#), by the said honorable Congress, and all political connection between them and the Crown of Great Britain is in consequence thereof dissolved:

We, therefore, the representatives of the people, from whom all power originates, and for whose benefit all government is intended, by virtue of the power delegated to us, do ordain and declare, and it IS hereby ordained and declared, that the following rules and regulations be adopted for the future government of this State:

ARTICLE I. The legislative, executive, and judiciary departments shall be separate and distinct, so that neither exercise the powers properly belonging to the other.

ART. II. The legislature of this State shall be composed of the representatives of the people, as is hereinafter pointed out; and the representatives shall be elected yearly, and every year, on the first Tuesday in December; and the representatives so elected shall meet the first Tuesday in January following, at Savannah, or any other place or places where the house of assembly for the time being shall direct.

On the first day of the meeting of the representatives so chosen, they shall proceed to the choice of a governor, who shall be styled "*honorable*;" and of an executive council, by ballot out of their own body, viz: two from each county, except those counties which are not yet entitled to send ten members. One of each county shall allways attend, where the governor resides, by monthly rotation, unless the members of each county agree for a longer or shorter period. This is not intended to exclude either member attending. The remaining number of representatives shall be called the house of assembly; and the majority of the members of the said house shall have power to proceed on business.

ART. III. It shall be an unalterable rule that the house of assembly shall expire and be at an end, yearly and every year, on the day preceding the day of election mentioned in the foregoing rule.

ART. IV. The representation shall be divided in the following manner: ten members from each county, as is hereinafter directed, except the county of Liberty, which contains three parishes, and that shall be allowed fourteen.

The ceded lands north of Ogechee shall be one county, and known by the name of Wilkes.

The parish of Saint Paul shall be another county, and known by the name of Richmond.

The parish of Saint George shall be another county, and known by the name of Burke.

The parish of Saint Matthew, and the upper part of Saint Philip, above Canouchee, shall be another county, and known by the name of Eflingham.

The parish of Christ Church, and the lower part of Saint Philip, below Canouchee, shall be another county, and known by the name of Chatham.

The parishes of Saint John, Saint Andrew, and Saint James shall be another county, and known by the name of Liberty.

The parishes of Saint David and Saint Patrick shall be another county, and known by the name of Glynn.

The parishes of Saint Thomas and Saint Mary shall be another county, and known by the name of Camden.

The port and town of Savannah shall be allowed four members to represent their trade.

The port and town of Sunbury shall be allowed two members to represent their trade.

ART. V. The two counties of Glynn and Camden shall have one representative each, and also they, and all other counties that may hereafter be laid out by the house of assembly, shall be under the following regulations, VIZ: at their first institution each county shall have one member, provided the inhabitants of the said county shall have ten electors; and if thirty, they shall have two; if forty, three; if fifty, four; if eighty, six; if a hundred and upward, ten; at which time two executive councillors shall be chosen from them, as is directed for the other counties.

ART. VI. The representatives shall be chosen out of the residents in each county, who shall have resided at least twelve months in this State, and three months in the county where they shall be elected; except the freeholders of the counties of Glynn and Camden, who are in a state of alarm, and who shall have the liberty of choosing one member each, as specified in the articles of this constitution, in any other county, until they have residents sufficient to qualify them for more; and they shall be of the Protestant religion, and of the age of twenty-one years, and shall be possessed in their own right of two hundred and fifty acres of land, or some property to the amount of two hundred and fifty pounds.

ART. VII. The house of assembly shall have power to make such laws and regulations as may be conducive to the good order and wellbeing of the State; provided such laws and regulations be not repugnant to the true intent and meaning of any rule or regulation contained In this constitution.

The house of assembly shall also have power to repeal all laws and ordinances they find injurious to the people; and the house shall choose its own speaker, appoint its own officers, settle its own rules of proceeding, and direct writs of election for supplying intermediate vacancies, and shall have power of adjournment to any time or times within the year.

ART. VIII. All laws and ordinances shall be three times read, and each reading shall be on different and separate days, except in cases of great necessity and danger; and all laws and ordinances shall be sent to the executive council after the second reading, for their perusal and advice.

ART. IX. All male white inhabitants, of the age of twenty-one years, and possessed in his own right of ten pounds value, and liable to pay tax in this State, or being of any mechanic trade, and shall have been resident six months in this State, shall have a right to vote at all elections for representatives, or any other officers, herein agreed to be chosen by the people at large; and every person having a right to vote at any election shall vote by ballot personally.

ART. X. No officer whatever shall serve any process, or give any other hinderances to any person entitled to vote, either in going to the place of election' or during the time of the said election, or on their returning home from such election; nor shall any military officer, or soldier, appear at any election in a military character, to the intent that all elections may be free and open.

ART. XI. No person shall be entitled to more than one vote, which shall be given in the county where such person resides, except as before excepted; nor shall any person who holds any title of nobility lie entitled to a vote, or be capable of serving as a representative, or hold any post of honor, profit, or trust in this State, whilst such person claims his title of nobility; but if the person shall give up such distinction, in the manner as may be directed by any future legislation, then, and in such case, he shall be entitled to a vote, and represent, as before directed, and enjoy all the other benefits of a free citizen.

ART. XII. Every person absenting himself from an election, and shall neglect to give in his or their ballot at such election, shall be subject to a penalty not exceeding five pounds; the mode of recovery and also the appropriation thereof, to be pointed out and directed by act of the legislature: *Provided, nevertheless*, That a reasonable excuse shall be admitted.

ART. XIII. The manner of electing representatives shall be by ballot, and shall be taken by two or more justices of the peace in each county, who shall provide a convenient box for receiving the said ballots: and, on closing the poll, the ballots shall be compared in public with the list of votes that have been taken, and the majority immediately declared; a certificate of the same being given to the persons elected, and also a certificate returned to the house of representatives.

ART. XIV. Every person entitled to vote shall take the following oath or affirmation, if required, viz:

" I, A B. do voluntarily and solemnly swear (or affirm, as the case may be) that I do owe true allegiance to this State, and will support the constitution thereof; so help me God."

ART. XV. Any five of the representatives elected, as before directed, being met, shall have power to administer the following oath to each other; and they, or any other member, being so sworn, shall, in the house, administer the oath to all other members that attend, in order to qualify them to take their seats, viz:

" I, A B. do solemnly swear that I will bear true allegiance to the State of Georgia, and will truly perform the trusts reposed in me; and that I will execute the same to the best of my knowledge, for the benefit of this State, and the support of the constitution thereof, and that I have obtained my election without fraud or bribe whatever; so help me God."

ART. XVI. The continental delegates shall be appointed annually by ballot, and shall have a right to sit, debate, and vote in the house of assembly, and be deemed a part thereof, subject, however, to the regulations contained in the twelfth article of the Confederation of the United States.

ART. XVII. No person bearing any post of profit under this State, or any person bearing any military commission under this or any other State or States, except officers of the militia, shall be elected a representative. And if any representative shall be appointed to any place of profit or military commission, which he shall accept, his seat shall immediately become vacant, and he shall be incapable of reelection whilst holding such office.

By this article it is not to be understood that the office of a justice of the peace is a post of profit.

ART. XVIII. No person shall hold more than one office of profit under this State at one and the same time.

ART. XIX. The governor shall, with the advice of the executive council, exercise the executive powers of government, according to the laws of this State and the constitution thereof, save only in the case of pardons and remission of fines, which he shall in no instance grant; but he may reprieve a criminal, or suspend a fine, until the meeting of the assembly, who may determine therein as they shall Judge fit.

ART. XX. The governor, with the advice of the executive council, shall have power to call the house of assembly together, upon any emergency, before the time which they stand adjourned to.

ART. XXI. The governor, with the advice of the executive council shall fill up all intermediate vacancies that shall happen in offices till the next general election; and all commissions, civil and military, shall be issued by the governor, under his hand and the great seal of the State.

ART. XXII. The governor may preside in the executive council at all times, except when they are taking into consideration and perusing the laws and ordinances offered to them by the house of assembly.

ART. XXIII. The governor shall be chosen annually by ballot, and shall not be eligible to the said office for more than one year out of three, nor shall he hold any military commission under any other State or States.

The governor shall reside at such place as the house of assembly for the time being shall appoint.

ART. XXIV. The governor's oath:

" I, A B, elected governor of the State of Georgia, by the representatives thereof, do solemnly promise and swear that I will, during the term of my appointment, to the best of my skill and judgment, execute the said office faithfully and conscientiously' according to law, without favor, affection, or partiality; that I will, to the utmost of my power, support, maintain, and defend the State of Georgia, and the constitution of the same; and use my utmost endeavors to protect the people thereof in the secure enjoyment of all their rights, franchises and privileges; and that the laws and ordinances of the State be duly observed, and that law and justice in mercy be executed in all judgments. And I do further solemnly promise and swear that I will peaceably and quietly resign the government to which I have been elected at the period to which my continuance in the said office is limited by the constitution. And, lastly, I do also solemnly swear that I have not accepted of the government whereunto I am elected contrary to the articles of this constitution; so help me God."

This oath to be administered to him by the speaker of the assembly.

The same oath to be administered by the speaker to the president of the council.

No person shall be eligible to the office of governor who has not resided three years in this State.

ART. XXV. The executive council shall meet the day after their election, and proceed to the choice of a president out of their own body; they shall have power to appoint their own officers and settle their own rules of proceedings.

The council shall always vote by counties, and not individually.

ART. XXVI. Every councillor, being present, shall have power of entering his protest against any measures in council he has not consented to, provided he does it in three days.

ART. XXVII. During the sitting of the assembly the whole of the executive council shall attend, unless prevented by sickness, or some other urgent necessity; and, in that case, a majority of the council shall make a board to examine the laws and ordinances sent them by the house of assembly; and all laws and ordinances sent to the council shall be returned in five days after, with their remarks hereon.

ART. XXVIII. A committee from the council, sent with any proposed amendments to any law or ordinance, shall deliver their reasons for such proposed amendments, sitting and covered; the whole house at that time, except the speaker, uncovered.

ART. XXIX. The president of the executive council, in the absence or sickness of the governor, shall exercise all the powers of the governor.

ART. XXX. When any affair that requires secrecy shall be laid before the governor and the executive council, it shall be the duty of the governor, and he is hereby obliged, to administer the following Oath, viz:

" I, A B. do solemnly swear that any business that shall be at this time communicated to the council I will not, in any manner whatever, either by speaking, writing, or otherwise, reveal the same to any person whatever, until leave given by the council, or when called upon by the house of assembly; and all this I swear without any reservation whatever; so help me God."

And the same oath shall be administered to the secretary and other officers necessary to carry the business into execution.

ART. XXXI. The executive power shall exist till renewed as pointed out by the rules of this constitution.

ART. XXXII. In all transactions between the legislative and executive bodies the same shall be communicated by message, to be delivered from the legislative body to the governor or executive council by a committee, and from the governor to the house of assembly by the secretary of the council, and from the executive council by a committee of the said council.

ART. XXXIII. The governor for the time being shall be captains general and commander-in-chief over all the militia, and other military and naval forces belonging to this State.

ART. XXXIV. All militia commissions shall specify that the person commissioned shall continue during good behavior.

ART. XXXV. Every county in this State that has, or hereafter may have, two hundred and fifty men, and upwards, liable to bear arms, shall be formed into a battalion; and when they become too numerous for one battalion, they shall be formed into more, by bill of the legislature; and those counties that have a less number than two hundred and fifty shall be formed into independent companies.

ART. XXXVI. There shall be established in each county a court, to be called a superior court, to be held twice in each year.

On the first Tuesday in March, in the county of Chatham.

The second Tuesday in March, in the county of Effingham.

The third Tuesday in March, in the county of Burke

The fourth Tuesday in March, in the county of Richmond.

The next Tuesday, in the county of Wilkes.

And Tuesday fortnight, in the county of Liberty.

The next Tuesday, in the county of Glynn.

The next Tuesday, in the county of Camden.

The like courts to commence in October and continue as above.

ART. XXXVII. All causes and matters of dispute, between any parties residing in the same county, to be tried within the county.

ART. XXXVIII. All matters in dispute between contending parties residing in different counties shall be tried in the county where the defendant resides, except in cases of real estate, which shall be tried in the county where such real estate lies.

ART. XXXIX. All matters of breach of the peace, felony, murder, and treason against the State to be tried in the county where the same was committed. All matters of dispute, both civil and criminal, in any county where there is not a sufficient number of inhabitants to form a court, shall be tried in the next adjacent county where a court is held.

ART. XL. All causes, of what nature soever, shall be tried in the supreme court, except as hereafter mentioned; which court shall consist of the chief-justice, and three or more of the justices residing in the county. In case of the absence of the chief-justice, the senior justice on the bench shall act as chief-justice, with the clerk of the county, attorney for the State, sheriff, coroner, constable, and the jurors; and in case of the absence of any of the aforementioned officers, the justices to appoint others in their room *pro tempore*. And if any plaintiff or defendant in civil causes shall be dissatisfied with the determination of the jury, then, and in that case, they shall be at liberty, within three days, to enter an appeal from that verdict, and

demand a new trial by a special jury, to be nominated as follows, viz: each party, plaintiff and defendant, shall choose six, six more names shall be taken indifferently out of a box provided for that purpose, the whole eighteen to be summoned, and their names to be put together into the box, and the first twelve that are drawn out, being present, shall be the special jury to try the cause, and from which there shall be no appeal.

ART. XLI. The jury shall be judges of law, as well as of fact, and shall not be allowed to bring in a special verdict; but if all or any of the jury have any doubts concerning points of law, they shall apply to the bench, who shall each of them in rotation give their opinion.

ART. XLII. The jury shall be sworn to bring in a verdict according to law, and the opinion they entertain of the evidence; provided it be not repugnant to the rules and regulations contained in this constitution.

ART. XLIII. The special jury shall be sworn to bring in a verdict according to law, and the opinion they entertain of the evidence; provided it be not repugnant to justice, equity, and conscience, and the rules and regulations contained in this constitution, of which they shall Judge.

ART. XLIV. Captures, both by sea and land, to be tried in the county where such shall be carried in; a special court to be called by the chief-justice, or in his absence by the then senior justice in the said county, upon application of the captors or claimants, which cause shall be determined within the space of ten days. The mode of proceeding and appeal shall be the same as in the superior courts, unless, after the second trial, an appeal is made to the Continental Congress; and the distance of time between the first and second trial shall not exceed fourteen days; and all maritime causes to be tried in like manner.

ART. XLV. No grand jury shall consist of less than eighteen, and twelve may find a bill.

ART. XLVI. That the court of conscience be continued as heretofore practiced, and that the jurisdiction thereof be extended to try causes not amounting to more than ten pounds.

ART. XLVII. All executions exceeding five pounds, except in the case of a court-merchant, shall be stayed until the first Monday in March; provided security be given for debt and costs.

ART. XLVIII. All the costs attending any action in the superior court shall not exceed the sum of three pounds, and that no cause be allowed to depend in the superior court longer than two terms.

ART. XLIX. Every officer of the State shall be liable to be called to account by the house of assembly.

ART. L. Every county shall keep the public records belonging to the same, and authenticated copies of the several records now in the possession of this State shall be made out and deposited in that county to which they belong.

ART. LI. Estates shall not be entailed; and when a person dies intestate, his or her estate shall be divided equally among their children; the widow shall have a child's share, or her dower, at her option; all other intestates' estates to be divided according to the act of distribution, made in the reign of Charles the Second, unless otherwise altered by any future act of the legislature.

ART. LII. A register of probates shall be appointed by the legislature in every county, for proving wills and granting letters of administration.

ART. LIII. All civil officers in each county shall be annually elected on the day of the general election, except justices of the peace and registers of probates, who shall be appointed by the house of assembly.

ART. LIV. Schools shall be erected in each county, and supported at the general expense of the State, as the legislature shall hereafter point out.

ART. LV. A court-house and jail shall be erected at the public expense in each county, where the present convention or the future legislature shall point out and direct.

ART. LVI. All persons whatever shall have the free exercise of their religion; provided it be not repugnant to the peace and safety of the State; and shall not, unless by consent, support any teacher or teachers except those of their own profession.

ART. LVII. The great seal of this State shall have the following device: on one side a scroll, whereon shall be engraved, " The Constitution of the State of Georgia; " and the motto, "*Pro bono publico.*" On the other side, an elegant house, and other buildings, fields of corn, and meadows covered with sheep and cattle; a river running through the same, with a ship under full sail, and the motto, "*Deus nobis haec otia fecit.*"

ART. LVIII. No person shall be allowed to plead in the courts of law in this State, except those who are authorized so to do by the house of assembly; and if any person so authorized shall be found guilty of malpractice before the house of assembly, they shall have power to suspend them. This is not intended to exclude any person from that inherent privilege of every *freeman*, the liberty to plead his own cause.

ART. LIX. Excessive fines shall not be levied, not excessive bail demanded.

ART. LX. The principles of the *habeas-corpus* act shall be a part of this constitution.

ART. LXI. Freedom of the press and trial by jury to remain inviolate forever.

ART. LXII. No clergyman of any denomination shall be allowed a seat in the legislature.

ART. LXIII. No alteration shall be made in this constitution without petitions from a majority of the counties, and the petitions from each county to be signed by a majority of voters in each county within this State; at which time the assembly shall order a convention to be called for that purpose, specifying the alterations to be made, according to the petitions preferred to the assembly by the majority of the counties as aforesaid.

Done at Savannah, in convention, the fifth day of February, in the year of our Lord one thousand seven hundred and seventy-seven, and in the first year of the Independence of the United States of America.

(1) Verified from "Watkin's Digest of the Laws of the state of Georgia Philadelphia; 1800," pp. 7-16.

This constitution was framed by a convention which assembled at Savannah October 1, 1776 in accordance with the recommendation of the Continental Congress that the people of the Colonies should form independent state governments. It was unanimously agreed to February 5, 1777. It was not submitted to the people. [Back](#)

Source:

The Federal and State Constitutions Colonial Charters, and Other Organic Laws of the States, Territories, and Colonies Now or Heretofore Forming the United States of America
Compiled and Edited Under the Act of Congress of June 30, 1906 by Francis Newton Thorpe
Washington, DC : Government Printing Office, 1909.

Colonial Charters Page

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A Grant of the Province of Maine to Sir Ferdinando Gorges and John Mason, esq., 10th of August, 1622

This indenture, made the 10th day of August, Anno Dom. 1622, and in the 20th yeare of the reigne of our Sovereigne Lord James, by the grace of God King of England, Scotland, France and Ireland, Defender of the Faith, &c. Between the President and councill of New-England on the one part, and Sir Ferdinando Gorges, of London, Knight, and Captain John Mason, of London, Esquire, on ye other part: Witnesseth, that whereas our said Sovereigne Lord King James, for the making of a plantation and establishing a colony or colonies in ye country called or knowne by ye names of New-England in America, hath, by his Highness Letters Patents, under the Great Seale of England, bearing date at Westmr. the 3d day of November, in the 18th yeare of his reigne, given, granted and confirmed unto the Right Honorable Lodowick, Duke of Lenox; George, Marquis of Buckingham; James, Marquis Hamilton; Thomas, Earl of Arundell; Robert, Earl of Warwick; Sir Ferdinando Gorges, Knt., and divers others whose names are expressed in ye said Letters Patents, and their successors and assignee, that they shall be one Body Politique and Corporate perpetuall, and that they should have perpetual succession, &c., and one comon scale or scales, to serve for the said Body, and that they and their successors shall be known, called and incorporated by the name of the President and Councill established at Plymouth in the county of Devon, for the planting, ruling and governing of New-England in America; and also hash, of his especiall grace, certaine knowledge and meer motion, for him, his heyres and successors; and given, granted and confirmed unto the said President and councill, and their succesor, under the reservacons, limitacons and declaracons in the said Letters Patents expressed, all that part or porcon of that country now commonly called New-England web is situate, lying and being between the latitude of forty and fortyeight degrees northerly latitude, together with the seas and islands lying within one hundred miles of any part of the said coasts of the country aforesaid; and also all the lands, soyle, grounds, havens, ports, rivers, mines, as well royal mines of gold and silver, as other mines, minerals, pearls and pretious stones, woods, queries, marshes waters, fishings, hunting, hawking, fowling, commodities and hereditaments whatsoever, together with all prerogatives, jurisdictions, royaltys, privileges, franchises and preliminaries within any of the said territories and precincts thereof whatsoever. To have, hold, possess and enjoy, all and singular, the said lands and premises, in the said Letters Patent granted and menconed to be granted, unto the said President and councill, their successors and assignee for ever; to be holden of his Majesty, his heyers and successors, as of his Highness Manor of East Greenwich, in the county of Kent, in free and common soccage and not in capite or by Knts. service-yielding and paying to the Kings Majestie, his heyers and successors, the one fifth part of all gold and silver care that from time to time, and at all times from the date of the said Letters Patents, shall be there gotten, had or obtained for all services, duties and demands as in and his highness said Letters Patents amongst other divers things therein contayned, more fully and at large it doth appeare. And whereas the said President and Councill have, upon mature deliberacon, thought fitt, for the better furnishing and furtherance of the plantation in those parts to appropriate and allots to several and particular persons divers parcels of lands within the precincts of the aforesaid granted premises by his Majesty's said Letters Patents.

Now this indenture witnesseth, that ye said President and council, of their full, free and mutual consent, as well to the end that all the lands, woods, lakes, rivers, waters, islands and fishings, with all other the traffics, profits and commodities whatever to them or any of them belonging, and hereafter in these presents menconed may be wholly and entirely invested, appropriated, severed and settled in and upon ye said Ferdinando Gorges and Capt. John Mason, their heyers and assignee forever, as for divers speciall services for the advancement of the sd plantacons and other good and sufficient causes and consideracons, them especially thereunto moving, have given granted bargained sould assigned aliened set over enfeofed and confirmed and by these presents doe give grant bargain sell assigne alien set over and confirm unto ye said Ferdinando Gorges and Capt. John Mason, their heirs and assignee, all that part of the main land in New-England lying upon the sea-coast betwixt ve rivers of Merrimack and Sagadahock and to the furthest heads of the said rivers, and soe forwards up into the land westward until three-score miles be finished from ye first entrance of the aforesaid rivers, and halfway over; that is to say, to the midst of the said two rivers web bounds and limitts the lands aforesaid together wit all the islands and isletts within five leagues distance of ye premises and abutting upon ye same or any part or parcell thereof.

As also all the lands, soyle, grounds, harbors, ports, rivers, mines, mineralls, pearls, pretious stones, woods, quarries, marshes, waters, fishings, hunting, hawking, fowling, and other commodities and hereditaments whatsoever; with all and singular their appurtenances, together with all prerogatives, rights, royalties, jurisdictions, privileges, franchises, liberties, preheminences, marine power, in and upon ye said seas and rivers; as also all escheats and casualties thereof, as flotson, jetson, lagon, with anchorage, and other such duties, immunities, sects, isletts and appurtenances whatsoever, with all the estate, right title, interest, and claim and demands whatsoever wch ye said President and councill, and their successors, of right ought to have or claim in or to the said porcons of lands, rivers, and other ye said premises, as is aforesaid by reason of his highness' said Letters Patents, in as free, large, ample and beneficial manner, to all intents, constructions and purposes whatsoever, as in and by the said Letters Patents ye same are among other things granted to the said President and councill aforesaid, except two fifths of the care of gold and silver in these parts hereafter expressed, wth said porcons of lands, wth ye appurtenances, the said Sr. Ferdinando Gorges and Capt. John Mason, with the consent of ye President and Councill, intend to name to name The Province of Maine. To have and to hould all the said porcons of land, islands, rivers and premises as aforesaid, and all and singular other ye commodyties and hereditaments hereby given, granted, aliened, enfeofed and confirmed, or menconed or intended by these presents to be given, granted, aliened, enfeofed and confirmed, with all and singular ye appurtenances and every part and parcell thereof, unto the said Sr. Ferdinando Gorges and Capt. John Mason, their heyres and assignee for ever, to be holden of his said Majesty, his heirs and successors, as of his Highness Manor of East-Greenwich, in the county of Kent, in free and common socage, and not in capite or by Knight's service. Nevertheless, with such exceptions reservacons, limatacons and declaracons as in the said Letters Patents are at large expressed; yielding and paying unto our Sovereign Lord the King, his heyres and successors, the fifth part of all ye care of gold and silver that from time to time, and aft all times hereafter, shall be there gotten, had and obtained, for all services, duties, and demands. And also yielding and paying unto the said President and councill, and their successors, verely the sum of tenn shillings English money, if it be demanded. And the said President and councill, for them and their successors, doe covenant and grant to and with the said Sr. Ferdinando Gorges and Capt. John Mason, their heirs arid assigns. from and after the ensealing and delivery of these patents, according to the purport, true intent and meaning of these presents, that they shall from henceforth, from time to time for ever, peaceably and quietly have, hold, possess and enjoy, all ye aforesaid lands, islands, rivers and premises, with ye appurtenances hereby before given and granted, or menconed or intended to be hereby before given and granted, and every part and parcell thereof, without any lift, disturbance, denial, trouble, interrupcon or evacon of or by the said President and councill, or any person or persons whatsoever, claiming by, from, or under them, or their successors, or by or under their estate, right, title or interest. And ye said President and councill, for them and their successors, doe further covenant and grant, to and with ye said Sr. Ferdinando Gorges and Capt. Mason, their heyres and assignee, by these presents, that they, ye said President and Councill, at all times hereafter, upon reasonable request, at ye only proper costs and charges in the law of ye said Sr. Ferdinando Gorges and Capt. John Mason, their heyres and assignee, doe make, perform, suffer, execute, and willingly consent unto any further act or acts, conveyance or conveyances, assurance or assurances whatsoever, for the good and perfect investing, assuring and conveying, and sure making, of all the aforesaid porcons of lands, islands, rivers and all and singular their appurtenances, to ye said Sr. Ferdinando Gorges and caps. John Mason, their heyres and assigns, as by them, their heires and assignee, or by his or their, or any of their councill, learned in the law shall be devised, advised or required. And further, it is agreed by and between the said parties to these presents, and ye said Sr. Ferdinando Gorges and Capt. John Mason, for them, their heyres, executors, administrators and assignee, doe covenant to and with the said president and councill, and their successors, by these presents that if at any time hereafter there shall be found any oare of gold and silver within the ground in any part of the said premises, that then they, the said Sr. Ferdinando Gorges and Capt. John Mason, their heyres and assignee, shall yield and pay unto the said President and councill, their successors and assignee, one fifth part of all such gold and silver oare as shall be found within and upon ye premises, and digged and brought above ground to be delivered above ground, and that always within reasonable and convenient time, if it be demanded after the finding, getting, and digging up of such care as aforesaid, without fraud or covin, and according to the true intent and meaning of these presents.

And the said Sr. Ferdinando Gorges and Capt. John Mason doe further covenant for them, their heyres and assignee, that they will establish such government in the said porcons of lands and islands granted unto them, and the same will from time to time continue, as shall be agreeable, as neere as may be to the laws and customs

of the realme of England; and if they shall be charged at any time to have neglected their duty therein, that thus they well conforme the same according to the direct-the President and councill; or in default thereof it shall be lawful for any of the aggrieved inhabitants and planters, being teen's upon ye said lands, to appeal to ye chief courts of justices of the President and councill. And ye sd Sr. Ferdinando Gorges and Capt. John Mason doe covenant and grant, to and with ye said President and councill, their successors and assigns, by these presents, that they, the said Sr. Ferdinando Gorges and Capt. John Mason, shall and will, before the expiracon of three years, to be accompted from the day of the date hereof, have in or upon the said porcons of lands, or some part thereof; one parse with a competent guard, and ten families at least of his Majestie's subjects resident and being in and upon ye same premises; or in default thereof shall and will forfeit and loose to the said President and councill the sum of one hundred pounds sterling money; and further, that if the said Sr.Ferdinando Gorges and Capt. John Mason, their heires or assignee, shall at any time hereafter alien these premises, or any part thereof, to any foraignle nations, or to any person or persons of any foraigne nation? without the special license, consent, and agreement of the said President and councill, their successors and assignee, that then the part or parts of the said lands so alienated, shall immediately return back to the use of the said President and Council. And further Know ye, that ye said President and Council have made, constituted, deputed, authorized and appointed, and in their place and stead do put Capt. Robert Gorges, or, in his absence, to any other person that shall be their governor or other officer, to be their true and lawfull attorney, and in their name and stead to enter the said porcons of lands, and other the premises wth eclair appurtenances, or into some part thereof in name of the whole, for them and in their name to have and take possession and siezin thereof, or some part thereof in the name of the whole, so had and taken, there for them, and in their names to deliver the full and peaceable possession and siezin of all and singular the said granted premises unto the said Sr. Ferdinando Gorges and Capt. John Mason, or to their certaine attorney or attorneys in that behalf, according to the true intent and meaning of these presents, ratifying and confirming and allowing all and whatsoever their said attorney shall doe in or about the premises by these presents. In witness whereof to one part of these presents indentures, remaining in the hands of Sir Ferdinando Gorges and Capt. John Mason, the said President and councill have caused their common seal to be affixed, and to the other of these present indentures, remaining in the custody of the said President and councill, the said Sir Ferdinando Gorges and Capt. John Mason have put to their hands and seals. Given the day and year first above written.

Source:

The Federal and State Constitutions Colonial Charters, and Other Organic Laws of the States, Territories, and Colonies Now or Heretofore Forming the United States of America
Compiled and Edited Under the Act of Congress of June 30, 1906 by Francis Newton Thorpe
Washington, DC : Government Printing Office, 1909.

Colonial Charters Page

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Grant of the Province of Maine : 1639

CHARLES by the grace of God King of England Scotland France and Ireland Defender of the Faith, &c

To all to whom theise Presents shall come Greeting Whereas Sir Ferdinando Gorges Knight hath been an humble suitor unto us to graunte and confirme unto him and his heires a parte and porcon of the Countrie of America now commonly called or knowne by the name of New England in America in theise Presents hereafter described by the meets and bounces thereof with divers and sundrie priviledges and jurisdiccons for the welfare and good of the state of those Colonies that shalbee drawne thither and for the better government of the people that shall live and inhabite within the lymits and precints thereof whiche parse or porcon of the said Countrie wee have heretofore (amongst other things) for us our heires and successors taken into actual and reall possession or in defaulte of such actual and reall possession formerly taken Wee Doe by theise Presents for us our heires and successors take the same into our actual and reall possession Knowe yee therefore that of our especiall grace certaine knowledge and meere mocon Wee Have given graunted and confirmed And by these Presents for us our- heires and successors Doe give graunte and confirme unto the said Sir Ferdinando Gorges his heires and assignee All that Parte Purparte and Porcon of the Mayne Lande of New England aforesaid beginning att the entrance of Pascataway Harbor and soe to passe upp the same into the River of Newichewanocke and through the same unto the furthest heade thereof and from thence Northwestwards till one hundred and twenty miles bee finished and from Pascataway Harbor mouth aforesaid Northeastwards along the Sea Coasts to Sagadahocke and upp the River thereof to Kynybequy River and through the same unto the heade thereof and into the Lande Northwestwards untill one hundred and twenty myles bee ended being acempted from the mouth of Sagadahocke and from the period of one hundred and twenty myles aforesaid to crosse over Lande to the one hundred and twenty myles end formerly reckoned upp into the Lande from Pascataway Harbor through Newichewanocke River and alsoe the Northe halfe of the Isles of Shoales together with the Isles of Capawock and Nawlican neere Cape Cod as alsoe all the Islands and llets yeing within five leagues of the Mayne all alonge the aforesaide Coasts betweene the aforesaid River of Pascataway and Sedahocke with all the Creekes Havens and Harbors thereunto belonginge and the Revercon and Revercons Remyander and Remyanders of all and singular the said Landes Rivers and Premisses All which said Part Purpart or Porcon of the Mayne Lande and all and every the Premisses herein before named Wee Doe for us our heires and successors-create and incorporate into One Province or Countie

And Wee Doe name ordeyne and appoynt that the porcon of the Mayne Lande and Premises aforesaide shall forever hereafter bee called The Province or Countie of Mayne and not by any other name or names whatsoever with all and singuler the Soyle and Grounds thereof as well drye as covered with waters and all Waters Portes Havens and Creekes of the Sea and Inletts of the said Province of Mayne and Premisses as to them or any of them belonginge or adjacent as alsoe all Woodes Trees Lakes and Rivers within the said Provynce of Mayne and Premisses or Lymitts of the same together with the Fisheing of whatsoever kinde as well Pearle as Fische as Whales Sturgeons or any other either in the Sea or Rivers and alsoe All Rovaltyes of Hawkeing Hunting Fowleing Warren and Chases within tlhe said Province of Mayne and Premisses aforesaid Deere of all sorts and all other Beasts and Fowles of Warren and Chase and all other Beasts there and alsoe All Mynes and Oare of Goulde Silver Precious Stones Tynne Leade Copper Sulphure Brimstone or any other Mettall or Mynerall matter whatsoever within the said Province and Premisses or any of them opened or hidden and all Quarries there And all Gould Pearle Silver Precious Stones and Ambergreece whiche shalbee founde within the said Province and Premisses fir any of them and the Lymitts and Coasts of the same or any of them or any parse of them or any of them and all and singular other Proffitts Benefitts and Commodities groweing cominge accruing or happening or to be had perceived or taken within the said Province and Premisses Lymitts and Coasts of the same or any of them and alsoe All Patronages and Advowsons Free Disposicons and Donacons of all and every such Churches and Chappells as shalbee made and erected within the said Province and Premisses or any, of them with full power lycense and authority to builde and erecte or cause to be builde and erected soe many Churches and Chappells there as to the said Sir Ferdinando Gorges his heires and assignee shall seeme meete and convenient and to dedicate and consecrate the same or cause the same to bee dedicated and consecrated according to the Ecclesiastical Lawes of this our Realme of England together with all and singuler and as large and ample Rights Jurisdiccons Priviledges Prerogatives Royalties Liberties Immunities Franchises Preheminences and Hereditaments as well by Sea as by Lande within the said Province and Premisses and the Precincts and Coasts of the same or any of them and within the Seas belonging or adjacent to them or any of them as the Bishopp of Durham within the Bishopricke; or Countie Palatine of Duresme in our Kingdome of England now hath useth or enjoyeth or of right tree ought to have use or enjoye within the said Countie Palatine as if the same were herein particulerly menconed and expressed

To have and to houlde possesse and enjoye the said Province and Premisses and every of them and all and singular other the Premisses before by theise Presents graunted or menconed or intended to bee graunted with theire and everye of theire rights members and appurtenances unto the said Sir Ferdinando Gorges his heires and assignee and To the sole and only use of the said Sir Ferdinando Gorges his heires and assignee forever To bee houlden of us our heires and successors as of the Mannor of East Greenwich in the Countie of Kent by Fealty only in fee and common Soccage and not in Capite nor in Knights Service for all manner of service whatsoever Yieldeing and Paveing therefore yearly to us our heires and successors one Quarter of Wheate And alsoe Yieldeing and Payeing to us our heires and successors the fifte parse of the cleere yearly proffitt of our Royall Mynes of Goulde and Silver that from tyme to tyme and aft all tymes hereafter shalbee there gotten and obteyned (if any suche shalbee there founde) and the fifte parse of all Goulde and Silver founde uppon the Sea Shoare or in Rivers or elsewhere within the bounces and lymitts of the said Province and Premisses and the fifte parse of the cleere yearly proffitt of Pearle Fisheing And Wee Doe for us our heirs and successors further Graunte unto the said Sir Fardinando Gorges his heires and assignee forever All Treasure Trove Goodes and Chattells of Felons and Felons themselves Waifes Estraves Pyrats Goodes Deodands Fynes and Amerciaments of all the Inhabitants and others happening groweing or ariseing in the said Province and other the Premisses or any part thereof or in any Voyage or Passage to or from the same aswoh for Odences committed against our selfe our heires and successors or thinges concerninge our selfe our heires or successors or our profit as against others or thinges concerninge others or the proffitts of others and all and all manner of Wrecks of Shippes or Merchandize and all that which to wrecks belongeth by what means soever happening within or uppon the Havens Coasts Creeks or Shoares of the Premisses or any parse thereof And Wee Doe for us our heires and successors create ordeyne and constitute the said Fardinando Gorges his heires and assignee the true and absolue Lords and Proprietors of all and every the aforesaid Province of Mayne and Premisses aforesaid and all and every the Lymitts and Coasts thereof Savinge always the faith and allegiance and the Supreame Dominion due to us our heires and successors

And for the better government of such our Subjects and others as att any tyme shall happen to dwell or reside within the said Province skid Premisses or passe to or from the same our will and pleasure is hat the Religion nowe professed in the Church of England and Ecclesiasticall Government nowe used in the same shalbee forever hereafter professed and with asmuch convenient speede as may bee settled and established in and throughout the said Province and Premisses and every of them And Wee Doe for us our heires and successors of theise Presents give and graunte unto the said Sir Fardinando Gorges his heires and assignee power and authority with the assent of the greater parse of the Freeholders of the said Province and Premisses for the tyme being (when there shalbee any) whoe are to bee called thereunto from tyme to tyme when and as often as it shalbee requisite to make ordeyne and publish Lawes Ordinances and Constitucons reasonable and not repugnant or contrary but agreeable (as neere as conveniently may bee) to the Lawes of England for the publique good of the said Province and Premisses and of the Inhabitants thereof by imposinge of penalties imprisonments or other conecons (or if the offence shall require) by takinge away of life or member the said Lawes and Constitucons to extend as well to such as shalbee passing unto or returning from the said Province and Premisses as unto the Inhabitants and Residents of or within the same and the same to bee put in execucon by the said Sir Fardinando Gorges his heires or assignee or by his or theire Deputies Lieutenants Judges Officers or Ministers in that behalfe lawfully authorized and the same Lawes Ordinances and Constitucons or any of them to alter change revoke or make voyde and to make new not repugnant nor contrary but agreeable as neere as may bee to the Lawes of England as the said Sir Fardinando Gorges his heires or assignee together with the said Freeholders or the greater parse of them for the tyme being shalbee from tyme to tyme thought fitt and convenient

And Wee Doe further by theise Presents for us our heires and successors give and graunte unto the said Sir Fardinando Gorges his heires and assignee full power and authoritie and that itt shal and may bee lawfull to and for him the said Sir Fardinando Gorges his heires and assignee to erect Courtes of Justice aswell ecclesiasticall as civil and temporall whatsoever and to appoynt and constitute from tyme to tyme Judges Justices Magistrates and Officers as well of the said Courte and (Jourtes of Justice as otherwise aswell by Sea as by Lande for the hearing and determining of all manner of Causes whatsoever within and concerning the said Province and Premisses or any of them or the Inhabitants or Residents there and Passengers to or from the same aswell by Lande as by Sea and to order and appoynt what matters and thinges shalbee heard determynd done or ordered in anie of the said Courtes or by any of the said Judges Magistrates and officers with such power and in such forme as it shall seeme good to the said Sir Fardinando Gorges his heires or assignee. And the said Judges Justices Magistrates and Officers and every or any of them from time to time to displace and remove when the said Sir Fardinando Gorges his heires or assignee shall thinke fitt and to place others in their roomes and steed And that the Inhabitants and Residents within the said Province and Premisses and Passengers to and from the same may within fortie days after sentence given in the said Courtes (where appeales in like Courtes within this Kingdome are admitted) appeale to the said Sir Fardinando Gorges his heires or assignee or his or their generall Governour or Chiefe Deputie of the said Province or Premisses for the tyme being To whome Wee Doe by these Presents for us our heires and successors give full power and authoritie to proceede in such Appeals as in like case of Appeals within this our Realme of England And Wee Doe further for us our heires and successors give and graunte unto the said Sir Fardinando Gorges his heires and assignee full power and authoritie to pardon emits and release all offences and offenders within the said Province and Premisses against all every or any the said Lawes Ordynances or Constitucons and to doe all and singular other thinges unto the execucon of Justice apperteyning in any Courte of Justice according to the forme and manner of proceeding in such Courtes to be used although in these our Letters Patents there bee noe particular mencon of the same

But Wee Doe nevertheles hereby signifie and declare our will and pleasure to bee the powers and authorities hereby given to the said Sir Fardinando Gorges his heires and assignee for and concerning the Government both Ecclesiasticall and Civil within the said Province and Premisses shalbee subordinate and subject to the power and reglement of the Lords and other Commissioners here for forraigne Plantacons for the tyme being but for all and whatsoever doth shall or maye concerne the propriete of the said Province Partes and Coastes of the same or any of them or any Owner Shipp or Interest in any Landes Tenements or other Hereditaments Goodes or Chattells or the nomynateing or appoynting of any Officer or Officers the same is lefte whollie to the said Sir Fardinando Gorges his heires and assignee according to the tenor intent and true meaning of theise Presents And because such Assemblies of Freeholders for makinge of Lawes cannot alwayes bee soe suddenly called as there may bee occasion to require the same Wee Doe therefore for us our heires and successors give and graunte unto the said Sir Fardinando Gorges his heires and assigns full power and authoritie that tree the said Sir Fardinando Gorges his heires and assignee by him and themselves or by his or their Deputies Magistrates or Officers in that behalfe lawfully constituted shall or maye from tyme to tyme make and ordeyne fitt and wholesome Ordinances within the said Province or Premisses aforesaid to bee kepte and established as well for the keepeing of the peace as for the better governement of the people there abiding or passing to or from the same and to publishe the same to all to whome itt maye appertain and concerne which Ordinances Wee Doe for us our heires and successors straightly comand to bee inviolably observed within the said Province and Premisses under the penaltie therein expressed soe as the same Ordinances bee reasonable and not repugnant or contrary but as neere as may bee agreeable to the Lawes and Statutes of our Kingdome of England and soe as the same Ordinances doe not extend to the bindeing charging or takeing away of the right or interest of any person or persons in their lives members Freeholds Goodes or Chattells whatsoever

And because in a Country soe farr distant and seated amongst see many barbarous nations the Intrusions or Invasions aswell of the barbarous people as of Pirates and other enemies maye be justly feared Wee Doe therefore for us our heires and successors give and graunte unto the said Sir Fardinando Gorges his heires and assignee full power and authoritie that hee the said Sir Fardinando Gorges his heires and assignee aswell by him and themselves as by his and their Deputies Captaynes or other Officers for the tyme being shall or lawfullye maye muster leave rayse armes and employe all person and persons whatsoever inhabiteing or resideing within the said Province or Premisses for the resisting or withstanding of such Enymies or Pyrates both att Lande and aft Sea and such Enimies or Pyrates (if occasion shall require) to pursue and prosecute out of the lymitts of the said Province or Premisses and then (if itt shall soe please God) to vanquishe apprehends and take and being taken either according to the Lawe of armes to kill or to keepe and preserve them aft their pleasure And likewise by force of armes to recover from any person or persons all such Territories Domyinions Landes Places Goods Chattells and Wares which hereafter shalbee taken from the said Sir Fardinando Gorges his heires or assignee or from his or their Deputies Officers or Servants or from any the Plantors Inhabitants or Residents of or within the said Province or Premisses or from any other Members Aydors or Assistors of the said Sir Fardinando Gorges his heires or assignee or from any other the subjects of us our heires and successors or others in amitie with us our heires and successors in the said Province and Premisses and Coasts or any of them or in their passage to or from the same And bite Doe further for us our heires and successors give and graunte unto the said Sir Fardinando Gorges his heires and assignee in case any Rebellion sudden tumult or mutynie shall happen to arise either upon the said Lande within the said Province and Premisses or any of them or Coastes of the same or upon the mayne Sea in passing thither or returning from thence or in any such expedicon or service as aforesaid itt shall and may be lawfull to and for the said Sir Fardinando Gorges his heires and assignee as well by him and themselves as by his and their deputies Captaynes or other Officers under his or their scale in that behalfe to bee authorized (to whome wee alsoe for us our heires and successors doe give and graunte full power and authoritye to doe and execute the same) to use and execute martial lawe against such Rebels Traytors Mutyners and Seditious Persons in as ample manner and forme as anie Captayne Generall in the Warrs or as any Lieuetennante or Lieuetennants of any Gountie within this our Realme of England by vertue of his or their Office or Place maie or have beene accustomed in tyme of Warre Rebellion or Mutynie to doe and performe

And Wee Doe for us our heires and successors further give and graunte unto the said Sir Fardinando Gorges his heires and assignee and to all and every Commander Governour Officer Minister Person and Persons which shall by the said Sir Fardinando Gorges his heires or assignee bee thereunto authorized or appoynted leavo lychense and power to erect rayse and builde from time to time in the Province Territories and Coastes aforesaid and every or any of them such and soe manic Forts Fortresses Platforms Castles Citties Townes and Villages and all Fortificacons whatsoever and the same and everie of them to fortifie and furnishe with men Ordynances men Powder Shott Armour and all other Weapons Munition and Habillments of Warr both for defence and offence whatsoever as to the said Sir Fardinando Gorges his heirs and assignee and everie or anie of them shall seeme meete and convenient And likewise to commits from tyme to tyme the Government Custody and defence thereof unto such person and persons as to the said Sir Fardinando Gorges his heires and assignee shall seeme meete and to the said severall Citties Borroughes and Townes to graunte Letters or Charters of Incorporacons with all Libertyes and thinges belonging to the same and in the said severall Cityes Boroughes and Townes to constitute siche and so manic Marketts Marts and Fayres and to graunte such meete Tolles Customes Dutyes and Priviledges to or with the same as by the said Sir Fardinando Gorges his heires or assignee shalbee thought fitt And for that Plantacons are subjecte to diverse difficulties and commodities Therefore Wee favouring the present beginning of the said Plantacon and haveing a provident care that those wlooe are grieved in one thing may bee releived in another Doe of our especiall grace certeyne knowledge and meere mocon for us our heires and successors give and graunte unto the said Sir Fardinando Gorges his heires and assignee and to all other our subjects the Dwellers or Inhabitants that shall att any tyme hereafter bee the Plantors of or in the said Province or any of the Premisses free Lychense and Libertie for the landeing bringeing in and unladeing or otherwise disposing of all the Wares Merchandize Proffitts and Comodities of the said Province or any the Premisses both by sea and lance either by themselves or their Servants Factors or Assignes in any of the Portes of us our heires and successors within our Kingdomes of England and Ireland payeing onely such Customes Subsidies and Dutyes as our naturall subjects of this our Realme of England shall or ought to paye and none other and to have and enjoye all such Liberties Freedomes and Priviledges for or concerneing the exporting of the same agayne without payement of any more Customes or Dutyes and for having agayne of Imposts in such manner and in the like beneficiall sorte as any of our naturall borne subjects of this our Realme shall then have and enjoye And Wee Doe alsoe for us our heires and successors give and graunte unto the said Fardinando Gorges his heires and assignee full and absolute power and authoritie to make erect and appoynt within the said Province and Premisses such and soe many Portes Havens Creekes and other Places for the ladeing and unladeing of Shippes Barques and other Vessells and in such and soe many places and to appoynt such Rights Jurisdiccons Priviledges and Libertyes unto the said Portes Havens and Creekes belonging as to him or them shall seeme meete and that all and singular Shippes Boyes Barques and other Vessels to bee laden and unladen in any way of Merchandize shalbee laden or unladen aft such Portes Havens or Creekes soe by the aforesaid Sir Fardinando Gorges his heires or assignee to be erected and appoynted and not elsewhere within the said Province Premisses and Coastes and to appoynt what reasonable Tolles shalbee paid for the same and the same Tolles to receive take and enjoye to the behoof of the said Sir Fardinando Gorges his heires and assignee to his and their use without accompte to bee therefore made to us our heirs or successors any use costume matter or thinge to the contrary thereof notwithstanding Saveing allwayes to all our Subjects of our Kingdome of England Libertie of Fisheing aswell in the sea as in the Creekes of the said Province and Premisses aforesaid and the Priviledge of Salteing and dryeing of their Fische and Dryeing of their nests a Shoare of the said Province and any the Premisses any thinge to the contrary thereof notwithstanding which said Liberties and Priviledges our pleasure is that the said subjects of us our heires and successors shall enjoye without any noteable dammage or injurie to bee done to the said Sir Fardinando Gorges his heires and assignee or the Inhabitants of the said Province or any of the Premisses or in any of the said Portes Creekes or Shoares aforesaid but chiefly in the Wooden there groweing

And Wee doe further for us our heires and successors give and graunte unto the said Sir Fardinando Gorges his heires and assignes full power and authoritie to

divide all or ante parse of the Territories hereby graunted or menconed to bee graunted es aforesaid into Proviinces Counties Citties Townes Hundreds and Parishes or such other parses or porcons as tree or they shall thinke fitt and in them every or any of them to appoynt and allots out such porcons of Lande for publiqlle uses Ecclesiasticall and Temporall of what kinde soever and to distribute graunte assigne and sett over such particular porcons of the said Territories Comities Landes and Premisses unto such our subjects or the subjects of any other State or Prince then in amytie with us our heires or successors for such estates and in such manner and forme as to the said Sir Fardinando Gorges his heires or assignee shall seeme meete and convenient and the said person and persons according to the said Estate and Estates soe assigned and graunted to have and enjoye the same and to make erect and ordeyne in and uppon the said Province and Premisses or in and uppon any of them or any parse or parcell of them soe many severall and distincte Mannors as to the said Sir Fardinando Gorges his heires and assignee from tyme to tyme shall seeme meete and to the same severall Mannors to assigne lymitts and to appoynt soe much lance distinctly and severallie for demeanse Landes of the said severall Mannors and every of them as to the said Sir Fardinando Gorges his heires and assignee shall and may seeme necessary and flit and the said Mannors or any of them to call by such name and names as the said Sir Fardinando Gorges his heirs and assignee shall please the said Mannors to bee houlden of the said Sir Fardinando Gorges his heires or assignee by such services and Rents as to him or them shall seeme neete And alsoe that the said Sir Fardinando Gorges his heires and assignee shall and may att their pleasure graunte in freehoulde soemuch of the said demeanse Landes Tenements and Hereditaments belonging or to bee belonging unto any of the said Mannors to any person or persons their heires or assignee for and under such rentes and services as to the said Sir Fardinando Gorges his heires and assignee shalbee thought fitt to bee houlden of the said Sir Fardinando Gorges his heires and assignee as of the said Mannors or any of them respectively the Acte of Parliament made and enacted in the eighteenth yeare of King Edward the First commonly called (Quiz Emptores Terrarum) or any other Statute whatever or any other matter or thinge whatsoever to the contrary thereof in any wise notwithstandinge.

And that the said Sir Fardinando Gorges his heires and assignee shall have houlde and keepe within the said severall Mannours soe to bee erected suche and soe many Courtes aswell Courte Leetes as Courtes Barons as to our Lawes and Statutes of England shalbee agreeable And Wee Doe further for us our heires and successors give and graunte unto the said Sir Fardinando Gorges his heires and assignee for ever all Admirall Rights Benefitts Jurisdiccions and likewise all Priviledges and Commodities to the said Admirall Jurisdiccon in any wise belonging or apperteyning in and uppon the Seas Rivers and Coastes of or belonging to the said Province and Premisses or every or any of them or to the same adjoyneina within twentie leagues of the said Province and Premisses of any of them and in and uppon all other Rivers and Creekes thereof And likewise power to heare and determine all manner of Pleas for and concerning the same Saving allwayes to us our heires and successors and to the Lord High Admirall of England for the tyme being of us our heires and successors all and all manner of Jurisdiccon Rights Powers Benefitts and authorities whatsoever incident or belonging to the said office of Admirall which itt shalbee lawfull from tyme to tyme to us our heires or successors or the Lord High Admirall of England for the tyme being to have use and- exercise within the said Province and Premisses and the Seas and Rivers thereof or within twentie leagues of the same as aforesaid when wee shall thinke fitt And Wee Doe for us our heires and successors give and graunte unto the said Sir Fardinando Gorges his heires and assignee full power and authoritie aft any time or times hereafter by him or themselves or by his or their Deputies to administer reasonable oathes to all Judges Justices Magistrates and other officers whatsoever by the said Sir Fardinando Gorges his heires and assignee his or their deputyes to be elected att the eleccion of them to their severall offices and places or within convenient time after And alsoe that tree the said Sir Fardinando Gorges his heires and assignee shall have full power and authoritie aswell by him and themselves as by his or their depute or other Chiefe Magistrate or Officer by him or them to bee in that behalfe appointed to give and administer reasonable oathes to all or any person or persons of what degree or qualitie soever employed or to be employed in or about the said Province Premisses and Territories aforesaid or anie of them or in or about the coasts of the same And likewise to all or any Inhabitants and others that shalbee or remayne within the said Province and Premises of them for the true and faithfull execucon and performaunce of their severall charges and places or for the exaiacon and cleareing the truth and likewise for the Informacon and better direcon of his and their judgments in any matter or cause whatsoever concerning the said Sir Fardinando Gorges his heires or assignee or any Inhabitant member or l'erson belonging or repavring unto the said Province and Premisses or any of them or any parse of them find in all causes Accons Suits and Debates thereto bee begun and prosecuted as the nature of the cause shall require And further of our more espeaciall grace certeyne knowledge and meere mocon Wee Doe hereby for us our heires and successors graunte unto the said Sir Fardinando Gorges his heires and assignee that itt shall and may bee lawfull to and for the said Sir Fardinando Gorges his heires and assignee and every of them from tyme to tyme to sett to Sea such and soe many Shipps Pinnaces Barges Boates and other Vessells as shalbee thought flit by the said Sir Fardinando Gorges his heires and assignee prepared and furnished with Ordinances Artillery Powder Shott Victuals Municon or other Weapons or Abiliments of War aswell invasive as defensive in warlike manner or otherwise and with such number of Men Weomen and Children as the said Sir Fardinando Gorges his heires or assignee shall thinke fitt such voyage into the said islands and Places or any parse thereof aswell for the Plantacon and Fortificacon as otherwise And that these Presents shalbee a sufficient Lycense and Warrant for any person or persons that shalbee by him or them sent and employed thither to goe bevonde the Seas and in that manner soe as the persons soe to bee shipped sent or transported as aforesaid bee not such as are or for the tyme being shalbee prohibited by Proclamacon of us our heirs or successors or by any order or orders of the Lords or others Commissioners for Forraigne Plantacons for the tyme being

And Wee Doe for us our heires and successors further graunte to and with the said Sir Fardinando Gorges his heires and assignee that onely hee the said Sir Fardinando Gorges his heires and assignee and his and their Factors Agents and such as shalbee employed sent lycensed or allowed by him or them and noe other person or persons whatsoever excepte before excepted shall repayre or goe into the said Province of Mayne and Premisses aforesaid and the places within the lymitts and coasts thereof or any of them to dwell inhabite or abide there nor have use or enjoye the libertie use and priveledges of trade or traffique unto in or from the said Province and Premisses or any of them or buying selling bartering or e:changeing for or with any Wares Goodes or Merchandizes there whatsoever And likewise that itt shall and may bee lawfull to and for the said Sir Fardinando Gorges his heires and assignee and for all and every other person and persons that shalbe lycensed or allowed by the said Sir Fardinando Gorges his heires or assignee from henceforth and at all other tymes and from tyme to tyme after the date of these our Letters Patents according to the orders and constitucons of the said Sir Fardinando Gorges his heires and assignee not being repugnant to our Proclamacons and Orders of the Lords and others our Commissioners as aforesaid to take convey carrie and transport for and towards the Plantacon of the said Province and Premisses or any of them or to bee used there or in the passage thither or returning from thence and there to leave abide and inhabits such and soe many of our loving subjects or any other Strangers that shal become our subjects and live under our allegiance as shall willingly transport themselves or bee transported thither and that such our subjects or Strangers may together with their persons send carrie or convey thither aswell Shipping Armour Weapons Ordinance Municon Powder Shott and Habiliments of Warr as Victuals Canyas Lynnen Woollen Cloath Toolles Ymplements Furniture Swine and Pullen Goodes Wares and Merchandizes of- all kinder and sortes whatsoever fitt and necessary for the foode lyvelhood habitacon apparrell or Defence of our subjects which shall there inhabite and bee and all other Wares Merchandizes and Goods whatsoever not prohibited by the Lawes or Statutes of this our Kingdome payeing customer and other duties as other our subjects doe in such cases And of our further Royall favour Wee have graunted And by these Presents for us our heires and successors Wee Doe graunte unto the said Sir Fardinando Gorges his heires and assignee that the aforesaid Province Rivers and Places hereby before menconed to bee graunted or any of them shall not bee traded in or unto nor inhabited bv any of the subjects of us our heires and successors without the speaciall lycense of the said Sir Fardinando Gorges his heires and assignee And therefore Wee Doe hereby for us our heires and successors charge and command prohibite and forbid all the subjects of us our heires and successors of what degree qualitie or condicon soever they bee that none of them directlie or indirectlie presume to trade or adventure to traffique into or from nor to inhabite or abide in the said Province of Mayne Island Dominion and Places hereby menconed or intended to bee graunted or any of them other then the said Sir Fardinando Gorges his heires and assignee and his and their deputies and factors unless itt bee with the license and consent of the said Fardinando Gorge his heires and assignee first had and obtvained in that behalf in writeinge under his or their hands and scales under payee of our idignacon and alsoe of suche penaltyes punishments as by the Lawes and Ordinances of the said Sir Fardinand Gorges his heires and assignee to bee made in that behalfe shalbee appoynted.

And Wee Doe further for us our heires and successors graunte unto the said Sir Fardinando Gorges his heires and assignee that all and every the persons being the subjects of us our heires and successors which shall goe or inhabite within the said Province and Premisses or any of them and all and everie the children and posteritie discending of English Scottish or Irish Parents which shall happen to be borne within the same or uppon the seas in passing thither or from thence from henceforth ought to bee and shalbee taken and reputed to bee of the allegiance of us our heires and successors and shalbee and soe shalbee forever hereafter esteemed to bee the naturall borne subjects of us our heires and successors and shall bee able to pleade and bee ympleaded end shell have power and bee able to take by discent purchase or otherwise Landes Tenements and Hereditaments and shall have and enjoy all Liberties Franchises and Immunities of or belonging to any the naturall borne subjects of this our Kingdome of England within this our Kingdome and within all other of our Domyinions to all intents and purposes as if they had beene abydeing and borne within this our Kingdome or any other of our Dominions find Wee Doe further for us our heires and successors give full poorer and authoritie to the said Sir Fardinando Gorges his heires and assignee or any person or persons to bee thereunto nominated by the said Sir Fardinando Gorges his heires or assignee to minister and give Oathes of Allegiance and supremacie according to the formes now established in this our Realme of England to all and every such person and persons as they shall thinke fitt that shall aft any tyme or tymes goe or passe into the said Province and Premises or any of them or shalbee resident or abiding there And our further Will and pleasure is and Wee Doe by these Presents for us our heires and successors Covenant and glaulite to and with the said Sir Fardinando Gorges his heires and assignee that if the said Sir Fardinando Gorges his heires or assignee shall aft any tyme or tymes hereafter uppon any double which tree or they shall conceave concerning the

validitie and strength of this our present graunte bee desireous to renewe the same from us our heires or successors with amendment of such ymperfecons and defects as shall appeare flit and necessary to bee reformed and amended by us our heires and successors that then upon the humble peticon of the said Sir Fardinando Gorges his heires and assignee such further and better assurance of all and singuler the Premises hereby graunted or menconed or intended to bee graunted according to the true meaneing of these our Letters Patents shall from tyme to tyme by us our heires and successors bee made and graunted unto the said Sir Fardinando Gorges his heires and assignee as by the Attorney Generall of us our heires and successors for the tyme being and the Learned Councell of the said Sir Fardinando Gorges his heires and assignee shall in that behalfe bee reasonably devised or advised And further Wee Doe hereby for us our heires and successors chardge and commaunde all and singuler Admiralls Vice-admiralls Generalls Comaunders Captaynes Justices of Peace Maiors Sheriffs Baylifis Constables Customers Comptrollers Collectors Waiters Searches and all other the officers and Ministers of us our heires and successors whatsoever aswell nowe as hereafter for the tyme being to bee from tyme to tyme in all things aydeing and assisting unto the said Sir Fardinando Gorges his heires and assignee and to his and their officers Factors and agents and to every or any of them upon request made as they tender our pleasure and will avoyde the contrary aft their perills And Wee Doe will and for us our heires and successors Doe declare and ordeyne that the said Province and Premisses shalbee ymediatelv subject to our Crowne of Englande and dependent upon the same for ever And further Wee Will and by these Presents-for us our heires and successors Doe graunte to the said Sir Fardinando Gorges his heires and assignee that these our Letters Patents or the enrollment of them shalbee in all things and to all intents and purposes firme good edectuall and sufficient in the lawe against us our heires and successors aswell in all Courts as elsewhere within our Kingdome of England or in any other our Kingdomes and Domyinions as in the said Province and Premisses aforesaid or in any of them and shalbee construed reputed and taken aswell according to the true meaning and intent as to the wordes of the same most benignely favorably and beneficially to and for the said Sir Fardinando Gorges his heires and assignee (noe interpretacon being made of any worde or sentence Whereby Gods Horde true Christian Religion now taught professed and maynteyned the fundamenta¹ laws of this Realme or Alleagiance to us our heires or successors may suffer prejudice or diminucon) any omission misinformacon want of certaine expression of the contents lymitts and bollndes or the certeyne scituacon of the said Province and Premisses aforesaid hereby meant or intended to be graunted or in what latitude of degree the same are or any defect in these Presents or any Lawe Statute or other cause or matter to the contrary notwithstanding And although express mencon bee not made of the true yearly value or certeyntie of the Premisses or any of them and notwithstanding any misnameing and not certeyne or particular nameing of the said Province Places Landes Territories Hereditaments and Premisses whatsoever before by these Presents given graunted confirmed menconed and intended to bee graunted or confirmed or any parse thereof or the misnameing or not nameing or not rightly nameing of the degrees and Coasts wherein or whereupon the same or any of them doe lie or any Acte of Parliament Statute Ordinaunce Proclamacon or restraint heretofore made ordeyned or provided or any other thinge cause or matter to the contrary notwithstanding Nevertheless our intent and meaneing is that out of the Premisses hereby graunted or menconed to bee graunted there shalbee always saved and reserved to all and every such person and persons as have or hath any lawefull graunte or graunts of Landes or Plantacons lawfully settled in the division and Premisses aforesaid the free houlding and enjoyeing of his and their right with the Liberties thereunto apperteyning tree or they relinquishing and layeing downe his and their Jura Regalia (if tree or they have any) to the said Sir Fardinando Gorges his heires and assignee whome wee have hereby made Proprietor of the Province or Devision and Premisses aforesaid and payeing some small acknowledgement to the said Sir Fardinando Gorges his heires and assignee for that tree or they are now to houlde their Landes anew of the sail Sir Fardinando Gorges his heires and assignee In Wittnes whereof we have caused these our Letters to be made Patents Wittnes our selfe aft Westminster the third day of Aprill in the fifteenth yere of our reigne.

P. Bre. Privato Sigillo.

Source:

The Federal and State Constitutions Colonial Charters, and Other Organic Laws of the States, Territories, and Colonies Now or Heretofore Forming the United States of America
Compiled and Edited Under the Act of Congress of June 30, 1906 by Francis Newton Thorpe
Washington, DC : Government Printing Office, 1909.

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Grant of the Province of Maine : 1664

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 presents shall come Greeting

Know yee that wee for divers good causes and consideracons us thereunto moving have of our especiall Grace certaine knowledge and meere motion given and granted and by these presents for us our heires and successors do give and grant unto our dearest brother James Duke of Yorke his heires and assigns all that part of the maine land of New England beginning at a certain place called or knowne by the name of St. Croix next adjoining to New Scotland in America and from thence extending along the sea coast unto a certain place called Petuaquine or Pemaquid and so up the River thereof to the furthest head of ye same as it tendeth northwards from thence to the River Kinebequi and so upwards by the shortest course to the River Canada northward and also all that Island of Islands commonly called by the severall name or names of Matowacks or Lond Island scituate lying and being towards the west of Cape Codd and ye narrow Higansetts abutting upon the maine land between the two Rivers there called or knowne by the several names of Conecticut and Hudsons River together also with the said river called Hudsons River and all the land from the west side of Conecticut to ye east side of Delaware Bay and also all those severall Islands called or knowne by the names of Martin's Vinyard and Nantukes otherwise Nantuckett together with all ye lands islands soyles rivers harbours mines minerals quarryes woods marshes waters lakes ffishings hawkings hunting and cowlng and all other royaltties proffitts commodities and hereditaments to the said severall islands lands and premisses belonging and appertaining with theire and every of theire appurtenances and all our estate right title interest benefit advantage claime and demand of in or to the said lands and premises or any part or parcell thereof and the revercon and revercons remainder and remainders together with the yearly and other ye rents revenues and proffitts of all and singular the said premisses and of every part and parcell thereof to have and to hold all and singular the said lands islands hereditaments and premisses with their and every of their appurtenances hereby given and granted or hereinbefore menconed to be given and granted unto our dearest brother James Duke of Yorke his heirs and assignee forever to the only proper use and behoofe of the said James Duke of Yorke his heires and assignee forever to be holden of us our heirs and successors as of our manner of East Greenwich in our county of Kent in fires and common soccage and not in capite nor by Knight service yielding and rendering and the said James Duke of Yorke doth for himself his heires and assignee covenant and promise to yield and render unto us our heires and successors of and for the same yearly and every yeare forty Beaver skins when they shall be demanded or within ninety days after and wee do further of our speciall grace certaine knowledge and meere mocon for us our heires and successors give and grant unto our said dearest brother James Duke of Yorke his heires deputies agents commissioners and assignee by these presents full and absolute power and authority to correct punish pardon governe and rule all such the subjects of us our heires and successors who may from time to time adventure themselves into any of the parts or places aforesaid or that shall or doe at any time hereafter inhabite within the same according to such fames orders ordinances direcons and instruments as by our said dearest brother or his assignee shall be established and in defect thereof in cases of necessity according to the good direcons of his deputies commissioners officers or assignee respectively as well in all causes and matters capitall and criminall as civill both marine and others soe alwayes as the said statutes ordinances and proceedings be not contrary to but as neare as conveniently may be agreeable to the lawes statutes and government of this our realme of England and saving and reserving to us our heires and successors ye receiving hearing and determining of the appeal and appeales of all or any person or persons, of in or belonging to ye territoryes or islands aforesaid in or touching any judgment or sentence to be there made or given.

And further that it shall and may be lawfull to and for our said dearest brother his heires and assignee by these presents from time to time to nominate make constitute ordains and confirms by such name or names stile or stiles as to him or them shall seeme good and likewise to revoke discharge change and alter as well all and singular Governors officers and Ministers which hereafter shall be by him or them thought fitt and needfull to be made or used within the aforesaid parts and islands and also to make ordaine and establish all manner of orders lawes directions instrucons formes and ceremonyes of government and magistracy fitt and necessary for and concerning the government of the territoryes and islands aforesaid so alwayes as the same be not contrary to the lawes and statutes of this our Realme of England but as neare as may be agreeable thereunto and the same at all times hereafter to put in execucon or abrogate revoke or change only within the precincts of the said territoryes or island) but also upon the seas in going and coming to and from the same as he or they in their good discrecons shall thinke to be fittest for the good of the adventurers and inhabitants there And wee do further of our speciall grace certaine knowledge and meere mocon grant ordains and declare that such governors officers and ministers as from time to time shall be authorized and appointed in manner and forme aforesaid shall and may have full power and authority to use and exercise martiall law in cases of rebellion insurrecon and mutinie in as large and ample manner as our Lieutenants in our countyes within our Realme of England have or ought to have by force of their commission of Lieutenancy or any law or statute of this our Realme

And wee do further by these presents for us our heires and successors grant unto our said dearest brother James Duke of Yorke his heires and assigns that it shall and may be lawfull to and for the said James Duke of Yorke his heires and assignee in his or their discrecons from time to time to admit such and so many person and persons to trade and traffique unto and within the territoryes and islands aforesaid and into every and any part and parcell thereof and to have possesse and enjoy any lands or hereditamenst in ye parts and places aforesaid as they shall thinke fitt according to the lawes orders constitucons and ordinances by our said brother his heires deputies commissioners and assigns from time to time to be made and established by virtue of and according to the true intent and meaning of these presents and under such condicons reservacons and agreements as our said brother his heires or assignee shall set downe order direct and appoint and not otherwise as aforesaid And wee do further of ous especiall grace certaine knowledge and meere mocon for us our Wires and successors give and grant to our said dears brother his heires and assignee by these presents that it shall and may be lawfull to and for him them or any of them at all and every time and times hereafter out of any of our realmes or dominions whatsoever to take leade carry and transport in and into their voyages and for and towards the plantacons of our said territoryes and islands all such and so many of our loving subjects or any other strangers being not prohibited or under restraint that will become our loving subjects and live under our alegiance as shall willingly accompany them in the said voyages together with all such cloathing implements furniture and other things usually transported and not prohibited as shall be necessary for the inhabitants of the said islands and territoryes and for theire use and defence thereof and manageing and carrying on the trade with the people there and in passing and returning to and fro yielding and paying to us our heires and successors the customes and duties therefore due and payable according to the lawes and customes of this our Realme

And we do also for us our heires and successors grant to our said dearest brother James Duke of Yorke his heires and assignee and to all and every such governor or governors or other officers or ministers as by our said brother his heires or assignee shall be appointed to have power and authority of government and command in or over the inhabitants of the said territoryes or islands that they and every of them shall and lawfully may from time to time and at all times hereafter forever for theire severall defence and safety encounter expulse repell and resist by force of arms as well by sea as by land and all wayes and means whatsoever all such person and persons as without the speciall licence of our said deare brother his heires or assignee shall attempt to inhabit within the severall precincts and limitts of our said territoryes and islands and also all and every such person and persons whatsoever as shall enterprise or attempt at any time hereafter the destruccon invasion detriment or annoyance to ye parts places or islands aforesaid or any parse thereof and lastly our will and pleasure is and wee do hereby declare and grant that these our letters patents or the enrollment thereof shall be good and effectfull in the law to all intents and purposes whatsoever notwithstanding the not reciting or menconing of the premises or any part thereof or the meets or bounds thereof or of any former or other presents patents or grants heretofore made or granted of the premisses or of any part thereof by us or any of our progenitors unto any other person or persons whatsoever bodyes politique or corporate or any act law or other restraint incertainty or imperfection whatsoever to the contrary in any wise notwithstanding althoughue expresse mencon of the true yearly value or certainty of the premises or any of them or of any other guifts or grants by us or by any of our progenitors or predecessors heretofore made to the said James Duke of Yorke in these presents is not made or any statute act ordinance provision proclamacon or restriction heretofore had made enacted ordained or provided or any other matter cause or thing whatsoever to the

contrary thereof in any wise notwithstanding.

In witnesse whereof wee have caused these our letters to be made pattents.-Witnesse ourselfe at Westminster the twelveth day of March in the sixteenth yeare of our raigne. [1664]

By the King:

HOWARD

Source:

The Federal and State Constitutions Colonial Charters, and Other Organic Laws of the States, Territories, and Colonies Now or Heretofore Forming the United States of America
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Grant of the Province of Maine : 1674

CHARLES the Second by the Grace of God King of England France and Ireland Defender of the Faith &c. To all to whom these presents shall come Greeting: Know yee that wee for divers good causes and consideracons have of our especiall grace certaine knowledge and meer motion given and granted and by these presents for us our heirs and successors do give and graunt unto our dearest brother James Duke of Yorke his heires and assigns All that part of the main land of New England, beginning at a certaine place called or known by the name of St. Croix nexce adjoining to New Scotland in America and from thence extending along the seacoast unto a certaine place called Petuaquine or Pemaquid and so up the river thereof to the furthest head of the same as it windeth northward and extending from the river of Kinebeque and so upwards by the shortest course to the river Canada northwards: And all that Island or Islands commonly called by the severall name or names of Matowacks or Long Islands scituatue and being towards the west of Cape Cod and the narrow Higansetts abutting upon the main land between the two rivers there called or known by the severall names of Connecticutt and Hudson's River together also with the said river called Hudson's River and all the lands from the west side of Connecticutt river to the east side of Delaware Bay: And also all those severall Islands called or known by the names of Martin Vin Yards and Nantukes otherwise Nantuckett: Together with all the lands Islands soiles rivers harbors Mines Mineralls Quarries woods marshes waters Lakes dishings Hawking hunting and fl owling and all other royalties profits Commodities and Hereditaments to the said severall Islands Lands and premises belonging and appertaining with their and every of their appurtenants: And all our Estate right title and interest benefit and advantage claime and demand of in or to the said lands or premises or any part or parcell thereof and the revercon and revercons remainder and remainders together with the yearly and other rents revenues and profits of the premises and of every part and parcell thereof

To have and to hold all and singular the said lands and premises with their and every of their appurtents hereby given and graunted or herein before mentioned to be given and graunted unto our said dearest brother James Duke of Yorke his-hers and assigns forever To bee holden of us our heirs and successors as of our Manor of East Greenwich, in our county of Kent in free and common soccage and not in capite nor by Knight service yielding and rendering: And the said James Duke of Yorke for himself his heirs and assignee doth covenant and promise to yield and render unto Us our heirs and successors of and for the same yearly and every year ffifty Beaver Skins when they shall bee demanded or within ninety days after such demand made and wee do further, of our speciall grace certaine knowledge and meer motion for Us Our heirs and successors give and graunt unto our said Dearest brother James Duke of Yorke his heirs Deputyes Agents Commissioners and assignee by these presents full and absolute power and authority to correct punish pardon govern and rule all such the subjects of us our heirs and successors or any other person or persons as shall from time to time adventure themselves into any of the parts or places aforesaid or that shall or do at any time hereafter inhabit within the same according to such Lawes orders ordinances directions and instructions as by our said dearest brother or his assignee shall bee established and in defect thereof in cases of necessity according to the good discretions of his Deputyes Commissioners Office or Agents respectively as well in all cases and matters capital and criminall as Civill Marine and Others so allwayes as the said Statutes ordinances and proceedings bee not contrary to but as neare as may bee agreeable to the Lawes Statutes and Government of this our realm of England and saving and reserving to Us our heirs and successors the receiving hearing and determining of the appeal and appeals of all or any person or persons of in or belonging to the Territoryes or Islands aforesaid or touching any Judgment or sentence to bee there made or given

And further that it shall and may bee lawfull to and for our said dearest brother his heirs and assigns by these presents from time to time to nominate make constitute ordaine and confirme such Lawes as aforesaid by such name or names stile or stiles as to him or them shall seem good And likewise to revoke discharge change and alter as well all and singular Governors officers and ministers which hereafter shall be by him or them thought fit and needful to be made or used within the aforesaid Islands and parts: And also to make ordaine and establish all maner of lawes orders direcons instructions formes and ceremonyes of Government and Magistracy fit and necessary for and concerning the Government of the Territoryes and Islands aforesaid so always as the same bee not contrary to the Lawes and Statutes of this our realme of England, but as neare as may bee agreeable thereunto and the same at all times hereafter to put in execution abrogate revoke or change not onely within the precincts of the said Territoryes or Islands but also upon the seas in going and coming to and from the same as tree or they in their good discretions shall think fittest for the good of the adventurers and inhabitants

And wee do further of our Especiall Grace certaine knowledge and meer motion graunt ordains and declare that such Governors Deputyes Officers and Ministers as from time to time shall bee authorized and appointed in manner and dorme aforesaid shall and may have full power and authority within the Territoryes aforesaid to use and exercise Marshall Lawe in cases of rebellion insurrection and Mutiny in as large and ample manner as our Lieutenants in our Countyes within Our realme of England have or ought to have by force of their Commission of Lieutenancy or any law or Statute of this our realme: And Wee do further by these presents for us our heirs and successors graunt unto Our said dearest brother James Duke of Yorke his heirs and assignee that it shall and may be lawfull to and for the said James Duke of Yorke his heirs and assignee in his or their discrecon from time to time to admit such and so many person and persons to trade and trafficke into and and within ye Territoryes and Islands aforesaid and into every or any of the Territoryes and Islands aforesaid and into every or any part and parcell thereof: And to have possess and enjoy any Lands and hereditaments in the parts and places aforesaid as they shall think fit according to the Lawes orders constitutions and ordinances by our said brother his heirs deputyes Commissioners and assignee from time to time to bee made and established by vertue of and according to the true intent and meaning of these presents and under such condicons preservacons and agreements as our said dearest brother his heirs and assigns shall set downe order direct and appoint and not otherwise as aforesaid

And we do further of our Especiall Grace certaine knowledge and meer motion for us our heires and successors give and graunt unto our said deare brother his heirs and assigns by these presents that it shall and may be lawfull to and for him them or any of them at all and Every time and times hereafter out of any of our realms or dominions whatsoever to take lead carry and transport in and into their voyages for and towards the Plantacons of our said Territoryes and Islands aforesaid all such and so many of our loving subjects or any other strangers being not prohibited or under restraint that will become our loving subjects and live under our allegiance and shall willingly accompany them in the said voyages together with all such cloathing implements fi urniture and other things usually transported and not prohibited as shall be necessary for the inhabitants of the said Islands and territoryes and for their use and defence thereof and managing and carrying on the trade with the people there and in passing and returning to and fro Yielding and paying to us our heirs and successors the customes and dutes therefore due and payable according to the Lawes and Customes of this our realme And Wee do also for us our heirs and successors graunt unto our said dearest brother James Duke of Yorke his heirs and assignee and to all and every such Governor or Governors Deputyes their Officers or Ministers as by our said brother his heirs or assignee shall bee appointed to have power and authority of government or command in or ON or the inhabitants of the said Territorves or Islands that they of every of them shall and lawfully may from time to time and at all times forever hereafter for their severall defence and safety encounter repulse and Expell and resist by force of armes (as well by sea as by land) and all wayes and means whatsoever all such person and persons as without the speciall licence of our dearest brother his heirs and assignee shall attempt to inhabit within the severall precincts and limits of our said Territoryes and Islands and also all and every such person and persons whatsoever as shall enterprise and attempt at any time hereafter the destruccon invasion detriment or annoyance to the parts places or Islands aforesaid or any part thereof

And lastly our will and pleasure is and We do hereby declare and graunt that these our Letters Patents or the enrolment thereof shall bee good and Effectuall in the Law to all intents and purposes whatsoever notwithstanding the not well and true writing or menconing of the premises or any part thereof or the limits or bounds thereof or of any former or other Letters Patent or graunts whatsoever made or graunted or of any part thereof by us or any of our progenitors unto any person or persons whatsoever bodyes politick or corporate or any law or other restraint uncertainty or imperfeccon whatsoever to the contrary in any w ise notwithstanding althrough Expresse mention of the true yearly value or certainty of the premises or of any of them or of any other guifts or graunts by us or by any of our progenitors heretofore made to the said James Duke of Yorke in these presents is not made or any statute act ordinance provision proclamation or restriction heretofore had made enacted or

provided or any other matter cause or thing whatsoever to the contrary thereof in any wise notwithstanding. In witnesse whereof Wee have caused these our Letters to bee made Patents Witnesse Our Selfe at Westm. the 29th day of June in the 26th year of our reigne.

PIGOTT.

Source:

The Federal and State Constitutions Colonial Charters, and Other Organic Laws of the States, Territories, and Colonies Now or Heretofore Forming the United States of America
Compiled and Edited Under the Act of Congress of June 30, 1906 by Francis Newton Thorpe
Washington, DC : Government Printing Office, 1909.

Colonial Charters Page

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The Charter of Maryland : 1632

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 lfs' 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 all 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 and 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 Displeasure 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 Ourself at Westminster, the Twentieth Day of June, in the Eighth Year of our Reign.

Source:

The Federal and State Constitutions Colonial Charters, and Other Organic Laws of the States, Territories, and Colonies Now or Heretofore Forming the United States of America
Compiled and Edited Under the Act of Congress of June 30, 1906 by Francis Newton Thorpe
Washington, DC : Government Printing Office, 1909.

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The Charter of New England : 1620

JAMES, by the Grace of God, King of England, Scotland, France and Ireland, Defender of the Faith, &c. to all whom these Presents shall come, Greeting, Whereas, upon the humble Petition of divers of our well disposed Subjects, that intended to make several Plantations in the Parts of America, between the Degrees of thirty-foure and ffourty-five; We according to our princely Inclination, favouring much their worthy Disposition, in Hope thereby to advance the in Largement of Christian Religion, to the Glory of God Almighty, as also by that Meanes to stretch out the Bounds of our Dominions, and to replenish those Deserts with People governed by Lawes and Magistrates, for the peaceable Commerce of all, that in time to come shall have occasion to traffique into those Territoryes, granted unto Sir Thomas Gates, Sir George Somers, Knights, Thomas Hanson, and Raleigh Gilbert, Esquires, and of their Associates, for the more speedy Accomplishment thereof, by our Letters-Patent, bearing Date the Tenth Day of April, in the Fourth Year of our Reign of England, France and Ireland, and of Scotland the ffourtieth, free Liberty to divide themselves into two several Collonyes; the one called the first Collonye, to be undertaken and advanced by certain Knights, Gentlemen, and Merchants, in and about our Cyty of London; the other called the Second Collonye, to be undertaken and advanced by certaine Knights, Gentlemen, and Merchants, and their associates, in and about our Citties of Bristol, Exon, and our Towne of Plymouth, and other Places, as in and by our said Letters-Patents, amongst other Things more att large it doth and may appears. And whereas, since that Time, upon the humble Petition of the said Adventurers and Planters of the said first Collonye, We have been graciously pleased to make them one distinct and entire Body by themselves, giving unto them their distinct Lymitts and Bounds, and have upon their like humble Request, granted unto them divers Liberties, Privileges, Enlargements, and Immunities, as in and by our severall Letters-Patents it doth and may more at large appears. Now forasmuch as We have been in like Manner humbly petitioned unto by our trusty and well beloved Servant, Sir ferdinando Gorges, Knight, Captain of our ffort and Island by Plymouth, and by certain the principal Knights and Gentlemen Adventurers of the said Second Collonye, and by divers other Persons of Quality, who now intend to be their Associates, divers of which have been at great and extraordinary Charge, and sustained many Losses in seeking and discovering a Place fitt and convenient to lay the Foundation of a hopeful Plantation, and have divers Years past by God's Assistance, and their own endeavours, taken actual Possession of the Continent hereafter mentioned, in our Name and to our Use, as Sovereign Lord thereof, and have settled already some of our People in Places agreeable to their Desires in those Parts, and in Confidence of prosperous Success therein, by the Continuance of God's Devine Blessing, and our Royall Permission, have resolved in a more plentifull and effectual Manner to prosecute the same, and to that Purpose and Intent have desired of Us, for their better Encouragement and Satisfaction herein, and that they may avoide all Confusion, Questions, or Differences between themselves, and those of the said first Collonye, We would likewise be graciously pleased to make certaine Adventurers, intending to erect and. establish fishery, Trade, and Plantacion, within the Territoryes, Precincts, and Lymitts of the said second Colony, and their Successors, one several distinct and entire Body, and to grant unto them, such Estate, Liberties, Priveliges, Enlargements, and Immunities there, as in these our Letters-Patents hereafter particularly expressed and declared. And for asmuch as We have been certainly given to understand by divers of our good Subjects, that have for these many Years past frequented those Coasts and Territoryes, between the Degrees of Fourty and Fourty-Eight, that there is noe other the Subjects of any Christian King or State, by any Authority from their Soveraignes, Lords, or Princes, actually in Possession of any of the said Lands or Precincts, whereby any Right, Claim, Interest, or Title, may, might, or ought by that Meanes accrue, belong, or appertaine unto them, or any of them. And also for that We have been further given certainly to knowe, that within these late Yeares there hath by God's Visitation reigned a wonderful Plague, together with many horrible Slaughters, and Murthers, committed amongst the Sauages and brutish People there, heertofore inhabiting, in a Manner to the utter Destruction, Deuastacion, and Depopulation of that whole Territorye, so that there is not left for many Leagues together in a Manner, any that doe claime or challenge any Kind of Interests therein, nor any other Superiour Lord or Souveraigne to make Claime "hereunto, whereby We in our Judgment are persuaded and satisfied that the appointed Time is come in which Almighty God in his great Goodness and Bountie towards Us and our People, hath thought fitt and determined, that those large and goodly Territoryes, deserted as it were by their naturall Inhabitants, should be possessed and enjoyed by such of our Subjects and People as heertofore have and hereafter shall by his Mercie and Favour, and by his Powerfull Arme, be directed and conducted thither. In Contemplacion and serious Consideracion whereof, Wee have thought it fitt according to our Kingly Duty, soe much as in Us lyeth, to second and followe God's sacred Will, rendering reverend Thanks to his Divine Majestie for his gracious favour in laying open and revealing the same unto us, before any other Christian Prince or State, by which Meanes without Offence, and as We trust to his Glory, Wee may with Boldness goe on to the settling of soe hopefull a Work, which tendeth to the reducing and Conversion of such Sauages as remaine wandering in Desolacion and Distress, to Civil Societie and Christian Religion, to the Inlargement of our own Dominions, and the Aduancement of the Fortunes of such of our good Subjects as shall willingly intresse themselves in the said Employment, to whom We cannot but give singular Commendations for their soe worthy Intention and Enterprize; Wee therefore, of our especiall Grace, mere Motion, and certaine Knowledge, by the Advice of the Lords and others of our Priuy Councell have for Us, our Heyrs and Successors, graunted, ordained, and established, and in and by these Presents, Do for Us, our Heirs and Successors, grant, ordaine and establish, that all that Circuit, Continent, Precincts, and Limitts in America, lying and being in Breadth from Fourty Degrees of Northerly Latitude, from the Equenotiall Line, to Fourty-eight Degrees of the said Northerly Latitude, and in length by all the Breadth aforesaid throughout the Maine Land, from Sea to Sea, with all the Seas, Rivers, Islands, Creekes, Inletts, Ports, and Havens, within the Degrees, Precincts and Limitts of the said Latitude and Longitude, shall be the Limitts; and Bounds, and Precints of the second Collony: And to the End that the said Territoryes may forever hereafter be more particularly and certainly known and distinguished, our Will and Pleasure is, that the sa.ne shall from henceforth be nominated, termed, and called by the Name of New-England, in America; and by that Name of New-England in America, the said Circuit, Precinct, Limitt, Continent, Islands, and Places in America, aforesaid, We do by these Presents, for Us, our Heyrs and Successors, name, call, erect, found and establish, and by that Name to have Continuance for ever.

And for the better Plantacion, ruling, and governing of the aforesaid New-England, in America, We will, ordaine, constitute, assigne, limits and appoint, and for Us, our Heyrs and Successors, Wee, by the Advice of the Lords and others of the said priue Councill, do by these Presents ordaine, constitute, limett, and appoint, that from henceforth, there shall be for ever hereafter, in our Towne of Plymouth, in the County of Devon, one Body politicque and corporate, which shall have perpetuall Succession, which shall consist of the Number of fourtie Persons, and no more, which shall be, and shall be called and knowne by the Name the Councill established at Plymouth, in the County of Devon for the planting, ruling, ordering, and governing of New-England, in America; and for that Purpose Wee have, at and by the Nomination and Request of the said Petitioners, granted, ordained, established, and confirmed; and by these Presents, for Us, our Heyres and Successors, doe grant, ordaine, establish, and confirme, our right trusty and right well beloved Cosins and Councillors Lodovick, Duke of Lenox, Lord Steward of our Houshold, George Lord Marquess Buckingham, our High Admiral of England, James Marquess Hamilton, William Earle of Pembroke, Lord Chamberlaine of our Houshold, Thomas Earl of Arundel, and our right trusty and right well beloved Cosin, William Earl of hathe, and right trusty and right well beloved Cosin and Councillor, Henry Earle of Southampton, and our right trusty and right well beloved Cousins, William Earle of Salisbury, and Robert Earle of Warwick, and our right trusty and right well beloved John Viscount Haddington, and our right trusty and well beloved Councillor Edward Lord Zouch, Lord Warden of our Cinque Ports, and our trusty and well beloved Edmond Lord Sheffield, Edward Lord Gorges, and our well beloved Sir Edward Seymour, Knight and Barronett, Sir Robert Manselle, Sir Edward Zouch, our Knight Marshall, Sir Dudley Diggs, Sir Thomas Roe, Sir ferdinando Gorges, Sir Francis Popham, Sir John Brook, Sir Thomas Gates, Sir Richard Hawkins, Sir Richard Edcombe, Sir Allen Apsley, Sir Warwick Hale, Sir Richard Catchmay, Sir John Bourchier, Sir Nathaniel Rich, Sir Edward Giles, Sir Giles Mompesson, and Sir Thomas Wroth, Knights; and our well beloved Matthew Sutcliffe, Dean of Exeter, Robert Heath, Esq; Recorder of our Cittie of London, Henry Bourchier, John Drake, Rawleigh Gilbert, George Chudley, Thomas Hamon, and John Argall, Esquires, to be and in and by these Presents; We do appoint them to be the first modern and present Councill established at Plymouth, in the County of Devon, for the planting, ruling, ordering, and governing of New-England, in America; and that they, and the Suruiours of them, and such as the Suruluours and Suruinor of them shall, from tyme to tyme elect, and chuse, to make up the aforesaid Number of fourtie Persons, when, and as often as any of them, or any of their Successors shall happen to decease, or to be removed from being of the said Councill, shall be in, and by these Presents, incorporated to have a perpetuall Succession for ever, in Deed, Fact, and Name, and shall be one Bodye corporate and politicque; and that those, and such said Persons, and their Successors, and such as shall be elected and chosen to succeed them as aforesaid, shall be, and by these Presents are, and be incorporated,

named, and called by the Name of the Councill established at Plymouth, in the County of Devon, for the planting, ruling, and governing of New-England, in America; and them the said Duke of Lenox, Marquess Buckingham, Marquess Hamilton, Earle of Pembroke, Earle of Arundell, Earle of hathe, Earle of Southampton, Earle of Salisbury, Earle of Warwick, Viscount Haddington, Lord Zouch, Lord Sheffield, Lord Gorges, Sir Edward Seymour, Sir Robert Mansell, Sir Edward Zouch, Sir Dudley Diggs, Sir Thomas Roe, Sir fferdinando Gorges, Sir ffrancis Popham, Sir John Brooks, Sir Thomas Gates, Sir Richard Hawkins, Sir Richard Edgcombe, Sir Allen Apsley, Sir Warwick Heale, Sir Richard Catchmay, Sir John Bouchier, Sir Nathaniell Rich, Sir Edward Giles, Sir Giles Mompesson, Sir Thomas Wroth, Knights; Matthew Suttcliffe, Robert Heath, Henry Bouchier, John Drake, Rawleigh Gilbert, George Chudley, Thomas Haymon, and John Argall, Esqrs. and their successors, one Body corporate and politick, in Deed and Name, by the Name of the Councell established att Plymouth, in the County of Devon for the planting, ruling, and governing of New-England, in America. Wee do by these Presents, for Us, our Heyres and Successors, really and fully incorporate, erect, ordaine. name, constitute, and establish, and that by the same Name of the said Councill, they and their Successors for ever hereafter be incorporated, named, and called, and shall by the same Name have perpetual Succession. And further, Wee do hereby for Us, our Heires and Successors, grant unto the said Councill established aft Plymouth, that they and their Successors, by the same Name, be and shall be, and shall continue Persons able and capable in the Law, from time to time, and shall by that Name, of Council aforesaid, have full Power and Authority, and lawfull Capacity and Habillity, as well to purchase, take, hold, receive, enjoy, and to have, and their Successors for ever, any Manors, Lands, Tenements, Rents, Royalties, Privileges, Immunities, Reversions, Annuities, Hereditaments, Goods, and Chattles whatsoever, of or from Us, our Heirs, and Successors, and of or from any other Person or Persons whatsoever, as well in and within this our Realme, of England, as in and within any other Place or Places whatsoever or wheresoever; and the same Manors, Lands, Tenements, and Hereditaments, Goods or Chattles, or any of them, by the same Name to alien and sell, or to do, execute, ordaine and performe all other Matters and Things whatsoever to the said Incorporation and Plantation concerning and-belonging.

And further, our Will and Pleasure is, that the said Councill, for the time being, and their Successors, shall have full Power and lawfull authority, by the Name aforesaid, to sue, and be sued; implead, and to be impleaded; answer, and to be answered, unto all Manner of Courts and Places that now are, or hereafter shall be, within this our Realme and elsewhere, as well temporal as spiritual, in all Manner of Suits and Matters whatsoever, and of what Nature or Kinde soever such Suite or Action be or shall be. And our Will and Pleasure is, that the said flourty Persons, or the greater Number of them, shall and may, from time to time, and at any time hereafter, at their owne Will and Pleasure, according to the Laws, Ordinances, and Orders of or by them, or by the greater Part of them, hereafter in Manner and forme in these Presents mentioned, to be agreed upon, to elect and choose amongst themselves one of the said dourty Persons for the Time being, to be President of the said Councill, which President soe elected and chosen, Wee will, shall continue and be President of the said Council for so long a Time as by the Orders of the said Councill, from time to time to be made, as hereafter is mentioned, shall be thought fitt, and no longer; unto which President, or in his Absence, to any such Person as by the Order of the said Councill shall be thereunto appointed, Wee do give Authority to give Order for the warning of the said Council, and summoning the Company to their Meetings. And our Will and Pleasure is, that from time to time, when and so often as any of the Councill shall happen to decease, or to be removed from being of the said Councill, that then, and so often, the Survivors of them the said Councill, and no other, or the greater Number of them, who then shall be from time to time left and remaininge, and who shall, or the greater Number of which that shall be assembled at a public Court or Meeting to be held for the said Company, shall elect and choose one or more other Person or Persons to be of the said Councill, and which from time to time shall be of the said Councill, so that the Number of Bounty Persons of the said Councill may from time to time be supplied: Provided always that as well the Persons herein named to be of the said Councill, as every other Councillor hereafter to be elected, shall be prevented Lord Chancellor of England, or to the Lord High Treasurer of England, or to the Lord Chamberlaine of the Household of Us, our Heires and Successors for the Time being, to take his and their Oath and Oathes of a Councillor and Councillors to Us, our Heirs and Successors, for the said Company and Collonye in New-England.

And further, Wee will and grant by these Presents, for Us, our Heires and Successors, unto the said Councill and their Successors, that they and their Successors shall have and enjoy for ever a Common Seale, to be engraver according to their Discretions; and that it shall be lawfull for them to appoint whatever Seale or Seales, they shall think most meete and necessary, either for their Use, as they are one united Body incorporate here, or for the publick of their Gouvernour and Ministers of New-England aforesaid, whereby the Incorporation may or shall scale any Manner of Instrument touching the same Corporation, and the Manors, Lands, Tenements, Rents, Reversions, Annuities, Hereditaments, Goods, Chattles, Affaires, and any other Things belonging unto, or in any wise appertaininge, touching, or concerning the said Councill and their Successors, or concerning the said Corporation and plantation in and by these our Letters-Patents as aforesaid founded, erected, and established.

And Wee do further by these Presents, for Us, our Heires and Successors, grant unto the said Councill and their Successors, that it shall and may be lawfull to and for the said Councill, and their Successors for the Time being, in their discretions, from time to time to admits such and so many Person and Persons to be made free and enabled to trade traffick unto, within, and in New-England aforesaid, and unto every Part and Parcell thereof, or to have, possess, or enjoy, any Lands or Hereditaments in New-England aforesaid, as they shall think fitt, according to the Laws, Orders, Constitutions, and Ordinances, by the said Councill and their Successors from time to time to be made and established by Virtue of, and according to the true Intent of these Presents, and under such Conditions, Reservations, and agreements as the said Councill shall set downe, order and direct, and not otherwise. And further, of our especiall Grace, certaine Knowlege, and mere Motion, for Us, our Heires and Successors, Wee do by these Presents give and grant full Power and Authority to the said Councill and their Successors, that the said Councill for the Time being, or the greater Part of them, shall and may, from time to time, nominate, make, constitute, ordaine, and confirms by such Name or Names, Style or Styles, as to them shall seeme Good; and likewise to revoke, discharge, change, and alter, as well all and singular, Governors, Officers, and Ministers, which hereafter-shall be by them thought fill and needful to be made or used, as well to attend the Business of the said Company here, as for the Government of the said Collony and Plantation, and also to make, ordaine, and establish all Manner of Orders, Laws, Directions, Instructions, Forms, and Ceremonies of Government and Magistracy fitt and necessary for and concerning the Government of the said Collony and Plantation, so always as the same be not contrary to the Laws and Statutes of this our Realme of England, and the same att all Times hereafter to abrogate, revoke, or change, not only within the Precincts of the said Collony, but also upon the Seas in going and coming to and from the said Collony, as they in their good Discretions shall thinke to be fittest for the good of the Adenturers and Inhabitants there.

And Wee do further of our especiall Grace, certaine Knowledge, and mere Motion, grant, declare, and ordain, that such principall Governor, as from time to time shall be authorized and appointed in Manner and Forme in these Presents heretofore expressed, shall haue full Power and Authority to use and exercise marshall Laws in Cases of Rebellion, Insurrection and Mutiny in as large and ample Manner as our Lieutenants in our Counties within our Realme of England have or ought to have by Force of their Commission of Lieutenantancy. And for as much as it shall be necessary for all our loving Subjects as shall inhabit within the said Precincts of New-England aforesaid, to determine to live together in the Feare and true Worship of Almighty God, Christian Peace, and civil Quietness, each with other, whereby every one may with more Safety, Pleasure, and Profist, enjoye that whereunto they shall attaine with great Pain and Perill, Wee, for Us, our Heires and Successors, are likewise pleased and contented, and by these Presents do give and grant unto the said Council and their Successors, and to such Governors, Officers, and Ministers, as shall be by the said Councill constituted and appointed according to the Natures and Limitts of their Offices and Places respectively, that they shall and may, from time to time for ever heerafter, within the said Precincts of New-England, or in the Way by the Seas thither, and from thence have full and absolute Power and Authority to correct, punish, pardon, governe, and rule all such the Subjects of Us, our Heires and Successors, as shall from time to time adventure themselves in any Voyage thither, or that shall aft any Time heerafter inhabit in the Precincts or Territories of the said Collony as aforesaid, according to such Laws, Orders, Ordinances, Directions, and Instructions as by the said Councill aforesaid shall be established; and in Defect thereof, in Cases of Necessity, according to the good Discretions of the said Governors and Officers respectively, as well in Cases capital and criminal, as civill, both marine and others, so always as the said Statutes, Ordinances, and Proceedings, as near as conveniently may be, agreeable to the Laws, Statutes, Government and Policie of this our Realme of England. And furthermore, if any Person or Persons,- Adventurers or Planters of the said Collony, or any other, aft any Time or Times heereafter, shall transport any Moneys, Goods, or Merchandizes, out of any of our Kingdoms, with a Pretence or Purpose to land, sell, or otherwise dispose of the same within the Limitts and Bounds of the said Collony, and yet nevertheless being att Sea, or after he hath landed within any Part of the said Collony shall carry the same into any other fforaigne Country with a Purpose there to sell and dispose thereof, that then all the Goods and Chattles of the said Person or Persons so offending and transported, together with the Ship or Vessell wherein such Transportation was made, shall be forfeited to Us, our Heires and Successors.

And Wee do further of our especiall Grace, certaine Knowledge, and meere Motion for Us, our Heirs and Successors for and in Respect of the Considerations aforesaid, and for divers other good Causes and Considerations, us thereunto especially moving, and by the Advice of the Lords and Others of our said Privy Councill have absolutely giuen, granted, and confirmed, and do by these Presents absolutely give, grant, and confirm unto the said Councill, called the Councell established att Plymouth in the County of Devon for the planting, ruling, and governing of New-England in America, and unto their Successors for ever, all the aforesaid Lands and Grounds, Continent, Precinct, Place, Places and Territoryes, viz, the aforesaid Part of America, lying, and being in Breadth from ffourty Degrees of Northerly Latitude from the Equinoctiall Line, to ffourty-eight Degrees of the said Northerly Latitude inclusively, and in Length of, and within all the Breadth aforesaid, throughout the Maine Land from Sea to Sea, together also, with the Firme Lands, Soyles, Grounds Havens, Ports, Rivers, Waters, Fishings, Mines, and Mineralls, as well Royall Mines of

Gold and Silver, as other Mine and Mineralles, precious Stones, Quarries, and all, and singular other Commodities, Jurisdiccions, Royalties, Priveliges, Franchises, and Preheminences, both within the same Tract of Land upon the Maine, and also within the said Islands and Seas adjoining: Provided always, that the said Islands, or any of the Premises herein before mentioned, and by these Presents intended and meant to be granted, be not actually possessed or inhabited by any other Christian Prince or Estate, nor he within the Bounds, Limitts, or Territoryes, of that Southern Collony Heretofore by us granted to be planted by diverse of our loving Subjects in the South Parts, to have and to hold, possess and enjoy, all, and singular, the aforesaid Continent, Lands, Territoryes, Islands, Hereditaments and Precincts, Sea Waters, Fishings, with all, and all Manner their Commodities, Royalties, Liberties, Preheminences and Profitts, that shall arise from thence, with all and singular. their Appertenances, and every Part and Parcell thereof, and of them, to and unto the said Councell and their Successors and Assignes for ever, to the sole only and proper Use, Benefit and Behooffe of them the said Council and their Successors and Assignes for ever, to be holden of Us, our Heires, and Successors, as of our Manor of East-Greenwich, in our County of Kent, in free and common Soccage and not in in Capite, nor by Knight's Service; yielding and paying therefore to Us, our Heires, our Successors, the fifth Part, of the Ores of Gold and Silver, which from time to time, and aft all times hereafter, shall happen to be found, gotten, had, and obtained, in or within any the said Lands, Limitts, Territoryes, and Precincts, or in or within any Part or Parcell thereof, for, or in Respect of all, and all Manner of Dutys, Demands, and Services whatsoever, to be done, made, or paid to Us, our Heires, and Successors.

And Wee do further of our especial Grace, certaine Knowledge and meere Motion, for Us, and our Heires, and Successors, give and grant to the said Councell, and their Successors for ever by these Presents, that it shall be lawfull and free for them and their Assignes, att all and every time and times hereafter, out of our Realmes or Dominions whatsoever, to take, load, carry, and transport in, and into their Voyages, and for, and towards the said Plantation in New-England, all such and so many of our loving Subjects, or any other Strangers that will become our loving Subjects, and live under our Allegiance, as shall willingly accompany them in the said Voyages and Plantation, with Shipping, Armour, Weapons, Ordinances, Munition, Shott, Victuals, and all Manner of Cloathing, Implements, Furniture, Beasts, Cattle, Horses, Mares, and all other Things necessary for the said Plantation, and for their Use and Defence, and for Trade with the People there, and in passing and returning to and fro, without paving or yielding, any Custom or Subsidie either inwards or outwards, to Us, our Heires, or Successors, for the same, for the Space of seven Years, from the Day of the Date of these Presents, provided, that none of the said Persons be such as shall be hereafter by special Name restrained by Us, our Heire, or Successors.

And for their further Encouragement, of our especial Grace and Favor, Wee do by these Presents for Us, our Heires, and Successors, yield and grant, to and with the said Councill and their Successors, and every of them, their Factors and Assignes, that they and every of them, shall be free and quits from all Subsidies and Customes in NewEngland for the Space of seven Years, and from all Taxes and Impositions for the Space of twenty and one Yeares, upon all Goods and Merchandizes aft any time or times hereafter, either upon Importation thither, or Exportation from thence into our Realme of England, or into any our Dominions by the said Councill and their Successors their Deputies, Factors, and Assignes, or any of them, except only the five Pounds per Cent. due for Custome upon all such Goods and Merchandizes, as shall be brot and imported into our Realme of England, or any other of our Dominions, according to the ancient Trade of Marchants; which five Pounds per Cent. only being paid, it shall be thenceforth lawful and free for the said Adventurers, the same Goods and Merchandize to export and carry out of our said Dominions into fforaigne Parts, without any Custom, Tax, or other Duty to be paid to Us, our Heires, or Successors, or to any other Officers or Ministers of Us, our Heires, or Successors; provided, that the said Goods and Merchandizes be shipped out within thirteene Months after their first Landing within any Part of those Dominions.

And further our Will and Pleasure is, and Wee do by these Presents charge, comand, warrant, and authorize the said Councill, and their Successors, or the major Part of them, which shall be present and assembled for that Purpose, shall from time to time under their comon Seale, distribute, convey, assigne, and sett over, such particular Portions of Lands, Tenements, and Hereditaments, as are by these Presents, formerly granted unto each our loving Subjects, naturally borne or Denisons, or others, as well Adventurers as Planters, as by the said Company upon a Comission of Survey and. Distribution, executed and returned for that Purpose, shall be named, appointed, and allowed, wherein our Will and Pleasure is, that Respect be had as well to the Proportion of the Adventurers, as to the special Service, Hazard, Exploit, or Meritt of any Person so to be recompensed, advanced, or rewarded, and wee do also, for Us, our Heires, and Successors, grant to the said Councell and their Successors and to all and every such Governours, other Officers, or Ministers, as by the said Councill shall be appointed to have Power and Authority of Government and Command in and over the said Collony and Plantation, that they and every of them, shall, and lawfully may, from time to time, and aft all Times hereafter for ever, for their severall Defence and Safety, encounter, expulse, repel, and resist by Force of Arms, as well by Sea as by Land, and all Ways and Meanes whatsoever, all such Person and Persons, as without the speciall Licence of the said Councell and their Successors, or the greater Part of them, shall attempt to inhabit within the said severall Precincts and Limitts of the said Collony and Plantation. And also all, and every such Person or Persons whatsoever, as shall enterprise or attempt att any time hereafter Destruction, Invasion, Detriment, or Annovance to the said Collony and Plantation; and that it shall be lawfull for the said Councill, and their Successors, and every of them, from Time to Time, and att all Times heereafter, and they shall have full Power and Authority, to take and surprize by all Ways and Means whatsoever, all and every such Person and Persons whatsoever, with their Ships, Goods, and other Furniture, trafficking in any Harbour, Creeke, or Place, within the Limitts and Precintes of the said Collony and Plantations, and not being allowed by the said Councill to be adventurers or Planters of the said Collony. And of our further Royall Favor, Wee have granted, and for Us, our Heires, and Successors, Wee do grant unto the said Councill and their Successors, that the said Territoryes, Lands, Rivers, and Places aforesaid, or any of them, shall not be visited, frequented, or traded unto, by any other of our Subjects, or the Subjects of Us, our Heires, or Successors, either from any the Ports and Havens belonging or appertayning, or which shall belong or appertayne unto Us, our Heires, or Successors, or to any fforaigne State, Prince, or Potentate whatsoever: And therefore, Wee do hereby for Us, our Heires, and Successors, charge, command, prohibit and forbid all the Subjects of Us, our Heires, and Successors, of what Degree and Quality soever, they be, that none of them, directly, or indirectly, presume to vissitt, frequent, trade, or adventure to traffick into, or from the said Territoryes, Lands, Rivers, and Places aforesaid, or any of them other than the said Councill and their Successors, Factors, Deputys, and Assignes, unless it be with the License and Consent of the said Councill and Company first had and obtained in Writing, under the comon Seal, upon Pain of our Indignation and Imprisonment of their Bodys during the Pleasure of Us, our Heires or Successors, and the Forfeiture and Loss both of their Ships and Goods, wheresoever they shall be found either within any of our Kingdomes or Dominions, or any other Place or Places out of our Dominions.

And for the better effecting of our said Pleasure heerein Wee do heereby for Us, our Heires and Successors, give and grant full Power and Authority unto the said Councill, and their Successors for the time being, that they by themselves, their Factors, Deputies, or Assignes, shall and may from time to time, and at all times heereafter, attach, arrest, take, and seize all and all Manner of Ship and Ships, Goods, Wares, and Merchandizes whatsoever, which shall be bro't from or carried to the Places before mentioned, or any of them, contrary to our Will and Pleasure, before in these Presents expressed. The Moyety or one halfe of all which Forfeitures Wee do hereby for Us, our Heires and Successors, give and grant unto the said Councill, and their Successors to their own proper Use without Accompt, and the other Moyety, or halfe Part thereof, Wee will shall be and remaine to the Use of Us, our Heires and Successors. And we likewise have condiscended and granted, and by these Presents, for Us, our Heires and Successors, do condiscend, and grant to and with the said Councill and their Successors, that Wee, our Heires or Successors, shall not or will not give and grant any Lybertye, License, or Authority to any Person or Persons whatsoever, to saile, trade, or trafficke unto the aforesaid parts of New-England, without the good Will and Likinge of the said Councill, or the greater Part of them for the Time Hinge, let any their Courts to be assembled. And Wee do for us, our Heires and Successors, give and grant unto the said Councill, and their Successors, that whensoever, or so often as any Custome or Subsidie shall growe due or payable unto Us, our Heires or Successors, according to the Limitation and Appointment aforesaid by Reason of any Goods, Wares, Merchandizes, to be shipped out, or any Returne to be made of any Goods, Wares, or Merchandizes, unto or from New-England, or any the Lands Territoryes aforesaid, that then so often, and in such Case the ffarmers, Customers, and Officers of our Customes of England and Ireland, and every of them, for the Time being, upon Request made unto them by the said Councill, their Successors, Factors, or Assignes, and upon convenient Security to be given in that Behalfe, shall give and allowe unto the said Councill and their Successors, and to all Person and Persons free of the said Company as aforesaid, six Months Time for the Payment of the one halfe of all such Custome and Subsidie, as shall be due, and payable unto Us, our Heires and Successors for the same, for which these our Letterspattent, or the Duplicate, or the Enrolment thereof, shall be Onto our said Officers a sufficient Warrant and Discharge. Nevertheless, our Will and Pleasure is, that if any of the said Goods, Wares, and Merchandizes, which be, or shall be, aft any Time heereafter, ended and exported out of any of our Realmes aforesaid, and shall be shipped with a Purpose not to be carried to New-England aforesaid, that then such Payment, Duty, Custome, Imposition, or Forfieture, shall be paid and belong to Us, our Heires and Successors, for the said Goods, Wares, and Merchandices, so fraudulently sought to be transported, as if this our Grant had not been made nor granted: And Wee do for Us, our Heires and Successors, give and grant unto the said Councill and their Successors for ever, by these Presents, that the said President of the said Company, or his Deputy for the Time being, or any two others of the said Councill, for the said Collony in New-England, for the Time being, shall and may, and aft all Times heereafter, and from time to time, have full Power and Authority, to minister and give the Oath and Oaths of Allegiance and Supremacy, or either of them, to all and every Person and Persons, which shall aft any Time and Times heereafter, goe or pass to the said Collony in New-England. And further, that it shall be likewise-be lawful for the said President, or his Deputy for the Time being, or any two others of the said Councill for the said Collony of New-England for the Time being, from time to time, and aft all Times heereafter, to minister such a formal Oath, as by their Discretion shall be reasonably devised, as well unto any Person and Persons employed or to be employed in, for, or touching the said Plantation,

for their honest, faithfull, and just Discharge of their Service, in all such Matters as shall be committed unto them for the Good and Benefist of the said Company, Collony, and Plantation, as also unto such other Person or Persons, as the said President or his Deputy, with two others of the said Councill, shall thinke meete for the Examination or clearing of the Truth in any Cause whatsoever, concerning the said Plantation, or any Business from thence proceeding, or "hereunto belonging.

And to the End that now lewd or ill-disposed Persons, Saylor, Soldiers, Artificers, Labourers, Husbandmen, or others, which shall receive Wages, Apparel, or other Entertainment from the said Councill, or contract and agree with the said Councill to goe, and to serve, and to be employed, in the said Plantation, in the Collony in New-England, do afterwards withdraw, hide, and conceale themselves, or refuse to go thither, after they have been so entertained and agreed withall; and that no Persons which shall be sent and employed in the said Plantation, of the said Collony in New-England, upon the Charge of the said Councill, doe misbehave themselves by mutinous Seditions, or other notorious Misdemeanors, or which shall be employed, or sent abroad by the Governour of New England or his Deputy, with any Shipp or Pinnace, for Provision for the said Collony, or for some Discovery, or other Business or Affaires concerninge the same, doe from thence either treacherously come back againe, or returne into the Realme of Englande by Stealth, or without Licence of the Governour of the said Collony in New-England for the Time being, or be sent hither as Misdoers or Offendors; and that none of those Persons after their Returne from thence, being questioned by the said Councill heere, for such their Misdemeanors and Offences, do, by insolent and contemptuous Carriage in the Presence of the said Councill shew little Respect and Reverence, either to the Place or Authority in which we have placed and appointed them and others, for the clearing of their Lewdness and Misdemeanors committed in New-England, divulge vile and scandalous Reports of the Country of New-England, or of the Government or Estate of the said Plantation and Collony, to bring the said Voyages and Plantation into Disgrace and Contempt, by Meanes whereof, not only the Adventurers and Planters already engaged in the said Plantation may be exceedingly abused and hindered, and a great number of our loving and well-disposed Subjects, otherways well affected and inclined to joine and adventure in so noble a Christian and worthy Action may be discouraged from the same, but also the Enterprize itself may be overthrowne, which cannot miscarry without some Dishonour to Us and our Kingdome: Wee, therefore, for preventing so great and enormous Abuses and Misdemeanors, Do, by these Presents for Us, our Heires, and Successors, give and grant unto the said President or his Deputy, or such other Person or Persons, as by the Orders of the said Councill shall be appointed by Warrant under his or their Hand or Hands, to send for, or cause to-be apprehended, all and every such Person and Persons, who shall be noted, or accused, or found at any time or times hereafter to offend or misbehave themselves in any the Affaires before mentioned and expressed; and upon the Examination of any such Offender or Offenders, and just Proove made by Oathe taken before the said Councill, of any such notorious Misdemeanours by them committed as aforesaid, and also upon any insolent, contemptuous, or irreverent Carriage or Misbehaviour, to or against the said Councill, to be shewed or used by any such Person or Persons so called, convened, and appearing before them as aforesaid, that in all such Cases, our said Councill, or any two or more of them for the Time being, shall and may have full Power and Authority, either heere to bind them over with good Sureties for their good Behaviour, and further therein to proceed, to all Intents and Purposes as it is used in other like Cases within our Realme of England, or else at their Discretions to remand and send back the said offenders, or any of them, to the said Collony of New-England, there to be proceeded against and punished as the Governour's Deputy or Councill there for the Time being, shall think meete, or otherwise according to such Laws and Ordinances as are, and shall be, in Use there, for the well ordering and good Government of the said Collony.

And our Will and Pleasure is, and Wee do hereby declare to all Christian Kings, Princes, and States, that if any Person or Persons which shall hereafter be of the said Collony or Plantation, or any other by License or Appointment of the said Councill, or their Successors, or otherwise, shall at any time or times heereafter, rob or spoil, by Sea or by Land, or do any Hurt, Violence, or unlawfull Hostility to any of the Subjects of Us, our Heires, or Successors, or any of the Subjects of any King, Prince, Ruler, or Governour, or State, being then in League and Amity with Us, our Heires and Successors, and that upon such Injury, or upon just Complaint of such Prince, Ruler, Governour, or State, or their Subjects, Wee, our Heires, or Successors shall make open Proclamation within any of the Ports of our Realme of England commodious for that Purpose, that the Person or Persons having committed any such Robbery or Spoile, shall within the Term limited by such a Proclamation, make full Restitution or Satisfaction of all such Injuries done, so as the said Princes or other, so complaining, may hold themselves fully satisfied and contented. And if that the said Person or Persons having committed such Robbery or Spoile, shall not make or cause to be made Satisfaction accordingly within such Terme so to be limited, that then it shall be lawful for Us, our Heires, and Successors, to put the said Person or Persons out of our Allegiance and Protection; and that it shall be lawful and free for all Princes to prosecute with Hostility the said Offenders and every of them, their, and every of their Procurers, Aidors, Abettors, and Comforters in that Behalfe. Also, Wee do for Us, our Heires, and Successors, declare by these Presents, that all and every the Persons, beinge our Subjects, which shall goe and inhabitt within the said Collony and Plantation, and every of their Children and Posterity, which shall happen to be born within the Limitts thereof, shall have and enjoy all Liberties, and ffranchizes, and Immunities of free Denizens and naturall Subjects within any of our other Dominions, to all Intents and Purposes, as if they had been abidinge and born within this our Kingdome of England, or any other our Dominions.

And lastly, because the principall Effect which we can desire or expect of this Action, is the Conversion and Reduction of the People in those Parts unto the true Worship of God and Christian Religion, in which Respect, Wee would be loath that any Person should be permitted to pass that Wee suspected to affect the Superstition of the Chh of Rome, Wee do hereby declare that it is our Will and Pleasure that none be permitted to pass, in any Voyage from time to time to be made into the said Country, but such as shall first have taken the Oathe of Supremacy; for which Purpose, Wee do by these Presents give full Power and Authority to the President of the said Councill, to tender and exhibit the said Oath to all such Persons as shall at any time be sent and employed in the said Voyage. And Wee also for us, our Heires and Successors, do covenant and grant to and with the Councill, and their Successors, by these Presents, that if the Councill for the time being, and their Successors, or any of them, shall at any time or times heereafter, upon any Doubt which they shall conceive concerning the Strength or Validity in Law of this our present Grant, or be desirous to have the same renewed and confirmed by Us, our Heires and Successors, with Amendment of such Imperfections and Defects as shall appear fitt and necessary to the said Councill, or their Successors, to be reformed and amended on the Behalfe of Us, our Heires and Successors, and for the furthering of the Plantation and Government, or the Increase, continuuing, and flourishing thereof, that then, upon the humble Petition of the said Councill for the time being, and their Successors, to us, our Heires and Successors, Wee, our Heires and Successors, shall and will forthwith make and pass under the Great Seall of England, to the said Councill and their Successors, such further and better Assurance, of all and singular the Lands, Grounds, Royalties, Privileges, and Premises aforesaid granted, or intended to be granted, according to our true Intent and Meaneing in these our Letters-patents, signified, declared, or mentioned, as by the learned Councill of Us, our Heires, and Successors, and of the said Company and their Successors shall, in that Behalfe, be reasonably devised or advised. And further our Will and Pleasure is, that in all Questions and Doubts, that shall arise upon any Difficulty of Instruction or Interpretation of any Thing contained in these our Letters-patents, the same shall be taken and Interpreted in most ample and beneficial Manner, for the said Council and their Successors, and every Member thereof. And Wee do further for Us, our Heires and Successors, charge and comand all and singular Admirals, Vice-Admirals, Generals, Commanders, Capitaines, Justices of Peace, Majors, Sheriffs, Bailiffs, Constables, Customers, Comptrollers, Waiters, Searchers, and all the Officers of Us, our Heires and Successors, whatsoever to be from time to time, and att all times heereafter, in all Things aiding, helping, and assisting unto the said Councill, and their Successors, and unto every of them, upon Request and Requests by them to be made, in all Matters and Things, for the furtherance and Accomplishment of all or any the Matters and Things by Us, in and by these our Letters-patents, given, granted, and provided, or by Us meant or intended to be given, granted, and provided, as they our said Officers, and the Officers of Us, our Heires and Successors, do tender our Pleasure, and will avoid the contrary att their Perills. And Wee also do by these Presents, ratifye and confirm unto the said Councill and their Successors, all Privileges, Franchises, Liberties, Immunities granted in our said former Letters-patents, and not in these our Letters-patents revoked, altered, changed or abridged, altho' Expressed, Mentioned, &c.

In Witness, &c.

Witnes our selfe at Westminster, the Third Day of November, in the Eighteenth Yeare of our Reign over England, &c.

Par Breve de Privato Sigillo, &c.

Source:

The Federal and State Constitutions Colonial Charters, and Other Organic Laws of the States, Territories, and Colonies Now or Heretofore Forming the United States of America
Compiled and Edited Under the Act of Congress of June 30, 1906 by Francis Newton Thorpe
Washington, DC : Government Printing Office, 1909.

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Charter of the Colony of New Plymouth Granted to William Bradford and His Associates : 1629

To all to whom these presents shall come greetinge: Whereas our late sovereigns lord king James for the advancement of a collonie and plantacon in the cuntry called or knowne by the name of New Englande in America, by his highnes letters patients under the greate scale of Englande bearingedate att Westminster the third day of November in the eighteenth yeare of his highnes raigne of England, &c. did give graunte and confirms unto the right honoble Lodowicke late lord duke of Lenox, George late marques of Buckingham, James marques Hamilton, Thomas earle of Arundell, Robert earle of Warwicke and Ferdinando Gorges, Knight, and divers others whose names are expressed in the said letters pattents and their successors that they should be one bodie polittique and corporate perpeturely consistinge of forty persons, and that they should have perpetual succession and one common scale to serve for the said body and that they and their successors should be incorporated called and knowne by the name of the Councill established at Plymouth in the county of Devon for the planting, rulinge orderinge and governinge of New Englande in America, and alsoe of his speciall grace certaine knowledge and more motion did give graunte and confirms unto the said presidents and councill and their successors forever under the reservations limitations and declaracons in the said letters pattents expressed, all that part and portion of the said country called New-England in America scituate, and lyinge and being in breadth from ffourty degrees northerly latitude from the equinoctiall line to ffourty eight degrees of the said northerly latitude inclusively, and in length of and in all the breadth aforesaide throughout the maine land from sea to sea, together alsoe with all the firms landes soyles grounds creeks inlets havens portes seas rivers islands waters fishinges mynes and mineralls as well royall mines of gold and silver as other mines and mineralls pretious stones quarries and all and singular the commodities jurisdiccons royalties privileges ffranchises and preheminences both within the said tracte of lands upon the maine, as also within the said islands and seas adioyninge: To have hold possesse and enjoy all and singular the foresaid continents landes territories islands hereditaments and prcints sea waters fishinges with all and all manner their commodities royalties privileges preheminences and proffitts that shall arise from thence, with all and singuler their appurtenaces and every parte and parcell thereof unto the said councill and their successors and assignee forever: To be holden of his Matie, his heirs and successors as of his mannor of East Greenwich in the county of Kent in free and common soccage and not *in capite* nor by Knights service yeeldinge and payinge therefore to the said late king's Matie, his heires and successors the fiftte parte of the oare of gold and silver which from tyme to tyme and aft all tymes from the date of the said letters pattents sholbe there gotten had and obtained for and in respect of all and all manner of duties demands and services whatsoever to be done made and paid unto his said late Matie, his heirs and successors as in and by the said letters patients amongst sundry other privileges and matters therein contained more fully and at large it doth and may appease. Now knowe ye that the said councill by virtue and authority of his said late Man letters patients and for and in consideracon that William Bradford and his associatts have for these nine yeares lived in New Englande aforesaid and have there inhabited and planted a towne called by the name of New Plimouth att their own proper costs and charges: And now seeinge that by the speciall providence of God, and their extraordinary care and industry they have increased their plantacon to neere three hundred people, and are upon all occasions able to relieve any new planters or others his Mats subjects whoe may fall upon that coaste; have given granted bargained sold enfeoffed allotted assigned and sett over and by these presents doe cleerly and absolutely give graunt bargain sell alien enfeoffe allots assigne and confirme unto the said William Bradford, his heires associatts and assignee all that part of New-Englande in America aforesaid and tracte and tractes of lande that lye within or betweene a certaine rivolet or rundlett there commonly called Coa hassett alias Cona hassett towards the north, and the river commonly called Naragansets river towards the south; and the great westerne ocean towards the east, and betweene and within a straight line directly extendinge upp into the maine land towards the west from the mouth of the said river called Naragansets river to the utmost limitts and bounds of a cuntry or place in New Englande called Pokenacutt alias Sowamsett westward, and another like straight line extendinge itself directly from the mouth of the said river called Coahassett alias-Cone hassett towards the west so farr upp into the maine lande westwardes as the utmost limitts of the said place or cuntry commonly called Pokencutt alias Sowamsett doe extend, together with one half of the said river called Naragansets and the said rivolett or rundlett called Coahassett alias Conahassett and all lands rivers waters havens creeks ports fishings fowlings and all hereditaments proffitts comodities and emoluments whatsoever situate lyinge and beinge or ariseinge within or betweene the said limitts and bounds or any of them. And for as much as they have noe conveniente place-either of tradinge or ffishinge within their own precincts whereby (after soe longe travell and great paines,) so hopefull a plantacon may subsiste, as alsoe that they may bee encouraged the better to proceed in soe pious a worke which may especially tend to the propagation of religion and the great increase of trade to his Mats realmes, and advancemente of the publique plantacon, the said councill have further given graunted bargained sold enfeoffed allotted assigned and sett over and by these presentes doe cleerly and absolutely give graunte bargain sell alien enfeoffe allots assigne and confirme unto the said William Bradford his heires associate and assignee all that tracte of lande or parte of New England in America aforesaid wch lyeth within or betweene and extendeth itself from the utmost limitts of Cobbiseconte alias Comasee-Conte which adjoineth to the river of Kenebeke alias Kenebekike towards the westerne ocean and a place called the falls att Mequamkike in America aforesaid, and the space of fiftene Englishe miles on each side of the said river commonly called Kenebek river, and all the said river called Kenebek that lies within the said limitts and bounds eastward westward northward or southward laste above mentioned, and all lands grounds soyles rivers waters fishinges hereditants and proffitts whatsoever situate lyinge and beinge arisinge happeninge or accruinge, or which shall arise happen or accrue in or within the said 1imitts and boundes or either of them together with free ingresse egresse and regresse with shippes boates shallopps and other vessels from the sea commonly called the westerne ocean to the said river called Kennebek and from the said river to the said westerne ocean, together with all prerogatives rights royalties jurisdiccons, preveledges franchises liberties and guerenities, and alsoe marine liberty with the escheats and casualties thereof the Admiralty Jurisdiccon excepted with all the interest right title claime and demande whatsoever which the said councill and their successors now have or ought to have and claime or may have and acquire hereafter in or to any the said porcons or tractes of land hereby menconed to be graunted, or any the premisses in as free large ample and beneficiall manner to all intents, construccons and purposes whatsoever as the said councill by virtue of his Mats said letters pattents may or can graunte; to have and to horde the said tracte and tractes of lande and all and singular the premisses above menconed to be graunted with their and every of their appurtenances to the said William Bradford his heires associatts and assignee forever, to the only proper and absolute use and behoofe of the said William Bradford his heires associate and assignee forever; Yeeldinge and payinge unto our said sovereigne Lord the Kinge, his heires and successors forever one-fifte parte of the oare of the mines of gold and silver and one other fiftte parte thereof to the presidents and councill, which shall be had possessed and obtained within the precincts aforesaid for all services and demands whatsoever. And the said councill doe further graunt and agree to and with the said William Bradford his heires associatts and assignee and every of them, his and their Factors agents tenants and servants and all such as hee or they shall send and employ aboute his said particular plantacon, shall and may from tyme to tyme Freely and lawfully goe and returne trade and traffique as well with the Englishe as any of the natines within the precincts aforesaid, with liberty of fishinge upon any parte of the sea coaste and sea shoares of any the seas or islands adjacente and not beinge inhabited or otherwise disposed of by order of the said presidents and councill: also to importe exporte and transports their goods and merchandise aft their wills and pleasures paying only such duty to the Kings Ma

[SEAL.] R. WARWICKE.

Source:

The Federal and State Constitutions Colonial Charters, and Other Organic Laws of the States, Territories, and Colonies Now or Heretofore Forming the United States of America
Compiled and Edited Under the Act of Congress of June 30, 1906 by Francis Newton Thorpe
Washington, DC : Government Printing Office, 1909.

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The Charter of Massachusetts Bay : 1629

CHARLES, BY THE, GRACE, OF GOD, Kinge of England, Scotland, Fraunce, and Ireland, Defendor of the Fayth, &c. To all to whome theis Presents shall come Greeting. WHEREAS, our most Deare and Royall Father, Kinge James, of blessed Memory, by his Highnes Letters-patents bearing Date at Westminster the third Day of November, in the eighteenth Yeare of His Raigne, HATH given and graunted vnto the Councell established at Plymouth, in the County of Devon, for the planting, ruling, ordering, and governing of Newe England in America, and to their Successors and Assignes for ever all that Parte of America, lyeing and being in Breadth, from Forty Degrees of Northerly Latitude from the Equinoctiall Lyne, to forty eight Degrees Of the saide Northerly Latitude inclusively, and in Length, of and within all the Breadth aforesaid, throughout the Maine Landes from Sea to Sea; together also with all the Firme Landes, Soyles, Groundes, Havens, Portes, Rivers, Waters, Fishing, Mynes, and Myneralls, as well Royall Mynes of Gould and Silver, as other Mynes ind Mvneralls, precious Stones, Quarries, and all and singular other Comodities, Jurisdiccons, Royalties, Priviledges, Franchesies, and Prehemynences, both within the said Tract of Land vpon the Mayne, and also within the Islandes and Seas adjoining: PROVIDED alwayes, That the saide Islandes, or any the Premisses by the said Letters-patents intended and meant to be graunted, were not then actualle possessed or inhabited, by any other Christian Prince or State, nor within the Boundes, Lymitts, or Territories of the Southerne Colony, then before graunted by our saide Deare Father, to be planted by divers of his loveing Subjects in the South Partes. TO HAVE and to houlde, possess, and enjoy all and singular the aforesaid Continent, Landes Territories, Islandes, Hereditaments, and Precincts, Seas, Waters, Fishings, with all, and all manner their Comodities, Royalties, Liberties, Prehemynences, and Proffits that should from thenceforth arise from thence, with all and singular their Appurtenances, and every Parte and Parcell thereof, vnto the saide Councell and their Successors and Assignes for ever, to the sole and proper Vse, Benefitt, and Behoofe of them the saide Councell, and their Successors and Assignes for ever: To be houlden of our saide most Deare and Royall Father, his Heires and Successors, as of his Mannor of East Greenwich in the County of Kent, in free and comon Soccage, and not in Capite nor by Knight's Service: YEILDINGE and paying therefore to the saide late Kinge, his heires and Successors, the fiftte Parte of the Oare of Gould and Silver, which should from tyme to tyme, and at all Tymes then after happen to be found, gotten, had, and obteyned in, att, or within any of the saide Landes, Lymitts, Territories, and Precincts, or in or within any Parte or Parcell thereof, for or in Respect of all and all Manner of Duties, Demaunds and Services whatsoever, to be don, made, or paide to our saide Dear Father the late Kinge his Heires and Successors, as in and by the saide Letters-patents (amongst sundrie and other Clauses, Powers, Priviledges, and Grauntes therein conteyned), more at large appeareth:

AND WHEREAS, the saide Councell established at Plymouth, in the County of Devon, for the plantinge, ruling, ordering, and governing of Newe England in America, have by their Deede, indented vnder their Comon Seale, bearing Date the nyneteenth Day of March last past, in the third Yeare of our Raigne, given, graunted, bargained, sould, enfeofled, aliened, and confirmed to Sir Henry Rosewell, Sir John Young, Knights, Thomas Southcott, John Humphrey, John Endecott, and Symon Whetcombe, their Heires and Assignes, and their Associats for ever, all that Parte of Newe England in America aforesaid, which lyes and extendes betweene a greate River there comonlie called Monomack alias Merriemack, and a certen other River there, called Charles River, being in the Bottome of a certayne Bay there, comonlie called Massachusetts, alias Mattachusets, alias Massatusetts Bay, and also all and singular those Landes and Hereditaments whatsoever, lyeing within the Space of three English Myles on the South Parte of the said Charles River, or of any, or everie Parte thereof; and also, all and singular the Landes and Hereditaments whatsoever, lyeing and being within the Space of three English Myles to the Southward of the Southermost Parte of the saide Bay called Massachusetts, alias Mattachusets, alias Massatusetts Bay; and also, all those Landes and Hereditaments whatsoever, which lye, and be within the space of three English Myles to the Northward of the said River called Monomack, alias Merrymack, or to the Northward of any and every Parte thereof, and all Landes and Hereditaments whatsoever, lyeing within the Lymitts aforesaide, North and South in Latitude and breath, and in Length and Longitude, of and within all the Breadth aforesaide, throughout the Mayne Landes there, from the Atlantick and Western Sea and Ocean on the East Parte, to the South Sea on the West Parte; and all Landes and Groundes, Place and Places, Soyles, Woodes and Wood Groundes, Havens, Portes, Rivers, Waters, Fishings, and Hereditaments whatsoever, lyeing within the said Boundes and Lymitts, and everie Parte and Parcell thereof; and also, all Islandes lyeing in America aforesaide, in the saide Seas or either of them on the Western or Eastern Coastes or Partes of the said Tractes of Lande, by the saide Indenture mencoed to be given, graunted, bargained, sould, enfeofled, aliened, and confirmed, or any of them; and also, all Mynes and Myneralls, as well Royall Mynes of Gould and Silver, as other Mynes and Myneralls whatsoever, in the saide Lands and Premisses, or any Parte thereof; and all Jurisdiccons, Rights, Royalties, Liberties, Freedomes, Ymmunities, Priviledges, Franchises, Preheminences, and Comodities whatsoever, which they, the said Councell established at Plymouth, in the County of Devon, for the planting, ruling, ordering, and governing of Newe England in America, then had, or might vse, exercise, or enjoy, in or within the saide Landes and Premisses by the saide Indenture mencoed to be given, graunted, bargained, sould, enfeofled, and confirmed, or in or within any Parte or Parcell thereof:

To HAVE and to hould, the saide Parte of Newe England in America, which lyes and extendes and is abuted as aforesaide, and every Parte and Parcell thereof; and all the saide Islandes, Rivers, Portes, Havens, Waters, Fishings, Mynes, and Myneralls, Jurisdiccons, Franchises, Royalties, Liberties, Priviledges, Comodities, Hereditaments, and Premisses whatsoever, with the Appurtenances vnto the saide Sir Henry Rosewell, Sir John Younge, Thomas Southcott, John Humfrey, John Endecott, and Simon Whetcombe, their Heires and Assignes, and their Associatts, to the onlie proper and absolute vse and Behoofe of the said Sir Henry Rosawell, Sir John Younge, Thomas Southcott, John Humfrey, John Endecott, and Simon Whetcombe, their Heires and Assignes, and their Associatts forevermore; TO BE HOULDEN of Vs. our Heires and Successors, as of our Mannor of Eastgreenwich, in the County of Kent, in free and comon Soccage, and not in Capite, nor by Knights Service; YEILDING and payeing therefore vnto Vs. our Heires and Successors, the fiftte Parte of the Oare of Goulde and Silver, which shall from Tyme to Tyme, and at all Tymes hereafter, happen to be founde, gotten, had, and obteyned in any of the saide Landes, within the saide Lymitts, or in or withlin any Parte thereof, for, and in Satisfaccon of all manner Duties, Demaundes, and Services whatsoever to be done, made, or paid to Vs. our Heires or Successors, as in and by the said recited Indenture more at large maie appeare.

NOWE Knowe Yee, that Wee, at the humble Suite and Peticon of the saide Sir Henry Rosewell, Sir John Younge, Thomas Southcott, John Humfrey, John Endecott, and Simon Whetcombe, and of others whome they have associated vnto them, HAVE, for divers good Causes and consideracons, vs moveing, graunted and confirmed, and by theis Presents of our especiall Grace, certen Knowledge, and meere mocon, doe graunt and confirme vnto the saide Sir Henry Rosewell, Sir John Younge, Thomas Southcott, John Humfrey, John Endecott, and Simon Whetcombe, and to their Associatts hereafter named; (videlicet) Sir Richard Saltonstall, Knight, Isaack Johnson, Samuel Aldersey, John Ven, Mathew Cradock, George Harwood, Increase Nowell, Richard Perry, Richard Bellingham, Nathaniell Wright, Samuel Vassall, Theophilus Eaton, Thomas Goffe, Thomas Adams, John Browne, Samuell Browne, Thomas Hutchins, William Vassall, William Pinchion, and George Foxcrofte, their Heires and Assignes, all the saide Parte of Newe England in America, lyeing and extending betweene the Boundes and Lymytts in the said recited Indenture expressed, and all Landes and Groundes, Place and Places, Soyles, Woods and Wood Groundes, Havens, Portes, Rivers, Waters, Mynes, Mineralls, Jurisdiccons, Rightes, Royalties, Liberties, Freedomes, Immunities, Priviledges, Franchises, Preheminences, Hereditaments, and Comodities whatsoever, to them the saide Sir Henry Rosewell, Sir John Younge, Thomas Southcott, John Humfrey, John Endecott, and Simon Whetcombe, theire Heires and Assignes, and to their Associatts, by the saide recited Indenture, given, graunted, bargayned, solde, enfeofled, aliened, and confirmed, or mencoed or intended thereby to be given, graunted, bargayned, sold, enfeofled, aliened, and confirmed: To HAVE, and to hould, the saide Parte of Newe England in America, and other the Premisses hereby mencoed to be graunted and confirmed, and every Parte and Parcell thereof with the Appurtenances, to the saide Sir Henry Rosewell, Sir John Younge, Sir Richard Saltonstall, Thomas Southcott, John Humfrey, John Endecott, Simon Whetcombe, Isaack Johnson, Richard Pery, Richard Bellingham, Nathaniell Wright, Samuell Vassall, Theophilus Eaton, Thomas Gode, Thomas Adams, John Browne, Samuel Bromine, Thomas Hutchins, Samuel Aldersey, John Ven, Mathewe Cradock, George Harwood, Increase Nowell, William Vassall, William Pinchion, and George Foxcrofte, their Heires and Assignes forever, to their onlie proper and absolute Vse and Behoofe for evermore; To be holden of Vs. our Heires and Successors, as of our Mannor of Eastgreenwich aforesaid, in free and comon Socage, and not in Capite, nor by Knights Service; AND ALSO

YEILDING and paying therefore to Vs. our Heires and Successors, the fiftē parte onlie of all Oare of Gould and Silver, which from tyme to tyme, and aft all tymes hereafter shalbe there gotten, had, or obteyned for all Services, Exacons and Demaundes whatsoever, according to the Tenure and Reseruacon in the said recited Indenture expressed.

AND FURTHER, knowe yee, that of our more especiall Grace, certen Knowledge, and meere mocon, Wee have given and graunted, and by theis Presents, doe for Vs. our Heires and Successors, give and graunte onto the saide Sir Henry Rosewell, Sir John Younge, Sir Richard Saltonstall, Thomas Southcott, John Humfrey, John Endecott, Symon Whetcombe, Isaack Johnson, Samuell Aldersey, John Ven, Mathewe Cradock, George Harwood, Increase Nowell, Richard Pery, Richard Bellingham, Nathaniel Wright, Samuell Vassall, Theophilus Eaton, Thomas Gode, Thomas Adams, John Browne, Samuell Browne, Thomas Hutchins, William Vassall, William Pinchion, and George Foxcrofte, their Heires and Assignes, all that Parte of Newe England in America, which lyes and extendes betweene a great River there, comonlie called Monomack River, alias Merrimack River, and a certen other River there, called Charles River, being in the Bottome of a certen Bay there, comonlie called Massachusetts, alias Mattachusetts, alias Massatusetts Bay; and also all and singuler those Landes and Hereditaments whatsoever, lying within the Space of Three Englishe Myles on the South Parte of the said River, called Charles River, or of any or every Parte thereof; and also all and singuler the Landes and Hereditaments whatsoever, lying and being within the Space of Three Englishe Miles to the southward of the southernmost Parte of the said Baye, called Massachusetts, alias Mattachusetts, alias Massatusetts Bay: And also all those Landes and Hereditaments whatsoever, which lye and be within the Space of Three English Myles to the Northward of the saide River, called Monomack, alias Merrymack, or to the Norward of any and every Parte thereof, and all Landes and Hereditaments whatsoever, lyeing within the Lymitts aforesaide, North and South, in Latitude and Bredth, and in Length and Longitude, of and within all the Bredth aforesaide, throughout the mayne Landes there, from the Atlantick and Westerne Sea and Ocean on the East Parte, to the South Sea on the West Parte; and all Landes and Groundes, Place and Places, Soyles, Woodes, and Wood Groundes, Havens, Portes, Rivers, Waters, and Hereditaments whatsoever, lyeing within the said Boundes and Lymytts, and every Parte and Parcell thereof; and also all Islandes in America aforesaide, in the saide Seas, or either of them, on the Westerne or Easterne Coastes, or Partes of the saide Tracts of Landes hereby mencoed to be given and graunted, or any of them; and all Mynes and Mynerals as well Royal mynes of Gold and Silver and other mynes and mynerals, whatsoever, in the said Landes and Premisses, or any parte thereof, and free Libertie of fishing in or within any the Rivers or Waters within the Boundes and Lymytts aforesaid, and the Seas therevnto adjoining; and all Fishes, Royal Fishes, Whales, Balan, Sturgions, and other Fishes of what Kinde or Nature soever, that shall at any time hereafter be taken in or within the saide Seas or Waters, or any of them, by the said Sir Henry Rosewell, Sir John Younge, Sir Richard Saltonstall, Thomas Southcott, John Humfrey, John Endecott, Simon Whetcombe, Isaack Johnson, Samuell Aldersey, John Ven, Mathewe Cradock, George Harwood, Increase Noell, Richard Pery, Richard Bellingham, Nathaniell Wright, Samuell Vassell, Theophilus Eaton, Thomas Goffe, Thomas Adams, John Browne, Samuell Browner, Thomas Hutchins, William Vassall, William Pinchion, and George Foxcrofte, their Heires and Assignes, or by any other person or persons whatsoever there inhabiting, by them, or any of them, to be appointed to fishe therein.

PROVIDED alwayes, That yf the said Landes, Islandes, or any other the Pernisses herein before menconed, and by theis presents, intended and meant to be graunted, were at the tyme of the granting of the saide former Letters patents, dated the Third Day of November, in the Eighteenth Yeare of our said deare Fathers Raigne aforesaide, actualle possessed or inhabited by any other Christian Prince or State, or were within the Boundes, Lymytts or Territories of that Southerne Colony, then before graunted by our said late Father, to be planted by divers of his loveing Subiects in the south partes of America, That then this present Graunt shall not extend to any such partes or parcells thereof, soe formerly inhabited, or lyeing within the Boundes of the Southerne Plantacon as aforesaide, but as to those partes or parcells soe possessed or inhabited by such Christian Prince or State, or being within the Bounders aforesaide shal be vtterlie voyd, theis presents or any Thing therein conteyned to the contrarie notwithstanding. To HAVE and hould, possesse and enioye the saide partes of New England in America, which lye, extend, and are abutted as aforesaide, and every parse and parcell thereof; and all the Islandes, Rivers, Portes, Havens, Waters, Fishings, Fishes, Mynes, Myneralls, Jurisdiccons, Franchises, Royalties, Liberties, Priviledges, Comodities, and Premisses whatsoever, with the Appurtenances, vnto the said Sir Henry Rosewell, Sir John Younge, Sir Richard Saltonstall, Thomas Southcott, John Humfrey, John Endecott, Simon Whetcombe, Isaack Johnson, Samuell Aldersey, John Ven, Mathewe Cradock, George Harwood, Increase Nowell, Richard Perry, Richard Bellingham, Nathaniell Wright, Samuell Vassall, Theophilus Eaton, Thomas Goffe, Thomas Adams, John Browne, Samuell Browne, Thomas Hutchins, William Vassall, William Pinchion, and George Foxcroft, their Heires and Assignes forevermore: To BE HOLDEN of Vs. our Heires and Successors, as of our Manor of Eastgreenwich in our Countie of Kent, within our Realme of England, in free and comon Socage, and not in Capite, nor by Knights Service; and also yielding and paying therefore, to Vs. our Heires and Successors, the fiftē Parte onlie of all Oare of Gould and Silver, which from tyme to tyme, and at all tymes hereafter, shal be there gotten, had, or obteyned, for all Services, Exacons, and Demaundes whatsoever; PROVIDED alwaies, and our expresse Will and Meaninge is, that onlie one fiftē Parte of the Gould and Silver Oare above mencoed, in the whole, and noe more be reserved or payeable vnto Vs. our Heires and Successors, by Collour or Vertue of theis Presents, the double Reseruacons or rentals aforesaid or any Thing herein conteyned notwithstanding. AND FORASMUCH, as the good and prosperous Successe of the Plantacon of the saide Partes of Newe-England aforesaide intended by the said Sir Henry Rosewell, Sir John Younge, Sir Richard Saltonstall, Thomas Southcott, John Humfrey, John Endecott, Simon Whetcombe, Isaack Johnson, Samuell Aldersey John Ven, Mathew Cradock, George Harwood, Increase Noell, Richard Pery, Richard Bellingham, Nathaniell Wright, Samuell Vassall, Theophilus Eaton, Thomas Goffe, Thomas Adams, John Browne, Samuell Browne, Thomas Hutchins, William Vassall, William Pinchion, and George Foxcrofte, to be speedily sett vpon, cannot but cheifly depend, next vnder the Blessing of Almighty God, and the support of our Royall Authoritie vpon the good Government of the same, To the Ende that the Affaires and Buysinesses which from tyme to tyme shall happen and arise concerning the saide Landes, and the Plantation of the same maie be the better mannaged and ordered, WEE HAVE FURTHER hereby of our especial Grace, certain Knowledge and mere Mocon, Given, graunted and confirmed, and for Vs. our Heires and Successors, doe give, graunt, and confirme vnto our said trustie and welbeloved subjects Sir Henry Rosewell, Sir John Younge, Sir Richard Saltonstall, Thomas Southcott, John Humfrey, John Endicott, Simon Whetcombe, Isaack Johnson, Samuell Aldersey, John Ven, Mathewe Cradock, George Harwood, Increase Nowell, Richard Pery, Richard Bellingham, Nathaniell Wright, Samuell Vassall, Theophilus Eaton, Thomas Goffe, Thomas Adams, John Browne, Samuell Browne, Thomas Hutchins, William Vassall, William Pinchion, and George Foxcrofte: AND for Vs. our Heires and Successors, Wee will and ordeyne, That the saide Sir Henry Rosewell, Sir John Young, Sir Richard Saltonstall, Thomas Southcott, John Humfrey, John Endicott, Symon Whetcombe, Isaack Johnson, Samuell Aldersey, John Ven, Mathewe Cradock, George Harwood, Increase Noell, Richard Pery, Richard Bellingham, Nathaniell Wright, Samuell Vassall, Theophilus Eaton, Thomas Goffe, Thomas Adams, John Browne, Samuell Browne, Thomas Hutchins, William Vassall, William Pinchion, and George Foxcrofte, and all such others as shall hereafter be admitted and made free of the Company and Society hereafter mencoed, shall from tyme to tyme, and att all tymes forever hereafter be, by Vertue of theis presents, one Body corporate and politique in Fact and Name, by the Name of the Governor and Company of the Mattachusetts Bay in Newe-England, and them by the Name of the Governour and Company of the Mattachusetts Bay in Newe-England, one Bodie politique and corporate, in Deede, Fact, and Name; Wee doe for vs. our Heires and Successors, make, ordoyne, constitute, and confirme by theis Presents, and that by that name they shall have perpetuall Succession, and that by the same Name they and their Successors shall and maie be capeable and enabled aswell to implead, and to be impleaded, and to prosecute, demanda, and aunswere, and be aunsweread veto, in all and singuler Suites, Causes, Quarrells, and Acccons, of what kinde or nature soever. And also to have, take, possesse, acquire, and purchase any Landes, Tenements, or Hereditaments, or any Goodes or Chattells, and the same to lease, graunte, demise, alien, bargain, sell, and dispose of, as other our liege People of this our Realme of England, or any other corporacon or Body politique of the same may lawfully doe.

AND FURTHER, That the said Governour and Companye, and their Successors, maie have forever one comon Seale, to be vsed in all Causes and Occasions of the said Company, and the same Seale may alter, chaunge, breake, and newe make, from tyme to tyme, at their pleasures. And our Will and Pleasure is, and Wee doe hereby for Vs. our Heires and Successors, ordeyne and graunte, That from henceforth for ever, there shalbe one Governor, one Deputy Governor, and eightene Assistants of the same Company, to be from tyme to tyme constituted, elected and chosen out of the Freemen of the saide Company, for the tyme being, in such Manner and Forme as hereafter in theis Presents is expressed, which said Officers shall applie themselves to take Care for the best disposing and ordering of the generall buysines and Affaires of, for, and concerning the said Landes and Premisses hereby mencoed, to be graunted, and the Plantacion thereof, and the Government of the People there. AND FOR the better Execucon of our Royall Pleasure and Graunte in this Behalf, WEE doe, by theis presents, for Vs. our Heires and Successors, nominate, ordeyne, make, & constitute; our welbeloved the saide Mathewe Cradocke, to be the first and present Governor of the said Company, and the saide Thomas Goffe, to be Deputy Governor of the saide Company, and the saide Sir Richard Saltonstall, Isaack Johnson, Samuell Aldersey, John Ven, John Humfrey, John Endecott, Simon Whetcombe, Increase Nowell, Richard Pery, Nathaniell Wright, Samuell Vassall, Theophilus Eaton, Thomas Adams, Thomas Hutchins, John Browne, George Foxcrofte, William Vassall, and William Pinchion, to be the present Assistants of the saide Company, to continue in the saide several Offices respectivelie for such tyme, and in such manner, as in and by theis Presents is hereafter declared and appointed.

AND FURTHER, Wee will, and by theis Presents, for Vs. our Heires and Successors, doe ordoyne and graunte, That the Governor of the saide Company for the

tyme being, or in his Absence by Occasion of Sicknes or otherwise, the Deputie Governor for the tyme being, shall have Authoritie from tyme to tyme vpon all Occasions, to give order for the assembling of the saide Company, and calling them together to consult and advise of the Bussinesses and Affaires of the saide Company, and that the said Governor, Deputie Governor, and Assistants of the saide Company, for the tyme being, shall or maie once every Moneth, or oftener at their Pleasures, assemble and houlde and keepe a Courte or Assemblie of themselves, for the better ordering and directing of their Affaires, and that any seaven or more persons of the Assistants, together with the Governor, or Deputie Governor soe assembled, shalbe saide, taken, held, and reputed to be, and shalbe a full and sufficient Courte or Assemblie of the said Company, for the handling, ordering, and dispatching of all such Buysinesses and Occurrents as shall from tyme to tyme happen, touching or concerning the said Company or Plantacon; and that there shall or maie be held and kept by the Governor, or Deputie Governor of the said Company, and seaven or more of the said Assistants for the tyme being, vpon every last Wednesday in Hillary, Easter, Trinity, and Michas Termes respectivelie forever, one grease generall and solempe assemblie, which foure generall assemblies shalbe stiled and called the foure grease and generall Courts of the saide Company; IN all and every, or any of which saide grease and generall Courts soe assembled, WEE DOE for Vs. our Heires and Successors, give and graunte to the said Governor and Company, and their Successors, That the Governor, or in his absence, the Deputie Governor of the saide Company for the tyme being, and such of the Assistants and Freeman of the saide Company as shalbe present, or the greater number of them so assembled, whereof the Governor or Deputie Governor and six of the Assistants at the least to be seaven shall have full Power and authoritie to choose, nominate, and appointe, such and soe many others as they shall thinke fitt, and that shall be willing to accept the same, to be free of the said Company and Body, and them into the same to admits; and to elect and constitute such Officers as they shall thinke fitt and requisite, for the ordering, manning, and dispatching of the Affaires of the saide Govenor and Company, and their Successors; And to make Lawes and Ordinnces for the Good and Welfare of the saide Company, and for the Government and ordering of the saide Landes and Plantacon, and the People inhabiting and to inhabite the same, as to them from tyme to tyme shalbe thought meete, soe as such Lawes and Ordinances be not contrarie or repugnant to the Lawes and Statuts of this our Reaime of England. AND, our Will and Pleasure is, and Wee doe hereby for Vs, our Heires and Successors, establish and ordeyne, That yearly once in the yeare, for ever hereafter, namely, the last Wednesdav in Easter Tearme, yearely, the Governor, Deputy-Governor, and Assistants of the saide Company and all other officers of the saide Company shalbe in the Generall Court or Assembly to be held for that Day or Tyme, newly chosen for the Yeare ensuing by such greater parse of the said Company, for the Tyme being, then and there present, as is aforesaide. AND, yf it shall happen the present governor, Deputy Governor, and assistants, by theis presents appointed, or such as shall hereafter be newly chosen into their Roomes, or any of them, or any other of the officers to be appointed for the said Companv, to dye, or to be removed from his or their severall Offices or Places before the saide generall Day of Eleccion (whome Wee doe hereby declare for any Misdemeanor or Defect to be removeable by the Governor, Deputie Governor, Assistants, and Company, or such greater Parte of them in any of the publique Courts to be assembled as is aforesaid) That then, and in every such Case, it shall and maie be lawfull, to and for the Governor, Deputie Governor, Assistants, and Company aforesaide, or such greater Parte of them soe to be assembled as is aforesaide, in any of their Assemblies, to proceade to a new Eleccion of one or more others of their Company in the Roome or Place, Roomes or Places of such Officer or Officers soe dyeing or removed according to their Discrecons, And, Mediatly vpon and after such Eleccion and Elecons made of such Governor, Deputie Governor, Assistant or Assistants, or any other officer of the saide Company, in Manner and Forme aforesaid, the Authoritie, Office, and Power, before given to the former Governor, Deputie Governor, or other Officer and Officers soe removed, in whose Steade and Place newe shabe soe chosen, shall as to him and them, and everie of them, cease and determine

PROVIDED alsoe, and our Will and Pleasure is, That aswell such as are by theis Presents appointed to be the present Governor, Deputie Governor, and Assistants of the said Company, as those that shall Succeed them, and all other Officers to be appointed and chosen as aforesaid, shall, before they undertake the Execucon of their saide Offices and Places respectivelie, take their Corporal Oathes for the due and faithfull Performance of their Duties in their severall Offices and Places, before such Person or Persons as are by theis Presents hereunder appointed to take and receive the same; That is to saie, the saide Mathewe Cradock, whoe is hereby nominated and appointed the present Governor of the saide Company, shall take the saide Oathes before one or more of the Masters of our Courte of Chauncery for the Tyme being, vnto which Master or Masters of the Chauncery, Wee doe by theis Presents give full Power and Authoritie to take and administer the said Oathe to the said Governor accordingly: And after the saide Governor shalbe soe sworne, then the said Deputy Governor and Assistants, before by theis Presents nominated and appointed, shall take the said severall Oathes to their Offices and Places respectivelie belonging, before the said Mathew Cradock, the present Governor, soe formerlie sworne as aforesaide. And every such person as shall be at the Tyme of the annuall Eleccion, or otherwise, vpon Death or Removeall, be appointed to be the newe Governor of the said Company, shall take the Oathes to that Place belonging, before the Deputy Governor, or two of the Assistants of the said Company at the least, for the Tyme being: And the newe elected Deputie Governor and Assistants, and all other officers to be hereafter chosen as aforesaide from Tyme to Tyme, to take the Oathes to their places respectivelie belonging, before the Governor of the said Company for the Tyme being, vnto which said Governor, Deputie Governor, and assistants, Wee doe by theis Presents Give full Power and Authoritie to give and administer the said Oathes respectively, according to our true Meaning herein before declared, without any Commission or further Warrant to be had and obteyned of our Vs. our Heires or Successors, in that Behalf. AND, Wee doe further, of our especial Grace, certen Knowledge, and meere mocon, for Vs. our Heires and Successors, give and graunte to the said Governor and Company, and their Successors for ever by theis Presents, That it shalbe lawfull and free for them and their Assignes, at all and every Tyme and Tymes hereafter, out of any our Realmes or Domyinions whatsoever, to take, leade, carry, and transport, for in and into their Voyages, and for and towards the said Plantacon in Newe England, all such and soe many of our loving Subjects, or any other strangers that will become our loving Subjects, and live under our Allegiance, as shall willinglie accompany them in the same Voyages and Plantacon; and also Shippmg, Armour, Weapons, Ordinance, Municon, Powder, Shott, Come, Virtualls, and all Manner of clothing, Implements, Furniture, Beastes, Cattle, Horses, Mares, Merchandizes, and all other Things necessarie for the saide Plantacon, and for their Vse and Defence, and for Trade with the People there, and in passing and returning to and fro, any Lawe or Statute to the contrarie hereof in any wise notwithstanding; and without payeing or yeilding any Custome or Subsidie, either inward or outward, to Vs. our Heires or Successors, for the same, by the Space of seaven Yeares from the Day of the Date of theis Presents. PROVIDED, that none of the saide Persons be such as shalbe hereafter by especiall Name restrayned by Vs. our Heires or Successors. AND, for their further Encouragement, of our especiall Grace and Favor, Wee doe by theis Presents, for Vs. our Heires and Successors, yeild and graunt to the saide Governor and Company, and their Successors, and every of them, their Factors and Assignes, That they and every of them shalbe free and quits from all Taxes, Subsidies, and Customes, in Newe England, for the like Space of seaven Yeares, and from all Taxes and Imposicons for the Space of twenty and one Yeares, vpon all Goodes and Merchandizes at any Tyme or Tymes hereafter, either vpon Importacon thither, or Exportacon from thence into our Realme of England, or into any other our Domyinions by the said Governor and Company, and their Successors, their Deputies, Factors, and Assignes, or any of them; EXCEPT onlie the five Pounds per Centum due for Custome vpon all such Goodes and Merchandizes as after the saide seaven Yeares shalbe expired, shalbe brought or imported into our Realme of England, or any other of our Dominions, according to the auncient Trade of Merchants, which five Poundes per Centum onlie being paide, it shall be thenceforth lawfull and free for the said Adventurers, the same Goodes and Merchandizes to export and carry out of our said Domyinions into forraine Partes, without any Custome, Tax or other Dutie to be paid to Vs. our Heires or Successors, or to any other Officers or Ministers of Vs. our Heires and Successors. PROVIDED, that the said Goodes and Merchandizes be shipped out within thirteene Monethes, after their first Landing within any Parte of the saide Domyinions.

AND, Wee doe for Vs. our Heires and Successors, give and graunte vnto the saide Governor and Company, and their Successors, That whensoever, or soe often as any Custome or Subsedie shall growe due or payable vnto Vs our Heires, or Successors, according to the Lymittacon and Appointment aforesaide, by Reason of any Goodes, Wares, or Merchandizes to be shipped out, or any Retorne to be made of any Goodes, Wares, or Merchandize vnto or from the said Partes of Newe England hereby moncoed to be graunted as aforesaid, or any the Landes or Territories aforesaide, That then, and soe often, and in such Case, the Farmors, Customers, and Officers of our Customes of England and Ireland, and everie of them for the Tyme being, vpon Request made to them by the saide Governor and Company, or their Successors, Factors or Assignes, and vpon convenient Security to be given in that Behalf, shall give and allowe vnto the said Governor and Company, and their Successors, and to all and everie Person and Persons free of that Company, as aforesaide, six Monethes Tyme for the Payment of the one halfe of all such Custome and Subsidy as shalbe due and payable unto Vs. our Heires and Successors, for the same; for which theis our Letters patent, or the Duplicate, or the inrollemt thereof, shalbe vnto our saide Officers a sufficient Warrant and Discharge. NEVERTHELESS, our Will and Pleasure is, That yf any of the saide Goodes, Wares, and Merchandize, which be, or shalbe at any Tyme hereafter landed or exported out of any of our Realmes aforesaide, and shalbe shipped with a Purpose not to be carried to the Partes of Newe England aforesaide, but to some other place, That then such Payment, Dutie, Custome, Imposicon, or Forfeiture, shalbe paid, or belonge to Vs. our Heires and Successors, for the said Goodes, Wares, and Merchandize, soe fraudulently sought to be transported, as yf this our Graunte had not been made nor graunted. AND, Wee doe further will, and by theis Presents, for Vs. our Heires and Successors, firmilie enioine and comaunde, as well the Treasurer, Chauncellor and Barons of the Exchequer, of Vs. our Heires and Successors, as also all and singular the Customers, Farmors, and Collectors of the Customes, Subsidies, and Imposts and other the Officers and Ministers of Vs our Heires and Successors whatsoever, for the Tyme Being, That they and every of them, vpon the strewing forth vnto them of theis Letters patents, or the Duplicate or exemplificacon of the same, without any other Writt or Warrant whatsoever from Vs. our Heires or Successors, to be obteyned or sued forth, doe and shall make full, whole, entire, and due Allowance, and cleare Discharge vnto the saide Governor and Company, and their Successors, of all Customes, Subsidies, Imposicons, Taxes and Duties whatsoever, that shall or maie be claymed by Vs. our Heires and Successors, of or from the said Governor and Company, and their Successors, for or by Reason of the said Goodes, Chattels, Wares, Merchandizes, and Premises to be exported out of our saide Domyinions, or any of them, into any Parte of the saide Landes or Premises hereby mencoed, to be given, graunted, and confirmed, or for, or by Reason of any of the saide Goodes,

Chattells, Wares, or Merchandizes to be imported from the said Landes and Premises hereby mencoed, to be given, graunted, and confirmed into any of our saide Dominions, or any Parte thereof as aforesaide, excepting onlie the saide five Poundes per Centum hereby reserved and payable after the Expiracon of the saide Terme of seaven Yeares as aforesaid, and not before: And theis our Letters-patents, or the Inrollment, Duplicate, or Exemplificacon of the same shalbe for ever hereafter, from time to tyme, as well to the Treasurer, Chauncellor and Barons of the Exchequer of Vs. our Heires and Successors, as to all and singular the Customers, Farmors, and Collectors of the Customes, Subsidies, and Imposts of Vs. our Heires and Successors, and all Searchers, and other the Officers and Ministers whatsoever of Vs. our Heires and Successors, for the Time being, a sufficient Warrant and Discharge in this Behalf.

AND, further our Will and Pleasure is, and Wee doe hereby for Vs. our Heires and Successors, ordeyne and declare, and graunte to the saide Governor and Company, and their Successors, That all and every the Subjects of Vs. our Heires or Successors, which shall goe to and inhabite within the saide Landes and Premisses hereby mencoed to be graunted, and every of their Children which shall happen to be borne there, or on the Seas in going thither, or returning from thence, shall have and enjoy all liberties and Immunities of free and naturall Subjects within any of the Domyinions of Vs. our Heires or Successors, to all Intents, Construccons, and Purposes whatsoever, as yf they and everie of them were borne within the Realme of England. And that the Governor and Deputie Governor of the said Company for the Tyme being, or either of them, and any two or more of such of the saide Assistants as shalbe therevnto appointed by the saide Governor and Companv at any of their Courts or Assemblies to be held as aforesaide, shall and maie at all Tymes, and from tyme to tyme hereafter, have full Power and Authoritie to minister and give the Oathe and Oathes of Supremacie and Allegiance, or either of them, to all and everie Person and Persons, which shall at any Tyme or Tymes hereafter goe or passe to the Landes and Premisses hereby mencoed to be graunted to inhabite in the same. AND, Wee doe of our further Grace, certen Knowledge and meere Mocon, give and graunte to the saide Governor and Companv, and their Successors, That it shall and male be lawfull, to and for the Governor or Deputie Governor, and such of the Assistants and Freemen of the said Company for the Tyme being as shalbe assembled in any of their generall Courts aforesaide, or in any other Courtes to be specially sumoned and assembled for that Purpose, or the greater Parte of them (whereof the Governor or Deputie Governor, and six of the Assistants to be alwaies seaven) from tyme to tyme, to make, ordeine, and establishe all Manner of wholesome and reasonable Orders, Lawes, Statutes, and Ordilmces, Direccons, and Instruccons, not contrairie to the Lawes of this our Realme of England, aswell for selling of the Formes and Ceremonies of Governmt and Magistracy fitt and necessary for the said Plantacon, and the Inhabitants there, and for nameing and setting of all sorts of Officers, both superior and inferior, which they shall finde needefull for that Governement and Plantacon, and the distinguishing and setting forth of the severall duties, Powers, and Lymytts of every such Office and Place, and the Formes of such Oathes warrantable by the Lawes and Statutes of this our Realme of England, as shalbe respectivelie ministred vnto them for the Execucon of the said severall Offices and Places; as also, for the disposing and ordering of the Eleccons of such of the said Officers as shalbe annuall, and of such others as shalbe to succede in Case of Death or Remove all and ministering the said Oathes to the newe elected Officers, and for Imposicons of lawfull Fynes, Mulcts, Imprisonment, or other lawfull Correccon, according to the Course of other Corporacons in this our Realme of England, and for the directing, ruling, and disposing of all other Matters and Thinges, whereby our said People, Inhabitants there, may be soe religiously, peaceable, and civilly governed, as their good Life and orderlie Conversacon, maie wynn and incite the Natives of Country, to the Knowledg and Obedience of the onlie true God and Saulor of Mankinde, and the Christian Fayth, which in our Royall Intencon, and the Adventurers free Profession, is the principall Ende of this Plantacion. WILLING, comaunding, and requiring, and by theis Presents for Vs. our Heirss Successors, ordoyning and appointing, that all such Orders, Lawes, Statuts and Ordinnces, Instruccons and Direccons, as shalbe soe made by the Governor, or Deputie Governor of the said Company, and such of the Assistants and Freemen as aforesaide, and published in Writing, under their comon Seale, shalbe carefullie and duly observed, kept, performed, and putt in Execucon, according to the true Intent and Meaning of the same; and theis our Letters-patents, or the Duplicate or exemplificacon thereof, shalbe to all and everie such Officers,-superior and inferior, from Tyme to Tyme, for the putting of the same Orders, Lawes, Statutes, and Ordinuces, Instruccons, and Direccons, in due Execucon against Vs. our Heires and Successors, a sufficient Warrant and Discharge.

AND WEE DOE further, for Vs. our Heires and Successors, give and graunt to the said Governor and Company, and their Successors bv theis Presents, that all and everie such Chiefe Comaunders, Captaines, Governors, and other Officers and Ministers, as by the said Orders, Lawes, Statuts, Ordinnces, Instruccons, or Direccons of the said Governor and Company for the Tyme being, shalbe from Tyme to Tyme hereafter vmploied either in the Government of the saide Inhabitants and Plantacon, or in the Waye by Sea thither, or from thence, according to the Natures and Lymitts of their Offices and Places respectively, shall from Tyme to Tyme hereafter for ever, within the Precincts and Partes of Newe England hereby mencoed to be graunted and confirmed, or in the Waye by Sea thither, or from thence, have full and Absolute Power and Authoritie to correct, punishe, pardon, governe, and rule all such the Subjects of Vs. our Heires and Successors, as shall from Tyme to Tyme adventure themselves in any Voyadge thither or from thence, or that shall at any Tyme hereafter, inhabite within the Precincts and Partes of Newe England aforesaid, according to the Orders, Lawes, Ordinnces, Instruccons, and Direccons aforesaid, not being repugnant to the Lawes and Statutes of our Realme of England as aforesaid. AND WEE DOE further, for Vs. our Heires and Successors, give and graunte to the said Governor and Company, and their Successors, by theis Presents, that it shall and maie be lawfull, to and for the Chiefe Comaunders, Governors, and officers of the said Company for the Time being, who shalbe resident in the said Parte of Newe England in America, by theis presents graunted, and others there inhabiting by their Appointment and Direccon, from Tyme to Tyme, and at all Tymes hereafter for their speciall Defence and Safety, to incounter, expulse, repell, and resist by Force of Armes, aswell by Sea as by Lande, and by all fitting Waies and Meanes whatsoever, all such Person and Persons, as shall at any Tyme hereafter, attempt or enterprise the Destruccon, Invasion, Detriment, or Annoyance to the said Plantation or Inhabitants, and to take and surprise by all Waies and Meanes whatsoever, all and every such Person and Persons, with their Shippes, Armour, Municons and other Goodes, as shall in hostile manner invade or attempt the defeating of the said Plantacon, or the Hurt of the said Company and Inhabitants: NEVERTHELESS, our Will and Pleasure is, and Wee doe hereby declare to all Christian Kinges, Princes and States, that yf any Person or Persons which shall hereafter be of the said Company or Plantacon or any other by Lycense or Appointment of the said Governor and Company for the Tyme being, shall at any Tyme or Tymes hereafter, robb or spoyle, by Sea or by Land, or doe any Hurt, Violence, or vnlawful Hostilitie to any of the Subjects of Vs. our Heires or Successors, or any of the Subjects of any Prince or State, being then in League and Amytie with Vs. our Heires and Successors, and that upon such injury don and vpon iust Complaint of such Prince or State or their Subjects, WEE, our Heires and Successors shall make open Proclamacon within any of the Partes within our Realme of England, comodious for that purpose, that the Person or Persons havinge comitted any such Roberie or Spoyle, shall within the Terme lymytted by such a Proclamacon, make full Restitucon or Satisfaccon of all such Iniureis don, soe as the said Princes or others so complainyng, maie hould themselves fullie satisfied and contented; and that yf the said Person or Persons, havinge comitted such Robbery or Spoile, shall not make, or cause to be made Satisfaccon accordinglylie, within such Tyme soe to be lymytted, that then it shalbe lawfull for Vs. our Heires and Successors, to putt the said Person or Persons out of our Allegiance and Proteccon, and that it shalbe lawfull and free for all Princes to prosecute with Hostilitie, the said Offendors, and every of them, their and every of their Procurers, Ayders, Abettors, and Comforters in that Behalf: PROVIDED also, and our expresse Will and Pleasure is, And Wee doe by theis Presents for Vs. our Heires and Successors ordeyne and appoint That theis Presents shall not in any manner envre, or be taken to abridge, barr, or hinder any of our loving subjects whatsoever, to vse and exercise the Trade of Fishing vpon that Coast of New England in America, by theis Presents mencoed to be graunted. But that they, and every, or any of them shall have full and free Power and Liberty to continue and vse their said Trade of Fishing vpon the said Coast, in any the Seas therevnto adioyning, or any Armes of the Seas or Saltwater Rivers where they have byn wont to fishe, and to build and sett vp vpon the Landes by theis Presents graunted, such Wharfes, Stages, and Workehouses as shalbe necessarie for the salting, drying, keeping, and packing vp of their Fish, to be taken or gotten vpon that Coast; and to cutt down, and take such Trees and other Materialls there groweing, or being, or shalbe needefull for that Purpose, and for all other necessarie Easements, Helpes, and Advantage concerning their said Trade of Fishing there, in such Manner and Forme as they have byn heretofore at any tyme accustomed to doe, without making any wilfull Waste or Spoyle, any Thing in theis Presents contenyed to the contrarie notwithstanding. AND WEE DOE further, for Vs. our Heires and Successors, ordeyne and graunte to the said Governor and Company, and their Successors by theis Presents that theis our Letters-patents shalbe firme, good, effectuall, and available in all Thinges, and to all Intents and Construccons of Lawe, according to our true Meaning herein before declared, and shalbe construed, reputed, and adjudged in all Cases most favourablie on the Behalf, and for the Benefist and Behoofe of the saide Governor and Company and their Successors: ALTHOUGH expresse mencon of the true yearly Value or certainty of the Premisses or any of them; or of any other Guiftes or Grauntes, by Vs. or any of our Progenitors or Predecessors to the foresaid Governor or Company before this tyme made, in theis-Presents is not made; or any Statute, Acte, Ordinnce, Provision, Proclamacon, or Restrainte to the contrarie thereof, heretofore had, made, published, ordeyned, or provided, or any other Matter, Cause, or Thing whatsoever to the contrarie thereof in any wise notwithstanding.

IN WITNES whereof, Wee have caused theis our Letters to be made Patents.

WITNES ourself, at Westminster, the fourth day of March, in the fourth Yeare of our Raigne.

Per Breve de Privato Sigillo,

Wolseley.

Praedictus Matthaeus Cradocke Juratus est de Fide et Obedientia Regi et Successoribus suis, et de Debita Executione Officii Guberatoris Juxta Tenorem

Praesentium, 18° Martii, 1628. Coram me Carolo Casare Milite in Cancellaria Mro.

CHAR.CAESAR.

The Great Seal of England appendant by a parti-coloured silk string.

Source:

The Federal and State Constitutions Colonial Charters, and Other Organic Laws of the States, Territories, and Colonies Now or Heretofore Forming the United States of America
Compiled and Edited Under the Act of Congress of June 30, 1906 by Francis Newton Thorpe
Washington, DC : Government Printing Office, 1909.

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The Act of Surrender of the Great Charter of New England to His Majesty : 1635

To all Christian People to whom this present writing shall come: The President and Council established at Plymouth in the County of Devon, for planting, ruling, and governing of New England in America, send Greeting, in our Lord God everlasting.

Whereas our late Sovereign Lord King James, of ever blessed memory, by his Highness Letters Patent under the Great Seal of England, bearing date at Westminster, the third day of November, in the eighteenth year of his Majesty's reign of England, France, and Ireland, and of Scotland the four and fiftieth: Upon the motives, reasons, and causes in the said Letters Patents mentioned and contained, did for him, his heirs, and successors, grant, ordain, establish, and confirm his then right trusty and right well beloved Cousins and Councillors Lodowick then Duke of Lenox, Lord Steward of his Household, George then Marquess of Buckingham then High Admiral of England, James then Marquess of Hamilton, William then Earl of Pembroke and then Lord Chamberlaine of his Household, who are since deceased; Thomas, now Earl of Arundell, and divers others of his Nobility and Gentry of this realme of England, therein named, to be the first and present Council established at Plymouth aforesaid, for the planting, ruling, and governing of New England in America aforesaid: And then the said then Duke of Lenox, Marquess of Buckingham, Marquess of Hamilton, Earl of Pembroke, and Earl of Arundel, and the said others of the Nobility and Gentry therein named, and the survivors of them and their successors, to be elected as in the said Letters Patents is expressed, did by the said Letters Patents incorporate, erect, ordain, name, constitute, and establish to be one body politick and corporate, in Deed and Name, by the Name of the Council of Plymouth aforesaid, in the said County of Devon, for the planting, ruling, and governing of New England in America aforesaid, To have perpetual succession, with divers other powers, priviledges, immunities, provisions, and restrictions, for the propagation and establishing of true Religion in those parts, and for the better regulating of the same plantations, as in and by the said Letters Patents, do Reference Thereunto had more plainly and at large appeareth. Now Know ye that, the said President and Council, for divers good causes and considerations them thereunto moving, have given, granted, assigned, yielded up, and surrendered, and by these presents do give, grant, assign, yield up and surrender unto our most gracious Sovereign Lord Charles by the Grace of God, King of England, Scotland, France and Ireland, Defender of the Faith, the said Letters Patents to the Duke of Lenox, Marquess of Buckingham, Marquess Hamilton, William Earl of Pembroke, Thomas Earl of Arundel, and to the rest of the Nobility and Gentry of this Kingdom therein named, for the planting, ruling, and governing of New England in America aforesaid, and all and every the liberties, licenses, powers, priviledges and authorities therein and thereby given and granted, or mentioned to be given and granted, and all their and every their right, estate, title, interest, claim, demand whatsoever of, in, and to the same Letters Patents, licenses, powers, priviledges, and authorities, and of, in and to, every or any parcell of them or any of them. In Witness whereof the said President and Council have caused their common Seal to be put to these presents, the seventh day of June in the eleventh year of the reign of our Sovereign Lord King Charles, and in the year of our Lord God, One thousand six hundred and thirty-five.

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William Bradford, &c. Surrender of the Patent of Plymouth Colony to the Freeman, March 2D, 1640

Whereas divers and sundry Treaties have beene in the Publicke generall courts of New Plymouth his majestic our dread Sovereigne Charles by the grace of God King of England Scotland France and Ireland &c. concerning the proper Right and title of the Lands within the bounds and limitts of his said majestie's Letters Patents graunted by the Right Honorable his majestic's counsell for New England ratified by theire Comon Seale and signed by the hand of the Right Honorable Earle of Warwicke then Presidente of the said counsell to William Bradford his heirs associates and assignee beareing date &c And whereas the said William Bradford and divers others the first Instruments of God in the beginninge of this Create work of Plantacon together with such as the Alorderinge God in his Providence scone added unto them have beene at very grease charges to procure the said lands priviledges and freedoms from all entanglements as may appeare by divers and sondry deeds enlargements of graunts purchases payments of debts &c by reason whereof the title to the day of this present remayneth in the said William his heirs associate and assignee now for the better settling of the state of the said land aforesaid the said William Bradford and those their Instruments termed and called in sondry orders upon publick Record the Purchasers or Old Comers witnes two in especiall the one beareing date the third of March 1639 the other in December the first 1640 whereunto these presents have speciall relacon and agreement and whereby they are distinguished from other freemen and Inhabitants of the said Corporation. Be is Knowne unto all men therefore by these presents That the said William Bradford doth by the free and full consent approbacon and agreement of the said Old Planters or Purchasers together with the likeing approbacon and acceptacon of the other part of the said Corporacon surrender into the hands of the whole court consisting of the Freeman of this Corporacon of New Plymouth all that ther right and title power authoritye priviledges immunities and freedoms graunted in the said Letters Patents by the said Right Honorable Councell for New England reserveing his and their personall Right of Freeman together with the said Old Planters aforesaid except the said Lands before excepted, declaring the Freeman of this Corporacon together with all such as shall be legally admitted into the same his associates And the said William Bradford for him his heires and assignee doe further hereby promise and graunt to doe and performe whatsoever further thinge or thinges act or acts which in him lieth which shalbe needfull and expedient for the better confirmeing and establishinge the said premisses as by Counsell learned in the Laws shalbe reasonably advised and devised when he shalbe thereunto required In witnes whereof the said William Bradford hath in Publicke Court surrendered the said Letters Patents actually into the hands and power of the said Court bynding himselfe his heires executors administrators and assignee to deliver up whatsoever specialties are in his hands that do or may concerne the same.

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Commission of Sir Edmund Andros for the Dominion of New England. April 7, 1688 (1)

James the Second by the Grace of God King of England, Scotland France and Ireland Defender of the Faith &c. To our trusty and welbeloved Sr Edmund Andros Knt Greeting: Whereas by our Commission under our Great Seal of England, bearing date the third day of June in the second year of our reign wee have constituted and appointed you to be our Captain Generall and Governor in Chief in and over all that part of our territory and dominion of New England in America known by the names of our Colony of the Massachusetts Bay, our Colony of New Plymouth, our Provinces of New Hampshire and Main and the Narraganset Country or King's Province. And whereas since that time Wee have thought it necessary for our service and for the better protection and security of our subjects in those parts to join and annex to our said Government the neighboring Colonies of Road Island and Connecticut, our Province of New York and East and West Jersey, with the territories "hereunto belonging, as wee do hereby join annex and unite the same to our said government and dominion of New England. Wee therefore reposing especiall trust and confidence in the prudence courage and loyalty of you the said Sir Edmund Andros, out of our especiall grace certain knowledge and meer motion, have thought fit to constitute and appoint as wee do by these presents constitute and appoint you the said Sr Edmund Andros to be our Captain Generall and Governor in Cheif in and over our Colonies of the Massachusetts Bay and New Plymouth, our Provinces of New Hampslire and Main, the Narraganset country or King's Province, our Colonys of Road Island and Connecticut our Province of New York and East and West Jersey, and of all that tract of land circuit continent precincts and limits in America lying and being in breadth from forty degrees of Northern latitude from the Equinoctiall Line to the River of St. Croix Eastward, and from thence directly Northward to the river of Canada, and in length and longitude by all the breadth aforesaid and throughout the main land from the Atlantick or Western Sea or Ocean on the East part, to the South Sea on the West part, with all the Islands, Seas, Rivers, waters, rights, members, and apurtenances, thereunto belonging (our province of Pensilvania and country of Delaware only excepted), to be called and known as formerly by the name and title of our territory and dominion of New England in America.

And for your better guidance and direction Wee doe hereby require and command you to do & execute all things in due manner, that shall belong unto the said office and the trust wee have reposed in you, according to the severall powers instructions and authoritys mentioned in these presents, or such further- powers instructions and authoritys mentioned in these presents, as you shall herewith receive or which shall at any time hereafter be granted or appointed You under our signet and sign manual or by our order in our Privy Councill and according to such reasonable lawes and statutes as are now in force or such others as shall hereafter be made and established within our territory & dominion aforesaid.

And our will and pleasure is that You the said Sr Edmund Andros having, after publication of these our Letters Patents, first taken the Oath of duly executing the office of our Captain Generall and Governor in Cheif of our said territory and dominion, which our Councill there or any three of them are hereby required authorized and impowered to give and administer unto you, you shall administer unto each of the members of our Councill the Oath for the due execution of their places and trusts.

And Wee do hereby give and grant unto you full power and authority to suspend any member of our Councill from sitting voting and assisting therein, as you shall find just cause for so doing.

And if it shall hereafter at any time happen that by the death, departure out of our said territory, or suspension of any of our Counselors, or otherwise, there shall be a vacancy in our said Councill, (any five whereof wee do hereby appoint to be a Quorum) Our will and pleasure is that you signify the same unto us by the first opportunity, that Wee may under our Signet and Sign Manuall constitute and appoint others in their room.

And Wee do hereby give and grant unto you full power and authority, by and with the advise and consent of our said Councill or the major part of them, to make constitute and ordain lawes statutes and ordinances for the public peace welfare and good governmt of our said territory & dominion and of the people and inhabitants thereof, and such others as shall resort thereto, and for the benefit of us, our heires and successors. Which said lawes statutes and ordinances, are to be, as near as conveniently may be, agreeable to the lawes & statutes of this our kingdom of England: Provided that all such lawes statutes and ordinances of what nature or duration soever, be within three months, or sooner, after the making of the same, transmitted unto Us, under our Seal of New England, for our allowance or disapprobation of them, as also duplicates thereof by the next conveyance.

And Wee do by these presents give and grant unto you full power and authority by and with the advise and consent of our said Councill, or the major part of them, to impose assess and raise and levy rates and taxes as you shall find necessary for the support of the government within our territory and dominion of New England, to be collected and leveyed and to be employed to the uses aforesaid in such manner as to you & our said Councill or the major part of them shall seem most equal and reasonable.

And for the better supporting the charge of the governmt of our said Territory and Dominion, our will and pleasure is and wee do by these presents authorize and impower you the sd Sr Admund Andros and our Councill, to continue such taxes and impositions as are now laid and imposed upon the Inhabitants thereof; and to levy and distribute or cause the same to be levied and distributed to those ends in the best and most equal manner, untill you shall by & with the advise and consent of our Councill agree on and settle such other taxes as shall be sufficient for the support of our government there, which are to be applied to that use and no other.

And our further will and pleasure is, that all publick money raised or to be raised or appointed for the support of the government within our said territory and dominion be issued out by warrant or order from you by & with the advise and consent of our Councill as aforesaid.

And our will and pleasure is that you shall and may keep and use our Seal appointed by Us for our said territory and dominion.

And wee do by these presents ordain constitute and appoint you or the Commander in Cheif for the time being, and the Councill of our said territory & dominion for the time being, to be a constant and settled Court of Record for ye administration of justice to all our subjects inhabiting within our said Territory and Dominion, in all causes as well civill as Criminall with full power and authority to hold pleas in all cases, from time to time, as well in Pleas of the Crown and in all matters relateing to the conservation of the peace and punishment of offenders, as in Civill causes and actions between party and party, or between us and any of our subjects there, whether the same do concerne the realty and relate to any right of freehold & inheritance or whether the same do concerne the personality and relate to matter of debt contract damage or other personall injury; and also in all mixt actions which may concern both realty and personalty; and therein after due and orderly proceeding and deliberate hearing of both sides, to give judgement and to award execution, as well in criminall as in Civill cases as aforesaid, so as always that the forms of proceedings in such cases and the judgment thereupon to be given, be as consonant and agreeable to the lawes and statutes of this our realm of England as the present state and condition of our subjects inhabiting within our said Territory and Dominion and the circumstances of the place will admit.

And Wee do further hereby give and grant unto you full power and authority with the advise and consent of our said Councill to erect constitute and establish such and so many Courts of Judicature and public Justice within our said Territory and Dominion as you and they shall think fit and necessary for the determining of all causes as well Criminall as Civill according to law and equity, and for awarding of execution thereupon, with all reasonable and necessary powers authorities fees and privileges belonging unto them.

And Wee do hereby give and grant unto you full power and authority to constitute and appoint Judges and in cases requisite Commissioners of Oyer and Terminer,

Justices of the Peace, Sheriffs, & all other necessary Officers and Ministers within our said Territory for the better administration of Justice and putting the lawes in execution, & to administer such oath and oaths as are usually given for the due execution and performance of offices and places and for the cleering of truth in judiciall causes.

And our further will and pleasure is and Wee doe hereby declare that all actings and proceedings at law or equity heretofore had or don or now depending within any of the courts of our said Territory, and all executions thereupon, be hereby confirmed and continued so fare forth as not to be avoided for want of any legall power in the said Courts; but that all and every such judiciall actings, proceeding and execution shall be of the same force and effect and virtue as if such Courts had acted by a just and legall authority.

And wee do further by these presents will and require you to permit Appeals to be made in cases of Error from our Courts in our said Territory and Dominion of New England unto you, or the Commander in Cheif for the time being and the Council, in Civill causes: Provided the value appealed for do exceed the sum of one hundred pounds sterling, and that security be first duly given by the Appellant to answer such charges as shall be awarded in case the first sentence shall be affirmed

And whereas Wee judge it necessary that all our subjects may have liberty to Appeal to our Royall Person in cases that may require the same: Our will and pleasure is that if either party shall not rest satisfied with the judgement or sentence of you (or the Commander in Cheif for the time being) and the Council, they may Appeal unto Us in our Privy Councill: Provided the matter in difference exceed the value and summ of three hundred pounds stern and that such Appeal be made within one fortnight after sentence, and that security be likewise duly given by the Appellant to answer such charges as shall be awarded in case the sentence of you (or the Commander in Cheif for the time being) and the Council be confirmed; and provided also that execution be not suspended by reason of any such appeal unto us.

And Wee do hereby give and graunt unto you full power where You shall see cause and shall judge any offender or offenders in capitall and criminall matters, or for any fines or forfeitures due unto us, fit objects of our mercy, to pardon such offenders and to remit such fines & forfeitures, treason and wilfull murder only excepted, in which case you shall likewise have power upon extraordinary occasions to grant reprieves to the offenders therein untill and to the intent our pleasure may Fe further known.

And Wee do hereby give and grant unto you the said Sr Edmd Andros by your self your Captains and Commanders, by you to be authorized, full power and authority to levy arme muster command or employ, all persons whatsoever residing within our said Territory and Dominion of New England, and, as occasion shall serve, them to transfers from one place to another for the resisting and withstanding all enemies pyrats and rebels, both at land and sea, and to transfers such forces to any of our Plantations in America or the Territories thereunto belonging, as occasion shall require for the defence of the same against the invasion or attempt of any of our enemies, and then, if occasion shall require to pursue and prosecute in or out of the limits of our said Territories and Plantations or any of them, And if it shall so please God, them to vanquish; and, being taken, according to the law of arms to put to death or keep and preserve alive, at your discretion. And also to execute martiall law in time of invasion insurrection or warr, and during the continuance of the same, and upon soldiers in pay, and to do and execute all and every other thing which to a Captain Generall doth or ought of right to belong, as fully and amply as any our Captain Generall doth or hath usually don.

And Wee do hereby give and grant unto you full power and authority to erect raise and build within our Territory and Dominion aforesaid, such and so many forts, platformes, Castles, cities, boroughs, towns, and fortifications as you shall judge necessary; and the same or any of them to fortify and furnish with ordnance ammunition and all sorts of armes, fit and necessary for the security & defence of our said territory; and the same again or any of them to demolish or dismantle as may be most convenient.

And Wee do hereby give and grant unto you the said Sr Edmund Andros full power and authority to erect one or more Court or Courts Admirall within our said Territory and Dominion, for the hearing and determining of all marine and other causes and matters proper therein to be heard & determined, with all reasonable and necessary powers, authorities fees and priviledges.

And you are to execute all powers belonging to the place and office of Vice Admirall of and in all the seas and coasts about your Government; according to such commission authority and instructions as you shall receive from ourself under the Seal of our Admiralty or from High Admirall of our Foreign Plantations for the time being.

And forasmuch as divers mutinies & disorders do happen by persons shipped and imployed at Sea, and to the end that such as shall be shipped or imployed at Sea may be better governed and ordered; Wee do hereby give and grant unto you the said Sr Edmund Andros our Captain Generall and Governor in Cheif, full power and authority to constitute and appoint Captains, Masters of Ships, and other Commanders, commissions to execute the law martial, and to use such proceedings authorities, punishment, correction and execution upon any offender or offenders who shall be mutinous seditious, disorderly or any way unruly either at sea or during the time of their abode or residence in any of the ports harbors or bays of our said Territory and Dominion, as the Cause shall be found to require, according to martial law. Provided that nothing herein contained shall be construed to the enabling you or any by your authority to hold plea or have jurisdiction of any offence cause matter or thing committed or don upon the sea or within any of the havens, rivers, or creeks of our said Territory and Dominion under your government, by any Captain Commander Lieutenant Master or other officer seaman soldier or person whatsoever, who shall be in actuall service and pay in and on board any of our ships of War or other vessels acting by immediat commission or warrant from our self under the Seal of our Admiralty, or from our High Admirall of England for the time being; but that such Captain Commander Lieut Master officer seaman soldier and other person so offending shall be left to be proceeded against and tryed, as the merit of their offences shall require, either by Commission under our Great Seal of England as the statute of 28 Henry VIII directs, or by commission from our said High Admirall, according to the Act of Parliament passed in the 13th year of the reign of the late King our most dear and most intirely beloved brother of ever blessed memory (entituled An Act for the establishing articles and Orders for the regulating and better governmt of His Matys navys, shippes or warr, and Forces by sea) and not otherwise. Saving only, that it shall and may be lawfull for you, upon such Captains and Commanders refusing or neglecting to execute. Or upon his negligent or undue execution of any the written orders he shall receive from You for our service, & the service of our said Territory and Dominion. to suspend him the said Captain or Commander from the exercise of the said office of Commander and commit him safe custody, either on board his own ship or elsewhere, at the discretion of you, in order to his being brought to answer for the same by commission either under our Great Seal of England or from our said High Admirall as is before expressed. In which case our will and pleasure is that the Captain or Commander so by you suspended shall during his suspension and commitmt be succeeded in his said office, by such commission or Warrant Officer of our said ship appointed by our self or our High Admirall for the time being, as by the known practice and discipline of our Navy doth and ought next to succeed him, as is case of death sickness of other ordinary disability hapning to the Commander of any of our ships & not otherwise; you standing also accountable to us for the truth & importance of the crimes and misdemeanours for which you shall so proceed to the suspending of such our said Captain or Commander. Provided also that all disorders and misdemeanors committed on shore by any Captain Commander, Lieutent, Master, or other officer seaman soldier or person whatsoever belonging to any of our ships of warr or other vessel acting by immediate commission or warrt from our self under the Great Seal of our Admiralty or from our High Admll from England for the time being may be tryed & punished according to the lawes of the place where any such disorders offences and misdemeanors shall be so committed on shore, notwithstanding such offender be in our actuall service and borne in our pay on board any such out shippes of warr or other vessels acting by immediate Commission or warrant from ourself or our High Admirall as aforesaid; so as he shall not receive any protection (for the avoiding of justice for such offences committed on shore) from any presence of his being improved in our service at sea.

And Wee do likewise give and grant unto you full power and authority by and with the advice and consent of our said Council to agree with the planters and inhabitants of our said Territory and Dominion concerning such lands, tenements & hereditaments as now are or hereafter shall be in our power to dispose of, and them to grant unto any person or persons for such terms and under such moderat Quit Rents, Services and acknowledgements to be thereupon reserved unto us as shall be appointed by us. Which said grants are to pass and be sealed by our Seal of New England and (being entred upon record by such officer or officers as you shall appoint thereunto, shall be good and effectual in law against us, our heires and successors.

And Wee do hereby give you full power and authority to appoint so many faires martes and markets as you with the advise of the said Council shall think fitt.

As likewise to order and appoint within our said Territory such and so many ports harbors, bayes havens and other places for the convenience and security of shipping, and for the better loading and unloading of goods and merchandise as by you with the advice and consent of our Council shall be thought flit and necessary; and in them or any of them to erect nominal and appoint Custom houses ware houses and officers relating thereto; and them to alter change, place, or displace from time to time, as with the advice aforesaid shall be thought fitt.

And forasmuch as pursuant to the lawes & customes of our Colony of the Massachusetts Bay and of our other Colonies and Probes aforementioned, divers marriages have been made and performs by the Magstrats of our said territory; Our royall will and please is hereby to confirm all the said marriages and to direct that they be held good and valid in the same manner to all intents and purposes whatsoever as if they had been made and contracted according to the lawes established within our kingdom of England.

And Wee do hereby require and command all officers and ministers, civill and military and all other inhabitants of our said Territory and Dominion to be obedient aiding and assisting unto you the said Sr Edmd Andros in the execution of this our commission and of the powers and authorityes therein contained, and upon your death or absence out of our said Territory unto our Lieut. Governor, to whom wee do therefore by these presents give and grant all and singular the powers and authorityes aforesaid to be exercised and enjoyed by him in case of your death or absence during our pleasure, or untill your arrival within our said Territory and Dominion; as Wee do further hereby give and grant full power and authority to our Lieut. Governor to do and execute whatsoever he shall be by you authorized and appointed to do and execute, in pursuance of and according to the powers granted to you by this Commission.

And if in the case of your death or absence there be no person upon the place, appointed by us to be Commander in Cheif; our will and pleasure is, that the then' present Councill of our Territory aforesaid, do take upon them the administration of the Governmt and execute this commission and the severall powers and authoritys herein contained; and that the first Counselor who shall be at the time of yor death or absence residing within the same, do preside in our said Councill, with such powers and preheminencies as any former President hath used and enjoyed within our said territory, or any other our plantations in America, untill our pleasure be further known, or your arrivall as aforesaid.

And lastly, our will and pleasure is that you the said Sr Edmund Andros shall and may hold exercise and enjoy the office and place of Captain Generall and Governor in Cheif in and over our Territory and Dominion aforesaid, with all its rights members and appurtenances'whatsoever, together with all and singular the powers and authorityes hereby granted unto you, for and during our will and pleasure.

In Witness whereof Wee have caused these our letters to be made Patents. Witness our self at Westminster the seventh day of Aprill in the fourth year of our reign.

By Writ of Privy Seal

Clerke

(1) Text in " Documents Relative to the Colonial History of the State of New York, Vol. III, pp. 537-542. (Albany, 1S53.) The earlier Commission to Sir Edmund Andros, dated June 3, 1686, appointing him Captain General and Governor of the Territory and Dominion of New England, which included the Colonies of Mass. Bay and New Plymouth and the Provinces of New Hampshire and Maine, the Narragansett Country, otherwise called The Kings Province was very similar in its provisions to this document. It is printed in Records of the Colony of Rhode Island and Providence Plantations in New England (Providence, 1858)," Vol. III, pp. 212-218. [Back](#)

Source:

The Federal and State Constitutions Colonial Charters, and Other Organic Laws of the States, Territories, and Colonies Now or Heretofore Forming the United States of America
Compiled and Edited Under the Act of Congress of June 30, 1906 by Francis Newton Thorpe
Washington, DC : Government Printing Office, 1909.

Colonial Charters Page

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The Charter of Massachusetts Bay - 1691 (1)

WILLIAM & MARY by the grace of God King and Queene of England Scotland France and Ireland Defenders of the Faith &c To all to whome these presents shall come Greeting Whereas his late Majesty King James the First Our Royall Predecessor by his Letters Patents vnder the Greate Seale of England bearing date at Westminster the Third Day of November in the Eighteenth year of his Reigne did Give and Grant vnto the Councill established at Plymouth in the County of Devon for the Planting Ruleing Ordering and Govcrning of New England in America and to their Successors and Assignes all that part of America lying and being in Breadth from Forty Degrees of Northerly Latitude from the Equinoctiall Line to the Forty Eighth Degree of the said Northerly Latitude Inclusively, and in length of and within all the Breadth aforesaid throughout all the Main Lands from Sea to Sea together alsoe with all the firme Lands Soiles Grounds Havens Ports Rivers Waters Fishings Mines and Mineralls as well Royall Mines of Gold and Silver as other Mines and Mineralls Pretious Stones Quarries and all and singular other Commodities Jurisdiccons Roalties Privileges Franchises and Prehen^tinences both within the said Tract of Land vpon the Main and alsoe within the Islands and Seas adjoyning *Provided* alwayes that the said Lands Islands or any the premises by the said Letters Patents intended or meant to be Granted were not then actually possessed or Inhabited by any other Christian Prince or State or within the bounds Limitts or Territories of the Southern Collony then before granted by the said late King James the First [to be planted (2)] by divers of his Subjects in the South parts *To Have* and to hold possesse and enjoy all and singular the aforesaid Continent Lands Territories Islands Hereditaments and Precincts Seas Waters Fishings with all and all manner of their Commodities Royalties Liberties Preheminenes and Profitts that should from thenceforth arise from thence with all and singular their appurtenances and every part and parcell thereof vnto the said Councill and their Successors and Assignes for ever to the sole and proper vse and benefist of the said Councill and their Successors and Assignes for ever *To be holden* of his said late Majestie King James the First his Heires and Successors as of his Mannor of East Greenwich in the County of Kent in free and Comon Soccage and not in Capite or by Knights Service *Yielding* and paying therefore to the said late King his Heires and Successors the Fifth part of the Oar of Gold and Silver which should from time to time and at all times then after happen to be found gotten had and obteyned in att or within any of the said Lands Limitts Territories or Precincts or in or within any part or parcell thereof for or in respect of all and all manner of duties demands and services whatsoever to be done made or paid to the said late King James the first his Heires and Successors (as in and by the said Letters Patents amongst sundry other Clauses Powers Priviledges and Grants therein conteyned more at large appeareth And Whereas the said Councill established at Plymouth in the County of Devon for the Planting Ruleing Ordering and Governing of New England Did by their Deed Indented vnder their Comon Seale bearing Date the Nineteenth Day of March in the Third year of the Reigne of Our Royall Grandfather King Charles the First of ever Blessed Memory Give Grant Bargaine Sell Enffeoffe Alien and Confirme to Sir Henry Roswell Sir John Young Knights Thomas Southcott John Humphreys John Endicot and Simond Whetcomb their Heires and Assines and their Associats for ever All that part of New England in America aforesd which lyes and extends betweene a great River there comonly called Monomack ats Merrimack and a certaine other River there called Charles River being in a Bottom of a certaine Bay there comonly called Massachusetts ats Mattachuseetts ats Massatusetts Bay And alsoe all and singular those Lands and Hereditaments whatsoever lying within the space of Three English Miles on the South part of the said Charles River or of any and every part thereof And alsoe all and singular the Lands and Hereditaments whatsoever lying and being within the space of three English Miles to the Southward of the Southernmost part of the said Bay called the Massachusetts ats Mattachusetts ats Massatusetts Bay And alsoe all those Lands and Hereditaments whatsoever which lye and be within the space of three English Miles to the Northward of the said River called Monomack ats Merrimack or to the Northward of any and every part thereof And all Lands and Hereditaments whatsoever lying within the Limitts aforesaid North and South in Latitude and in Breadth and in :length and longitude of and within all the Breadth aforesaid throughout the Main Lands there from the Atlantick and Western Sea and Ocean on the East parse to the South Sea on the West part and all Lands and Grounds Place and Places Soile Woods and Wood Grounds Havens Ports Rivers Waters Fishings and Hereditaments whatsoever lying within the said Bounds and Limitts and every parse and parcell thereof and alsoe all Islands lying in America aforesaid in the said Seas or either of them on the Western or Eastern Coasts or Parts of the said Tracts of Land by the said Indenture menconed to be Given and Granted Bargained Sold Enffeoffed Aliened and Confirmed or any of them And alsoe all Mines and Mineralls aswell Royall Mines of Gold and Silver as other Mines and Mineralls whatsoever in the said Lands and Premisses or any parse thereof and all Jurisdiccons Rights Royalties Liberties Freedoms Imunities Priviledges Franchises Preheminenes and Commodities whatsoever which they the said Councill established at Plymouth in the County of Devon for the planting Ruleing Ordering and Governing of New England in America then had or might vse exercise or enjoy in or within the said Lands and Premisses by the same Indenture menconed to be given granted bargained sold enffeoffed and confirmed in or within any part or parcell thereof *To Have* and to hold the said parse of New England in America which lyes and extends and is abutted as aforesaid and every parse and parcell thereof And all the ^{aid} Islands Rivers Ports Havens Waters Fishings Mines Mineralls Jurisdiccons Franchises Royalties Liberties Priviledges Commodities Hereditaments and premises whatsoever with the appurtenances vnto the said Sir Henry Roswell Sir John Young Thomas Southcott John Humphreys John Endicott and Simond Whetcomb their Heires and Assignes and their Associates for ever to the only proper and absolute vse and behoofe of the said Sir Henry Roswell Sir [John (3)] Joung Thomas Southcott John Humphreys John Endicott and Simond Whetcomb their Heires and Assignes and their Associates for evermore *To be holden* of Our said Royall Grandfather Icing Charles the first his Heires and Successors as of his Mannor of East Greenwich in the County of Kent in free and Comon Soccage and not in Capite nor by Knights Service *Yielding and* paying therefore vnto Our said Royall Grandfather his Heires and Successors the fifth part of the Oar of Gold and Silver which should from time to time and at all times hereafter happen to be found gotten had & obteyned in any of the said Lands within the said Limitts or in or within any part thereof for and in satisfacon of all manner of duties demands and services whatsoever to be done made or paid to Our said Royall Grandfather his Heires or Successors (as in and by the said recited Indenture may more at large appeare *And Whereas* Our said Royall Grandfather in and by his Letters Patents under the Greate Seale of England bearing date at Westminster the Fourth Day of March in the Fourth year of his Reigne for the consideracon therein menconed did grant and confirms vnto the said Sir Henry Roswell Sir John Young Thomas Southcott John Humphreys John Endicott and Simond Whetcomb and to their Associates after named (vizt) Sir Ralph Saltenstall Knt Isaac Johnson Samuell Aldersey John Ven Mathew Craddock George Harwood Increase Nowell Richard Berry Richard Bellingham Nathaniell Wright Samuell Vassall Theophilus Eaton Thomas Golfe Thomas Adams John Browne Samuell Browne Thomas Hutchins William Vassall William Pincheon and George Foxcroft their Heires and Assignes All the said part of New England in America lying and extending betweene the bounds and limitts in the said Indenture expressed and all Lands and Grounds Place and Places Soiles Woods and Wood Grounds Havens Ports Rivers Waters Mines Mineralls Jurisdiccons Rights Royalties Liberties Freedomes Imunities Priviledges Franchises Preheminenes and Hereditaments whatsoever bargained sold enffeoffed and Confirmed or menconed or intended to be given granted bargained sold enffeoled aliened and confirmed to the them the said Sir Henry Roswell Sir John Young Thomas Southcott John Humphreys John Endicott and Simond Whetcomb their Heires and Assignes and to their Associates for ever by the said recited Indentur[r]e *To Have* and to hold the said part of New England in America and other the Premisses thereby menconed to be granted and confirmed and every parse and parcell thereof with the appurtenances to the said Sir Henry Roswell Sir John Young Sir Richard Saltenstall Thomas Southcott John Humphreys John Endicott Simond Whetcomb Isaac Johnson Samuell Aldersey John Ven Mathew Craddock George Harwood Increase Nowell Richard Perry Richard Bellingham Nathaniel Wright Samuell Vassall Theophilus Eaton Thomas Golfe Thomas Adams John Browne Samuell Browne Thomas Hutchins William Vassall William Pincheon and George Foxcroft their Heires and Assignes for ever to their own proper and absolute vse and behoofe for evermore *To be holden* of Our said Royall Grandfather his Heires and Successors as of his Mannor of East Greenwich aforesaid in free and comon Soccage and not in Capite nor by Knights Service and alsoe yielding and paying therefore to Our said Royall Grandfather his Heires and Successors the fifth part only of all the Oar of Gold and Silver which from time to time and at all times after should be there gotten had or obteyned for all Services Exaccons and Demands whatsoever according to the tenour and Reservacon in the said recited Indenture expressed *And further* Our said Royall Grandfather by the said Letters Patents did Give and Grant vnto the said Sir Henry Roswell Sir John Young Sir Richard Saltenstall Thomas Southcott John Humphreys John Endicott Simond Whetcomb Isaac Johnson Samuell Aldersey John Ven Mathew Craddock George Harwood Encrease Nowell Richard Perrey Richard Bellingham Nathaniel Wright Samuell Vassall Theophilus Eaton Thomas Golfe Thomas Adams John Browne Samuel¹ Browne Thomas Hut[c]hins William Vassall William Pincheon and George Foxcroft their Heires and Assignes All that part of New England in America which lyes and extends betweene a Greate River called Monomack als Merrimack River and a certaine other River there called Charles River being in the Bottom of a certaine Bay there comonly called Massachusetts als

Mattachusetts als Massatusetts Bay and alsoe all and singular those Lands and Hereditaments whatsoever lying within the space of Three English Miles on the South part of the said River called Charles River or of any or every part thereof and alsoe all and singular the Lands and Hereditaments whatsoever lying and being within the space of Three English Miles to the Southward of the Southermost part of the said Bay called Massachusetts als Mattachusetts als Massatusetts Bay And alsoe all those Lands and Hereditaments whatsoever which lye and bee within the space of Three English Miles to the Northward of the said River called Monotnack ads Merrimack or to the Northward of any and every parse thereof And all Lands and Hereditaments whatsoever 1yeing within the limitts aforesaid North and South in Latitude and 1n Breadth and in length and Longitude of and within all the Breadth aforesaid throughout the Main Lands there from the Atlantick or Western Sea and Ocean on the East parse to the South Sea on the West parse And all Lands Grounds Place and Places Soils Wood and Wood Lands Havens Ports Rivers Waters and Hereditaments whatsoever lying within the said bounds and limitts and every part and parcell thereof And alsoe all Islands in America aforesaid in the said Seas or either of them on the Western or Eastern Coasts or parses of the said Tracts of Lands thereby menconed to be given and granted or any of them And all Mines and Mineralls as well Royall Mines of Gold and Silver as other Mines and Mineralls whatsoever in the said Lands and premisses or any parse thereof and free Libertie of Fishing in or within any of the Rivers and Waters within the bounds and 1mitts aforesaid and the Seas thereunto adjoining and of all Fishes Royall Fishes Whales Balene Sturgeon and o.ther Fishes of what kind or nature soever that should at any time thereafter be taken in or within the said Seas or Waters or any of them by the said Sir Henry Roswell Sir John Young Sir Richard Saltenstall Thomas Southcroft John Humphryes John Endicott Simond Whetcomb Isaac Johnson Samuell Aldersey John Ven Mathew Craddock George Harwood Increase Nowell Richard Perrey Richard Bellingham Nathaniel Wright Samuell Vassall Theophilus Eaton Thomas Golfe Thomas Adams John Browne Samuell Browne Thomas Hutchins William Vassall William Pincheon and George Foxcroft their Heires or Assignes or by any other person or persons whatsoever there Inhabiting by them or any of them to be appointed to Fish therein *Provided* always that if the said Lands Islands or any the premisses before menconed and by the said Letters Patents last menconed intended and meant to be granted were at the time of granting of the said former Letters Patents dated the third day of November in the Eighteenth yeare of the Reigne of his late Majesty King James the First actually possessed or inhabited by any other Christian Prince or State or were within the bounds Limitts or Territories of the said Southern Colony then before granted by the said King to be planted by divers of his Loveing Subjects in the South parts of America That then the said Grant of Our said Royall Grandfather should not extend to any such parts or parcells thereof soe formerly inhabited or lying within the bounds of the Southern Plantacon as aforesaid but as to those parts or parcells soe possessed or inhabited by any such Christian Prince or State or being within the boundaries aforesaid should be utterly void *To Have* and to hold possasse and enjoy the said parts of New England in America which lye extend and are abuted as aforesaid and every part and parcell thereof and all the Islands Rivers Ports Havens Waters Fishings Fishes Mines Mineralls Jurisdicons Franchises Royalties Riverties (4) Priviledges Comodities and premisses whatsoever with the Appurtenances vnto the said Sir Henry Roswell Sir John Young Sir Richard Saltenstall Thomas Southcott John Humphreys John Endicott Simond Whetcomb Isaac Johnson Samuell Aldersey John Ven Mathew Craddock George Harwood Increase Nowell Richard Perrey Richard Bellingham Nathaniell Wright Samuell Vassall Theophilus Eaton Thomas Golfe Thomas Adams John Browne Samuell Browne Thomas Hutchins William Vassall William Pincheon and George Foxcroft their Heires and Assignes for ever To the only proper and absolute vse and behoofe of the said Sir Henry Rosw.ell Sir John Young Sir Richard Saltenstall Thomas Southcott John Humphryes John Endicott Simond Whetcomb Isaac Johnson Samuell Aldersey John Ven Mathew Craddock George Harwood Increase Nowell Mathew Haddock George Harwood Increase Nowell Richard Perry Richard Bellingham Nathaniell Wright Samuell Vassall Theophilus Eaton Thomas Golfe Thomas Adams John Browne Samuell Browne Thomas Hutchins William Vassall William Pincheon and George Foxcroft their Heires and Assignes for evermore To be holden of Our said Royall Grandfather his Heires and Successors as of his Mannor of East Greenwich in the County of Kent within the Realme of England in free and Comon Soccage and not in Capite nor by Knights Service And alsoe yeilding and paying therefore to Our said Royall Grandfather his Heires and Successors the Fifth part only of all the Oar of Gold and Silver which from time to time and at all times thereafter should be gotten had and obteyned for all services Exacons and demands whatsoever *Provided*, always and his Majesties expresse Will and meaning was that only one Fifth parse of all the Gold and Silver Oar above menconed in the whole and no more should be answered reserved and payable vnto Our said Royall Grandfather his Heires and Successors by colour or vertue of the said last menconed Letters Patents the double reservacons or recitalls aforesaid or any thing therein conteyned notwithstanding And to the end that the affaires and buisnesse which from time to time should happen and arise concerning the said Lands and the Plantacons of the same might be the better mannaged and ordered and for the good Government thereof Our said Royall Grandfather King Charles the First did by his said Letters Patents Create and make the said Sir Henry Roswell Sir John Young Sir Richard Saltenstall Thomas Southcott John Humphreys John Endicott Symond Whetcomb Isaac Johnson Samuell Aldersey John Ven Mathew Caddock George Harwood Increase Nowell Richard Perry Richard Bellingham Nathaniell Wright Samuell Vassall and Theophilus Eaton Thomas Golfe Thomas Adams John Browne Samuell Browne Thomas Hutchins William Vassall William Pincheon and George Foxcroft and all such others as should thereafter be admitted and made free of the Company and Society therein after menconed one Body Politique and Corporate in fact and name by the Name of the Governour and Company of the Massachusetts Bay in New England and did grant onto them and their Successors divers powers Liberties and trivedges as in and by the said Letters Patents may more fully and at large appears *And whereas* the said Governour and Company of the Massachusetts Bay in New England by vertue of the said Letters Patents did settle a Collony of the English in the said parts of America and divers good Subjects of this Kingdome encouraged and invited by the said Letters Patents did Transport themselves and their Educts into the same whereby the said Plantacon did become very populous and divers Counties Townes and Places were created erected made seforth or designed within the said parts of America by the said Governour and Company for the time being *And Whereas* in the Terme of the holy Trinity in the Thirty Sixth yeare of the Reigne of Our dearest Vncle King Charles the Second a Judgment was given in Our Court of Chancery then sitting at Westminster(5) vpon a Writt of Scire Facias brought and prosecuted in the said Court against the Governour and Company of the Massachusetts Bay in New England that the said Letters Patents of Our said Royall Grandfather King Charles the First bearing date at Westminster the Fourth day of March in the Fourth yeare of his Reigne made and granted to the said Governour and Company of the Massachusetts Bay in New F.ngland and the Enrollment of the same should be cancelled vacated and annihilated and should be brought into the said Court to be cancelled (as in and by the said Judgment remaining vpon Record in the said Court doth more at large appease) *And whereas* severall persons employed as Agents in behalfe of Our said Collony of the Massachusetts Bay in New England have made their humble application vnto Vs that Wee would be graciously pleased by Our Royall Charter to Incorporate Our Subjects in Our said Collony and to grant and confirms Into them such powers priviledges and Franchises as [in] Our Royall Wisdome should be thought most conducing to Our Interest and Service and to the Welfare and happy State of Our Subjects in New England and Wee being graciously pleased to gratifie Our said Subjects And alsoe to the end.Our good Subjects within Our Collony of New Plymouth in New England aforesaid may be brought under such a forme of Government as may put them in a better Condicon of defence and considering aswell the granting vnto them as onto Our Subejects in the said Collony of the Massachusetts Bay Our Royall Charter with reasonable Powers and Priviledges will much tend not only to the safety but to the Flourishing estate of Our Subjects in the said parts of New England and alsoe to the advanceing of the ends for which the said Plantancons were at first encouraged of Our especial Grace certaine knowledge and meer Mocon have willed and ordeyned and Wee doe by these presents for Vs Our Heires and Successors Will and Ordeyne Chat the Territories and Collnyes camonly called or known by the Names of the Collony of the Massachusetts Bay and Collony of New Plymouth the Province of Main the Territorie called Accadia or Nova Scotia and all that Tract of Land lying betweene the said Territories of Nova Scotia and the said Province of Main be Erected ignited and Incorporated And Wee doe by these presents Vnite Erect and Incorporate the same into one reall Province by the Name of Our Province of the Massachusetts Bay in New England And of Our especial Grace certaine knowledge and meer Mocon Wee have given and granted and by these presents for Vs Our Heires and Successors doe give and grant onto Our good Subjects the Inhabitants of Our said Province or Territory of the Massachusetts Bay and their Successors all that parse of New England in America lying and extending from the greate River comonly called Monomack als Merrimack on the Northpart and from three Miles Northward of the said River to the Atlantick or Western Sea or Ocean on the South part And all the Lands and Hereditaments whatsoever lying within the limits aforesaid and extending as fare as the Outermost Points or Promontories of Land called Cape Cod and Cape Mallabar North and South and in Latitude Breadth and in Length and Longitude of and within all the Breadth and Compass aforesaid throughout the Main Land there from the said Atlantick or Western Sea and Ocean on the East parse towards the South Sea or Westward as far as Our Collonyes of Rhode Island Connecticut and the Marragansett (6) Countrey all(7) alsoe all that part or porcon of Main Land beginning at the Entrance of Pescata way Harbour and see to pass vpp the same into the River of Newickewannock and through the same into the furthest head thereof and from thence Northwestward till One Hundred and Twenty Miles be finished and from Piscata way Harbour mouth aforesaid NorthEastward along the Sea Coast to Sagadehock and from the Period of One Hundred and Twenty Miles aforesaid to crosse over Land to the One Hundred and Twenty Miles before reckoned vp into the Land from Piscataway Harbour through Newickawannock River and alsoe the North halfe of the Isles and Shoales together with the Isles of Cappawock and Nantukett near Cape Cod aforesaid and also [all (7)] Lands and Hereditaments lying and being in the Countrey and Territory comonly called Accadia or Nova Scotia And all those Lands and Hereditaments lying and extending betweene the said Countrey or Territory of Nova Scotia and the said River of Sagadahock or any port thereof And all Lands Grounds Places Soiles Woods and Wood grounds Havens Ports Rivers Waters and other Hereditaments and premisses whatsoever lying within the said bounds and limitts aforesaid and every part and.parcell thereof and alsoe all Islands and Isletts lying within tenn Leagues directly opposite to the Main Land within the said bounds and all Mines and Mineralls aswell Royall Mines of Gold and Silver as other Mines and Mineralls whatsoever in the said Lands and premisses or any parse thereof *To Have* and to hold the said Territories Tracts Countreys Lands Hereditaments and all and singular other the premisses with their and every of their Appurtenances to Our said Subjects the Inhabitants of Our said Province of the Massachusetts Bay in New England and their Successors to their only proper vse and behoofe for evermore *To* be holden of Vs Our Heires and Successors as of Our Mannor of East Greenwich in the County of Kent by Fealty only in free and Comon Soccage *yielding* and paying therefore yearly to Vs Our Heires and Successors the Fifth part of all Gold and Silver Oar and pretious Stones which shall from time to time and at all times hereafter happen to be found gotten had and obteyned in any of the said Lands and premisses or within any part thereof *Provided* neverthelesse and Wee doe for Vs Our Heires and Successors Grant and ordeyne that all and every such Lands Tenements and Hereditaments and all other estates which any person or persons or Bodyes-Politique or Corporate Townes

Villages Colledges or Schooles doe hold and enjoy or ought to hold and enjoy within the bounds aforesaid by or vnder any Grant or estate duely made or granted by any Generall Court formerly held or by vertue of the Letters Patents herein before recited or by any other lawfull Right or Title whatsoever shall be by such person and persons Bodies Politique and Corporate Townes Villages Colledges or Schoolss their respective Heires Successors and Assignes for ever hereafter held and enjoyed according to the purport and Intent of such respective Grant vnder and Subject neverthelesse to the Rents and Services thereby reserved or made payable any matter or thing whatsoever to the contrary notwithstanding And *Provided* alsoe that nothing herein conteyned shall extend or be vnderstood or taken to impeach or prejudice any right title Interest or demand which Samuel Allen of London Merchant claiming from and vnder John Mason Esqr deceased or any other person or persons hath or have or claimeth to have hold or enjoy of in to or out of any part or parts of the premises scituate within the limitts above menconed But that the said Samuel Allen and all and every such person and persons may and shall have hold and enjoy the same in such manner (and no other then) as if these presents had not been had or made It being Our further Will and Pleasure that no Grants or Conveyances of any Lands Tenements or Hereditaments to any Townes Colledges Schooles of Learning or to any private person or persons shall be judged or taken to be avoided or prejudiced for or by reason of any want or defect of Form but that the same stand and remaine in force and be mainteyned adjudged and have effect in the same manner as the same should or ought before the time of the said recited Judgment according to the Laws and Rules then and there vsually practiced and allowed And Wee doe further for Vs Our Heires and Successors Will Establish and ordeyne that from henceforth for ever there shall be one Gouverour One Leivtent or Deputy Gouvernour and One Secretary of Our said Province or Territory to be from time to time appointed and Commissionated by Vs Our Heires and Successors and Eight and Twenty Assistants or Councillors to be advising and assisting to the Gouvernour of Our said Province or Territory for the time being as by these presents is hereafter directed and appointed which said Councillors or Assistants are to be Constituted Elected and Chosen in such forme and manner as hereafter in these presents is expressed And for the better Execucon of Our Royall Pleasure and Grant in this behalfe Wee doe by these presents for Vs Our Heires and Successors Nominate Ordeyne make and Constitute Our Trusty and Welbeloved Simon Broadstreet John Richards Nathaniel Saltenstall Wait Winthrop John Phillipps James Russell Samuel Sewall Samuel Appleton Barthilomew Gedney⁽⁸⁾ John Hawthorn Elisha Hutchinson Robert Pike Jonathan Curwin John Jolliffe Adam Winthrop Richard Middlecot John Foster Peter Serjeant Joseph Lynd Samuel Hayman Stephen Mason Thomas Hincley William Bradford John Walley Barnabas Lothrop Job Alcott Samuel Daniell and Silvanus Davis Esquires the first and present Councillors or Assistants of Our said Province to continue in their said respective Offices or Trusts of Councillors or Assistants vntill the last Wednesday in May which shall be in the yeare of Our Lord One Thousand Six Hundred Ninety and Three and vntill other Councillors or Ass-stants shall be chosen and appointed in their stead in such manner as in these presents is expressed And Wee doe further by these presents Constitute and appoint Our Trusty and welbeloved Isaac Addington Esquier to be Our first and present Secretary of Our said Province during Our Pleasure *And Our* Will and Pleasure is that the Gouvernour of Our said Province from the time being shall have Authority from time to time at his discretion to assemble and call together the Councillors or Assistants of Our said Province for the time being and that the said Gouvernour with the said Assistants or Councillors or Seaven of them at the least shall and may from time to time hold and keep a Councill for the ordering and directing the AFEaires of Our said Province *And further* Wee Will and by these presents for Vs Our Heires and Successors doe ordeyne and Grant that there shall and may be convened held and kept by the Gouvernour for the time being vpon every last Wednesday in the Moneth of May every yeare for ever and at all such other times as the Gouvernour of Our said Province shall think fitt and appoint a great and Generall Court of Assembly Which said Great and Generall Court of Assembly shall consist of the Gouvernour and Councill or Assistants for the time being and of such-Freeholders of Our said Province or Territory as shall be from time to time elected or deputed by the Major parse of the Freeholders and other Inhabitants of the respective Townes or Places who shall be present at such Elecons Each of the said Townes and Places being hereby impowered to Elect and Depute Two Persons and noe more to serve for and represent them respectively in the said Great and Generall Court or Assembly To which Great and Generall Court or Assembly to be held as aforesaid Wee doe hereby for Vs Our Heires and Successors give and grant full power and authority from time to time to direct appoint and declare what Number each County Towne and Place shall Elect and Depute to serve for and represent them respectively in the said Great and Generall Court or Assembly *Provided* always that noe Freeholder or other Person shall have a Vote in the Elecon of Members to serve in any Greate and Generall Court or Assembly to be held as aforesaid who at the time of such Elecon shall not have an estate of Freehold in Land within Our said Province or Territory to the value of Forty Shillings per Annu at the least or other estate to the value of Forty pounds Sterl' And that every Person who shall be soe elected shall before he silt or Act in the said Great and Generall Court or Assembly take the Oaths menconed in an Act of Parliament made in the first yeare of Our Reigne Entituled an Act for abrogateing of the Oaths of Allegiance and Supremacy and appointing other Oaths and thereby appointed to be taken instead of the Oaths of Allegiance and Supremacy and shall make Repeat and Subscribe the Declaracon menconed in the said Act before the Gouvernour and Lievtent or Deputy Gouvernour or any two of the Assistants for the time being who shall be therevnto authorized and Appointed by Our said Gouvernour and that the Gouvernour for the time being shall have full power and Authority from time to time as he shall Judge necessary to adjourns Prorogue and dissolve all Great and Generall Courts or Assemblies met and convened as aforesaid And Our Will and Pleasure is and Wee doe hereby for Vs Our Heires and Successors Grant Establish and Ordeyne that yearly once in every yeare for ever hereafter the aforesaid Number of Eight and Twenty Councillors or Assistants shall be by the Generall Court or Assembly newly chosen that is to say Eighteen at least of the Inhabitants of or Proprietors of Lands within the Territory formerly called the Collony of the Massachusetts Bay and four at the least of the Inhabitants of or Proprietors of Lands within the Territory formerly called New Plymouth and three at the least of the Inhabitants of or Proprietors of Land within the Territory formerly called the Province of Main and one at the least of the Inhabitants of or Proprietors of Land within the Territory lying between the River of Sagadahoc and Nova Scotia And that the said Councillors or Assistants or any of them shall or may at any time hereafter be removed or displaced from their respective Places or Trust of Councillors or Assistants by any Great or Generall Court or Assembly And that if any of the said Councillors or Assistants shall happen to dye or be removed as aforesaid before the Generall day of Elecon That then and in every such Case the Great and Generall Court or Assembly at their first sitting may proceed to a New Elecon of one or more Councillors or Assistants in the roome or place of such Councillors or Assistants soe dying or removed And Thee doe further Grant and Ordeyne that it shall and may be lawfull for the said Gouvernour with the advice and consent of the Councill or Assistants from time to time to nominate and appoint Judges Commissioners of Oyer and Terminer Sheriffs Provosts Marshalls Justices of the Peace and other Officers to Our Councill and Courts of Justice belonging *Provided* always that noe such Nominacon or Appointment of Officers be made without notice first given or summons Issued out seaven dayes before such Nominacon or Appointment onto such of the said Councillors or Assistants as shall be at that time residing within Our said Province *And Our* Will and Pleasure is that the Gouvernour and Leivtent or Deputy Gouvernour and Councillors or Assistants for the time being and all other Officers to be appointed or Chosen as aforesaid shall before the Undertaking the Execucon of their Offices and Places respectively take their severall and respective Oaths for the due and faithfull performance of their duties in their severall and respective Offices and Places and alsoe the Oaths appointed by the said Act of Parliament made in the first yeare of Our Reigne to be taken instead of the Oaths of Allegiance and Supremacy and shall make repeate and subscribe the Declaracon menconed in the said Act before such Person or Persons as are by these presents herein after appointed (that is to say) The Gouvernour of Our said Province or Territory for the time being shall take the said Oaths and make repeate and subscribe the said Declaracon before the Leivtent or Deputy Gouvernour or in his absence before any two or more of the said Persons hereby Nominated and appointed the present Councillors or Assistants of Our said Province or Territory to whom Wee doe by these presents give full power and Authority to give and administer the same to Our said Gouvernour accordingly and after Our said Gouvernour shall be sworn and shall have subscribed the said Declaracon that then Our Leivtent or Deputy Gouvernour for the time being and the Councillors or Assistants before by these presents Nominated and appointed shall take the said Oaths and make repeat and subscribe the said Declaracon before Our said Gouvernour and that every such person or persons as shall (at any time of the Annuall Elecons or otherwise vpon death or removeall) be appointed to be the New Councillors or Assistants and all other Officers to bee hereafter chosen from time to time shall take the Oaths to their respective Offices and places belonging and alsoe the said Oaths appointed by the said Act of Parliament to be taken instead of the Oaths of Allegiance and Supremacy and shall make repeate and subscribe the declaracon menconed in the said Act before the Gouvernour or Leivtent or Deputy Gouvernour or any two or more Councillors or Assistants or such other Person or Persons as shall be appointed thereunto by the Gouvernour for the time being to whom Wee doe therefore by these presents give full power and authority from time to time to give and administer the same respectively according to Our true meaning herein before declared without any Commission or further Warrant to bee had and obteyned from vs Our Heires and Successors in that behalfe And Our Will and Pleasure is and Wee doe hereby require and Comand that all and every person and persons hereafter by Vs Our Heires and Successors nominated and appointed to the respective Offices of Gouvernour or Leivt or Deputy Gouvernour and Secretary of Our said Province or Territory (which said Gouvernour or Leivt or Deputy Gouvernour and Secretary of Our said Province or Territory for the time being Wee doe hereby reserve full power and Authority to Vs Our Heires and Successors to Nominate and appoint accordingly, shall before he or they be admitted to the Execucon of their respective Offices take as well the Oath for the due and faithfull performance of the said Offices respectively as alsoe the Oaths appointed by the said Act of Parliament made in the said First yeare of Our Reigne to be taken instead of the said Oaths of Allegiance and Supremacy and shall alsoe make repeate and subscribe the Declaracon appointed by the said Act in such manner and before such persons as aforesaid *And further* Our Will and Pleasure is and Wee doe hereby for Vs Our Heires and Successors Grant Establish and Ordaine That all and every of the Subjects of Vs Our Heires and Successors which shall goe to and Inhabit within Our said Province and Territory and every of their Children which shall happen to be born there or on the Seas in goeing thither or returning from thence shall have and enjoy all Liberties and Immunities of Free and naturall Subjects within any of the Dominions of Vs Our Heires and Successors to all Intents Construccions and purposes whatsoever as if they and every of them were borne within this *Our Realme* of England and for the greater Ease and Encouragement of Our Loveing Subjects Inhabiting our said Province or Territory of the Massachusetts Bay and of such as shall come to Inhabit there Wee doe by these presents for vs Our heires and Successors Grant Establish and Ordaine that for ever hereafter there shall be a liberty of Conscience allowed in the Worshipp of God to all Christians (Except Papists) Inhabiting or which shall Inhabit or be Resident within our said Province or Territory And Wee doe hereby Grant and Ordaine that the Gouernor or leivtent or Deputy Gouernor of our said Province or Territory for the time being or either of them or any two or more of the Councill or Assistants for the time being as shall be "hereunto appointed by the said Gouernor shall and may at all times and from time to time hereafter have full Power and Authority to Administer

and give the Oathes appointed by the said Act of Parliament made in the first yeare of Our Reigne to be taken instead of the Oathes of Allegiance and Supremacy to all and every person and persons which are now Inhabiting or residing within our said Province or Territory or which shall at any time or times hereafter goe or passe thither And wee doe of our further Grace certaine knowledge and meer mocon Grant Establish and Ordaine for Vs our heires and Successors that the great and Generall Court or Assembly of our said Province or Territory for the time being Convened as aforesaid shall for ever have full Power and Authority to Erect and, Constitute Judicatories and Courts of Record or other Courts to be held in the name of Vs Our heires and successors for the Hearing Trying and Determining of all manner of Crimes Odences Pleas Processes Plaints Accons Matters Causes and things whatsoever arising or happening within Our said Province or Territory or between persons Inhabiting or residing there whether the same be Criminall or Civill and whether the said Crimes be Capitall or not Capitall and whether the said Pleas be Reall personall or mixt and for the awarding and making out of Execution thereupon To which Courts and Judicatories wee doe hereby for vs our heirs and Successors Give and Grant full power and Authority from time to time to Administer oathes for the better Discovery of Truth in any matter in Controversy or depending before them *And* wee doe for vs Our Heires and Successors Grant Establish and Ordaine that the Gouverneur of our said Province or Territory for the time being with the Councill or Assistants may doe execute or performe all that is necessary for the Probate of Wills and Granting of Administracons for touching or concerning any Interest or Estate which any person or persons shall have within our said Province or Territory *And whereas* Wee judge it necessary that all our Subjects should have liberty to Appeale to vs our heires and Successors in Cases that may deserve the same Wee doe by these presents Ordaine that incase either party shall not rest satisfied with the Judgement or Sentence of any Judicatories or Courts within our said Province or Territory in any Personall Accon wherein the matter in difference doth exceed the value of three hundred Pounds Sterling that then he or they may appeale to vs Our heires and Successors in our or their Privy Councill Provided such Appeale be made within Fourteen dayes after ye Sentence or Judgement given and that before such Appeale be allowed Security be given by the party or parties appealing in the value of the matter in Difference to pay or Answer the Debt or Damages for the which Judgement or Sentence is given With such Costs and Damages as shall be Awarded by vs Our Heires or Successors incase the Judgement or Sentence be affirmed *And Provided* alsoe that no Execution shall be stayd or suspended by reason of such Appeale vnto vs our Heires and Successors in our or their Privy Councill soe as the party Sueing or taking out Execution doe in the like manner give Security to the value of the matter in difference to make Restitucion in Case the said Judgement or Sentence be reversed or annul'd upon the said Appeale *And* we doe further for vs our Heires and Successors Give and Grant to the said Governor and the great and Generall Court or Assembly of our said Province or Territory for the time being full power and Authority from time to time to make ordaine and establish all manner of wholesome and reasonable Orders Laws Statutes and Ordinances Directions and Instructions either with penalties or without (soe as the same be not repugnant or contrary to the Lawes of this our Realme of England) as they shall Judge to be for the-good and welfare of our said Province or Territory And for the Government and Ordering thereof and of the People Inhabiting or who shall Inhabit the same and for the necessary support and Defence of the Government thereof *And* wee doe for vs our Heires and Successors Giue and grant that the said Generall Court or Assembly shall have full power and Authority to name and settle annually all Civill Officers within the said Province such Officers Excepted the Election and Constitution of whome wee have by these presents reserved to vs Our Heires and Successors or to the Governor of our said Province for the time being and to Sett forth the severall Duties Powers and Lymitts of every such Officer to be appointed by the said Generall Court or Assembly and the formes of such Oathes not repugnant to the Lawes and Statutes of this, our Realme of England as shall be respectiuey Administered vnto them for the Execution of their severall Offices and places And alsoe to impose Fines mulcts Imprisonments and other Punishments And to impose and leavy proportionable and reasonable Assessments Rates and Taxes vpon the Estates and Persons of all and every the Proprietors and Inhabitants of our said Province or Territory to be Issued and disposed of by Warrant vnder the hand of the Governor of our said Province for the time being with the advice and Consent of the Councill for Our service in the necessary defence and support of our Government of our said Province or Territory and the Protection and Preservation of the Inhabitants there according to such Acts as are or shall be in force within our said Province and to dispose of matters and things whereby our Subjects inhabitants of our said Province may be Religiously peaceably and Civilly Governed Protected and Defended soe as their good life and orderly Conversation may win the Indians Natives of the Country to the knowledge and obedience of the onely true God and Saviour of Mankind and the Christian Faith which his Royall Majestie our Royall Grandfather king Charles the first in his said Letters Patents declared was his Royall Intentions And the Adventurers free Possession⁽⁹⁾ to be the Princepall end of the said Plantation And for the better securing and maintaining Liberty of Conscience hereby granted to all persons at any time being and residing within our said Province or Territory as aforesaid *Willing* Comanding and Requiring and by these presents for vs Our heires and Successors Ordaining and appointing that all such Orders Lawes Statutes and Ordinances Instructions and Directions as shall be soe made and published vnder our Seale of our said Province or Territory shall be Carefully and duely observed kept and performed and put in Execution according to the true intent and meaning of these presents *Provided* alwaies and Wee doe by these presents for vs Our Heires and Successors Establish and Ordaine that in the framing and passing of all such Orders Laws Statutes and Ordinances and in all Elections and Acts of Government whatsoever to be passed made or done by the said Generall Court or Assembly or in Councill the Governor of our said Province or Territory of the Massachusetts Bay in New England for the time being shall have the Negative voice and that without his consent or Approbation signified and declared in Writing no such Orders Laws Statutes Ordinances Elections or other Acts of Government whatsoever soe to be made passed or done by the said Generall Assembly or in Councill shall be of any Force effect or validity anything herein contained to the contrary in anywise notwithstanding *And* wee doe for vs Our Heires and Successors Establish and Ordaine that the said Orders Laws Statutes and Ordinances be by the first opportunity after the making thereof sent or Transmitted vnto vs Our Heires and Successors under the Publique Seale to be appointed by vs for Our or their approbation or Disallowance And that incase all or any of them shall at any time within the space of three years next after the same shall have presented to vs our Heires and Successors in Our or their Privy Councill be disallowed and rejected and soe signified by vs Our Heires and Successors under our or their Signe Manuall and Signett or by or in our or their Privy Councill vnto the Governor for the time being then such and soe many of them as shall be soe disallowed and rjected⁽¹⁰⁾ shall thenceforth cease and determine and become vtterly void and of none effect *Provided* alwaies that incase Wee our Heires or Successors shall not within the Terme of Three Yeares after the presenting of such Orders Lawes Statutes or Ordinances as aforesaid signifie our or their Disallowance of the same Then the said orders Lawes Statutes or Ordinances shall be and continue in full force and effect according to the true Intent and maneing of the same vntill the Expiracon thereof or that the same shall be Repealed by the Generall Assembly of our said Province for the time being *Provided* alsoe that it shall and may be Lawfull for the said Governor and Generall Assembly to make or passe any Grant of Lands lying within the Bounds of the Colonys formerly called the Collonys of the Massachusetts Bay and New Plymouth and province of Main in such manner as heretofore they might have done by vertue of any former Charter or Letters Patents which grants of lands within the Bounds aforesaid Wee doe hereby Will and ordaine to be and continue for ever of full force and effect without our further Approbation or Consent And soe as Neverthesse and it is Our Royall Will and Pleasure That noe Grant or Grants of any Lands lying or extending from the River of Sagadehock to the Gulph of St: Lawrence and Canada Rivers and to the Main Sea Northward and Eastward to be made or past by the Governor and Generall Assembly of our said Province be of any force validity or Effect vntill Wee Our Heires and Successors shall have Signified Our or their Approbacon of the same *And* Wee doe by these presents for vs Our Heires and Successors Grant Establish and Ordaine that the Governor of our said Province or Territory for the time being shall have full Power by himselfe or by any Cheif Comander or other Officer or Officers to be appointed by him from time to time to traine instruct Exercise and Govenre the Militia there and for the speciall Defence and Safety of Our said Province or Territory to assemble in Martiall Array and put in Warlike posture the Inhabitants of Our said Province or Territory and to lead and Conduct them and with them to Encounter Expulse Repell Resist and pursue by force of Armes aswell by Sea as by Land within or without the limitts of Our said Province or Territory and alsoe to kill slay destroy and Conquer by all fitting wayes Enterprises and meanes whatsoever all and every such Person and Persons as shall at any time hereafter Attempt or Enterprize the destrucion Invasion Detriment or Annoyance of Our said Province or Territory and to vse and exercise the Law Martiall in time of actual Warr Invasion or Rebellion as occasion shall necessarily require and alsoe from time to time to Erect Forts and to fortifie any place or Places within Our said Province or Territory and the same to furnish with all necessary Amunicon Provisions and Stores of Warr for Odence or Defence and to comitt from time to time the Custody and Government of the same to such Person or Persons as to him shall seem meet And the said Forts and Fortificacons to demolish at his Pleasure and to take and surprise by all waies and meanes whatsoever all and every such Person or Persons with their Shippes Arms Ammuncon and other goods as shall in a hostile manner Invade or attempt the Invading Conquering or Annoying of Our said Province or Territory *Provided* alwayes and Wee doe by these presents for Vs Our Heires and Successors Grant Establish and Ordeyne That the said Governour shall not at any time hereafter by vertue of any power hereby granted or hereafter to be granted to him Transport any of the Inhabitants of Our said Province or Territory or oblige them to march out of the Limitts of the same without their Free and voluntary consent or the Consent of the Great and Generall Court or Assembly or Our said Province or Territory nor grant Comissions for exercising the Law Martiall vpon any the Inhabitants of Our said Province or Territory without the Advice and Consent of the Councill or Assistants of the same *Provided* in like manner and Wee doe by these presents for Vs Our Heires and Successors Constitute and Ordeyne that when and as often as the Governour of Our said Province for the time being shall happen to dye or be displaced by Vs Our Heires or Successors or be absent from his Government That then and in any of the said Cases the Leivtenant or Deputy Governour of Our said Province for the time being shall have full power and authority to doe and excoute all and every such Acts Matters and things which Our Governour of Our said Province for the time being might or could by vertue of these Our Letter Patents lawfully doe or execute if he were personally present vntill the returne of the Governour soe absent or Arrivall or Constitucon of such other Governour as shall or may be appointed by Vs Our Heires or Sueueors in his stead and that when and as often as the Governour and Leivtenant or Deputy Governour of Our said Province or Territory for the time being shall happen to dye or be displaced by Vs Our Heires or Successors or be absent from Our said Province and that there shall be no person within the said Province Comissionated by Vs Our Heires or Successors to be Governour within the same Then and in every of the said cases the Councill or Assistants of Our said Province shall have full power and Authority and Wee doe hereby give and grant vnto the said Councill or Assistants of Our said Province for the time being or the Major parse of them full power and Authority to doe and execute all and every such Acts matters and things which the said Governour or Leivtenant or Deputy Governour of Our said Province or Territory for the time being might or could lawfully doe or exercise if they or either of them were personally present vntill the

returne of the Governour Leivtenant or Deputy Governour soe absent or Arrivall or Constitucon of such other Governour or Leivtenant or Deputy Governour as shall or mav be appointed by Vs Our Heires or Successors from time to time *Provided* alwaies and it is hereby declared that nothing herein shall extend or be taken to Erect or grant or allow the Exercise of any Admirall Court Jurisdicon Power or Authority but that the same shall be and is hereby reserved to Vs and Our Successors and shall from time to time be Erected Granted and exercised by vertue of Commissions to be yssued vnder the Great Seale of England or vnder the Seale of the High Admirall or the Comissioners for executing the Office of High Admirall of England *And further* Our expresse Will and Pleasure is And Wee doe by these present for Vs Our Heires and Successors Ordaine and appoint that these Our Letters Patents shall not in any manner Enure or be taken to abridge bar or hinder any of Our loveing Subjects whatsoever to vse and exercise the Trade of Fishing vpon the Coasts of New England but that they and every of them shall have full and free power and Libertie to continue and vse their said Trade of Fishing vpon the said Coasts in any of the seas therevnto adjoining or any Arms of the said Seas or Salt Water Rivers where they have been wont to fish and to build and set vpon the Lands within Our said Province or Collony lying west and not then possesst by perticuler Proprietors such Wharfes Stages and Workhouses as shall be necessary for the salting drying keeping and packing of their Fish to be taken or gotten vpon that Coast And to Cutt down and take such Trees and other Materialls there growing or being or growing (11) vpon any parts or places lying west and not then in possession Of particular proprietors as shall be needfull for that purpose and for all other necessary easments helps and advantages concerning the Trade of Fishing there in such manner and forme as they have been heretofore at any time accustomed to doe without maketng any Wilfull Wast or Spoile any thing in these presents conteyned to the contrary notwithstanding *And lastly* for the better providing and furnishing of Masts for Our Royall Navy Wee doe hereby reserve to Vs Our Heires and Successors all Trees of the Diameter of Twenty Four Inches and upwards of Twelve Inches from the ground growing vpon any soyle or Tract of Land within Our said Province or Territory not heretofore granted to any private persons And Wee doe restrains and forbid all persons whatsoever from felling cutting or destroying any such Trees without the Royall Lycence of Vs Our Heires and Successors first had and obteyned vpon penalty of Forfeiting One Hundred Pounds sterling vnto Ous Our Heires and Successors for every such Tree soe felled cult or destroyed without such Lycence had and (12) obteyned in that behalfe any thing in. these presents contevned to the contrary in any wise Notwithstanding *In Witnesse* whereof Wee-have caused these our Letters to be made Patents *Witnesse* Ourselves att Westminster the Seaventh Day of October in the Third yeare of Our Reigne

By Writt of Privy Seale

PIGOTT

Pro Fine in Hanaperio quadragint Marcas

J. TREVOR C. S.

K. W. RAWLINSON C. S.

L. G. HUTCHNS C. S. (13)

(1) The charter of 1629 had been cancelled by a judgment of the high court of chancery of England June 18, 1684.

The Charters and General Laws of the Colony and Province of Massachusetts Bay, Published by order of the General Court, Boston, T. B. Wait and Cc., 1814, pp. 18-37 [Back](#)

(2) These words occur in the printed copies, but are not in the original. See also colony charter. [Back](#)

(3) Omitted in the original. [Back](#)

(4) Liberties [Back](#)

(5) Winchester, in the Charters and General Laws, Boston: 1814, [Back](#)

(6) Naragansett. [Back](#)

(7) In printed copies this is " the," but the omission in the original seems better supplied as above. [Back](#)

(8) Gidney, in the Charters and General Laws. Boston: 1814. [Back](#)

(9) Profession. [Back](#)

(10) Rejected. [Back](#)

(11) The words "or growing " not found in reprint. [Back](#)

(12) " or " in reprint, supra. [Back](#)

(13) Sir John Trevor, Sir William Rawlinson, and Sir George Hutchins were appointed lords commissioners of the great seal May 15, 1690, and were succeeded by Lord Somers as chancellor May 3, 1693. [Back](#)

Source:

The Federal and State Constitutions Colonial Charters, and Other Organic Laws of the States, Territories, and Colonies Now or Heretofore Forming the United States of America
Compiled and Edited Under the Act of Congress of June 30, 1906 by Francis Newton Thorpe
Washington, DC : Government Printing Office, 1909.

Colonial Charters Page

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Explanatory Charter of Massachusetts Bay - 1725

GEORGE BY THE GRACE OF GOD of Great Britain France and Ireland king Defender of the Faith &c *To all* to whom these Presents shall come Greeting *Whereas* Our late Royal Predecessors William and Mary King and Queen of England &c Did by their [letters Patents](#) under their Great Seal of England bearing Date at Westminster the Seventh day of October in the Third year of their Reign for themselves their Heires and Successors Vnite Erect and Incorporate the Territories and Colonies commonly called or known by the Names of the Colony of the Massachusetts Bay and Colony of New Plymouth the Province of Main the Territory called Accada or Nova Scotia and all that Tract of land lying between the said Territorys of Nova Scotia and the said Province of Main into One Reall Province by the Name of Our Province of the Massachusetts Bay in New England *And Whereas* their said late Majesties King William and Queen Mary did by the said recited [letters Patents](#) (amongst other things therein contained) for themselves their Heires and Successors Ordain and Grant that there should and might be Convened held and kept by the Governor for the time being upon every last Wednesday in the Month of May every year forever and at all such other times as the Governor of their said Province should think fitt and Appoint a Great and Generall Court or Assembly which said Great and Generall Court or Assembly should Consist of the Governour and Council or Assistants for the time being and of such Freeholders of their said Province or Territory as should be from time to time elected or deputed by the major part of the Freeholders and other Inhabitants of the respective Towns or places who should be present at such Eleccons each of the said Towns and places being thereby impowered to Elect and Depute two Persons and no more to Serve for and represent them respectively in the. said Great and Generall Court or Assembly and that the Governor for the time being should have full Power and Authority from time to time as he should Judge necessary to adjourn Prorogue and Dissolve all Great and General Courts or Assemblies met and Convened as aforesaid And did thereby also for themselves their Heires and Successors Provide Establish and Ordain that in the Framing and Passing of all Orders laws Statutes and Ordinances and in all Eleccons and Acts of Government whatsoever to be passed made or done by the said General Court or Assembly or in Council the Governor of the said Province or Territory of the Massachusetts Bay in :New England for the time being should have the Negative Voice and that without his Consent or Approbacon Signified and Declared in writing no such Orders laws Statutes Ordinances Eleccons or other Acts of Government whatsoever so to be made passed or done by the said General Assembly or in Council should be of any force Effect or Validity any thing therein contained to the contrary in any wise notwithstanding as in and by the said [letters Patents](#) (relacon being therevnto had) may more fully and at large appeare *And Whereas* no provision is made by the said recited [letters Patents](#) touching the Nominacon and Eleccon of a Speaker of the Representatives Assembled in any Great and Generall Court of Our said Province nor any particular Reservacon made of the Right of Vs Our Heires and Successors to approve or disapprove of such Speaker by the Governor of the said Province appointed or to be appointed by Vs or them for the time being And no power is Granted by the said recited [letters Patents](#) to the said House of Representatives to adjourn themselves for any time whatsoever by means whereof divers Doubts and Controversies have Arisen within Our said Province to the Interrupcon of the Publick Business thereof and the obstrucon of Our Service *Know Yee* therefore that for removing the said Doubts and Controversies and preventing the like mischiefs for the future And also for the further Explanacon of the said recited [letters Patents](#) Wee of Our Especial Grace certain knowledge and meer mocon Have Granted Ordained and Appointed And by these Presents for Vs Our Heirs and Successors Do Will Grant Ordain and Appoint that for ever hereafter the Representatives Assembled in any Great or General Court of Our said Province to be hereafter Summoned shall upon the first day of their Assembling Elect a fit Person out of the said Representatives to be Speaker of the House of Representatives in such General Court and that the Person so Elected shall from time to time be presented to the Governor of Our said Province for the time being or in his absence to the lieutenant Governor or Comander in Chief of Our said Province for the time being for his Approbacon to which Governor lieutenant Governor and Comander in Chief respectively Wee do hereby for Vs Our Heires and Successors give full power and Authority to approve or disapprove of the Person so Elected and presented which approbacon or disapprobacon shall be Signified by him by Message in writing under his Hand to the said House of Representatives And in Case such Governour lieutenant Governor or Comander in Chief shall disapprove of the Person so Elected and presented or the Person so Elected and presented being approved as aforesaid shall happen to dye or by Sickness or otherwise be disabled from Officiating as Speaker in every such Case the said Representatives so Assembled shall forthwith Elect an other Person to be Speaker of the House of Representatives to be presented and approved or disapproved in manner as aforesaid and so from time to time as often as the Person so Elected and presented shall be disapproved of or happen to dye or become disabled as aforesaid *And Our* further Will and Pleasure is and Wee do by these presents of Our more abundant Grace for Vs Our Heires and Successors Grant Ordain and Appoint that it shall and may be lawfull to and for the Representatives assembled in any Great or Generall Court of Our said Province for the time being for ever hereafter to Adjourn themselves from day to day (and if occasion shall require) for the space of two days but not for any longer time than for the space of two days without leave from the Governor or in his Absence [from] the lieutenant Governor or Comander in Chief of Our said Province for the time being first had and obtained in that behalfe any thing in the said recited letters Patents contained to the Contrary thereof in any wise Notwithstanding Provided always that nothing in these presents contained shall Extend or be Construed to Extend to revoke alter or prejudice the Power and Authority by the said recited letters Patents Granted to the Governor of the said Province for the time being to Adjourn Prorogue and Dissolve all Great and General Courts or Assemblies of Our said Province. *And Lastly* Wee do by these presents for Vs Our Heires and Successors Grant that these Our letters Patents or the Enrollment or Exemplificacon thereof shall be in and by all things good firm valid and Effectual in the law according to the true intent and meaning thereof notwithstanding the not rightly or fully reciting menconing or describing the said recited letters Patents or the Date thereof or any other Omission Imperfeccon Defect matter Cause or thing whatsoever to the Contrary thereof in any wise notwithstanding *In witness* whereof Wee have Caused these Our letters to be made Patents Witness William Archbishop of Canterbury and the rest of the Guardians and Justices of the Kingdom at Westminster the Six and twentieth day of August in the twelfth year of Our Reign

By Writ of Privy Seal

COCKS

Source:

The Federal and State Constitutions Colonial Charters, and Other Organic Laws of the States, Territories, and Colonies Now or Heretofore Forming the United States of America
Compiled and Edited Under the Act of Congress of June 30, 1906 by Francis Newton Thorpe
Washington, DC : Government Printing Office, 1909.

[Colonial Charters Page](#)

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Grant of Hampshire to Capt. John Mason, 7th of Novemr., 1629 [\(1\)](#)

This Indenture made ye Seaventh day of Novembr Anno Dom^v 1629 & in ye Fifth yeeare of ye Reigne of our Sovereigne Lord Charles by ye Grace of God King of England Scotland ffrance & Ireland Defender of the ffaith &c Between ye President & Councell of new England on the one partie & Capt John Mason of London Esqr on ye other partie Witnesseth yt whereas our late Sovereigne Lord of ffamous Memory King James for ye makeing a Plantation & establisshing of a Colony or Colonyes in the Countrey called or knownen by ye name of New England in America did his Highness letters patents under ye greate Seale of England bearing date att Westminster ye third day of Novembr

(1) Historical Collections; Consisting of state Papers, and other authentic Documents; intended as Material for an History of the United states of America. By Ebenezer Hazard, Philadelphia, printed by T. Dodson, for the Author MDCCXCII. I. 289-295.

For all the New Hampshire Grants. charters, Leases, Deeds, Royal Instructions 1620-1746, and later organic acts to 1770 see New Hampshire state Papers, [Edited by Hon. A. S. Batchellor] Vol. XXIX, Concord, N.H. 1896 also, Laws of New Hampshire, Vol. I, Province Period, [679-1702. Manchester, N. H., 1904.

New Hampshire state Papers; XXIX, Vol. VI, pp. US 33. [Back](#)

Source:

The Federal and State Constitutions Colonial Charters, and Other Organic Laws of the States, Territories, and Colonies Now or Heretofore Forming the United States of America
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Grant of Laconia to Sir Ferdinando Gorges and Captain John Mason by the Council for New England; November 17, 1629

This Indenture made the seventeenth day of November Anno Dom. 1629, and in the fifth year of the reign of our sovereign lord Charles, by the grace of God, King of England, Scotland, France, and Ireland, Defender of the Faith, &c., between the President and Council of New England in the one party and Sir Ferdinando Gorges of London, Knight, and Captain John Mason of London, Esquire, on the other party. Witnesseth, that whereas our late sovereign lord of famous memory, King James, for the making a plantation and an establishing of a colony or colonies in the country called or known by the name of New England in America, did by his Highness' letters patent under the great seal of England bearing date at Westminster the third day of November in the eighteenth year of his reign, give, grant, and confirm unto the Right Honorable Lodowick, Duke of Lenox, George, Marquis of Buckingham, James, Lord Marquis of Hamilton, Thomas, Earl of Arundel, Robert, Earl of Warwick, Sir Ferdinando Gorges, Knight, and divers others whose names are expressed in the said letters patent, their heirs and assigns, that they shall be one body politic and corporate perpetual and that they should have perpetual succession and one common seal or seals to serve for the said body and that they and their successors shall be known, called, incorporated by the name of the President and Council established at Plymouth for the planting, ruling, and governing of New England in America, and also did of his special grace, certain knowledge, and mere motion, for him, his heirs, and successors, give, grant, and confirm unto the said President and Council and their successors, under the reservations and limitations and declarations in the said letters patent expressed, all that part and portion of that country now commonly called New England which is situate, lying, and being between the latitude of forty degrees and forty eight of northerly latitude together with the seas and islands lying within one hundred miles of any part of the said coast of the country aforesaid, and also all the lands, soils, grounds, havens, ports, rivers, mines as well royal mines of gold and silver, and other mines, minerals, pearls and precious stones, woods, quarries, marshes, waters, fishing, hunting, hawking, fowling, commodities, and hereditaments whatsoever, together with all perogatives jurisdictions, royalties, privileges, franchises, and preeminences within any of the said territories and precincts thereof whatsoever. To have, hold, possess, enjoy all and singular the said lands and premises in the said letters patent granted or mentioned to be granted unto them the said president and council, their successors and assigns forever. To be holden of his Majesty, his heirs and successors, as of his Highness' manor of East Greenwich in the county of Kent, in free and common socage, and not in capite or by knight's service, yielding and paying to his Majesty, his heirs and successors, the one-fifth part of all gold and silver ore that from time to time, and at all times from the date of the said letters patent, shall be there gotten, had, or obtained for all services, duties, or demands as in and by his Highness' said letters patent amongst divers other things therein contained more full and at large it does and may appear. And whereas the said president and council have upon mature deliberation thought fit for the better furnishing and furtherance of the plantation in those parts to appropriate and allot to several and particular persons divers parcels of lands within the precincts of the aforesaid granted premises by his Majesty's said letters patent, now this Indenture witnesseth that the said president and council of their full, free, and mutual consent as well to the end that all the lands, woods, lakes, locks, rivers, waters, islands, and fishings with all other the traffics, profits, and commodities whatsoever to them or any of them belonging and hereafter in these patents mentioned may be wholly and entirely invested, appropriated, severed, and settled in and upon the said Sir Ferdinando Gorges and Captain John Mason, their heirs and assigns, forever as for divers special services for the advancement of the said plantation and other good and sufficient causes and considerations them especially thereunto moving have given, granted, bargained, sold, assigned, alienated, set over, enfeoffed, and confirmed by these presents do give, grant, bargain, sell, assign, alien, set over, enfeoff, artd confirm unto the said Sir Ferdinando Gorges and Captain John Mason their heirs and assigns, and to their associates and such as they shall allow of and take in to adventure and join with them in their plantation, traffics, and discoveries in the parts hereafter expressed and their heirs and assigns according to contracts with them to be made. All those lands and countries lying adjacent or bordering upon the great lake or lakes or rivers commonly called or known by the name of the River and Lake, or Rivers and Lakes, of the Iroquois, a nation or nations of savage people inhabiting into the landwards between the lines of west and northwest, conceived to pass or lead upwards from the rivers of Sagadahock and Merimack in the country of New England aforesaid, together also with the lakes and rivers of the Iroquois and other nations adjoining the middle part of which lakes situate and lying near about the latitudes of forty four or forty five degrees reckoned from the equinoctial line northwards, as also all the lands, soils, and grounds within ten miles of any part of the said lakes or rivers on the south or east part thereof and from the west end or sides of the said lakes or rivers so far forth to the west as shall extend half way into the next great lake to the westward, and from thence northwards unto the north side of the main river which runs from the great and vast western lakes and falls into the river of Canada, including all the islands within the precinct or perambulation described. As also all the lands, soil, grounds, havens, ports, rivers, mines, minerals, pearls and precious stones, woods, quarries, marshes, waters, fishings, hunting, hawking, fowling trade, and traffic with the savages, and other commodities and hereditaments whatsoever, with all and singular their appurtenances together with all perogatives, rights, royalties, jurisdictions, privileges, franchises, preeminences, liberties, marine power in and upon the said rivers and lakes. As also all escheats and casulaties thereof, flotsam, jetsam and lagon, with anchorages and other such duties, immunities, sects, islets, and appurtenances whatsoever, with all the estate, right, title, interest, claim, and demand whatsoever which the said President and Council and their successors of right ought to have or claim in or to the said portions of lands, rivers, and lakes and other the premises as is aforesaid by reason or force of his Highness' said letters patents, in as free, large, ample, and beneficial manner to all intents, constructions, and purposes whatsoever as in and by the said letters patent the same are amongst other things granted to the said president and council aforesaid, except two-fifths of the ore of gold and silver in these parts hereafter expressed which said portions of lands, rivers, lakes, with the appurtenances the said Sir Ferdinando Gorges and Captain John Mason with the consent of the president and council intend to name The Province of Laconia, to have and to hold all the said portions of land and all the lakes and islands therein contained as aforesaid, and all and singular other the premises hereby given, granted, aliened, enfeoffed, and confirmed or mentioned or intended by these presents to be given, granted, aliened, enfeoffed, and confirmed, with all and singular the appurtenances and every part and parcel thereof unto the said Sir Ferdinando Gorges and Captain John Mason, their heirs and assigns, and their associates contracts with them forever. To be holden of his said Majesty, his heirs and successors, as of his Highness' manor of East Greenwich in the county of Kent, in free and common socage and not in capite or by knight's service, nevertheless with such exceptions, reservations, limitations, and declarations as in the said letters patent are at large expressed, yielding and paying into our sovereign lord the King, his heirs and successors, the fifth part of all the ore of gold and silver that from time to time hereafter shall be there gotten and obtained for all services, duties, and demands. And also yielding and paying unto the said president and council and successors yearly the sum of ten pounds of lawful money of England at one entire payment within ten days after the feast of St. Michael the Archangel yearly. And the said president and council, for them and their successors, do covenant and grant to and with the said Sir Ferdinando Gorges and Captain John Mason, their heirs and assigns, and their associates from and after the sealing and delivering of these presents, according to the purport, true intent, and meaning of these presents, that they shall from henceforth from time to time, forever, peaceably and quietly have, hold, possess, and enjoy all the aforesaid portions of lands, lakes, and rivers with all the islands and premises with the appurtenances hereby before given and granted or mentioned or intended to be hereby given and granted, and every part and parcel thereof, without any let, disturbance, denial, trouble, interruption, or eviction of or by the said president and council or any person or persons whatsoever claiming by, from, or under their estate right, title, or interest. And the said president and council, for them and their successors, do further covenant and grant to and with the said Sir Ferdinando Gorges and Captain John Mason, their heirs and assigns, and their associates' contractors as aforesaid, by these presents that they the said president and council shall at all times hereafter, upon reasonable request, at the only proper costs and charges in the law of the said Sir Ferdinando Gorges and Captain John Mason, their heirs and assigns, and their associates, do make, perform, suffer, execute, and willingly consent unto any further act or acts, conveyance or conveyances, assurance or assurances whatsoever for the good and perfect investing, assuring, conveying, and sure making of all the aforesaid portions of land, lakes, islands, and all and singular their appurtenances to the said Sir Ferdinando Gorges and Captain John Mason, their heirs and assigns, and their associates, or by his, their, or any of their council learned in the law shall be devised, advised, or required. And further, it is agreed by and between the said parties to these presents and the said Sir Ferdinando Gorges and Captain John Mason, for them, their heirs, executors, administrators, and assigns, and their associates, do covenant to and with the said president and council and their successors by these presents that if at any time hereafter there shall be found any ore of gold and silver within the ground wherein any part of the said premises that then they, the said Sir Ferdinando Gorges and Captain John Mason, their heirs and assigns, and associates, shall yield and pay unto the said president and council, their successors and assigns, one-fifth part of all

such gold and silver ore as shall be found within and upon the premises, and Jigged and brought above ground, to be delivered above ground, and that always within reasonable and convenient time, if it be demanded, after the finding, getting, and digging up of such ore as aforesaid without fraud or cunning and accordingly to the true intent and meaning of those presents. And the said Sir Ferdinando Gorges and Captain John Mason do further covenant, for them, their heirs and assigns, and their associates, that they will establish such government in the said portion of land and islands granted unto them and the same will from time to time continue as shall be agreeable as near as may be to the laws and customs of the realm of England, and if they shall be charged at any time to have neglected their duty therein that then they will reform the same according to the directions of the president and council, or in default thereof it shall be lawful for any of the aggrieved inhabitant's planters, being tenants upon the said lands, to appeal to the chief courts of justice of the president and council. And the said Sir Ferdinando Gorges and Captain John Mason do covenant and grant to and with the said president and council, their successors and assigns, by these presents, that the said Sir Ferdinando Gorges and Captain John Mason shall and will before the expiration of three years, to be accounted from the day of the date hereof, have in or upon the said portions of lands, or some part thereof, one fort with a competent guard and ten families at the least of his Majesty's subjects resident and being in and upon the same premises, or in default thereof shall and will forfeit and lose to the said president and council the sum of one hundred pounds sterling money. And further, that if the said Sir Ferdinando Gorges and Captain John Mason, their heirs and assigns, or associates, shall at any time hereafter alien these premises or any part thereof to any foreign nation, or to any person or persons of any foreign nation, without the special license, consent, and agreement of the said president and council, their successors or assigns, that then the part or parts of the said lands so aliened shall immediately return back again to the use of the said president and council. And the said president and council, for themselves and their successors, do further covenant and grant to and with the said Sir Ferdinando Gorges and Captain John Mason, their heirs and assigns, and associates, and by these presents that it shall and may be lawful at all times hereafter to and for the said Sir Ferdinando Gorges and Captain John Mason, their heirs, assigns, and their associates, and the deputies, factors, servants, and tenants of them or any of them to have free egress, regress, way, and passage to enter and pass into and return from and to any of the said demised lands, lakes, and rivers with their ships, boats, barks, or other vessels with their munition and their cattle and commodities of what nature soever from, by, and through any of the lands, rivers, harbors, creeks, or seaports upon the sea coasts or frontier parts of New England aforesaid belonging to the president and council aforesaid without any let, trouble, interruption, molestation, or hindrance of them the said president and council, their successors or assigns, or of any other person or persons claiming under them or by their means or procurement. And for the better accommodation of them the said Sir Ferdinando Gorges and Captain John Mason, their heirs, assigns, and associates, in their intended traffics and plantations above in the said lakes of the Iroquois whither their goods and merchandises from the sea ports are to be after landing transported, it shall be lawful for them to make choice of and take and possess for the use of them the said Sir Ferdinando Gorges and Captain John Mason, their heirs, assigns, and associates, and their deputies, factors, tenants, and planters of their colonies in any of the ports, harbors, or creeks in New England lying most comodious for their passage up into the said lakes one thousand acres of land upon the side or sides of such harbors, ports, rivers, or creeks where the same is not yet disposed of to any other persons by the said president and council. And the lands by them shall be held, possessed, and enjoyed as freely and with as ample privileges, jurisdictions, and commodities in all respects as any other the lands above in these presents demised and granted unto them. And further know that the said president and council have made, constituted, deputed, authorized, and appointed, and in their place and stead depute Edward Godfrey or, in his absence, to any other person that shall be their governor or other officer to the president and council to be their true and lawful attorney and in their name and stead to enter the said portion of land and other premises with their appurtenances or into some part thereof in name of the whole for them and in their name to have and take possession and seizin thereof, or some part thereof in the name of the whole so had and taken there for them, and in their name to deliver the full and peaceable possession and seizin of all and singular the said granted premises unto the said Sir Ferdinando Gorges and Captain John Mason or to their certain attorney or attorneys in their behalf according to the true intent and meaning of these presents, ratifying, confirming, and allowing all and whatsoever their said attorney shall do in or about the premises by these presents. In witness whereof to one of these present indentures as remaining in the hands of the said president and council have caused their common seal to be affixed, and to the other part of these present indentures remaining in the custody of the said president and council the said Sir Ferdinando Gorges and Captain John Mason have put to their hands and seals given the day and year first above written.

Source:

Maine Historical Society.

Documentary history of the state of Maine / published by the Maine Historical Society, aided by appropriations from the state.

Portland : Bailey and Noyes, 1869-1916.

I. A history of the discovery of Maine, by J.G. Kohl. 1869.--II. A discourse on western planting, written ... 1854, by R. Hakluyt ... Preface and an introduction, by L. Woods ... ed. ... by C. Deane.

1877.--III. The Trelawny papers. Ed. ... by J.P. Baxter. 1884.--IV-VI. The Baxter manuscripts. [v. 1-3] ed. by J.P. Baxter. 1889-1900.--VII-VIII. The Farnham papers ... comp. by Mary F. Farnham.

1901-02.--IX-XXIV. The Baxter manuscripts. [v. 4-19] ed. by J.P. Baxter. 1907-16.

Collection of the Maine historical society. Second series.

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Grant of the Province of New Hampshire to John Wollaston, Esq., AN. 1635 (1)

This Indenture made ye Eighteenth day of Aprill in ye Eleaventh yeare of ye raigne of our Sovereigne Lord Charles by ye Grace of God King of England Scotland France & Ireland Defender of the ffaith &c Between ye Councill established at Plymouth in ye County of Devon for ye planting ruleing ordering & governing of New England in America of ye one part & John Wollaston citizen & GoldSmith of london of ye other part witnesseth yt whereas our late Sovraigne Lord King James of blessed memory by his highness Letters patients under ye great Seale of England beareing date at Westminster ye third day of Novembr in ye Eight year of his highness Raigne over ye Realme of England for ye consideracon in ye sd letters patents expressed hath absolltly given granted & confirmed unto ye sd Councill & thier Successors for ever All ye land of New England in America lying & being in breadth from fourty degrees of Northerly latitude from ye Equinoctiall line to fourty eight degrees of ye sd Northerly Latytude incillisively & in length of & wthin all ye breadth aforesd from Sea to Sea together alsoe wth all ye firme lands soyles grounds havens, ports, rivers waters fishings mines mineralles as well Royall mines of Gold & Silver as other mines & mineralles llretious Stones quarryes & all & singular other Comodityes Jurisdic'ons Royalties priviledges ffranchises & preheminences both wthin ye sd tract of land upon ye maine ,& alsoe wthin ye Islands adjoyning as by ye sd letters patients amongst divers other things therein contained more at large it doth & may appeare Now this Indenture further witnesseth yt ye sd Councill in performance of an agreemt between them made & enacted ye third day of February last past before ye date of these p'nts & also for diverse other good causes & considerac'ons them ye sd Councill hereunto especially moveing have demised granted & to farme letten & by these p'nts doe demise grant & to farme left unto ye sd John Woollaston his Executors & assignee all yt part purpart & porc'on of ye Maine Land in New England aforesd being from ye middle part of Naumkeck river & from thence to proceed Eastwards along ye Sea Coast to Cape Anne & round about ye same to Passcattaway harbour & soe forwards up wthin ye river of Newichewanock & to ye furthest head of ye sd River & from thence northwestward till Six miles be finished from ye first enterance of Passcattaway harbour & also from Naumkeci; through ye river therof up into ye land west Sixty miles from wch period to crose over land to ye Sixty Miles end accompted from Passcattawy though Newichewanock to ye land north westward aforesd & alsoe all yt ye South half of ye Isles of Shoulds together wth all other Islands & Isletts as well imbayed as wthin five leagues distance from ye premises or abutting upon ye same or any part thereof not otherwise granted to any by speciall name and together alsoe wth all ye woods & underwoods & trees now standing growing & being or web may stand growe to be upon ye sd demised premises or any part or pacell thereof wet porc'on of land and premises are from hence forth to be called by ye name of New Hampshire And alsoe ye sd Councill for ye considerac'ons aforesd have demised granted & to farme letten & by these p'nts doe demise grant & to farme lett unto ye si John Wallaston his Executors & assignee all yt other parcell of lands woods & wood grounds lying on ye South east part of ye river of Sagadahock in ye North east part of New England aforesd aft ye mouth & entrance therof containing & to contain tenn Thousand Acres together alsoe wth all ye woods under woods & trees of ye same other parcell of land & wood ground shall from hence forth be called by ye name of Masonia And asoe ye sd Councill for ye considerac'ons oresd have demised granted & to farme letten & by these p'nts doe demise grant & to farme left unto ye sd John Wollaston his executors & assignee together wth all ye sd lands & Islands and premises all ye sovles grounds havens ports rivers wafters ffishings mines & mineralles as well Royall mines of Gold & Silver as other mines mineralles pretious Stones quarreys & all & Singular other Com'odityes Jurisdicc'ons royalltyes priviledges ffranchises & preheminences both wthin ye sd tracts of land upon ye Maine & alsoe wthin ye Sd Islands or any of ye sd demised premises and together alsoe wth all rents reserved upon ye premises or ye any part or pareell thereof perquisitts & profitts of Courts Deodands waives & strafes goods of felons & fugitives escheats & all other casuall profitts wt soever ariseing or wed may hereafter arise out of ye so Demised premises or out of any part or parcell therof Savein excepting & reserveing only out of this p'nte demised or granted ye fifth part of all ye Gold & Silver oare due to his Matie his heires & Successors & in & by ye so Recited letters pattents recovered To have hold & enjoy all & singular ye sd lands Islands & all other the so demised premises we their & every of their apurtences unto ye sd John Wollaston his executors & assignees from ye day of ye date heerof unto ye full end & terme of three Thousand Yeares from thence forth next & imediatly ensuing & fully to be compleate & ended without impeachment of any maner of west & also with full Power to doe & comitt of man'er of west either in ye selling felling or cutting of any timber trees woods & underwoods or in ye new opening of any mines of Gold or Silver or any other Mines wt soever & also wth full power licence & authority to sell fell cutt downe carrey & dispose of to his & their owne proper use & behoofe att his & their free will & pleasure all & singular ye so woods & underwoods & trees & alsoe to digge & car'y a way or other wise dispose of all or any ye soyle mines pretious Stones, & quarreys & to convert & imploy or other wise enjoy ye same as fully freely & in as large ample beneficiall man'er to all intents & purposes as they ye sd Councill or any of them by vertue of ye sd recitted letters patients may might or ought to have hold & enjoy ye same Yeelding & paying therfore yearly dureing ye sd terme one peper Corne to be lawfully demanded In witness wherof to ye one part of this p'nte Indenture remaining in ye hands of ye sd John Wollaston they ye sd Councill have fixed their Com'on scale to ye other part of this plate Indenture remaining in ye hands of ye sd Councill ye sr John Wollaston hath sett his hand & scale dated ye day & yeare first above written Annoqe Dom' 1635

(1) New Hampshire State Papers, XXIX, Vol. VI, pp. 64-66. [Back](#)

Source:

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Grant of the Province of New Hampshire From Mr. Wollaston to Mr. Mason, 11th June, 1635 (1)

This Indenture Made the 11th day of June in the 11th yeare of ye Raigne of our Sovereign Lord Charles by the grace of God King of England Scotland France & Ireland Defender of ye ffaith &c Between John Wolaston Citizen & Goldsmith of London of the one part and Capt John Mason Esqr of the, other part Witnesseth that whereas ye Coucill of New England by their Indenture under their Com'on Seale bearing date the 18th day of Aprill last past before the Date hereof made Between ye Said Councill by ye Name of ye Councill Established at Plymouth in ye County of Devon for ye planting ordering ruling & Governing of New England in America of ye one part & ye Said Jolm Wollaston by the name of John Wollaston Citizen & Goldsmith of London of the other part for the Considerac'ons in the same Indenture contained have demised granted and to Farme Letten unto the Said John Wollaston his Executors and Assignes, all that part purport and porc'on of the Maine Land of New England aforesaid beginning from the Middle part of Naumkeck River and from thence to proceed Eastwards along the Sea Coast to Cape Anne and round about the Same to Passcattaway Harbour and alsoe from Naumkeck through the River thereof upp into the Land West Sixty Miles from wch period to Cross over Land to the Sixty Miles end accounted from Passcattaway through Newichewanock river to the Land Northwestwards aforesaid and alsoe all that the South half of the Isles of Shoalds together with all other Islands & Isletts as well imbaid as within ffive Leagues distance from the prmises and abutting upon the Same or any part or parcell thereof not otherwise granted to any by Speciall Name, And together also with all woods underwoods and trees now Standing growing & being, or wch hereafter Shall or may stand grow or bee in and upon the Said Porc'ons of Lands & other the Premises All wch part & porc'ons of Lands Islands and premises are from thence forth to be called by the Name of Newhampshire. And whereas alsoe the Said Councill for the considerac'ons aforesaid have demised granted & to farme Letten unto the said John Wollaston his Exeers and Assignes all that other parcell or porc'on of Lands woods & wood grounds lying on the Southeast part of the River of Sagadahock in New England aforesaid at the mouth or entrance thereof containing & to containe there, Ten Thousand Acres together also with all the woods underwoods & trees of the same wch said other parcell of Lands from thenceforth is to be called by the name of Masonia. And ,Whereas moreover the Said Councill for the Considerac'ons aforesaid have demised granted & to Farme letten unto the Said John Wollaston his Executors and Assignes together with the Said Lands Islands and premises all the Soyles, grounds, havens, Ports, Rivers waters, Dishings, Mines, & Mineralls as well Royall Mines of Gold and Silver as other Mines & Mineralls pretious Stones Quarries and all and Singular other Comodityes, Jurisdictions Royalties priviledges ffranchises and preheminences both within the said Tracts of Land upon the maine,& alsoe within the Said Islands or any the Said demised premises. And also all rents reserved upon the premises or any part or Parcell thereof perquisites & profits of Courts Deodands waives & strayer goods of ffelons & Fugitives escheats & all other casual profitts whatsoever arising or which may hereafter arise out of the Said Demised prerlises or out of any part or parcell thereof under Such reservac'ons as in the Said Lease are excepted & reserved To have & to hold & enjoy all & Singular the Said Lands Islands and all other the Said Demised premises with their & every of their appurten'ces unto the Said John Wollaston his Executrs and assignee from the Day of the Date of the Said Indenture of Demise unto the. full end & demise of three thousand yeares from thenceforth next it imediatly ensuing & fully to bee completed & ended without impeachment of any manner of west for and under the yearly Rent of one pepper Come payable if it be Lawfully Demanded as in & by the said Indenture of Demise more at large it doth & may appeare which said Indenture of Demise was made unto the said John Wollaston by & with the consent of the Said Capt John Mason in trust only for the benefit & behoofe of him the said Capt John Mason his Executors & Assignes, Now therefore this Indenture further witnesseth That the Said John Wollaston in pformance of the Trust in him reposed & also for divers other good causes & considerac'ons him hereunto especially moving hath granted assigned left over & confirmed & by these psents doth grant assigne left over & confirms unto ye said Capt John Mason his Executors & Assignes All that the Said part purport & porc'on of Lands called New Hampshire & all & Singular other the said Demised premises with their & every of their appllrtanences in ye said Indenture contained Together with the said recited Indenture of Demise and all ye right title Interest terme of yeares Claime & demand of him the Said John Wollaston of in & to ye Same or any part or parcell thereof & all the benefit profitt advantage & Com'odity whatsoever which shall or may bee had by the same, To have hold & Enjoye the Said part purport & porc'on of Lands called New Hampshire & all & Singular other the Said premises with their & every of their appurten'ces and also all the right title and interest of the Said John Wollaston of in & to the same or any part or parcell thereof unto the said Capt John Mason his Executrs and Assignes from the day of the Date of these presents for and During all ye residue of the Terme of Three thousand yeares yet to come an unexpired in ye same for and under the reservac'ons of Rents in the said recited Indenture contained as fully freely & in as large ample & beneficiall Manner and forme to all intents & purposes whatsoever as he the said John Wollaston his Executes and assigns or any of them may might or ought to have hold & enjoye the same by vertue of the recited Indenture of Demise or otherwise In witness whereof the said partyes to these prsent Indentures interchangeably have sett their hands & Seales the Day & yeare first above written.

(1) New Hampshire State Papers, XXIX, Vol. VI, pp. 66-69. [Back](#)

Source:

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Grant of the Province of New Hampshire to Mr. Mason, 22 April 1635, By the Name of Masonia (1)

To all Christian people unto whome these prnts shall come The Councill for ye affaires of New England in America send greeting in our Lord God ever lasting

Whereas our late Sovereigne Lord King James of blessed memory by his Highness Le's patents under ye great seal of England beareing date at Westminster ye, third day of Novembr in ye Eighteenth year of his Raigne over his Highness Realme of England for ye Considerac'ons in ye so Le's patents expresed and declared Lath absoelutly given granted & confirmed unto ye sd Councill & their Successors for ever All ye land of New England in America lying & being in breadth from forty degrees of Northerly latitude from ye Equinoctiall line to fourty Eight Degrees of ye, so Northerly latitude inclusively & in length of & wthin all ye breadth aforesd from Sea to Sea together alsoe wit all ye firme lands soyles ground havens ports rivers waters dishings mines & Mineralls as well Royal mines of Gold and Silver as other mines minerals pretious stones quarreys & all & singular other comodities Jurisdicc'ons Royaltys priviledges Franchises & preheminences both wthin Ye sd tract of land upon ye maine & alsoe wthin ye Islands and seas adjoyning as by ye so Le's patients amongst diverse other things therein contained more at large it doth & may appeare now knowe all men by these p'nts yt ye Sd Councill of New England in America being assembled in publique Court according to an act made & agreed upon ye third day of feebry last past before ye date of, these p'nts for divers good causes & considerac'ons them therunto especially moveing havinge granted aliened bargained & sould & in & by these p'nts doe for them & their successors give grant alien bargain sell & confirms unto Capt Jon Mason Esqr his heires & assignees All yt part of ye maine land of New England aforesd being from ye middle part of Naumkeck river & from thence to proceed, East wards along ye sea Coast to Cape Anne & round about ye same to passcattaway harbour & soe forwards up wthin ye river of Newickewanock & to ye farthest head of ye said river & from thence Northwards till six miles be finshed from ye first entrance of passcattaway harbour & asoe from Naumkeck through ye river thereof up into ye land west Sixty miles from wch period to crose over land to ye sixty miles end accounted from passcattaway through Newickewanock river to ye land north west aforesd & alsoe all yt ye south half of ye Isles of Sholds all wch lands wit ye consent of ye Councill shall from henceforth be called New Hampshire & alsoe tenn thousand acres more of land in New England aforesd on ye south east part of Sagadahock at ye mouth & entrance thereof from henceforth to be called by ye name of Masonia together wth all & singular havens Harbours creekes & Islands imbaidd & all Islands & Isletts lying wthin five leagues distance of ye maine land opposit & abutting upon ye premises or any part thereof not formerly lawfully granted to any by speciall name and all mines mineralls quarreys soyles & woods marshes rivers waters lakes fishings hawking hunting & fowling & all other Royalties Jurisdicc'ons privileges preheminenence proffitts com'odities & hereditaments wtsoever wth all & singular their & every of their appurtences & together alsoe wth all rents reserved & ye benefit of all proffitts due to ye Sd Councill & their successors wth ye power of Judicature in all causes & matters wtsoever as well criminall capitall & civill arising or wch may hereafter arise wthin ye limits bounds & percincts aforesaid to be exercised & executed according to ye laws of England as near as can be by ye sd Capt John Mason his heires & assignee or his or their Deputies l,ieutenants Judges Stewards or officers thereunto by him or them assigned deputed or appointed from time to time with all other priviledges Franchises liberties imunities escheats & casualtyes thereof arising or wch shall or may hereafter arise wthin ye said limitts & percincts wth all ye interest right title claime & demand wt soever wch Ye sd Councill & their Successors now of right have or ought to have or claime or may have or aquire heerafter in or to ye sd porc'ons of lands Islands or any of ye premises & in as free large ample & beneficiall man'er to all intents construcc'ons & purposes we soever as ye sa Councill by vertue of his Majts sd letters patients may or can grant ye same saveing & allwayes reserving unto ye sd Councill & their Successors power to receive heare & determine & singular appeal and appeales of every person & persons wt soever dewelling or inhabiting wthin ye sd territoryes & Islands or any part thereof soe granted as aforesd & from all Judgements & sentences wt soever given wthin ye sd lands & territoryes aforesd To have & to hold all & singular ye lands & premises above by these p'nts granted except before excepted wth all & all man'er of profits comodities and hereditamts wt soever wthin ye lands & percincts aforesd or to ye sd lands Islands & premises or any part of them in any wise belonging or appertaining unto ye sd Capt Jo Mason his heires & assignees for ever To ye only proper use & behoofe of him ye Sd Capt Jo Mason his heires & assigner for ever To be holden of ye sd Councill & their successors & Gladium com'itatus yt is to say by finding four able men conveniently armed & arraied for ye warr to attend upon ye Governor of New England for ye publique Service wthin fourteen dayes after warning given yeelding & paying unto ye sd Councill & their successors for ever one fifth of all ye oar of ye mines of Gold & Silver wch shalbe had possessed or obtained wthin ye limitts or percincts aforesd for all rents services dutys & demands wt soever due unto ye sd Councill & their Successors from any plantation wthin the percincts aforesd ye same to be delivered unto his Mats Receiver his deputie or deputies assigned for ye receipt thereof To ye use of his Matie his heires & Successors from time to time wthin ye lands percincts & territoryes of New England aforesd And last ye sd Councill have deputed authorized & appointed & in their place & stead have putt Henry Jaseline Esqr & Ambrose Gibbins gent or either of them to be their true & lawfull Attorney & attorneys for them & in their name & stead to enter into ye sd lands & other ye premises wth their appurtences or into any part thereof in ye name of ye whole & to take quiet & peacable possession & seizing thereof and after such possession & seeing soe had & taken as aforesd then to deliver ye same unto ye Sd Capt Jon Mason his heires or assignee or to his or their certaine attorney or attornies to be by him or them deputed on intent and meaning of these p'nts In wittness whereof they ye sd Councill have heerunto affixed their com'on seale dated ye two & twentieth day of Aprill in ye Eleaventh year of his Raigne of Sovereigne Lord Charles by ye grace of God King of England Scotland France & Ireland Defender of ye faith &c Anno Dom' 1635

[NOTES.-Contrary to the title of the above grant, the name " Masonia " is not applied to the territory of New Hampshire, but to a tract of ten thousand acres of land in Maine, granted by the same document. New Hampshire was granted by its present name.-OTIS G. Hammond.

I am indebted to Hon. A. S. Batchellor, Editor of the New Hampshire State Papers, for extended courtesies, and for accurate copies of New Hampshire Charters.-Editor.]

(1) Hazard's Historical Collections, I. 384-387. New Hampshire State Papers, XXIX, vol. VI, 64-66. [Back](#)

Source:

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Purpose

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Grant of the Province of New Hampshire to Mr. Mason, 22 Apr., 1635, By the Name of New Hampshire (1)

This Indenture made the two and twentieth Day of Aprill in the 11th yeare of the Reigne of Our Sovereigne Lord Charles by ye Grace of God King of England, Scotland, France, & Ireland Defender of the Faith &c Between the Councill Established at Plymouth in the County of Devon for the planting ordering ruling & Governing of Near England in America of ye one part and Capt John Mason Esquire of the other part Witnesseth that whereas our late Sovereigne Lord King James of Blessed Memory by his Highnes Letters Pattents under the great Seale of England bearing date at Westminster the 3d day of November in the 18th yeare of his highnesse Reigne over the Realme of England for the considerac'ons in the Same Letters Pattents expressed hath absolutely given granted and confirmed unto the Said Councill & their Successor for ever all the Land of New England in America lying and being in breadth from 40 Degrees of Northerly latitude from ye Equinoctiall Lyne to 48 Degrees of the Said Northerly Latitude inclusively, & in length of & within all ye breadth aforesaid throughout ye Maine Land from Sea to Sea together alsoe with all firme Lands Soyles, grounds havens Ports rivers waters ffishings, Mines & mineralls as well Royall Mines of Gold & Silver as other Mines & Mineralls, pretious, Stones, quarries and all and Singular other Comodities Jurisdictions Royalties Franchises & prominences both within the Said Tract of Land upon the Maine and also within the Islands & Seas adjoining as by the Said Letters Pattents amongst divers other things therein contained more at large it doth & may appeare Now this Indenture further Witlesseth that ye Said Councill in pformance of an agreement made by & between themselves & enacted the third day of February last past before the Date of these prsents for a Competent Sume of Money, & alsoe for divers other good causes & considerac'ons them ye Said Councill hereunto especially moveing have given granted bargained Sold enfeofed & confirmed and by these prsents doe give grant bargain Sell enfeofe and confirms unto the Said Captain John Mason his heires and assignee all that part purport & porc'on of ye Maine land of New England aforesaid beginning from the middle part of Naumkeck River & from thence to proceed Eastwards along the Sea Coast to Cape Anne and round about the Same to passcattaway Harbour and soeforward up within ye River of Newichwanock and to ye farthest head of the Said River & from thence Northwestward till Sixty Miles be finished from ye first entrance of Passcattawav harbour & alsoe from Naumkek through the :Eliver thereof up into the land West Sixty Miles from which period to Crosse over Land to the Sixty Miles end accounted from Passcattaway through Ne~vichwanock River to the Land Northwestward aforesaid & also all that the South half of the Isles of Shoulds together wth all other Islands, & Isletts as well imbaid as within 5 Leagues distance from the premisses & abusing upon the same or any part or parcell thereof not Otherwise granted to any by Speciaall Name All which part & porc'on of Lands Islands and premisses are from henceforth to be called by the Name of New Hampshire & also the Councill for ye considerac'on aforesaid have given granted bargained Sold enfeofed & confirmed & by these p'nts doe give grant bargain Sell enfeofe & confirme unto ye sd John Mason his heires & assignee all that other parcell or porc'on of Lands woods & wood grounds Lying on ye South east part of the river of Sagadahock in New England aforesaid at the mouth or entrance thereof containing & to containe there Ten Thousand Acres wch said other parcell of Lands from henceforth is to be called by ye name of Masonia. And moreover the Said Councill for ye considerac'ons aforesaid have given granted bargained Sold enfeofed & confirmed & by these prsents doe give grant bargain Sell enfeofe & confirms unto ye said Captaine John Mason his heires & assignee together wth the said bargained prmisses all ye firme Lantls Soyles Grounds havens Ports Rivers waters dishings Mines and Mineralls as well Royall Mines of Gold & Silver as other Mines & Mineralls pretious Stones quaryes & all & Singular other Com'odities Jurisdictions Royalties priviledges ffranchises & preheminenes both within the Said Tracts of Lands upon the Maine and alsoe with ye Islands & Seas adjoining Saving excepting and reserving out of this prsent Grant only ye fifth part of all ye Oare of Gold and Silver due to his Maty his heires and Successors and in & by ye Said recited Letters Pattents reserved To have & to hold all Those the said severall parcells of Land and all other ye said bargained premisses Wth their and every of their appurtenances Except before Excepted Unto ye Said Capt John Mason his heires & assignee to ye only & proper use and behoofe of him ye said Capt John Mason his heires & assigner forever. And to bee Enjoyed as fully freely & in as Large ample and beneficiall Manner & forme to all Intents & purposes whatsoever as they the Said Councill & their Successors by vertue of ye Said recited Letters Pattents may might or ought to have hold & enjoy the same or any part or parcell thereof in witnes whereof to one part of this prsent Indenture remain" in ye hands of ye said Capt John Mason they ye Said Councill have affixed their com'on Seale to ye other part of this present Indenture remaining in ye hands of ye Said Councill the Said Capt John Mason hath Sett his hand and scale dated ye Day & yeare first above written Annoqi Dom' 1635

(1) New Hampshire State Papers, XXIX. Vol. VI. 62-64. [Back](#)

Source:

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Grant of His Interest in New Hampshire by Sir Ferdinando Gorges to Captain John Mason; September 17, 1635

This indenture made the seventeenth day of September, Anno Domini 1635, and in the eleventh year of the reign of our sovereign lord Charles, by the grace of God, King of England, Scotland, France, and Ireland, Defender of the Faith, etc., between Sir Ferdinando Gorges of London, Knight, on the one part, and Captain John Mason of London, Esquire, on the other part, witnesses that whereas our late sovereign lord King James of blessed memory, by his Highness' letters patents under the great seal of England bearing date at Westminster the third day of November in the eighteenth year of his Highness' reign over the realm of England, for the considerations in the same letters patents expressed, has absolutely given, granted, and confirmed unto the Council established at Plymouth in the County of Devon for the planting, ruling, ordering, and governing of New England in America, and to their successors and assigns forever, all the land of New England aforesaid lying and being in breadth from forty to forty-eight degrees northerly latitude inclusively, together with all firm lands, soils, grounds, havens, ports, rivers, waters, fishings, huntings, hawkings, fowlings, and all mines and minerals, as well royal mines of gold and silver as other mines and minerals, and all and singular other commodities, jurisdictions, royalties, privileges, and preeminences as by the said letters patents among diverse other things therein contained more at large it does and may appear. And whereas the said Council established at Plymouth in the County of Devon for the planting, ruling, ordering, and governing of New England in America of the one part, and the said Sir Ferdinando Gorges of London, Knight, on the other part, for the considerations in the same indenture contained have given, granted, aliened, bargained, sold, enfeoffed, and confirmed unto the said Sir Ferdinando Gorges, his heirs and assigns, forever, all that part, purpart, or portion of the mainland of New England aforesaid, beginning at the entrance of Passcattaway Harbor and so to pass up the same into the river of Newichewanock, and through the same unto the furthest head thereof, and from there northwestwards till sixty miles be finished, and from Passcattaway Harbor aforesaid northeastwards along the sea coast to Sagadahock and up the river thereof to the river of Kenebeck and through the same unto the head thereof, and so up into the land northwestwards until sixty miles be finished from the mouth or entrance of Sagadahock, from which period to cross over land to the sixty miles end formerly accounted up into the land from Passcattaway Harbor through Newichewanock River, which among other lands are granted unto the said Sir Ferdinando Gorges, together with all mines and minerals, as well royal mines of gold and silver as other mines and minerals, precious stones, woods, marshes, rivers, waters, fishings, huntings, and fowlings, and all other royalties, jurisdictions, privileges, preeminences, profits, and commodities whatsoever with all and singular their appurtenances, with all other privileges, liberties, and immunities which shall or may arise within the said limits and precincts aforesaid, as by the said indenture more at large it does appear. Now, therefore, this indenture further witnesses that the said Sir Ferdinando Gorges, for diverse good causes and considerations him hereunto especially moving, has granted, aliened, bargained, sold, enfeoffed, and confirmed, and by these presents does grant, alien, bargain, sell, enfeof, and confirm unto the said Captain John Mason, his heirs and assigns, all that part or portion of land beginning at the entrance of Newichewanock River, and so upwards along the said river and to the furthest head thereof, and to contain in breadth through all the length aforesaid three miles within the land from every part of the said river and half way over the said river, together with all and singular harbors, creeks, marshes, woods, rivers, waters, lakes, mines, and minerals, as well royal mines of gold and silver as other mines and minerals, precious stones, fishings, hawkings, and fowlings, and all other royalties, jurisdictions, privileges, preeminences, profits, commodities, and hereditaments whatsoever with all and singular their and every of their appurtenances, with all other privileges, liberties, immunities, escheats, and casualties thereof which shall or may arise within the limits and precincts aforesaid; to be holden of his Majesty, his heirs and successors, as of his Highness' manor of East Greenwich in the county of Kent, in free and common socage and not in capite or by knight's service, yielding and paying to his Majesty, his heirs and successors, the fifth part of the ore of gold and silver that from time to time and at all times hereafter shall be there gotten, had, and obtained for all services, duties, and demands as in and by the said recited letters patents are reserved. To have and to hold all the said part or portion of land, and all other the said bargained premises, with their and every of their appurtenances unto the said Captain John Mason, his heirs and assigns, to the only proper use and behoof of him, the said Captain John Mason, his heirs and assigns forever, and to be enjoyed as fully, freely, and in as large, ample, and beneficial manner and form to all intents and purposes whatsoever as he, the said Sir Ferdinando Gorges, by virtue of the said recited indenture, might or ought to have, hold, and enjoy the same or any part thereof. In witness whereof the said parties to these present indentures interchangeable have set their hands and seals the day and year first above written.

Ferd. Gorges.

Sealed and delivered in the presence of Mathew Bradley, Roger Beal, John Moor, Ser.

Source:
York deeds.
Portland : John T. Hull, 1887-1910.
Maine Historical Society.
Maine Genealogical Society (1884-)
York County (Me.). Register of Deeds.
18 v. ; 23 cm.

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Agreement of the Settlers at Exeter in New Hampshire, 1639

Whereas it hath pleased the Lord to move the Heart of our dread Sovereigns Charles by the Grace of God King &c. to grant Licence and Libertye to sundry of his subjects to plant themselves in the Westerlle parts of America. We his loyal Subjects Brethern of the Church in Exeter situate and lying upon the River Pascataqua with other Inhabitants there, considering with ourselves the holy Will of God and o'er own Necessity that we should not live without wholesomne Lawes and Civil Government among us of which we are altogether destitute; do in the name of Christ and in the sight of God combine ourselves together to erect and set up among us such Government as shall be to our best discerning agreeable to the Will of God professing ourselves Subjects to our Sovereign Lord King Charles according to the Libertyes of our English Colony of Massachusetts, and binding of ourselves solemnly by the Grace and Help of Christ and in His Name and fear to submit ourselves to such Godly and Christian Lawes as are established in the realm of England to our best Knowledge, and to all other such Lawes which shall upon good grounds be made and enacted among us according to God that we may live quietly and peaceably together in all godliness and honesty. Mo. 8. D. 4. 1639 as attests our Hands.

[35 signatures follow.]

Source:

The Federal and State Constitutions Colonial Charters, and Other Organic Laws of the States, Territories, and Colonies Now or Heretofore Forming the United States of America
Compiled and Edited Under the Act of Congress of June 30, 1906 by Francis Newton Thorpe
Washington, DC : Government Printing Office, 1909.

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The Combinations of the Inhabitants Upon the Piscataqua River for Government, 1641

Whereas sundry Mischiefs and Inconveniences have befallen us, and more and greater may, in regard of want of Civill Government, his gracious Majesty haveing settled no order for us, to our knowledge wee chose names are underwritten, being Inhabitants upon the River of Pascataqua have voluntary agreed to combine ourselves into a body Politick, that wee may the more comfortably enjoy the Benefit of his Majesties Laws and doe hereby actually engage ourselves to submit to his Royall Majesties laws, together with all such Laws as shall be concluded by a major part of the Freemen of our Society, in Case they be not repugnant to the laws of England, and administered in behalf of his Majestie And this wee have mutually promised, and engaged to doe, an so to continue till his excellent Majestic shall give other orders concerning us. In witness whereof Wee have hereunto set our hands, October 22. In the 16 Year of the Reigne of our Sovereiglle lord, Charles by the grace of God, King of Great Brittain, France and Ireland, Defender of the Faith, &c.

Subscribed by
THOMAS MARKHAM,
RICHARD WALDRENE,
WILLIAM WALDRENE, with 38 more.

Source:

The Federal and State Constitutions Colonial Charters, and Other Organic Laws of the States, Territories, and Colonies Now or Heretofore Forming the United States of America
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Commission of John Cutt, 1680

The Com'ission constituting a President & Councell for ye Province of New Hampshire in New-England

Charles ye Second, &c, To all to whom these presents shall come Greeting

Whereas Our Colony of ye Massachusetts als Mattachusetts bay in New-England in America, have taken upon themselves to exercise a Government & Jurisdiction, over ye Inhabitants & Planters in ye Towns of Portsmouth, Hampton, Dover Excester, & all other ye Towns & lands in ye Province of New-Hampshire, lying & extending from three miles northward of Merrimack River, or any part thereof to ye Province of Maine, not having any legall right or authority so to do: Which said Jurisdiction & all further exercise thereof, Tve have thought fit by the advice of Our Privy Council to inhibit & restrain for the future; And do hereby inhibit and restrain ye same. And whereas ye Government of yt part of the said Province of New Hampshire, so limited & bounded as aforesaid hath not yet bin granted unto any person or persons whatsoever but ye same still remains & is under Our im'ediate care & protection; To the end therefore, yt Our loving Subjects, ye Planters and Inhabitants within ye limits aforesaid, may be protected and Defended in their respective rights, liberties & properties, & yt due & impartiall Justice may be duly administred in all cases civill & criminall; & yt all possible care may be taken for ye quiet & orderly Government of ye same: Now know ye, that We by & with ye advice of Our Privy Councell, have thought fit to erect, & constitute, & by these presents for us or hrs & Successrs do erect constitute & appoint a President & Councell, to take care of ye said Tract of land called The Province of New-Hampshire, & of the Planters & Inhabitants thereof; & to Order, rule & Govern ye same according to such methods & regulations, as are herein after specified & declared. And for ye better execution of Our Royall pleasure in this behalf, We do hereby nominate & appoint Our trusty & well beloved Subject John Cutt of Portsmouth Esqr to be ye first President of ye said Councell, & to continue in ye said Office for the space of one whole year next ensuing ye date of these presents & so long after untill We, Our heirs or successors, shall nominate & appoint some other person to succeed him in ye same. And We likewise nominate & appoint Our trusty & well beloved subjects Rich: Martin Esqr William Vaughan Esqr, & Tho. Daniel Esqr, all of Portsmouth aforesd John Gilman of Exceter aforesd Esqr, Christophr Hussey of Hampton aforesd Esqr & Rich: Walden of Dove aforesd Esqr to be of the Councell within ye said Province of New-Hampshire: And we do hereby authorize and appoint, the said President & Councell to nominate & make choice of three other persons out of ye severall parts of the said Province, whom they shall judg to be most fitly qualified To be of ye said Councell, & to swear them into ye same: And it the said Jo: Cutt, & every succeeding President of -Ye said Councell shall nominate & appoint any one of the members of the said Councell for ye time being, to be his Deputy, & to prside in his absence And yt the said President, or his Deputy, & any five of the said Co'ncell shall be a Quorum. And Our express will & pleasure is, That no person shall be admitted to sit, or have a vote in the said Councell till he have taken ye oath of allegiance; & supremacy, & ye oath herein after mentoned, for ye due & impartiall execuc'on of Justice, & ye faithfull discharge of ye trust in them reposed: Which Oaths We do hereby authorize & direct ye said Ric: Martin W: Vaughan T: Daniel; Jo: Gilman Christ: Hussey R: Waldren, or any three of them first to administer to ye said Jo: Cutt ye President, and ye said Jo: Cutt having taken said Oaths, We do will, authorize & require him ye said Pres: for ye time being, to administer ye same from time to time to all & every other the members of ye said Councell. And We do hereby will, require & com'and ye said Jo: Cutt R: M: &c & every of them, to whom this Our pleasure shall be made known, That, all excuses whatsoever set apt, they fail not to assemble & meet together at ye sd Town of Portsmo in ye Prov: of New Hampsh: aforesd within ye space of 20 days, next after ye arrivall of this Our Com'ission at Portsmo aforesaid; & there to cause this Our Com'ission, or Letters Patents, to be read before them, or as many of them as shall be there assembled: & having first duly taken the said Oaths, to proceed to choose, nominate & appoint such Officers & serves as they shall think fit & necessary for their service: And also to appoint such other time & place for their future meeting, as they or ye major part of them, (whereof ye Pres. or his deputy to be one) shall think fit & agreeable. And Our Will & pleasure is, That Our said Councell shall from time to time have & use such Seal only, for ye sealing of their Acts, Orders & proceedings, as shall be sent unto them by Us, Our heirs & successors, for yt purpose. And We do by these pits, for Us Our heirs & successors, constitute, establish, declare & appoint Our said Pres. & Councell & their successors for ye time being, to be a constant & settled Court of record, for ye administrac'on of Justice to all Our subjects inhabiting within ye limits aforesaid, in all causes, as well criminal as civill; & yt ye Pres: & any & of the Councell for ye time being shall have full power & authority, to hold plea in all causes from time to time, as well in pleas of ye Crown, as in matters relating to ye conservation of ye peace, & punishment of offenders, as in civill suits & actions between partie & partie; or between Us & any of Our subjects there; whether ye same do concern ye realty & relate to a right of freehold & inheritance, or whether ye same do concern ye personally, & relate to some matter of debt, contract, damage, or other personal injury; & also in all mint actions, web may concern both realty & personally and therein after due & orderly proceeding, & deliberate hearing on both sides, to give Judgmt, to award execuc'on, as well in criminall as in civill causes as aforesaid: so always, yt ye forms of proceeding in such cases & ye Judgmt thereupon to be given, be as consonant, & agreeable to ye Laws & Statutes of this Our Realm of Engd, as ye prsent state & condic'on of Our subjects inhabiting within ye limits aforesaid, & ye circumstances Of ye place will admit. And ye Pres: & Councell for ye time being, & every one of them respectively, before they be admitted to their severall & respective offices & charges, shall also take this Oath following. You shall swear, well and truly to administer Justice to all his Mattes good subjects, inhabiting v. ithin ye Province of New-Hampsh: under this Government: & also duly & faithfully to discharge & execute ye Trust in you reposed, according to the best of your knowledge; you shall spare no person for favour or affection; nor any person grieve for hatred or ill will. So help you God. *Notwithstanding* it is Our will & pleasure, & so we do hereby expressly declare, yt it shall & may be lawfull from time to time, to & for all & every person & persons, who shall think him or themselves aggrieved by any sentence, Judgmt or Decree pronounced, given or made (as aforesaid) in, about or concerning ye title of any land, or other reall estate or in any personall Action, or suit above the value of 50' and not under, to appeal from Such Judgmt sentence, & Decree unto Us, Our heirs & successors, & Our & their Privie Councell: But with and under this caution & limitac'on; That ye Appellant shall first enter into, & give good security, to pay full costs, in case no relief shall be obtained upon such Appeal. *And* Our further will & pleasure is & so we do hereby declare; That in all crimminall cases, where ye punishmt to be inflicted upon ye offenders, shall extend to loss of life or limb (ye case of willfull murder only excepted) ye pty convicted shall either be sent over into this Our Kingdom of Engd. with a true state of his case & conviction; or execuc'on shall be respited untill ye case shall be here represented unto Us, Our heirs & successors, in Our & their Privie Councell, and Orders sent, & returned therein. *And* for ye better defence and security of all Our loving subjects within ye Province of New-Hampsh. and ye bounds & limits aforesaid, Our further will & pleasure is, and hereby we do authorize, require & com'and ye said Pres: & Councell for the time being, in Our name & under the seal by Us appointed to be used, to issue forth & give Com'ssions from time to time, to such psen & persons, whom they shall judg shall be best qualified for regulation & discipline of ye militia of Our said Province; & for ye arraying and mustering ye Inhabitants thereof; & instructing them how to bear and use their arms; & that care be taken, that such good discipline shall be observed, as by ye said Councell shall be prscribed; & yt if any invasions shall at any time be made, or other destruction, detriment, or an'oyance made or done by Indians, or others upon or unto Our good subjects inhabiting within Ye said Prov: of New H: We do by these presents, for Us Our heirs & successors, declare, Ordaine & grant, that it shall & may be lawfull to & for Our said subjects, so com'issionated by Our said Councell from time to time, & at all times for their speciall defence & safety, to encounter, expell, repell, & resist bv force of arms, & all other fitting ways & means whatsoever, all & every such person & persons, as shall at any time hereafter attempt or enterprize ye destruction invasion detriment or an'oyance of any of Our said loving subjects, or their plantations or estates. And above all things we do by these presents will, require & comand Our said Councell to take al] possible care for ye discountenancing of vice & incouraging of vertue & good living; that by such examples ye infidel may be invited & desire to partake of ye Christian Religion, & for ye greater ease & satisfacc'on of or sd loving subjects in matters of Religion We do hereby will, require & com'and yt liberty of conscience shall be allowed unto all protestants; & yt such especially as shall be conformable to ye rites of ye Church of Engld, shall be particularly countenanced & incouraged. *And* further We do by these presents, for Its, Our heirs & successors, give & grant unto ye said Councell & their successors for ye time being, full & free liberty, power, and authority, & hear & Determine all emergencies, relating to the care & good Government of Our subjects within ye sd Prov: & also to sum'on & convene any person or persons before them & punish contempts; & to cause ye Oath of Allegiance to be administered to all & every person & persons, who shall be admitted to any Office, freedom, or preferments & likewise with what convenient speed they can, to cause proclamac'on to issue out & be made in Our name to ye inhabitants Of ye sd Prov: of N: Hampsh: thereby signifying that We have taken them into Our im'ediate Governmt & gracious protection: & letting them further know, that We have written to ye Govnmour & Councell of the Massachusetts bay, to recall all such Com'issions as they have granted for exercising any

Jurisdiction in ye parts aforesaid and that we have inhibited & restrained them for ye future, from exercising any further authority or Jurisdiction over them. And further, yt ye sd Inhabitants within ye said Prov: of N: Hamp: & limits aforesaid, do & shall from henceforth repair for Justice & redress unto them ye said Pres: & Councell, whom We have constituted & appointed to be a standing Court for administrac'on of Justice as aforesaid & intrusted them with ye care of their quiet & orderly Government and therefore requiring that they give obedience Alto them: And Our will & pleasure is, that these, with such other generall intimations shall be given unto ye people, as by ye said Pres: & Councell shall be thought necessary. *And* for supporting the charge of the Government Of ye said Prov: of N: Hamp: Our Will & pleasure is, & We do by these prsents authorize, & require the said Pres: & Councell, to continue such taxes & impositions, as have bin, & are now laid & imposed upon the Inhabitants thereof; & it they levy & distribute, or cause the same to be levied and distributed to those ends, in the best & most equall man'er they can untill a generall Assembly of ye so Prov: shall be called, & other methods for yt purpose agreed upon. To which end Our Will & pleasure is, and We do by these prts authorize, require,, & com'and ye said Pres: and Councell that they within 3 months after they have bin sworn (as aforesaid) do & shall issue forth Sum'ons under ye seal by Us appointed to be used in ye nature of writs for ye calling of a Generall Assembly of the said Prov: using & observing there such rules & methods (as to the persons who are to chuse their Deputies & ye time & place of meeting) as they shall judg most convenient. At the lit meeting of which Genl Assembly We do hereby will, authorize & require ye Pres: Of ye said Councell, to mind them in ye generall what is to be intimated in ye proclamac'on aforesaid: That he recom'end unto them ye making of such Acts, Laws, & Ordinances, as may most tend to ye establishing them in obedience to Our authority; their own prservation in peace & good Governmt & defence against their enemies: & that they do consider of the fittest ways for ye raising of taxes, & in such proportion, as may be fit for ye support of ye Governmt. *And Our will & pleasure is, & We do hereby declare, ordain, & grant, That all & every such Acts, Laws & Ordinances, as shall from time to time be made in & by such generall Assembly or Assemblies shall be first approved & allowed by the Pres: & Councell for the time being, & thereupon shall stand & be in force, untill ye pleasure of Us Our heirs & successors shall be known, whether ye same Laws & Ordinances shall receive any change, or confirmation; or be totally disallowed & discharged. And therefore Our Will & pleasure is, That ye Pres: & Councell do & shall from time to time, transmit & send over UntQ US Our heirs & successors, & Our & their Privie Councell for ye time being all & every such Acts, Laws & Ordinances, by the first ship yt shall depart thence for Engld after their making. Also Our will & pleasure is & We do hereby direct & appoint, that if ye said Pres: of ye Councell shall happen to dye; that then from & after ye death of ye said Pres: his Deputy shall succeed him in ye Office of Pres: & shall & may nominate & choose any one of ye sd Councell to be his Deputy, to preside in his absence; & ye said Deputy so succeeding shall continue in ye said office of Pres: untill Our further will & pleasure be known therein & we shal think fit to nominate & appoint some other to succeed therein. And if any of ye members of ye said Councell shall happen to die, Our Will and pleasure is, & We do hereby direct & appoint ye remainder of ye Councell to elect some other person to be a member of ye said Councell for ye time being; & to send over the name of such person so chosen, & the names of two more, whom they shall judg fitly qualified for that employment; that We Our heirs & successors may nominate & appoint, which of the three shall be ye member in ye place of such member so dying. And We do hereby declare, That We Our heirs & successors, shall & will observe & continue this method of grace & favour towards Our loving Subjects in convening them in their Assembly, in such man'er & form as is herein before menc'oned & specified: unless by inconveniences arising from thence, We Our heirs or successors, shall see cause to alter ye same. And whereas ye inhabitants of ye saide province of new hamshire have many of them bin long in posesion of Severall quantities of lands & are saide to have maide Considerable Improvements there upon having noe other title for ye same tlell what hath bin derived from ye Government of the macithutets baye: in vertue of theire Imaginary line With titell as it hath by ye opinion of our Judges in England bin altogether set aside soe ye agents from ye saide Colony have Consequently disowned any right ether in the Soyle or government thereof: from the three mile line aforesaide: & it appearing unto us that ye ancestors of Roberd Mason esquire obtained grants from our great Councill of plimoth for ye tract of land aforesaide & wheare at very grease expence upon ye same untill molested & finally driven oute which hath occasioned a lasting Complainte for Justice by ye said Roberd Mason ever Since our restoration: how ever to prevent in this case any unreasonable demands web mighte be made by the Saide Roberd Mason for ye rights he Claimeth In Saide soyle wee have obliged ye saide Roberd Mason under his hand & Seale to declare that he will demands nothing for ye time paste untill ye twenty fourth of June laste paste nor molest any In the posessions for ye time to come: but will [torn] to them & theirs ayres for ever provided they will paye him upon a faire agrement in few of all other Rents Six pence in ye pound according to ye Just and trew yearly valew: of all houses builte by them & of all lands whether gardens orchards arribell or pasture wch have been Improved by them wch he will agree Shall be bounded out unto eviry of ye parties Conserved & that ye residu maye remains unto himselfe to be disposed of for his best advanetadge-But not with standing this overturn from ye Saide Robert Mason wch Semeth to be faire urge us any of ye Inhabitants of ye saide province of new hamshir Shall refuse to agree wth ye Agents of ye saide Roberd Mason upon ye terms aforesaide our will & pleasure is yt ye president & Counsill of new hamshire aforesaide for ye time being Shall have power & are hereby Impowered to Interpose & reconcile all Differanses if they can That Shall or maye arise betweene ye saide Roberd Mason & ye Saide Inhabitants but if they cannot then we doe hereby: Commande & requier the saide president & Counsill to send into England such Casses fairely & Imparsially stated together wth theire one opinions upon such Cases that we our ayres & Sucsesors by &; with ye advice of our & there privy Counsill maye determin therein according to equity and Lastly our will & pleasure is that the saide president & Counsill for ye time being doe prepare & send into England such [torn] & methods for there one prosedings as maye best suite with the Constitution of the saide province of new hamshire- for ye better establishing of Our authority there and the government thereof that wee and our privi Councill maye examin & alter or approve the same in witness Whereof we have Caused these our letters to be made pattens witness our self at wesminster the 18th of September In the one and thirtieth yeare of our Reign-*

Peripsom Regem Barker-

[NOTE.-The foregoing commission of John Cutt was compounded from two mutilated copies, the most ancient in the possession of the state. The state does not possess the original commission, but these copies were apparently made soon after the date of the original.-OTIS G. HAMMOND.]

Source:

The Federal and State Constitutions Colonial Charters, and Other Organic Laws of the States, Territories, and Colonies Now or Heretofore Forming the United States of America
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Constitution of New Hampshire - 1776 (1)

IN CONGRESS AT EXETER, *January 5, 1776.*

VOTED, That this Congress take up CIVIL GOVERNMENT for this colony in manner and form following, viz.

WE, the members of the Congress of New Hampshire, chosen and appointed by the free suffrages of the people of said colony, and authorized and empowered by them to meet together, and use such means and pursue such measures as we should judge best for the public good; and in particular to establish some form of government, provided that measure should be recommended by the Continental Congress: And a recommendation to that purpose having been transmitted to us from the said Congress: Have taken into our serious consideration the unhappy circumstances, into which this colony is involved by means of many grievous and oppressive acts of the British Parliament, depriving us of our natural and constitutional rights and privileges; to enforce obedience to which acts a powerful fleet and army have been sent to this country by the ministry of Great Britain, who have exercised a wanton and cruel abuse of their power, in destroying the lives and properties of the colonists in many places with fire and sword, taking the ships and lading from many of the honest and industrious inhabitants of this colony employed in commerce, agreeable to the laws and customs a long time used here.

The sudden and abrupt departure of his Excellency John Wentworth, Esq., our late Governor, and several of the Council, leaving us destitute of legislation, and no executive courts being open to punish criminal offenders; whereby the lives and properties of the honest people of this colony are liable to the machinations and evil designs of wicked men, *Therefore*, for the preservation of peace and good order, and for the security of the lives and properties of the inhabitants of this colony, we conceive ourselves reduced to the necessity of establishing A FORM OF GOVERNMENT to continue during the present unhappy and unnatural contest with Great Britain; PROTESTING and DECLARING that we neaver sought to throw off our dependence upon Great Britain, but felt ourselves happy under her protection, while we could enjoy our constitutional rights and privileges. And that we shall rejoice if such a reconciliation between us and our parent State can be effected as shall be approved by the CONTINENTAL CONGRESS, in whose prudence and wisdom we confide.

Accordingly pursuant to the trust reposed in us, WE DO Resolve, that this Congress assume the name, power and authority of a house of Representatives or Assembly for the *Colony of New-Hampshire* And that said House then proceed to choose twelve persons, being. reputable freeholders and inhabitants within this colony, in the following manner, viz. five in the county of Rockingham, two in the county of Stratford, two in the county of Hillsborough, two in the county of Cheshire, and one in the county of Grafton, to be a distinct and separate branch of the Legislature by the name of a COUNCIL for this colony, to continue as such until the third Wednesday in December next; any seven of whom to be a quorum to do business. That such Council appoint their President, and in his absence that the senior counsellor preside; that a Secretary be appointed by both branches, who may be a counsellor, or otherwise, as they shall choose:

That no act or resolve shall be valid and put into execution unless agreed to, and passed by both branches of the legislature

That all public officers for the said colony, and each county, for the current year, be appointed by the Council and Assembly, except the several clerks of the Executive Courts, who shall be appointed by the Justices of the respective Courts.

That all bills, resolves, or votes for raising, levying and collecting money originate in the house of Representatives.

That at any session of the Council and Assembly neither branch shall adjourn from any longer time than from Saturday till the next Monday without consent of the other.

And it is further resolved, That if the present unhappy dispute with Great Britain should continue longer than this present year, and the Continental Congress give no instruction or direction to the contrary, the Council be chosen by the people of each respective county in such manner as the Council and house of Representatives shall order.

That general and field officers of the militia, on any vacancy, be appointed by the two houses, and all inferior officers be chosen by the respective companies.

That all officers of the Army be appointed by the two houses, except they should direct otherwise in case of any emergency.

That all civil officers for the colony and for each county be appointed, and the time of their continuance in office be determined by the two houses, except clerks of Courts, and county treasurers, and recorders of deeds.

That a treasurer, and a recorder of deeds for each county be annually chosen by the people of each county respectively; the votes for such officers to be returned to the respective courts of General Sessions of the Peace in the county, there to be ascertained as the Council and Assembly shall hereafter direct.

That precepts in the name of the Council and Assembly, signed by the President of the Council, and Speaker of the house of Representatives, shall issue annually at or before the first day of November, for the choice of a Council and house of Representatives to be returned by the third Wednesday in December then next ensuing, in such manner as the Council and Assembly shall hereafter prescribe.

(1) Verified by "Acts and Laws of the State of New Hampshire in America, by order of The General Assembly. To which is prefixed, The Resolution of the American Congress for Establishing a Form of Government in New Hampshire and the Resolve of the Provincial Congress, for taking up Government in Form. With the Declaration of Independence. America: Printed at Exeter in the State of New Hampshire, MDCCLXXX." pp. 2-4.

This constitution was framed by a convention, or "congress," which assembled at Exeter, December 21, 1775, (in accordance with a recommendation from the Continental Congress,) and completed its labors January 5, 1776. The constitution was not submitted to the people. This was the first constitution framed by an American Commonwealth. [Back](#)

Source:

The Federal and State Constitutions Colonial Charters, and Other Organic Laws of the States, Territories, and Colonies Now or Heretofore Forming the United States of America
Compiled and Edited Under the Act of Congress of June 30, 1906 by Francis Newton Thorpe
Washington, DC : Government Printing Office, 1909.



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The Duke of York's Release to John Lord Berkeley, and Sir George Carteret, 24th of June, 1664 (1)

THIS INDENTURE made the four and twentieth day of June, in the sixteenth year of the reign of our sovereign Lord, Charles the Second, by the grace of God of England, Scotland, France and Ireland, King Defender of the Faith, &c., Annoq. Domini, 1664. Between His Royal Highness, James Duke of York, and Albany, Earl of Ulster, Lord High Admiral of England, and Ireland, Constable of Dover Castle, Lord Warden of the Cinque ports, and Governor of Portsmouth, of the one part: John Lord Berkeley, Baron of Stratton, and one of His Majesty's most Honourable Privy Council, and Sir, George Carteret of Saltrum, in the County of Devon, Knight and one of His Majesty's most Honourable Privy Council of the other part: Whereas his said Majesty King Charles the Second, by his [Letters Patents under the Great Seal of England, bearing date on or about the twelfth day of March](#), in the sixteenth year of his said Majesty's reign, did for the consideration therein mentioned, give and grant unto his said Royal Highness James, Duke of York, his heirs and assigns, all that part of the main land of New England, beginning at a certain place called or known by the name of St. Croix next adjoining to New Scotland in America; and from thence extending along the sea coast unto a certain place called Pemaquie or Pemaquid, and so by the river thereof to the furthest head of the same as it tendeth northward; and extending from thence to the river of Kenebeque, and so upwards by the shortest course to the river Canady northwards; and also all that island or islands commonly called by the several name or names of Matowacks or Long Island, situate and being towards the west of Cape Codd and the Narrow Higansetts, abutting upon the main land between the two rivers there, called or known by the several names of Connecticut, and Hudson's river; together also with the said river called Hudson's river, and all the land from the west side of the Connecticut river to the east side of the Delaware Bay: and also several other islands and lands in said Letters Patents mentioned, together with the rivers, harbours, mines, minerals, quarries, woods, marshes, waters, lakes, fishing, hawkings, buntings, and fowling, and all other royalties, profits, commodities and hereditaments to the said several islands lands and premises belonging and appertaining, to have and to hold the said lands, islands, hereditaments and premises, with their and every of their appurtenances, unto his said Royal Hiness James Duke of York, his heirs and assigns for ever; to be holden of his said Majesty, his heirs and successors, as of the manner of East Greenwich, in the County of Kent, in free and common soccage, yielding and rendering unto his said Majesty his heirs and successors of and for the same, yearly and every year, forty beaver skins, when they shall be demanded, or within ninety days after; with divers other grants, clauses, provisos, and agreements, in the said recited Letters Patents contain'd, as by the said Letters Patents, relation being thereunto had, it doth and may more plainly and at large appear. Now this Indenture witnesseth, that his said Royal Highness James Duke of York, for and in consideration of a competent sum of good and lawful money of England to his said Royal Highness James Duke of York in hand paid by the said John Lord Berkeley and Sir George Carteret, before the sealing and delivery of these presents, the receipt whereof the said James Duke of York, doth hereby acknowledge, and thereof doth acquit and discharge the said John Lord Berkley and Sir George Carteret forever by these presents hath granted, bargained, sold, released and confirmed, and by these presents doth grant, bargain, sell, release and confirm unto the said John Lord Berkley and Sir George Carteret, their heirs and assigns for ever, all that tract of land adjacent to New England, and lying and being to the westward of Long Island, and Manhtas Island and bounded on the east part by the main sea, and part by Hudson's river, and hath upon the west Delaware bay or river, and extendeth southward to the main ocean as far as Cape May at the mouth of the Delaware bay; and to the northward as far as the northermost branch of the said bay or river of Delaware, which is forty-one degrees and forty minutes of latitude, and crosseth over thence in a strait line to Hudson's river in forty-one degrees of latitude; which said tract of land is hereafter to be called by the name or names of New Caeserea or New Jersey: and also all rivers, mines, mineralis; woods, fishings, hawking, hunting, and fowling, and all other royalties, profits, commodities, and hereditaments whatever, to the said lands and premises belonging or in any wise appertaining; with their and every of their appurtenances, in as full and ample manner as the same is granted to the said Duke of York by the before-recited Letters Patents; and all the estate, title, interest, benefit advantage, claim and demand of the said James Duke of York, of in or to the said and premises, or any part or parcel thereof, and the reversion and reversions, remainder and remainders thereof: All of which said tract of land and premises were by indenture, bearing date the day before the date hereof, bargain'd and sold by the said James Duke of York, unto the said John Lord Berkeley and Sir George Carteret, for the term of one whole year to commence from the first day of May last past, before the date thereof, under the rent of a peper corn, payable as therein is mentioned as by the said deed more plainly may appear: by force and virtue of which said indenture of bargain and sale, and of the statute for transferring of uses into possession, the said John Lord Berkley and Sir George Carteret, are in actual possession of the said tract of land and premises, and enabled to take a grant and release thereof, the said lease being made to that end and purpose, to have and to hold all and singular the said tract of land and premises; with their, and every of their appurtenances, and every part and parcel thereof, unto the said John Lord Berkeley and Sir George Carteret, their heirs and assigns for ever, to the only use and behoof of the said John Lord Berkeley and Sir George Carteret their heirs and assigns for ever; yielding and rendering therefore unto the said James Duke of York, his heirs and assigns, for the said tract of land and premises, yearly and every year the sum of twenty nobles of lawful money of England, if the same shall be lawfully demanded at or in the Inner Temple Hall, London, at the Feast of St. Michael the Arch Angel yearly. And the said John Lord Berkley and Sir George Carteret for themselves and their heirs, covenant and grant to and with the said James Duke of York, his heirs and assigns by these presents, that they the said John Lord Berkley and Sir George Carteret, their heirs and assigns, shall and will well and truly pay or cause to be paid unto the said James Duke of York, his heirs and assigns, the said yearly rent of twenty nobles at such time and place, and in such manner and form as before in these presents is expressed and delivered. In witness whereof the parties aforesaid to these presents have interchangeably set their hands and seals, the day and year first above written. JAMES

Sign'd, seal'd and deliver'd in the presence of
WILLIAM COVENRYE,
THOMAS HEYWOOD.

(1) Verified by "Grants and Concessions of New Jersey." Leaming & Spicer. 2d Ed., pp. 8-11. [Back](#)

Source:
The Federal and State Constitutions Colonial Charters, and Other Organic Laws of the States, Territories, and Colonies Now or Heretofore Forming the United States of America
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Colonial Charters Page

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The Concession and Agreement of the Lords Proprietors of the Province of New Caesarea, or New Jersey, to and With All and Every the Adventurers and All Such as Shall Settle or Plant There - 1664

IMPRIMUS. We do consent and agree, that the Governor of the said Province hath power, by the advice of his Council, to depute one in his place and authority, in case of death or removal, to continue until our further order, unless we have commissioned one before.

ITEM. That he hath likewise power to make choice of and to take to him six councillors at least, or twelve at most, or any even number between six and twelve, with whose advice and consent, or with at least three of the six, or four of a greater number (all being summon'd) he is to govern according to the limitations and instructions following, during our pleasure.

ITEM. That the chief Secretary or register which we have chosen, or shall choose, (we failing) that he shall choose, shall keep exact entries in fair books of all publick affairs: and to avoid deceits and lawsuits, shall record and enter all grants of land from the lords to the planters; and all conveyances of land, house or houses from man to man, as Also all leases for land, house or houses, made or to be made by the landlord to any tenant for more than one year; which conveyance or lease shall be first acknowledged by the grantor or leaver, or proved by the oath of two witnesses to the lease or conveyance, before the Governor or some chief judge of a court for the time being, who shall under his hand on the backside of the said deed or lease, attest the acknowledgment or proof as aforesaid; which shall be a warrant for the register to record the same: which conveyance so recorded shall be good and effectual in law, notwithstanding any other conveyance, deed or lease for the said land, house or houses, or for any part thereof, altho' dated before the conveyance, deed or lease, recorded as aforesaid: And the said register shall do all other thing or things that we by our instructions shall direct, and the Governor, Council and General Assembly shall ordain for the good and welfare of the said Province.

ITEM. That the Surveyor General, that we have chosen or shall choose, (we failing that the Governor shall choose) shall have power by himself or deputy, to survey, lay out and bound all such lands as shall be granted from the lords to the planters; and all other lands within the said Province which may concern particular men as he shall be desired to do, and a particular thereof certify to the register to be recorded as aforesaid. Provided, that if the said register awl surveyor, or either of them, shall misbehave themselves, as that the Governor and Council or Deputy Governor and Council, or the major part of them, shall find it reasonable to suspend their actings in their respective employments, it shall be lawful for them so to do, until further orders from us.

ITEM. That the Governor, Councillors, Assembly Men, Secretary, Surveyor, and all other officers of trust, shall swear or subscribe (in a book to be provided for that purpose) that they will bear true allegiance to the King of England, his heirs and successors; and that they will be faithful to the interests of the Lords Proprietors of the said Province and their heirs, executors and assigns; and endeavour the peace and welfare of the said Province; and that they will truly and faithfully discharge their respective trust in their respective offices, and do equal justice to all men, according to their best skill and judgment, without corruption, favour or affection; and the names of all that have sworn or subscribed, to be entered in a book. And whosoever shall subscribe and not swear, and shall violate his promise in that subscription, shall be liable to the same punishment that the persons are or may be that have sworn and broken their oaths.

ITEM. That all persons that are or shall become subjects of the King of England, and swear, or subscribe allegiance to the King, and faithfulness to the lords, shall be admitted to plant and become freemen of the said Province, and enjoy the freedoms and immunities hereafter express'd, until some stop or contradiction be made by us the lords, or else the Governor, Council and Assembly, which shall be in force until the lords see cause to the contrary: provided that such stop shall not any ways prejudice the right or continuance of any person that have been receiv'd before such stop or orders come from the General Assembly.

ITEM. That no person qualified as aforesaid within the said Province, at any time shall be any ways molested, punished, disquieted or called in question for any difference in opinion or practice in matte of religious concernments, who do not actually disturb the civil peace of the said Province; but that all and every such person and persons may from time to time, and at all times, freely and fully have an' enjoy his and their judgments and consciences in' masters of religion throughout the said Province they behaving themselves peaceably ant quietly, 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 this realm o England, to the contrary thereof in any wise notwithstanding.

ITEM. That no presence may be taken by our heirs or assigns for or by reason of our right of patronage and power of advouson granted by his Majesty's Letter's Patents, unto his Royal Highness James Duke of York, and by his said Royal Highness unto us thereby to infringe the general clause of liberty of conscience, afore mentioned: we do hereby grant unto the General Assembly of the said Province, power by act to constitute and appoint such and so many ministers or preachers as they shall think fit, and to establish their maintenance, giving liberty beside to any person or persons to keep and maintain what preachers or ministers they please.

ITEM. That the inhabitants being freemen, or chief agents to others of the Province aforesaid; do as soon as this our commission shall arrive, by virtue of a writ in our names by the Governor to be for the present (until our seal comes) sealed and signed, make choice of twelve deputies or representatives from amongst themselves; who being chosen are to join with the said Governor and council for the making of such laws, ordinances and constitution as shall be necessary for the present good and welfare of the said Province. But so soon as parishes, divisions, tribes and other distinctions are made, that then the inhabitants or freeholders of the several respective parishes, tribes, divisions and distinctions aforesaid, do by our wrists, under our seals, (which we engage, shall be in due time issued) annually meet on the first day of January, and choose freeholders for each respective division, tribe or parish to be the deputies or representatives of the same: which body of representatives or the major part of them, shall, with the Governor and council aforesaid, be the General Assembly of the said Province, the Governor or his deputy being present, unless they shall wilfully refuse, in which case they may appoint themselves a president, during the absence of the Governor or the deputy Governor.

WHICH ASSEMBLY'S ARE TO HAVE POWER

First. To appoint their own time of meeting and to adjourn their sessions from time to time to such times and places as they shall think convenient; as also to ascertain the number of their quorum; provided that such numbers be not less than the third part of the whole in whom (or more) shall be the full power of the General Assembly.

II. To enact and make all such laws, acts and constitutions as shall be necessary for the well government of the said Province, and them to repeal: provided, that the same be consonant to reason, and as near as may be conveniently agreeable to the laws and customs of his majesty's kingdom of England: *provided also*, that they be not against the interest of us the Lords Proprietors, our heirs or assigns, nor any of those our concessions, especially that they be not repugnant to the article for liberty of conscience above-mentioned: which laws so made shall receive publication from the Governor and council (but as the laws of us and our General Assembly) and be in force for the space of one year and no more, unless contradicted by the Lords Proprietors, within which time they are to be presented to us, our heirs, &c. for our ratification; and being confirmed by us, they shall be in continual force till expired by their own limitation, or by act of repeal in like manner to be passed (as aforesaid) and confirmed.

III. By act as aforesaid, to constitute all courts, together with the limits, powers and jurisdictions of the same; as also the several offices and number of officers

belonging to each court, with their respective salaries, fees and perquisites; their appellations and dignities, with the penalties that shall be due to them, for the breach of their several and respective duties and trusts.

IV. By act as aforesaid, to lay equal taxes and assessments, equally to raise moneys or goods upon all lands (excepting the lands of us the Lords Proprietors before settling) or persons within the several precincts, hundreds, parishes, manors, or whatsoever other divisions shall hereafter be made and established in the said Province, as oft as necessity shall require, and in such manner as to them shall seem most equal and easy for the said inhabitants; in order to the better supporting of the publick charge of the said Government, and for the mutual safety, defence and security of the said Province.

V. By act as aforesaid, to erect within the said Province, such and so many manors, with their necessary courts, jurisdictions, freedoms, and privileges, as to them shall seem meet and convenient: As also to divide the said Province into hundreds, parishes, tribes or such other divisions and districtions, as they shall think fit; and the said divisions to distinguish by what names we shall order or direct; and in default thereof, by such names as they please: As also in the said Province to create and appoint such and so many ports, harbours, creeks, and other places for the convenient lading and unloading of goods and merchandises, out of ships, boats, and other vessels, as shall be expedient; with such jurisdictions, privileges and franchises to such ports, &c. belonging, as they shall Judge most conducing to the general good of the said Plantation or Province.

VI. By their enacting to be confirm'd as aforesaid, to erect, raise and build within the said Province or any part thereof, such and so many forts, fortresses, castles, cities, corporations, boroughs, towns, villages, and other places of strength and defence; and them or any of them, to incorporate with such charters and privileges, as to them shall seem good, and the grant made unto us will permit; and the same or any of them to fortify and furnish with such provisions and proportion of ordnance, powder, shot, armour, and all other weapons, ammunition and abillments of war, both offensive and defensive, as shall be thought necessary and convenient for the safety and welfare of the said Province. But they may not at any time demolish, dismantle or disfurnish the same, without the consent of the Governor and the major part of the council of the said Province.

VII. By act (as aforesaid) to constitute train'd bands and companies, with the number of soldiers, for the safety, strength and defence of the said Province; and of the forts, castles, cities, &c. To suppress all mutinies and rebellions; to make war offensive and defensive with all Indians, strangers and foreigners, as they shall see cause; and to pursue an enemy as well by sea as by land, if need be, out of the limits and jurisdictions of the said Province, with the particular consent of the Governor, and under his conduct, or of our commander in chief, or whom he shall appoint.

VIII. By act (as aforesaid) to give to all strangers, as to them shall seem meet, a naturalization, and all such freedoms, and privileges within the said Province as to his majesty's subjects do of right belong, they swearing or subscribing as aforesaid; which said strangers, so naturalized and privileged, shall be in all respects accounted in the said Province, as the King's natural subjects.

IX. By act (as aforesaid) to prescribe the quantity of land which shall be from time to time, allotted to every head, free or servant, male or female, and to make and ordain rules for the casting of lots for land and the laying out of the same; *provided*, that they do not in their prescriptions exceed the several proportions which are hereby granted by us to all persons arriving in the said Province or adventuring thither.

X. The General Assembly by act, as aforesaid, shall make provision for the maintenance and support of the Governor, and for the defraying of all necessary charges for the government; as also that the constables of the said Province shall collect the Lord's rent, and shall pay the same to the receiver that the Lords shall appoint to receive the same; unless the General Assembly shall prescribe some other way whereby the Lords may have their rents duly collected, without charge or trouble to them.

XI. Lastly, to enact, constitute and ordain all such other laws and constitutions as shall or may be necessary for the good, prosperity and settlement of the said Province, excepting what by these presents is excepted, and conforming to the limitations herein expressed.

THE GOVERNOR IS WITH HIS COUNCIL BEFORE EXPRESS'D

First. To see that all courts establish'd by the laws of the General Assembly, and all ministers and officers, civil and military, do and execute their several duties and offices respectively, according to the laws in force; and to punish them for swerving from the laws, or acting contrary to their trust, as the nature of their offences shall require.

II. According to the constitution of the General Assembly, to nominate and commissionate, the several judges, members and officers of the courts, whether magistralical or ministerial and all other civil officers, coroners, &c. and their commissions, powers, and authority to revoke at pleasure: *provided*, that they appoint none but such as are freeholders in the Province aforesaid, unless the General Assembly consent.

III. According to the constitution of the General Assembly, to appoint courts and officers in cases criminal; and to impower them to inflict penalties upon offenders against any of the laws in force in the said Province, as the said laws shall ordain; whether by fine, imprisonment, banishment, corporal punishment, or to the taking away of member or life itself if there be cause for it.

IV. To place officers and soldiers for the safety, strength and defence of the forts, castles, cities &c. according to the number appointed by the General Assembly, to nominate, place and commissionate all military officers under the dignity of the said Governor, who is commissioned by us over the several train'd bands and companies, constituted by the General Assembly, as colonels, captains, &c. and their commissions to revoke at pleasure. The Governor with the advice of his Council, unless some present danger will not permit him, to advise to muster and train all forces within the said Province, to prosecute war, pursue an enemy, suppress all rebellions, and mutinies, as well by sea as land; and to exercise the whole militia, as fully as we by the grant from his Royal Highness can impower them to do: *Provided*, that they appoint no military forces but what are freeholders in the said Province, unless the General Assembly shall consent.

V. Where they see cause, after condemnation, to reprove until the case be presented, with a copy of the whole tryal, proceedings and proofs to the Lords, who will accordingly pardon or command execution of the sentence of the offender; who is in mean time to be kept in safe custody till the pleasure of the Lords be known.

VI. In case of death or other removal of any of the Representatives within the year, to issue summons by writ to the respective division or divisions, for which he or they were chosen, commanding the freeholders of the same to choose others in their stead.

VII. To make warrants and seal grants of lands, according to those our concessions and the prescriptions, by the advice of the General Assembly in such form as shall be at large set down in our instructions to the Governor in his commission, and which are hereafter express'd.

VIII. To act and do all other things that may conduce to the safety, peace and well-government of the said Province, as they shall see fit; so as they be not contrary to the laws of the said Province.

FOR THE BETTER SECURITY OF THE PROPRIETIES OF ALL THE INHABITANTS

First. They are not to impose nor suffer to be imposed, any tax' custom, subsidy, tallage, assessment, or any other duty whatsoever upon any colour or presence, upon the said Province and inhabitants thereof, other than what shall be imposed by the authority and consent of the General Assembly, and then only in manner as aforesaid.

II. They are to take care, that lands quietly held, planted and possessed seven years, after its being duly survey'd by the Surveyor General, or his order, shall not be subject to any review, re-survey or alteration of bouncers, on what presence soever by any of us, or by any officer or minister under us.

III. They are to take care, that no man, if his cattle stray, range or graze on any ground within the said Province, not actually appropriated or set out to particular persons, shall be lyable to pay any trespass for the same, to us, our heirs or executors: *Provided* that custom of commons be not thereby pretended to, nor any person

hindered from taking up, and appropriating any lands so grazed upon: And that no person doth purposely suffer his cattle to graze on such lands.

AND THAT THE PLANTING OF THE SAID PROVINCE MAY BE THE MORE SPEEDILY PROMOTED

I. We do hereby grant unto all persons who have already adventured to the said Province of New Caesarea or New Jersey, or shall transport themselves, or servants, before the first day of January, which shall be in the year of our Lord one thousand six-hundred sixty-five, these following proportions, viz: To every freeman that shall go with the first Governor, from the port where he embarques, or shall meet him at the rendezvous he appoints, for the settlement of a plantation there, arm'd with a good musket, bore twelve bullets to the pound, with ten pounds of powder, and twenty pounds of bullets, with bandiliers and match convenient, and with six months provision for his own person arriving there, one hundred and fifty acres of land English measure; and for every able servant that he shall carry with him, arm'd and provided as aforesaid, and arriving there, the like quantity of one hundred and fifty acres English measure: And whosoever shall send servants at that time, shall have for every man servant he or she shall send, armed and provided as aforesaid, and arrive there, the like quantity of one hundred and fifty acres: And for every weaker servant, or slave, male or female, exceeding the age of fourteen years, which any one shall send or carry, arriving there, seventy-five acres of land: And for every Christian servant, exceeding the age aforesaid, after the expiration of their time of service, seventy-five acres of land for their own use.

II. ITEM. To every master or mistress that shall go before the first day of January, which shall be in the year one thousand six hundred sixty-five; one hundred and twenty acres of land. And for every able man servant, that he or she shall carry or send, arm'd and provided as aforesaid, and arriving within the time aforesaid, the like quantity of one hundred and twenty acres of land: And for every weaker servant or slave, male or female, exceeding the age of fourteen years, arriving there, sixty acres of land: And to every Christian servant to their own use and behoof sixty acres of land.

III. ITEM. To every free man and free woman that shall arrive in the said Province, arm'd and provided as aforesaid, within the second year, from the first day of January 1665 to the first day of January one thousand six hundred sixty-six, with an intention to plant, ninety acres of land English measure: And for every man servant that he or she shall carry or send, armed and provided as aforesaid, ninety acres of land of like measure.

IV. ITEM. For every weaker servant or slave, aged as aforesaid, that shall be so carried or sent thither within the second year, as aforesaid, forty-five acres of land of like measure: And to every Christian servant that shall arrive the second year, forty-five acres of land of like after the expiration of his or their time of service, for their own use and behoof.

V. ITEM. TO every free man and free woman, armed and provided as aforesaid, that shall go and arrive with an intention to plant, within the third year from January 1666 to January 1667, armed and provided as aforesaid, threescore acres of land of like measure: And for every able man servant, that he or she shall carry or send within the said time, armed and provided as aforesaid, the like quantity of threescore acres of land. And for every weaker servant or slave, aged as aforesaid, that he or she shall carry or send within the third year, thirty acres of land: And to every Christian servant so carried or sent in the third year, thirty acres of land of like measure, after the expiration of their time of service. All which land, and all other that shall be possessed in the said Province, are to be held on the same terms and conditions as is before mentioned, and as hereafter in the following paragraphs is more at large express'd. *Provided always*, that the before mentioned land and all other whatsoever, that shall be taken up and so settled in the said Province, shall afterward from time to time for the space of thirteen years from the date hereof, be held upon the conditions aforesaid, continuing one able man servant or two such weaker servants as aforesaid, on every hundred acres a master or mistress shall possess, besides what was granted for his or her own person: In failure of which upon other disposure to the present occupant, or his assigns, there shall be three years given to such for their compleating the said number of persons, or for their sale or dispositions of such part of their lands as are not so people'd within such time of three years. If any such person holding any land shall fail by himself his agents, executors or assigns, or some other way to provide such number of persons, unless the General Assembly shall without respect to poverty, judge it was impossible for the party so failing, to keep or procure his or her member of servants to be provided as aforesaid; in such case we the Lords to have power of disposing of so much of such land as shall not be planted with its due number of persons as aforesaid, to some others that will plant the same. *Provided always*, That no person arriving in the said Province, with purpose to settle (they being subjects or naturalized as aforesaid) be denied a grant of such proportions of land as at the time of their arrival that are due to themselves or servants, by concession from us as aforesaid; but have full licence to take up and settle the same, in such order and manner as is granted or prescrib'd. All lands (notwithstanding the Lowers in the Assembly aforesaid) shall be taken up by warrant from the Governor and confirm'd by the Governor and Council, under a seal to be provided for that purpose, in such order and method as shall be set down in this declaration, and more at large in the instruction to the Governors, and Council.

AND THAT THE LANDS MAY BE THE MORE REGULARLY LAID OUT AND ALL PERSONS THE BETTER ASCERTAIN'D OF THEIR TITLE AND POSSESSION

I. The Governor and Council and General Assembly (if any be) are to take care and direct, that all lands be divided by general lots, none less than two thousand one hundred acres, nor more than twenty one thousand acres in each lot, excepting cities, towns, &c. and the near lots of townships; and that the same be divided into seven parts, one seventh part to us, our heirs and assigns; the remainder to persons as they come to plant the same, in such proportions as is allowed.

II. ITEM. That the Governor, or whom he shall depute, in case of death or absence, if some be not before commissioned by us as aforesaid, do give to every person to whom land is due, a warrant sign'd and seal'd by himself, and the major part of his Council, and directed to the Surveyor General, or his deputy, commanding him to lay out, limit and bound acres of land, as his due proportion, is for such a person, in such allotment, according to the warrant; the Register having first recorded the same, and attested the record upon warrant; The Surveyor General, or his deputy, shall proceed and certify to the chief Secretary or Register, the name of the person for whom he hath laid out land, by virtue of what authority, the date of the authority or warrant, the number of acres, the bounds, and on what point of the compass the several limits thereof lye; which certificate the Register is likewise to enter in a book to be prepared for that purpose, with an alphebetical table, referring to the book, that so the certificate may be the easier found; and then to file the certificates, and the same to keep safely: The certificate being entered, a warrant comprehending all the particulars of land mentioned in the certificate aforesaid, is to be signed and sealed by him and his Council, or the major part of them as aforesaid, they having seen the entry and directed to the Register or chief Secretary for his preparing a grant of the land to the party for whom it is laid out, which grant shall be in the form following, viz.

The Lords proprietors of the Province of New Caesarea or New Jersey, do hereby grant unto A. B. of the in the Province aforesaid, a plantation containing acres English measure, bounded (as in the certificate) to hold to him or her, his or her heirs or assigns for ever, yielding and paying yearly to the said Lords Proprietors, their heirs or assigns, every fifth and twentieth day of March, according to the English account, one halfpenny of lawful money of England, for every of the said acres, to be holden of the manner of East-Greenwich, in free and common soccage; the first payment of which rent to begin the five and twentieth day of March, which shall be. in the year of our Lord one thousand six hundred and seventy, according to the English account. Given under the seal of the said province the day of _____ In the year of our lord 166__

To which instrument the Governor or his deputy hath hereby full power to put the seal of the said Province, and to subscribe his name, as also the Council, or the major part of them, are to subscribe their names; and then the instrument or grant is to be by the Register recorded in a book of records for that purpose; all which being done according to those instructions we hereby declare, that the same shall be effectual in law for the enjoyment of the said plantation, and all the benefits and profits and in the same (except the half part of mines of gold and silver) paying the rents as aforesaid: *Provided*, that if any plantation so granted, shall by the space of three years be neglected to be planted with a sufficient number of servants, as is before mentioned, that then it shall be lawful for us otherwise to dispose thereof, in whole or in part, this grant notwithstanding.

III. ITEM. We do also grant convenient proportions of land for highways and for streets, not exceeding one hundred foot in breadth in cities, towns and vilages, &c. and for churches, forts, wharfs, keys, harbours and for publick houses; and to each parish for the use of their ministers two hundred acres, in such places as the General Assembly shall appoint.

IV. ITEM. The Governor is to take notice, that all such lands laid out for the uses and purposes aforesaid, in the next proceeding article, shall be free and exempt from all rents, taxes and other charges and duties whatsoever, payable to us, our heirs or assigns.

V. ITEM. That in laying out lands for cities, towns, vilages, boroughs, or other hamblets, the said lands be divided into seven parts; one seventh part whereof to be by lot laid out for us, and the rest divided to such as shall be willing to build thereon, they paying after the rate of one penny or half-penny per acre (according to the value of the land) yearly to us, as for their other lands as aforesaid; which said lands in cities, towns, &c. is to be assured to each possessor by the same way and instrument as is before mentioned.

VI. ITEM. That all rules relating to the building of each street, or quantity of ground to be allotted to each house within the said respective cities, boroughs and towns, be wholly left by act as aforesaid, to the wisdom and discretion of the General Assembly.

VII. ITEM. That the inhabitants of the said Province have free passage thro' or by any seas, bounds, creeks, rivers or rivelets, tic. in the said Province, thro' or by which they must necessarily pass to come from the main ocean to any part of the Province aforesaid.

VIII. Lastly. It shall be lawful for the representatives of the Freeholders, to make any address to the Lords touching the Governor and Council, or any of them, or concerning any grievances whatsoever, or for any other thing they shall desire, without the consent of the Governor and Council, or any of them. Given under our seal of our said Province the tenth day of February in the year of our Lord one thousand six hundred sixty and four.

JOHN BERKELEY

G. CARTERET

Source:

The Federal and State Constitutions Colonial Charters, and Other Organic Laws of the States, Territories, and Colonies Now or Heretofore Forming the United States of America
Compiled and Edited Under the Act of Congress of June 30, 1906 by Francis Newton Thorpe
Washington, DC : Government Printing Office, 1909.

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A Declaration of the True Intent and Meaning of us the Lords Proprietors, and Explanation of There Concessions Made to the Adventurers and Planters of New Caesarea or New Jersey-1672

I. That as to the 6th Article, it shall be in the power of the Governor and his Council to admit of all persons to become planters and free men of the said Province, without the General Assembly; but no person or persons whatsoever shall be counted a freeholder of the said Province, nor have any vote in electing, nor be capable of being elected for any office or trust, either civil or military, until he doth actually hold his or their lands by patent from us, the Lords proprietors.

II. As to the 8th article, it shall be in the power of the Governor and Council, to constitute and appoint such ministers and preachers as shall be nominated and chosen by the several corporations, without the General Assembly, and to establish their maintenance, giving liberty besides any person or persons to keep and maintain what preachers or ministers they please.

AS TO THE GENERAL ASSEMBLY

I. That is shall be in the power of the Governor and his Council to appoint the times and places of meeting of the General Assembly, and to adjourn and summon them together again when and where he and they shall see cause.

II. [To the third](#); that it is to be understood, that it is in the power of the Governor and his Council to constitute and appoint courts in particular corporations already settled, without the General Assembly; but for the courts of sessions and assizes to be constituted and established by the Governor Council and representatives together: and that all appeals, shall be made from the assizes, to the Governor and his Council, and thence to the Lords proprietors; from whom they may appeal to the king, and that no more corporations be confirm'd but by or with the special order of us the Lords proprietors.

III. To the [ninth article](#): that the Governor and his Council may dispose of the allotments of land to each particular person, without the General Assembly according to our directions, as he and they shall think fit.

CONCERNING THE GOVERNOR

I. [As to the second](#) and [third article](#); all officers civil and military (except before excepted) be nominated and appointed by the Governor and Council, without the General Assembly, unless he the said Governor and Council shall see occasion for their advice and assistance.

II. [As to the fourth article](#), in case of foreign invasion or intestine mutiny or rebellion; it shall be lawful for the Governor and his Council to call in to their aid, any persons whatsoever whether freeholder or not.

III. [That in the sixth article](#), concerning the regular laying out of lands; rules for building each street in townships, and quantities of ground for each house lot, the same is left to the freeholders or first undertakers thereof, as they can agree with the Governor and Council, and not to the General Assembly, but to be laid out by the surveyor general.

IV. That all warrants for lands not exceeding the proportions in the concessions, being only sign'd by the Governor and Secretary shall be effectual in case his Council or any part of them be not present.

We the Lords proprietors do understand that in all General Assembly's, the Governor and his Council are to set by themselves, and the deputies or representatives by themselves, and whatever they do propose to be presented to the Governor and his Council, and upon their confirmation to pass for an act or law when confirm'd by us. Witness our hands and seals the 6th day of December, 1672.

JOHN BERKLEY,
G. CARTERET.

Source:

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His Royal Highness's Grant to the Lords Proprietors, Sir George Carteret, 29th July, 1674

This Indenture made the ninth and twentieth day of JULY, in the twenty and sixth year of the reign of our Sovereign Lord, Charles the Second, by the grace of God of England, Scotland, France and Ireland, King, Defender of the Faith, &c. Anno Domini, one thousand six hundred seventy-four. Albany, Earl of Ulster, Lord High Admiral of Scotland and Ireland, of the one part, and Sir George Carteret of Saltrum in the County of Devon, Knight, Vice Chamberlain of his Majesty's household of the other part. WHEREAS his Majesty King Charles the Second, by his Letters Patent, under the Great Seal of: England, bearing date the twenty-ninth day of June, in the twenty-sixth year of his said Majesty's reign, did for the consideration therein mentioned, give and grant unto his said Royal Highness James Duke of York, his heirs and assigns, all that part of the main land of New England, beginning at a certain place called or known by the name of St. Croix next adjoining to New Scotland, in America; and from thence extending along the sea coast unto a certain place called Pemaquine or Pemaquid, and so up the river thereof to the furthest head of the same as it tendeth northward; and extending from thence to the river Kenebeque, and so upwards by the shortest course to the same commonly called by the several name or names of Mattowacks or Long Island, situate and being towards the west of Cape Codd and the Narrow Higansetts, abutting upon the main land between the two rivers there, called or known by the several names of Connecticutt, and Hudson's river; together also with the said river called Hudson's river, and all the lands from the west side of Connecticutt river to the east side of Delaware bay: And also several other islands and lands, in the said Letters Patent mentioned, together with the rivers, harbors, mines, minerals, quarries, woods, marshes, waters, fishing, hawking, hunting, and fowling, and all other royalties, profits, commodities and hereditaments to the said several islands, lands and premises belonging or appertaining, to have and to hold the said lands, islands, hereditaments and premises, with their and every of their appurtenances, unto his said Royal Highness James Duke of York, his heirs and assigns for ever; to be holden of his said Majesty, his heirs and successors as of the manner of East Greenwich in the County of Kent, in free and common soccage, yielding and paying to his said Majesty his heirs and successors of and for the same, yearly and every year, forty beaver skins, when they shall be demanded, or within ninety days after; with divers other grants, clauses, provisoes, and agreements in the said recited Letters Patents contain'd, as by the said Letters Patents, relation being "hereunto had, it doth and may more plainly appear. Now this indenture witnesseth, that his said Royal Highness James Duke of York, for and in consideration of a competent sum of good and lawful money of England to his Royal Highness in hand paid by the said Sir George Carteret, before the ensealing and delivery of these presents, the receipt whereof his said Royal Highness James Duke of York, doth hereby acknowledge, and thereof doth acquit and discharge the said Sir George Carteret, his heirs and assigns for ever by these presents, hath granted, bargained, sold, released and confirmed, and by these presents doth grant, bargain, sell, release and confirm unto the said Sir George Carteret, his heirs and assigns for ever, all that tract of land adjacent to New England, and lying and being to the westward of Long Island and Manhitas Island, and bounded on the east part by the main sea, and part by Hudson's river, and extends southward as far as a certain creek called Barnegatt, being about the middle, between Sandy Point and Cape May, and bounded on the west in a strait line from the said creek called Barnegat, to a certain Creek in Delaware river, next adjoining to and below a certain creek in Delaware river called Renkokus Kill, and from thence up the said Delaware river to the northernmost branch thereof, which is forty-one degrees and forty minutes of latitude; and on the north, crosseth over thence in a strait line to Hudson's river, in forty-one degrees of latitude; which said tract of land is hereafter to be called by the name or names of New Caeserea or New Jersey: And also all rivers, mines, minerals, woods, fishings, hawking, hunting, and fowling, and all royalties, profits, commodities, and hereditaments whatsoever, to the said lands, and premises belonging or appertaining; with their and every of their appurtenances, in as full and ample manner as the same is granted unto the said James Duke of York, by the before recited Letters Patents; and all the estate, right, title, interest benefit, advantage, claim and demand of the said James Duke of York of in and to the said lands and premises, or any part or parcel thereof, and the reversion and reversions, remainder and remainders thereof: All which said tract of land and premises were by indenture, bearing date the day before the date hereof, bargain'd and sold by the said James Duke of York, unto Sir George Carteret, for the term of one whole year to commence from the eighth and twentieth day of July next before the date hereof, under the rent of one peper corn, payable as therein is mentioned as by the said deed more plainly may appear: By force and virtue of which said indenture of bargain and sale, and of the statute made for transferring of usses into possession, the said Sir George Carteret, is in actual possession of the said tract of land and premises, and enabled to take a grant and release thereof, the said lease being made to that end and purpose, to have and to hold all and singular the said-tract of land and premises; with their, and every of their appurtenances, and every part and parcel thereof, unto the said Sir George Carteret, his heirs and assigns to the only behoof of the said Sir George Carteret his heirs and assigns for ever; yielding and paying therefore unto the said James Duke of York, his heirs and assigns, for the tract of land and premises, yearly the sum of twenty nobles of lawful money of England, if the same shall be lawfully demanded at or in the Inner Temple Hall, London, at the feast of St. Michael the Arch Angel yearly. And the said Sir George Carteret for himself, his heirs, and assigns, doth covenant and grant to and with the said James Duke of York, his heirs and assigns by these presents, that he the said Sir George Carteret, his heirs and assigns, shall and will well and truly pay or cause to be paid unto his said BoyalHiness James Duke of York, his heirs and assigns, the said yearly rent of twenty nobles at such time and place, and in such manner and formulas before in these presents is express'd and declared. *Provided* always and upon this condition, that the said Sir George Carteret do cause a copy of this Grant and demise to be entered with the auditor of his said Royal Highness, within one month next after the execution of this present grant and demise. IN WITNESS WHEREOF the parties to these presents have interchangeably set their hands and seals, the day and year first above written. Sign'd.

JAMES.

Source:

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The Charter or Fundamental Laws, of West New Jersey, Agreed Upon - 1676

CHAPTER XIII

THAT THESE FOLLOWING CONCESSIONS ARE THE COMMON LAW, OR FUNDAMENTAL RIGHTS, OF THE PROVINCE OF WEST NEW JERSEY

That the common law or fundamental rights and privileges of West New Jersey, are individually agreed upon by the Proprietors and freeholders thereof, to be the foundation of the government, which is not to be altered by the Legislative authority, or free Assembly hereafter mentioned and constituted, but that the said Legislative authority is constituted according to these fundamentals, to make such laws as agree with, and maintain the said fundamentals, and to make no laws that in the least contradict, differ or vary from the said fundamentals, under what presence or alligation soever.

CHAPTER XIV

But if it so happen that any person or persons of the said General Assembly, shall therein designedly, willfully, and maliciously, move or excite any to move, any matter or thing whatsoever, that contradicts or any ways subverts, any fundamentals of the said laws in the Constitution of the government of this Province, it being proved by seven honest and reputable persons, he or they shall be proceeded against as traitors to the said government.

CHAPTER XV

That these Concessions, law or great charter of fundamentals, be recorded in a fair table. in the Assembly House, and that they be read at the beginning and dissolving of every general free Assembly: And it is further agreed and ordained, that the said Concessions, common law, or great charter of fundamentals, be writ in fair tables in every common hall of justice within this Province, and that they be read in solemn manner four times every year, in the presence of the people, by the chief magistrates of those places.

CHAPTER XVI

That no men, nor number of men upon earth, hath power or authority to rule over men's consciences in religious matters, therefore it is consented, agreed and ordained, that no person or persons whatsoever within the said Province, at any time or times hereafter, shall be any ways upon any presence whatsoever, called in question, or in the least punished or hurt, either in person, estate, or privilege, for the sake of his opinion, judgment, faith or worship towards God in matters of religion. But that all and every such person, and persons may from time to time, and at all times, freely and fully have, and enjoy his and their judgments, and the exercises of their consciences in matters of religious worship throughout all the said Province.

CHAPTER XVII

That no Proprietor, freeholder or inhabitant of the said Province of West New Jersey, shall be deprived or condemned of life, limb, liberty, estate, property or any ways hurt in his or their privileges, freedoms or franchises, upon any account whatsoever, without a due tryal, and Judgment passed by twelve good and lawful men of his neighborhood first had: And that in all causes to be tryed, and in all tryals, the person or persons, arraigned may except against any of the said neighborhood, without any reason rendered, (not exceeding thirty five) and in case of any valid reason alleged, against every person nominated for that service.

CHAPTER XVIII

And that no Proprietor, freeholder, freedenison, or inhabitant in the said Province, shall be attached, arrested, or imprisoned for or by reason of any debt, duty, or thing whatsoever (cases felonious criminal and treasonable Excepted) before he or she have personal summon or summons, left at his or her last dwelling place, if in the said Province, by some legal authorized officer, constituted and appointed for that purpose, to appear in some court of judicature for the said Province, with a full and plain account of the cause or thing in demand, as also the name or names of the person or persons at whose suit, and the court where he is to appear, and that he hath at least fourteen days time to appear and answer the said suit, if he or she live or inhabit within forty miles English of the said court, and if at a further distance, to have for every twenty miles, two days time more, for his and their appearance, and so proportionately for a larger distance of place.

That upon the recording of the summons, and non-appearance of such person and persons, a writ or attachment shall or may be issued out to arrest, or attach the person or persons of such defaulters, to cause his or their appearance in such court, returnable at a day certain to answer the penalty or penalties, in such suit or suits; and if he or they shall be condemned by legal tryal and judgment, the penalty or penalties shall be paid and satisfied out of his or their real or personal estate so condemned, or cause the person or persons so condemned, to lie in execution till satisfaction of the debt and damages be made. *Provided always*, if such person or persons so condemned, shall pay and deliver such estate, goods, and chattles which he or any other person hath for his or their use, and shall solemnly declare and aver, that he or they have not any further estate, goods or chattles wheresoever to satisfy the person or persons, (at whose suit, he or they are condemned) their respective judgments, and shall also bring and produce three other persons as compurgators, who are well known and of honest reputation, and approved of by the commissioners of that division, where they dwell or inhabit, which shall in such open court, likewise solemnly declare and aver, that they believe in their consciences, such person and persons so condemned, have not werewith further to pay the said condemnation or condemnations, he or they shall be thence forthwith discharged from their said imprisonment, any law or custom to the contrary thereof, heretofore in the said Province, notwithstanding. And upon such summons and default of appearance, recorded as aforesaid, and such person and persons not appearing within forty days after, it shall and may be lawful for such court of judicature to proceed to tryal, of twelve lawful men to judgment, against such defaulters, and issue forth execution against his or their estate, real and personal, to satisfy such penalty or penalties, to such debt and damages so recorded, as far as it shall or may extend.

CHAPTER XIX

That there shall be in every court, three justices or commissioners, who shall sit with the twelve men of the neighborhood, with them to hear all causes, and to assist the said twelve men of the neighborhood in case of law; and that they the said justices shall pronounce such judgment as they shall receive from, and be directed by the said twelve men in whom only the judgment resides, and not otherwise.

And in case of their neglect and refusal, that then one of the twelve, by consent of the rest, pronounce their own judgment as the justices should have done.

And if any judgment shall be past, in any case civil or criminal, by any other person or persons, or ally other way, then according to this agreement and appointment, it shall be held null and void, and such person or persons so presuming to give judgment, shall be severely fin'd, and upon complaint made to the General Assembly, by them be declared incapable of any office or trust within this Province.

CHAPTER XX

That in all matters and causes, civil and criminal, proof is to be made by the solemn and plain averment, of at least two honest and reputable persons; arid in case that any person or persons shall bear false witness, and bring in his or their evidence, contrary to the truth of the matter as shall be made plainly to appear, that then every such person or persons, shall in civil causes, suffer the penalty which would be due to the person or persons he or they bear witness against. And in case any witness or witnesses, on the behalf of any person or persons, indicted in a criminal cause, shall be found to have borne false witness for fear, gain, malice or favour, and thereby hinder the due execution of the law, and deprive the suffering person or persons of their due satisfaction, that then and in all other cases of false evidence, such person or persons, shall be first severely fined, and next that he or they shall forever be disabled from being admitted in evidence, or into any public office, employment, or service within this Province.

CHAPTER XXI

That all and every person and persons whatsoever, who shall prosecute or prefer any indictment or information against others for any personal injuries, or matter criminal, or shall prosecute for any other criminal cause, (treason, murther, and felony, only excepted) shall and may be master of his own process, and 1lave full power to forgive and remit the person or persons offending against him or herself only, as well before as after judgment, and condemnation, and pardon and remit the sentence, fine and punishment of the person or persons offending, be it personal or other whatsoever.

CHAPTER XXII

That the tryals of all causes, civil and criminal, shall be heard and decided by the virdict or judgment of twelve honest men of the neighborhood, only to be summoned and presented by the sheriff of that division, or propriety where the fact or trespass is committed; and that no person or persons shall he compelled to fee any attorney or councillor to plead his cause, but that all persons have free liberty to plead his own cause, if he please: And that no person nor persons imprisoned upon any account whatsoever within this Province, shall be obliged to pay any fees to the officer or officers of the said prison, either when committed or discharged.

CHAPTER XXIII

That in all publick courts of justice for tryals of causes, civil or criminal, any person or persons, inhabitants of the said Province may freely come into, and attend the said courts, and hear and be present, at all or any such tryals as shall be there had or passed, that justice may not be done in a corner nor in any covert manner, being intended and resolved, by the help of the Lord, and by these our Concessions and Fundamentals, that all and every person and persons inhabiting the said Province, shall, as far as in us lies, be free from oppression and slavery.

Source:

The Federal and State Constitutions Colonial Charters, and Other Organic Laws of the States, Territories, and Colonies Now or Heretofore Forming the United States of America
Compiled and Edited Under the Act of Congress of June 30, 1906 by Francis Newton Thorpe
Washington, DC : Government Printing Office, 1909.

Colonial Charters Page

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Quintipartite Deed of Revision, Between E. and W Jersey: July 1st, 1676

This indenture, quintipartite, made the first day of July, Anno Domini 1676, and in the eighth and twentieth year of the reign of our sovereign Lord King Charles, the Second, over England, &c. Between Sir George Carteret, of Saltrum, in the County of Devon, knight and baronet, and one of his Majesty s most honourable privy Council, of the first part: William Penn of Ricksmansworth, in the county of Hertford, Esq; of the second part: Gawn Lawry London, merchant, of the third part: Nicholas Lucas of Hertford, in the county of Hertford, malster, of the fourth part: and Edward Billinge of Wisminster, in the county of Middlesex, gent. of the fifth part. Whereas our said Sovereign Lord the king's Majesty, in anti by his Letters Patents under the great seal of England bearing date the twelfth day of March, in the sixteenth year of his said Majesty's reign, for the consideration therein mentioned, did give and grant unto his dearest brother James, Duke of York, his heirs and assigns all that part of the main land of New England, beginning at a certain place called or known by the name of St. Croix, next adjoining to New Scotland, in America; and from thence extending along the sea coast to a certain place called Pemaquine or Pemaquid, and so up the river to the furthest head of the same as it tendeth northward; anti extending from thence to the river of Kenebeque, and so upwards to the river Canada northward. And also all that island or islands commonly called by the several name or names of Matowacks or Long Island, situate and being towards the west of Cape Codd and the Narrow Higansetts, abutting upon the main land between the two rivers there, commonly called or know n by the several names of Connecticut, and Hudson's river; together also with the said river called Hudson's river, and all the lands from the west side of Connecticutt river to the east side of Delaware bay: and also all those several islands called or known by the names of Martin's Vineyard or Nantukes, otherwise Nantucket; together with all the lands, islands, soils, rivers, harbours, mines, minerals, quarries, woods, marshes, waters, lakes, fishing, hawking, hunting, and fowling, and all other royalties, profits, commodities and hereditaments to the said several islands, lands and premises belonging and appertaining, with their and every of their appurtenances; and all his said Majesty's estate, right title:, and interest, benefit, advantage, claim and demand of, in, or to the said land and premises, or any part thereof; and the reversion and reversions, remainder and remainders; together with the yearly and other rents, revenues, and profits of all and singular the said premisses, and every part and parcel thereof; to have and to hold unto his said Majesty's said dear brother, the said James Duke of York, his heirs and assigns for ever; to be holden of the King's Majesty, his heirs and successors, as of his majesty's manner of East Greenwich, in his Majesty's county of Kent, in free and common soccage, and not in capite or by knight service, under the yearly rent of forty-beaver skins, to be paid unto his said Majesty his heirs and successors, when they shall be demanded, or within ninety days after, as by the said Letters Patent, relation being thereunto had, it may appear: in and by which said Letters Patent his said Majesty did likewise give and Grant unto his said dearest brother James Duke of York, his heirs, deputies, agents, commissioners and assigns, full and absolute power and authority for the correcting, punishing, pardoning, governing -and ruling such of the subjects of his said Majesty, of his heirs and successors, as shall at any time adventure themselves into the said port and places, or inhabit there, according to such laws, orders, ordinances, directions and instructions, as by his said Majesty's said dearest brother, or his assigns, shall be established; and in defect thereof, in case of necessity, according to the good discretions of his deputies, commissioners, officers or assigns respectively, as well in all causes and matters capital and criminal, as civil, both marine and others, in such manner, and under such restrictions as is therein specified; and to do, exercise and execute all and every others the powers and authorities therein mentioned, as by the same Letters Patent, and by the several powers and authorities thereby given and granted, and therein specified, it doth and may appear. *And whereas*, in and by two several indentures, the one being an indenture of bargain and sale for the term of one whole year, and bearing date the three and twentieth day of June, Anno Domini 1664: and the other being an indenture of grant, release or confirmation, and bearing date the three and twentieth day of the same month of June, Anno Domini 1664, and both of them made between his said Majesty's said dearest brother, the said James Duke of York by the name of his Royal Highness James Duke of York and Albany, Earl of Ulster, Lord High Admiral of England and Ireland, Constable of Dover Castle, Lord Warden of the Cinque Forts, and Governor of Portsmouth, of the one part: John Ford Berkley, Baron of Stratton, and one of his Majesty's most honourable Privy Council, and Sir George Carteret of the other part: And by other good and sufficient conveyances and assurance in the law duly executed, reciting the said Letters Patents herein before recited, and the several and respective premises thereby granted; his Royal Highness he the said James Duke of York, for the considerations therein mentioned, did grant, convey and assure to John Lord Berkley and Sir George Carteret, their heirs and assigns forever, all that tract of land adjacent to New England, and lying and being to the westward of Long Island and Manhatan Island, part of the said main land of New England, beginning at St. Croix, mentioned to be granted to his said Royal Highness by the said therein and herein before recited Letters Patent, bounded on the east, part by the main sea and part by Hudson's river; and hath upon the west Delaware bay or river, and extendeth southward to the main ocean as far as Cape May at the mouth of Delaware bay and to the northward as far as the northernmost branch of the said bay or river of Delaware, which is in forty one degrees and forty minutes of latitude, and crosseth over thence in a strait line to Hudson's river in forty one degrees of latitude; which said tract of land was then afterwards to be called by the name or names of New Caesarea or New Jersey; and also all rivers, mines, minerals, woods, fishings, hawkings, buntings, and fowlings, and all other royalties, profits, commodities and hereditaments whatsoever to the said land and premises belonging, or in anywise appertaining, with their and every of their appurtenances, In as full and ample manner as the same w as or were granted to his said Royal Highness the said Duke of York, in and by the said therein and herein before recited Letters Patents; and all the estate, right, title, interest benefit, advantage, claim and demand of the said James Duke of York, of, in, or to the said lands and premises, or any part or parcel thereof, and the reversion and reversions remainder and remainders thereof, to have and to hold unto the said John Lord Berkeley and Sir George Carteret, their heirs and assigns for ever, under the yearly rent or sum of twenty nobles, payable unto his said Royal Highness the said James Duke of York, in manner as the same is aforesaid Herein be paid, as in and by the said last recited indentures and conveyances, relation being thereunto had, may appear. *And whereas* in and by one certain indenture of bargain and sale dated the eighteenth day of March Anno Domini 1673, and in the six and twentieth Year of his said Majesty's reign, made between the said John Lord Berkeley of the one part, and John Fenwick, of Binfield, in the county of Berks, Esq; of the other part, and duly enrolled in his Majesty s High Court of Chancery in England, reciting the said herein before recited Letters Patents, indentures and conveyances, the said John Lord Berkeley for and in consideration of the sum of one thousand pounds therein mentioned, to have been paid unto him by the said John Fenwick, and for other the consideration therein mentioned, did grant, bargain, sell and convey unto the said John Fenwick, his heirs and assigns, all that the moiety or half part of him the said John Berkeley of and in the said tract of land and premises so to be or then called by the names of New Caesarea or New Jersey: And also all that his moiety or half part of all rivers, rivelets, mines, minerals, quarries, woods, fishings, hawkings, huntings, fowlings, and all other royalties, profits, forts, franchises, liberties, governments, powers, priviledges, commodities, hereditaments and immunities whatsoever, to the said land and premises belonging; with their and every of their appurtenances, in as full, ample and beneficial manner to all intents and purposes as the same was granted to the said John Lord Berkley and the said Sir George Carteret, their heirs and assigns, by him his said Royal Highness the said James Duke of York, and all the estate, right, title interest, benefit, property, claim and demand whatsoever, unto the said John Lord Berkeley, of, in, or to the said moiety or half part of the said lands and premises or any part or parcel thereof, by force, virtue or means of the said therein and herein before recited Letters Patents or conveyances, or either or any of them, or otherwise, howsoever, and the reversion and reversions, remainder and remainders of the same, to have and to hold unto the said John Fenwick, his heirs and assigns forever, to the only use and behoof of the said John Fenwick his heirs and assigns forever, as by the said last recited indentures of bargain and sale, relation being thereunto had, it may appear. And whereas in and by two other indentures, the one being an indenture of bargain and sale for the term of one whole year, and bearing date the ninth day of February which was in the year of our Lord 1674, and made between the said John Fenwick and Edward Billinge, of the one part, and the said William Penn, Gawn Lawry and Nicholas Lucas of the other part. And the other being an indenture tripartite of grant, release or confirmation, bearing date the tenth day of the same month of February, Anno Domini 1674, and made between the said John Fenwick of the first part: The said Edward Billinge of the second part: And the said William Penn, Gawn Lawry, and Nicholas Lucas of the third part; and by several other good and sufficient conveyances and assurances in the law duly executed, the said moiety or half part of the said tract of land, and the said moiety or half part of all and every other the said several and respective premises so convey'd unto the said John Fenwick as aforesaid, with all and every the right, members and appurtenances of the same, were convey'd unto, and remains now vested in the said William Penn, Gawn Lawry and Nicholas Lucas, and their heirs, to the use of them and their heirs and assigns for ever, (in which nevertheless the said Edward Billinge, claimeth to have equitable interest) so as the said William Penn, Gawn Lawry and Nicholas Lucas, do now actually stand seized of, and in one undivided moiety or half part of all and every the said premises so granted unto the said John Lord Berkeley and Sir George Carteret as

aforesaid, as jointerlalits between themselves; and do now hold the same to them and their heirs, as tenants in common with the said Sir George Carteret, who is now actually seiz'd of the other undivided moiety or half part of all and every the same premises, and doth now hold the same to him and his heirs as tenant in common with the said William Penn, Gawnn Lawry, and Nicholas Lucas. Affect *Whereas* they the said Sir George Carteret, William Penn, Gawn Lawry, Nicholas Lucas and Edward Billinge; have agreed to make a partition between them of the said tract of land, and of the said several and respective premises whereof they now stand so seized as tenants in common as aforesaid, and it hath been agreed bctwctll them, that the said Sir George Carteret shall have for his share and part of the said tract of land, and of the said several and respective premises to lie holden by him the said Sir George Carteret his heirs and assigns for ever, in severally as his lawful and equal part, share and proportion tract of land, and of all and every the said several and respective premises, and to be from henceforth called, known and distinguished by the name of East New Jersey, all that easterly part, share and portion of the said tract of land and premises, lying on the east side and eastward of a strait and direct line drawn thro' the said premises from north to south, from the dividing and making a partition or separation of the said eastern part, share and portion from the westerly part, share and portion of the same tract of land and premises, as is herein after particularly described. And that the said William Penn, Gawn Lawrie, and Nicholas Lucas, shall have their share and part of the said tract of land, and of the said several and respective premises to be holden by them the said William Penn, Gawn Lawry and Nicholas Lucas, their heirs and assigns, in severalty as their full and equal part, share and portion of the said tract of land; and all and every the said several and respective premises, subject to the same trust for the benefit of the said Edward Billinge as the said undivided moiety was subject, and to be from henceforth called and distinguished by the name of West New Jersey, all that westerly part, share and portion of the said tract of land and premisses, lying on the west side and westward of the aforesaid strait and direct line drawn thro' the said premises from north to south as aforsaid, as is hereafter also particularly described. Now these presents witness, that in pursuance and performance of the said before recited agreement, and for the better perfecting of the said conditions are agreed to be made as aforesaid; and for and in consideration of five shillings to them the said William Penn, Gawn Lawry, Nicholas Lucas and Edward Billinge in hand paid by the said Sir George Carteret. the receipt whereof they do hereby respectively acknowledge, the said Edward Billinge and they the said William Penn, Gawn Lawry and Nicholas Lucas, by and with the consent, direction and appointment of the said Edward Billinge, testified by his being a party hereunto, and by his sealing and executing of these presents, have and each of them hath bargained, sold, released, and confirmed and conveyed; and do, and each of them doth, bargain, sell, release, confirm and convey unto the said Sir George Carteret his heirs and assigns forever, all that easterly part, share and portion, and all those easterly parts, shares and portions of the said tract of land and premises so granted and conveyed by his said Royal Highness the said James Duke of York, unto the said John Lord Berkeley and Sir George Carteret as aforesaid, extending eastward and northward along the sea coast and the said river called Hudson's river, from the east side of a certain place or harbour lying on the southern part of the same tract of land, and commonly called or known in a map of the said tract of land, by the name of Little Egg Harbour, to that part of the said river called Hudson's river, which is in forty-one degrees of latitude, being the furthestmost part of the said tract of land anal premises which is bounded by the said river, and crossing over from thence in a strait line, extending from that part of Hudson's river aforesaid to the northermost branch, or part of the before mentioned river called Delaware river, and to the most northerly point or boundary of the said tract of land and premises, so granted by his said Royal Highness James Duke of York, unto the said Lord Berkely and Sir George Carteret, now by the consent and agreement of the said parties to these presents, called and agreed to be called the north partition point, and from thence, that is to say, from the said north partition point extending southward by a strait and direct line, drawn from the north partition southward, thro' the said tract of land, unto the most southwardly point of the east side of Little Egg Harbour aforesaid; which said most southwardly point of the east side of Little Egg Harbour is now by the consent and agreement of the said parties to these presents, called and agreed to be from henceforth called, the south partition point: and which said strait and direct line drawn from the said north partition point, thro' the said tract of land, unto the said south partition point, is now by the consent and agreement of the said parties to these presents, called and agreed to be called, the line of partition, which is the line herein before mentioned to be intended, by the said consent and agreement of the said parties, for the dividing and making a partition or separation of the said easterly part, share and portion, from the westerly part, share and portion of the said tract of land and premises, so conveyed by his said Hoyal Highness aforesaid, in and by these presents intended to be bargain'd, sold and convey'd by the said Sir George Carteret unto the said William Penn, Gawn Lawry and Nicholas Lucas, and all and every the isles, islands, rivers, mines, minerals, woods, fishing, hawkings, buntings, and fowlings; and all other royalties, governments, powers, forts, franchises, harbours, profits, commodities and hereditaments whatsoever, unto the said easterly part, share and portion of the said tract of land and premises belonging, or in any wise appertaining, with their and every of their appurtenances, and all the estate,. right, title, interest, benefit, advantage, claim and demand whatsoever, as well in law as in equity, of them the said Edward Billinge, William Penn, Gawn Lawry, Nicholas Lucas, and each and every of them, of, in, unto, and out of the said easterly part, share and portion, easterly parts, shares and portions of the said tract of land and premises, and of, in, unto and out of every part and parcel of the same, and the reversion and reversions, remainder and remainders of the same, and of every part and parcel of the same, and all rents, duties and services reserv'd upon any estates or grants heretofore made or glinted by the said Lord Berkeley and Sir George Carteret, or by any persons claiming any estate, interest or authority from, by or under either of them, of any part of the premises hereby convey'd to the said Sir George Carteret; which said rents, duties and services reserved upon, which said estates and grants made of any part of the premises hereby conveyed to the said Sir George Carteret, shall be from henceforth due and payable unto the said Sir George Carteret and his heirs, of Shone all such estates so made and granted as aforesaid, are to be from henceforth holden according to the true intent of these presents; which said easterly part, share and portion, parts, shares and portions of the said tract of land and premises is now by the consent and agreement of the said parties to these presents, called and agreed from henceforth to be called by the name of least New Jersey; and is all that, and only all that part, share and portion of the said tract of land and premises so convey'd by his said royal highness as aforesaid; as lyeth extended from the east side of the said line of partition before mentioned, to have and to hold unto the said Sir George Carteret his heirs and assigns in severally, to the sole and only use of the said Sir George Carteret, and of his heirs and assigns forever. And each of them the said William Penn, Gawn Lawry, Nicholas Lucas, and Edward Billinge for himself, severally and respectively, and for his several respective heirs, executors and administrators, and for his several and respective own acts only, and not jointly, nor the one for the other, or for the heirs, executors, administrators, or acts of the other, doth covenant, grant and agree to and with the said Sir George Carteret, his heirs and assigns, by these presents, that he hath not at any time heretofore done, or suffered anv act, matter or thing whatsoever, whereby, or by reason whereof, the said premises hereby bargained, sold, reused, confirmed or conveyed by the said Edward Billinge, William Penn, Gawn Lawry and Nicholas Lucas, unto the said Sir George Carteret herein or hereby meant, mentioned or intended so to be or in part or parcel of the same, is, are, shall or may be any ways charged, burthened or incumbered in title, charge, estate or otherwise howsoever, other than such arrears (if any be) which now at the day of the date of these presents are due and unpaid, upon any the restrictions, contained in the said herein before recited Letters Patents, herein before recited conveyances, herein before recited to have been made by his said royal highness James Duke of York or either or any of them. And these presents further witness that in further pursuance and performance of the said herein before recited agreement, and for the further perfecting the said partition so agreed to be aforesaid, and in consideration of five shillings to him the said Sir George Carteret in hand paid, by the said William Penn, Gawn Lawry and Nicholas Lucas, the receipt whereof he doth hereby acknowledge, the said Sir George Carteret hath bargained, sold, released, confirm'd and conveyed, and doth by these presents, bargain, sell, release, confirm and convey unto the said William Penn, Gawn Lawry, and Nicholas Lucas, and to their heirs and assigns forever, all that westerly part, share and portion, and all that and those other part and parts, share and shares, portion and portions, of the said tract of land and premises so granted by his said Royal Highness, the said James Duke of York, unto the said John Lord Berkley and Sir George Carteret, as aforesaid; and which said westerly part, share and portion, and which said other parts, shares and portions, is and are extending southward and westward, and northward along the sea coast, and the before mentioned bay and river commonly called and known by the name or names of Delaware bay and Delaware river, from the said south partition point before mentioned, to be on the east side of Little Egg Harbour, unto the said north partition point herein before mentioned, to be on the before mentioned northermost branch or part of Delaware river aforesaid; and from thence, that is to say, from the said north partition point, extending southward into the said south partition point before mentioned, by the said before mentioned strait and direct line called the line of partition, drawn thro' the said tract of land from the said north partition point unto the said south partition, by the consent and agreement before mentioned, intended for the dividing and making a partition or separation of the said westerly part, share and portion from the before mentioned easterly part, share and portion of- the said tract of land and premises so conveyed by his said Royal Highness as aforesaid, and herein before bargain'd, sold and conveyed by the said William Penn, Gawn Lawry, Nicholas Lucas, and Edward Billinge, unto the said Sir George Carteret as aforesaid, and all and every the isles, islands, rivers, mines, minerals, woods, fishings, hawkings, buntings, and fowlings, and all other royalties, governments, powers, forts, franchises, harbours, profits, commodities and hereditaments whatsoever, unto the said westerly part, share and portion of the said tract of land and premises, hereby bargained by the said Sir George Carteret, belonging or in any ways appertaining, with their and every of their appurtenances, and all the estate, right, title, interest, benefit, advantage, claim and demand, whatsoever, as well in law as in equity of him the said Sir George Carteret, of, in, unto and out of the same, and of, in, unto and out of every part and parcel of the same, together with the reversion and reversions, remainder and remainders of the same, and of every part and parcel of the same, and all- rents, duties and services upon any estates or grants heretofore made or granted by the said Lord Berkeley and Sir George Carteret, or either of them, of any part or parts of the said premises hereby convey'd to the said William Penn, Gawn Lawry, and Nicholas Lucas, or herein or hereby mentioned, or intended so to be; all which said westerly part, share and portion, parts, shares and portions of the said tract of land and premises are now by the consent and agreement of the parties to these presents, called and agreed from henceforth to be called by the name of West Jersey, and is all that and only all that part, share and portion, and all those parts, shares and portions, of the said tract of land and premises so conveyed by his said Royal Highness as aforesaid, as lyeth extended westward, or southward from the west side of the said line of partition, before mentioned, to have and to hold unto the said William Penn, Gawn Lawry, and Nicholas Lucas, their heirs and assigns in severally, to the only use of the said William Penn, Gawn Lawry and Nicholas Lucas, and of their heirs and assigns forever. And the said Sir George Carteret for him, his heirs, executors, and administrators, doth by these presents covenant, grant and agree to, and with the said William Penn, his heirs and assigns, and also to and with the said Gawn Lawry his heirs and assigns, and likewise to and with the said Nicholas Lucas, his heirs and

assigns, and also to and with the said Edward Billinge,his heirs and assigns, that he the said Sir George Carteret hath not at any time heretofore done or suffer'd any act, matter or thing whatsoever, whereby or by reason whereof the said premises hereby bargain'd, sold, released and confirm'd or convey'd by him the said Sir George Carteret unto the said William Penn, Gawn Lawry and Nicholas Lucas, or herein or hereby meant, mention'd or intended so to be, or any part or parcel of the same, is, are, shall or may be any ways charged, burthened or incumbered in title, charge or estate, or otherwise howsoever, other than such arrears (if any be) which now at the day of the date of these presents are due and unpaid, upon any the reservatiens contain'd in the said herein before recited Letters Patent, and herein before recited conveyances, herein before recited to have been made by his said Royal Highness the said Duke of York, or either or any of them, and other than such lawful estates and grants of lend and plantations, part of the said premises, as have been at any time heretofore by him the said Sir George Carteret, either within themselves, together with the said Lord Berkeley, or by authority lawfully derived from him, or from him and the said Lord Berkeley, made and granted to any planter or planters now in actual possession of the same lands and plantations, and which have been made and granted according to the rules and laws of plantations now in force in the said country, under the usual and accustom'd rents, duties and services by the said rules and laws appointed and directed to be observed upon grants of themselves there: All and singular which said rents, duties and services reserved upon which said estates and grants, shall be from hence forth due and payable unto the said William Penn, Gawn Lawry and Nicholas Lucas, their heirs and assigns; of whom all such estates so made and granted as aforesaid, are to be from henceforth holden according to the true intent of these presents, and of all the respective parties hereunto: And it is hereby declared and agreed, by all the respective parties to these presents, to be the true intent and meaning of these presents, and of all the respective parties hereunto, that the aforesaid rent of twenty nobles herein before mentioned, to be reserved due and payable unto his said Royal Highness the said James Duke of York, and his heirs, shall from henceforth be equally paid and borne in manner following, that is to say one equal moiety or half part thereof by the said Sir George Carteret, his heirs and assigns, and to be issuing out of, and charged and chargeable upon that part and share of the said premises which is hereby conveyed unto the said Sir George Carteret, his heirs and assigns; and the other equal moiety or half part thereof by the said William Penn, Gawn Lawry and Nicholas Lucas, their Heirs and assigns, and to be issuing out of, and charged and chargeable upon that part and share of the said premises which is hereby conveyed unto the said William Penn, Gawn Lawry and Nicholas Lucas, their heirs and assigns. In witness whereof all the said respective parties to these presents, have to each part of these presents set their respective hands and seals, the day and year first above

G. CARTERET.
W. PENN.
GAWN LAWRY.
NICHOLAS LUCAS.
EDWARD BILLINGE

Sealed and delivered in the presence of
HENRY WEST.
JAMES BOWERS.
THOMAS LANGHORN.
RICHARD LANGHARN.
JOHN RICHARDSON.

Source:

The Federal and State Constitutions Colonial Charters, and Other Organic Laws of the States, Territories, and Colonies Now or Heretofore Forming the United States of America
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Duke of York's Second Grant to William Penn, Gawn Lawry, Nicholas Lucas, John Eldridge, Edmund Warner, and Edward Byllynge, for the Soil and Government of West New Jersey-
August 6, 1680 (1)

THIS indenture made the sixth day of August, Anno Domini, 1680, and in the two and thirtieth year of the reign of King Charles the Second, over England, &c. between his Royal Highness, James Duke of York, and Albany, Earl of Ulster, &c. and brother to our Sovereign Lord the King, of the one part; Edward Byllynge of Westminster, in the county of Middlesex, gentleman; William Penn, late of Rickmansworth, in the county of Hertford, and now of Warminghurst, in the county Sussex, Esq; Gawn Lawry, of London, merchant; Nicholas Lucas, of Hertford, in the said county of Hertford, maulster, John Eldridge, of St. Pauls Shadwell, in the County of Middlesex, tanner, and Edmond Warner, citizen of London, of the other part. WHEREAS our Sovereign Lord the King's Majesty in and by his Letters Patent, under the great seal of England, bearing date the twelfth day of March in the sixteenth Year of his said Majestv's reign, did (amongst several other things therein mentioned) give and grant unto his said Royal Highness, the said James Duke of York, his heirs and assigns, all that tract of land adjacent to New England, al1 the parts of America, and lying and being to the westward of Long Island, and Manhattas Island, and bounded on the east part by the main sea, and part by Hudson rivers and hath upon the west Delaware bay or river, and extendeth southward, to the main ocean, as far as Cape May, at the mouth of Delaware bay, and to the northward, as far as the northermost branch of said bay or river of Delaware, which is in one and forty degrees, and forty minutes of latitude, and crossing over thence in a straight line to Hudson's river, in one and forty degrees of latitude. Which said tract of land, was then after to be called by the name of New Caesarea, or New Jersey, with all the lands, island, soiles, rivers, harbours, mines, minerals, quarries, woods, marshes, waters lakes, fishings, hawkings, buntings, and fowlings, and all other royalties profits, commodities, and hereditaments, unto the said premises belonging and appertaining; with their and every of their appurtenances and all his said Majesty's estate, right, titles, interest, benefit advantage, claim and demand of, in and to the same premises, of any part or parcel thereof, and the reversion and reversions, remainder, and remainders, together with the yearly and other rents. revenues and profits of the same, and of every part and parcel thereof. to hold unto his said Royal Highness, the said James Duke of York. his heirs and assigns for ever, to be holden of his said Majesty, his heirs and successors, amongst other things therein granted, as of his Majesty's mannor of East Greenwich, In his Majesty's county of liens, in free and common socage, and not in capite, by knight service, and under the yearly rent therein mentioned. And whereas his Royal Highness the said James Duke of York, did heretofore by several good and sufficient conveyances and assurances, under his hand and seal, duly executed, and dated the three and twentieth and four and twentieth days of June, in the sixteenth year of his said Majesty's reign, for the consideration therein mentioned, grant and convey the said tract of land, and premises before mentioned, unto John Lord Berkley, Baron of Stratton, and one of his Majesty's most honourable privy Council, and Sir George Carteret of Saltrum, in the county of Devon, knight, and baronet, and one of his Majesty's most honourable privy Council, and their heirs, the said tract of land and premises before particularly mentioned, and the reversion and reversions, remainder and remainders of the-same, to hold unto the said John Lord Berkley, and Sir George Carteret, their heirs and assigns forever, under the yearly rent of twenty nobles sterling, payable as the same is therein reserved to be paid. And whereas the said John Lord Berkley, did afterwards convey all his full and undivided moiety of all and singular the same premises, unto John Fenwick, Esq; his heirs and assigns for ever, in trust, and by the said John Fenwick owned to be in trust for the said Edward Byllynge, his heirs and assigns for ever. And the said John Fenwick, afterwards by the consent and direction of the said Edward Byllynge, and also the said Edward Byllynge did convey the said undivided moiety of the premises, unto the said William Penn, Gawn Lawry, and Nicholas Lucas, and their heirs, to the uses following, (that is to say) as to ten equal and undivided hundred parts thereof to the use of the said John Fenwick, and of his heirs and assigns forever; and as to the other ninety equal and undivided parts being the residue of the said undivided moiety, to the use of the said William Penn, Gawn Lawry, and Nicholas Lucas, their heirs and assigns forever, in trust for the said Edward Byllynge, his heirs and assigns forever. After which the said John Fenwick, conveyed all his said ten equal and undivided hundred parts, of the said undivided moiety, unto John Eldridge, and Edmund Warner their heirs and assigns forever. And the said John Eldridge, and Edmond Warner, did convey the same ten equal and undivided Hundred parts, unto the said William Penn, Gawn Lawry, and Nicholas Lucas their heirs and assigns forever, the better to enable them the said Edward Byllynge, William Penn, Gawn Lawry, and Nicholas Lucas, to make a partition of the said intire premisses, with the said Sir George Carteret. And whereas afterwards upon a partition made of the said whole and intire premisses, between the said Sir George Carteret, and the said William Penn, Gawn Lawry, Nicholas Lucas, Edward Byllynge, the said Sir George Carteret, did bargain, sell, release, and confirmed unto the said William Penn, Gawn Lawry, and Nicholas Lucas, their heirs and assigns forever, all that westerly part, share and portion of the said whole and intire tract of land and premisses as before mentioned, which is extending southward, and westward, and northward, along the sea coasts, and the before mentioned bay, or river, called Delaware bay and Delaware river, unto a certain point there, now called the south partition point, being the most southerly point of the east side of a certain place, or harbour, lying on the southern part of the said tract of land and premises, called or known in the map of the said premisses, by the name of Little Egg Harbour, unto a certain other point there, now called the north partition point, being the most northerly point, branch, or part of the said river, called Delaware river; and from thence, that is to say, from the said north partition point, extending southward unto the said south partition point, by a streight and direct line drawn through the said tract of land, from the said north partition point, unto the said south partition point, by the consent and agreement of the said parties, now called the line of partition, and by them intended for the dividing and making a partition of the said westerly part, share and portion, from the easterly part, share and portion, from the easterly part, share and portion, of the said tract of land and premises. And all and every the isles, islands, rivers, mines, minerals, fishings, hawkings, huntings, fowlings, and all other royalties, powers, franchises, harbours, profits, commodities, and heriditaments, whatsoever unto the said westerly part, share and portion, belonging or appertaining. And all the estate, right, title, and interest, claim and demand whatsoever of him the said Sir George Carteret, of, in, unto and out of the same, and the reversion and reversions, remainder and remainders of the same, and of every part and parcel: All which said westerly part, share and portion, was then and now is by the consent and agreement of the said parties, the said Sir George Carteret, William Penn, Gawn Lawry, Nicholas Lucas, and Edward Byllynge, called and agreed from thenceforth to be called by the name of West New Jersey, and all that and only all that part, share and portion, and all those parts, shares and portions of the said tract of land and premises, so conveyed by the said James Duke of York, unto the said John Lord Berkley, and Sir George Carteret as aforesaid, as lyeth, and lye extended westward and southward, from the west side of the said line of partition before mentioned, To hold unto the said William Penn, Gawn Lawry, and Nicholas Lucas, their heirs and assigns, in severally to the use of them, their heirs and assigns forever. Upon which partition so made, they the said William Penn, Gawn Lawry, and Nicholas Lucas, became seized of all that westerly part of the said premises as now called West New Jersey, with the appurtenances in severally. And being so seized pursuant to a trust for that purpose reposed in them, they conveyed ten full equal undivided hundred parts of the said westerly part of the said premises, called West New Jersey, unto the said John Eldridge, and Edmund Warner, and their heirs, to hold unto them and their heirs, to the use of them and their heirs forever. And the said William Penn, Gawn Lawry, and Nicholas Lucas, remaining still seized of the other ninety equal and undivided hundred parts of the said westerly part of the said premises called Wrest New Jersey, to them and to their heirs forever, but always in trust for the said Edward Byllynge, his heirs and assigns forever. And whereas since the making and executing of the said conveyance so made by his Royal Highness unto the said John Lord Berkley, and Sir George Carteret, as aforesaid, and in the times of the late war, between his said Majesty and the States of the United Provinces of the Netherlands, the armies and subjects of the said States General gained the possession not only of the said premises, so by his said Royal Highness, conveyed unto the said John Lord Berkley, and Sir George Carteret, as aforesaid, but also of other the lands and hereditaments, which were originally granted unto his said Royal Highness, by his said Majesty's said Letters Patents hereinbefore recited. All which were afterwards regained from the said States, or by them delivered up unto his said Majesty. AND WHEREAS his said Majesty did by other his Letters Patents, dated the twenty-ninth day of June, in the six and twentieth of his Majesty's reign, grant and convey unto his said Royal Highness and his heirs forever, as well the said tract of land and premises herein before recited to 1have been granted and conveyed by his said Royal Highness, unto the said John Lord Berkley, and Sir George Carteret, as aforesaid, as all other the lands and hereditaments in and by the said herein first before recited Letters Patents granted or mentioned to be granted. AND WHEREAS by the said several grants so made by his said Majesty unto his said Royal Highness as aforesaid, several powers and authority are and were given and granted unto his said Royal Highness, his heirs and assigns to be executed by his said Royal Highness, his heirs and assigns, or by

the deputies, agents or commissioners of his said Royal Highness, his heirs or assigns' which, are necessary as well for the planting, peopling and improving of all and every the respective lands, places and territories thereby granted, and for the transporting thither from time to time, such of his Majesty's subjects as should be willing to go or be transported into those parts, or any of them; as for the defending, guarding and keeping of the same; as also for the well governing of the sane, and of all such as are or shall be inhabiting in the same, and for the making, ordaining, and executing of necessary and convenient laws and constitutions, in order to such government, and the punishing and pardoning offences, and offenders, as occasion shall require; and to nominate, make, ordain, constitute and confirm, and also to revoke, discharge, change and alter all and singular governors, officers, and ministers, which by his said Royal Highness, his heirs or assigns, shall be from time to time, thought fit or needful to be made, ordained, appointed or used in the said parts or places, or any of them. And to do all other things needful, and useful, and necessary for the well governing, keeping, defending and preserving the said respective places and territories and of every of them and all such as are and shall be inhabitants thereof. Now these presents witness, that for and in consideration of a competent sum of lawful English money, unto his said Royal Highness in hand paid, and for the better extinguishing all such claims, and demands, as his said Royal Highness may any ways have of or in the premises aforesaid, now called West New Jersey, or any part of them; and for the further and better settling, conveying, assuring, and confirming of the same and of every part thereof, according to the purport and true meaning of these presents, his said Royal Highness, the said James Duke of York, hath granted, bargained, soda, and confirmed, and by these presents doth grant, bargain, sell, and confirm unto the said William Penn, Gawn Lawry, Nicholas Lucas, John Eldridge, and Edmund Warner, all that part, share and portion, and all those parts, shares and portions of all that entire tract of land, and all those entire premises so granted by his said Royal Highness unto the said John Lord Berkley, and Sir George Carteret; and their heirs as aforesaid, as in, by, and upon the said partition aforesaid, was and were vested in the said William Penn, Gawn Lawry, and Nicholas Lucas, and their heirs, and then agreed to be called by the name of West New Jersey, together with all islands, bays, rivers, waters, forts, mines, quarries, royalties, franchises, and appurtenances whatsoever, to the same belonging, or in any wise appertaining. And all the estate, right, title, interest, reversion, remainder, claim and demand whatsoever, as well in law as in equity, of him the said James Duke of York, of, into, and out of the same, or any part or parcel of the same; as also the free use of all bays, rivers and waters, leading unto or lying between the said premises, or any of them in the said parts of America, for navigation, free trade, fishing or otherwise, to have and to hold, unto the said William Penn, Gawn Lawry, Nicholas Lucas, John Eldridge, and Edmond Warner, their heirs and assigns forever, to the uses following, (that is to say) as to ten equal and undivided hundred parts thereof, to the use of the said John Eldridge and Edmund Warner, and of their heirs, and assigns forever. And as to the other ninety equal and undivided hundred parts thereof, to the use of the said William Penn, Gawn Lawry, and Nicholas Lucas, and of their heirs and assigns forever; in trust nevertheless for the said Edward Byllynge, his heirs and assigns forever. Yielding and paying therefore yearly for the said whole entire premises, unto his Royal Highness, his heirs and assigns, the yearly rent of ten nobles of lawful English money, at or in the Middle Temple Hall London, at or upon the feast day of St. Michael the Arch Angel. And these further witness, that for the better enabling the said Edward Byllynge, his heirs and assigns, to improve and plant the said premises with people, and to exercise all necessary government there, whereby the said premises may be the better improved and made more useful to him, his heirs and assigns, and to the King's Majesty, his said Royal Highness hath likewise given, granted, assigned and transferred, and doth by these presents give, grant, assign, and transfer unto the said Edward Byllynge, all and every such the same powers, authorities, jurisdictions, governments, and other matters and things whatsoever, which by the said respective Letters Patents, or either of them, are and were granted, or intended to be granted, to be exercised by his said Royal Highness, his heirs, assigns, deputies, officers, or agents, in, upon, or in relation unto the said premises hereby confirmed, or intended to be confirmed, and every of them, in case the same were now in the actual seizen of his said Royal Highness? to be held, enjoyed, exercised and executed by him the said Edward Byllynge, his heirs and assigns, and by his deputies, officers, agents and commissioners, as fully and amply to all intents, constructions and purposes as his said Royal Highness, or his heirs, might, could or ought to hold, enjoy, use, exercise or execute the same, by force and virtue of the said several and respective and before recited Letters Patents, or either of them, oar of any thing in them, or either or any of them conteyned or otherways however. In witness whereof the parties to these presents have hereunto interchangeably set their hands and seal, the day and year first above written,

JAMES.

Signed, sealed and delivered by his Royal Highness James Duke of York, within named, in the presence of

John Worden,

Thomas Heywood.

Thomas Heywood maketh oath, that the day and year within written, saw his Highness the Duke of York, sign, seal, and as his act, and deed, deliver this indenture to the use within mentioned, and afterwards subscribed his name as a witness, Thomas Heywood.

Jur. 3d. die. September 1680.

Cor. me Magis. Chane.

J. CLERKE.

The foregoing is a true copy taken from and compared with the record in the Secretary's office at Burlington, in Lib. M. of deeds folio, 318. &c.

Examined per.

SAMUEL PEART, Dep. Secretary

(1) Verified by " Grants and Concessions of New Jersey." Leaming & Spleer. 2d Ed. pp. 412-419. [Back](#)

Source:

The Federal and State Constitutions Colonial Charters, and Other Organic Laws of the States, Territories, and Colonies Now or Heretofore Forming the United States of America
Compiled and Edited Under the Act of Congress of June 30, 1906 by Francis Newton Thorpe
Washington, DC : Government Printing Office, 1909.

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**Province of West New-Jersey, in America,
The 25th of the Ninth Month Called November. 1681**

Forasmuch as it hath pleased God, to bring us into this Province of West New Jersey, and settle us here in safety, that we may be a people to the praise and honour of his name, who hath so dealt with us, and for the good and welfare of our posterity to come, we the Governor and Proprietors, freeholders and inhabitants of West New Jersey, by mutual consent and agreement, for the prevention of innovation and oppression, either upon us or our posterity, and for the preservation of the peace and tranquility of the same; and that all may be encourage to go on cheerfully in their several places: We do make and constitute these our agreements to be as fundamentals to us and our posterity, to be held inviolable, and that no person or persons whatsoever, shall or may make void or disanul the same upon any presence whatsoever.

- I.** That there shall be a General Free Assembly for the Province aforesaid, yearly and every year, at a day certain, chosen by the free people of the said Province, whereon all the representatives for the said Province, shall be summoned to appear, to consider of the affairs of the said Province, and to make and ordain such acts, and laws, as shall be requisite and necessary for the good government and prosperity of the free people of the said Province; and (if necessity shall require) the Governor for the time being, with the consent of his Council, may and shall issue out writs to convene the Assembly sooner, to consider and answer the necessities of the people of the said Province.
- II.** That the Governor of the Province aforesaid, his heirs or successors for the time being, shall not suspend or defer the signing, sealing and confirming of such acts and laws as the General Assembly (from time to time to be elected by the free people of the Province aforesaid) shall make or act for the securing of the liberties and properties of the said free people of the Province aforesaid.
- III.** That it shall not be lawful for the Governor of the said Province, his heirs or successors for the time being, and Council, or any of them, at any time or times hereafter, to make or raise war upon any accounts or presence whatsoever, or to raise any military forces within the Province aforesaid, without the consent of the General Free Assembly for the time being.
- IV.** That it shall not be lawful for the Governor of the said Province, his heirs or successors for the time being, and Council, or any of them, at any time or times hereafter, to make or enact any law or laws for the said Province, without the consent, act and concurrence of the General Assembly; and if the Governor for the time being, his heirs or successors and Council, or any of them, shall attempt to make or enact any such law or laws of him or themselves without the consent, act and concurrence of the General Assembly; that from thenceforth, he, they, or so many of them as shall be guilty thereof, shall, upon legal conviction, be deemed and taken for enemies to the free people of the said Province; and such act so attempted to be made, to be of no force.
- V.** That the General Free Assembly from time to time to be chosen as aforesaid, as the representatives of the people, shall not be prorogued or dissolved (before the expiration of one whole year, to commence from the day of their election) without their own free consent.
- VI.** That it shall not be lawful for the Governor of the said Province, his heirs or successors for the time being, and Council, or any of them, to levy or raise any sum or sums of money, or any other tax whatsoever, without the act, consent and concurrence of the General Assembly.
- VII.** That all officers of State, or trust, relating to the said Province, shall be nominated and elected by the General Free Assembly for the time being, or by their appointment; which officer and officers shall be accountable to the General Free Assembly, or to such as the said Assembly shall appoint.
- VIII.** That the Governor or the Province aforesaid, his heirs or successor for the time being, or any of them, shall not send ambassadors, or make treaties, or enter into an alliance upon the publick account of the said Province, without the consent of the said General Free Assembly.
- IX.** That no General Free Assembly hereafter to be chosen by the free people of the Province aforesaid, shall give to the Governor of the said Province for the time being, his heirs or successors, any tax, or custom for a longer time than for one whole year.
- X.** That liberty of conscience in matters of faith and worship towards God, shall be granted to all people within the Province aforesaid; who shall live peaceably and quietly therein; and that none of the free people of the said Province, shall be rendered incapable of office in respect of their faith and worship.

Upon the Governors acceptance and performance of the proposals herein before expressed, we the General Free Assembly Proprietors and freeholders of the Province of West New Jersey aforesaid, do accept and receive Samuel Jenings as Deputy Governor.

In testimony whereof I have hereunto put my hand and seal, the day and year above written.

SAMUEL JENNINGS,

Deputy Governor.

Thomas Ollive, Speaker, to the General Free Assembly per order and in the name of the whole Assembly.

The fundamentals aforesaid being signed and sealed by the Deputy Governor, were ordered and appointed by the said Deputy Governor, and General Free Assembly, to be recorded the day and year first aforesaid, by me Thomas Revell, clerk to the General Assembly.

Source:
The Federal and State Constitutions Colonial Charters, and Other Organic Laws of the States, Territories, and Colonies Now or Heretofore Forming the United States of America
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Duke of York's Confirmation to the 24 Proprietors:
14th of March 1682 (1)

THIS INDENTURE made the fourteenth day of March, in the five and thirtieth Year of the reign of our Sovereign Lord Charles the Second, by the Grace of God of England, France and Ireland, King, Defender of the Faith, &c. Anno Domini 1682. Between his Royal Highness the most illustrious Prince James, Duke of York and Albany Earl of Ulster, &c. only brother to our Sovereign Lord the King, of the one part, and the Right Honourable James Earl of Perth, of the kingdom of Scotland; the Honourable John Drummond, of Lundy, in the said kingdom of Scotland, Esq.; Robert Barckly, of Eury, in the said kingdom of Scotland, Esq.; David Barckly, jun. of Eury, aforesaid, Esq.; Robert Gordon, of Cluny, in the kingdom of Scotland, Esq.; Brent Sonmans, of Wallingford, in the kingdom of Scotland, Esq; William Penn, of Worminghurst, in the County of Sussex, Esq; Robert West, of the Middle Temple, London, Esq; Thomas Rudyard, of London, gentleman; Samuel Groome, of the parish of Stepney, in the county of Middlesex, marriner; Thomas Hart, of Enfield, in the said county of Middlesex, merchant; Richard Mew, of Stepney, aforesaid, merchant; Ambrose Rigg of Catton Place, in the county of Surry, gentleman; Thomas Cooper, citizen and merchant taylor, of London; Gawn Lawry, of London, merchant; Edward Billinge, of the city of Westminster, in the county of Middlesex, gentleman; James Braine, of London, merchant; William Gibson citizen and haberdasher, of London; John Haywood, citizen and skinner, of London; Hugh Hartshorn, citizen and skinner, of London, Clement Plumstead, citizen and draper, of London; Thomas Barker, of London, merchant; Robert Turner, of the city of Dublin, in the kingdom of Ireland, merchant; and Thomas Warne, of Dublin, aforesaid, in the said kingdom of Ireland, merchant, of the other part. WHEREAS our said Sovereign Lord the King's Majesty, in and by his Letters Patent, under the great seal of England, bearing date the twelfth day of March, in the sixteenth year of his said Majesty's reign, did amongst other things therein mentioned, give and grant unto his Royal Highness James Duke of York, his heirs and assigns, all that tract of land adjacent to New England, in the parts of America, and lying and being to the westward of Long Island and Manhattas Island, and bounded on the east part by the main sea; and east by Hudson's river; and extendeth southward to the main ocean as far as Cape May, at the mouth of the Delaware bay; and to the northward as far as the nothermost branch of the said bay or river of Delaware, which is in one and forty degrees and forty minutes of latitude, and crossing over thence in a straight line to Hudson's river, in one and forty degrees of latitude; which said tract of land was then after to be called by the name of New Caesarea or New Jersey, with all the lands, islands, soils, rivers, mines, minerals, quarries, woods, marshes, waters, lakes, fishings, hawking, buntings, and fowlings, and all other royalties, profits, commodities and hereditaments, unto the said premises belonging and appertaining, with their and every of their appurtenances: and all his said Majesty's estate, right, title, interest, benefit, advantage, claim and demand of, in and to the same premises, or any part or parcel thereof, and the reversion and reversions, remainder and remainders, together with the yearly and other rents, revenues and profits of the same, and of every part and parcel thereof, to hold unto his said Royal Highness the said James, Duke of York, his heirs and assigns forever; to be holden of his said Majesty, his heirs and successors, amongst other the things therein granted, as of his Majesty's mannor of East Greenwich, in his Majesty's county of Kent, in free and common soccage, and not in capite or knight service, under the yearly rent therein mentioned. AND WHEREAS his said Royal Highness James, Duke of York, did heretofore by several good and sufficient conveyances and assurances under his hand and seal duly executed, the twenty-third and twenty-fourth days of June, in the sixteenth year of his said Majesty's reign, for the consideration therein mentioned, grant and convey the said tract of land and premises before mentioned, to John Lord Berkley, baron of Stratton, and one of his Majesty's most honourable Privy Council, and Sir George Carteret, of Salterem, in the county of Devon, knight and baronet, and one other of his Majesty's most honourable Privy Council, and their heirs, the said tract and premises before particularly mentioned, and the reversion and reversions, remainder and remainders of the same, to hold unto the said John Lord Berkeley and Sir George Carteret, their heirs and assigns for ever, under the yearly rent of twenty nobles sterling, payable as the same is therein reserved to be paid. AND WHEREAS his said Majesty did by other his Letters Patents, dated the twenty-ninth day of June in the six and twentieth year of his said Majesty's reign, grant and convey unto his said Royal Highness, and his heirs forever, as well the said tract of land and premises hereinbefore recited to have been granted and conveyed by his said Royal Highness, unto the said John Lord Berkeley and Sir George Carteret as aforesaid, as all other the lands and hereditaments in and by the said herein first before recited Letters Patents granted, or nmentioned to be granted. AND WHEREAS his said Royal Highness by his indenture of lease and release, bearing date the of July, in the six and twentieth year of his Majesty's reign, did grant and convey the said tract of land and premises, to the said Sir George Carteret, Iris heirs and assigns, as by the said indenture, relation being thereunto had, may appear. AND WHEREAS upon a partition made of the whole and entire premises, between the said Sir George Carteret and William Penn, of Worminghurst, in the county of Sussex, Esq; Gawn Lawry, of London, merchant; Nicholas Lucas, of Hertford, in the county of Hertford, malster; and Edward Byllynge, of Westminster, in the county of Middlesex, gentleman; in whom the fee simple of the said Lord Berkeley's, undivided moyety, of all and singular the premises, by good and sufficient conveyances, was then vested the said William Penn, Gawn Lawry, Nicholas Lucas, and Edward Byllynge, did bargain, sell, release and confirm unto the said Sir George Carteret, his heirs and assigns, all that easterly part, share and portion, and all those easterly parts, shares and portions of the said whole and entire tract of land and premises before mentioned, extending eastward and northward along the sea coasts, and the said river called Hudson's river, from the east side of a certain place or harbour, lying on the southerly part of the same tract of land, and commonly called or known in a map of the said tract of land, by the name of Little Egg Harbour, to that part of the said river called Hudson's river, which is in forty-one degrees of latitude, being the northernmost part of the said tract of land and premises, which is bounded by the said river; and crossing over from thence in a straight line, extending from that part of Hudson's river aforesaid, to the nothermost branch of the aforementioned river called Delaware river, and to the most northerly point or boundary of the said entire tract of land and premises, now called the north partition point; and from thence, that is to say, from the north partition point, extending southward, unto the more southerly point, by a straight and direct line drawn through the said tract of land, from the said north partition point unto the said south partition point, by the consent and agreement of the said parties, now called the line of partition, and by them intended for the dividing and making a partition of the easterly part, share and portion, from the westerly part, share and portion of the said tract of land and premises; and all and every the isles, islands, rivers, mines, minerals; woods, fishings, hawking, buntings and fowlings, and all other royalties, governments, powers, forts, franchises, harbours, profits, commodities and hereditaments whatsoever, unto the said easterly part, share and portion, of the said tract of land and premises, belonging or in any wise appertaining, with their and every of their appurtenances; and all the estate, right, title, interest, claim and demand whatsoever of them the said William Penn, Gawn Lawry, :Nicholas Lucas and Edward Byllynge, and of each and every of them, of, into and out of the said easterly part, share and portion of the said tract of land and premises, and every part and parcel thereof, and the reversion and reversions, remainder and remainders of the same, and every part and parcel of the same; All which said easterly part, share and portion, parts, shares and portions, was and were then, and now is, and are by the consent and agreement of the said parties to the said partition, called and agreed from thenceforth to be called by the name of East New Jersey; and is all that, and only all that part, share and portion, and all those parts, shares and portions of the said tract of land and' premises, so conveyed by his said Royal Highness as aforesaid, as lyeth extended eastward from the east side of the said line of partition before mentioned, to hold to the said Sir George Carteret, his heirs and assigns, in severally, to the use of him the said Sir George Carteret, his heirs and assigns forever; upon which partition so made, and such conveyance so executed as aforesaid, he the said Sir George Carteret became seized of all that easterly part of the premises, now called East New Jersey, with the appurtenances in severally. AND WHEREAS the said Sir George Carteret being by virtue of the said assurances and partition aforesaid, become sole seized to him and his heirs, of the said premises called East New Jersey, by his last will and testament in writing, bearing date on or about the fifth day of December, in the year of our Lord one thousand six hundred seventy and eight, did devise the same, and all his estate therein, amongst other things, to the right honourable Edward, Earl of Sandwich, the right honourable John Earl of hath; the right honourable Thomas, Lord Crew, Baron Crew, of Steane the honourable Bernard Greenville, Esq; brother of the said Earl of hath; the honourable Sir Robert Atkins, knight of the hath; the honourable Sir Edward Atkins, knight, one of the barons of his Majesty's Court of Exchequer, and their heirs in trust, to sell the same for the payment of his debts and legacies, as in and by the said will, relation being thereunto had, may appear, and shortly after dyed. AND WHEREAS the said John, Earl of hath; Thomas, Lord Crew; Bernard Greenville; Sir Robert Atkins; and Sir Edward Atkins, by indentures of lease and release, bearing date the fifth and sixth days of March, in the two and thirtieth year of his Majesty's reign conveyed the said premises, amongst other things, to Thomas Cremer, of the Parish of St. Andrews, Holbourne, in the county of Middlesex, gentleman, and Thomas Pocock of the same, gentleman, as by the said indentures, relation being thereunto had, it may appear. AND WHEREAS the said Earl of Sandwich, by his indenture bearing date the twentieth day of February last

past, hath released all his estate, interest and trust in the said premises, to the said Earl of hath, Lord Crew, Bernard Greenville, Sir Robert Atkins, and Sir Edward Atkins, and their heirs, as by the ' said indenture, relation being thereunto had, may appear. AND WHEREAS the said Earl of hath, Lord Crew, Bernard Greenville, Sir Robert Atkins, and Sir Edward Atkins, by the consent and direction of dame Elizabeth Carteret, relic and executrix of the said Sir George Carteret; and the said Thomas Cremer and Thomas Pocock, by the consent and direction of the said dame Elizabeth Carteret, Earl of hath, Lord Crew, Bernard Greenville, Sir Robert Atkins and Sir Edward Atkins, have by indentures of lease and release, bearing date the first and second days of February last; past, granted and conveyed to the said William Penn, Robert West, Thomas Rudyard, Samuel Groome, Thomas Hart, Richard Mew, Thomas Wilcox, of London goldsmith, Ambrose Rigg, John Haywood, Hugh Hartshorn, Clement Plumstead, and Thomas Cooper, their heirs and assigns, all the said premises called East New Jersey, together with all isles, islands, rivers, mines, minerals, woods, fishings, hawkings, buntings, fowlings, and all other royalties, privileges franchises, forts, harbours, profits, commodities, and hereditaments whatsoever, thereunto belonging, As in and by the said indentures, relation being thereunto had, may more at large appear. AND WHEREAS the said William Penn, Robert West, Thomas Rudyard Samuel Groome, Thomas Hart, Richard Mew, Thomas Wilcox, Ambrose Rigg, John Haywood, Hugh Hartshorne, Clement Plumstead, and Thomas Cooper, have since conveyed one moyety of the said tract of land called East New Jersey, and of all other the premises to the said James, Earl of Perth, John Drummond, Robert Barckly, Robert Gordon, Arent Sonmans, Gawn Lawry, Edward Byllynge James Braine, William Gibson, Thomas Barker, Robert Turner and Thomas Warne, who are thereby become tenants in common of the said premises called East New Jersey, which with the said William Penn, Robert West, Thomas Rudyard, Samuel Groome, Thomas Hart, Richard Mew, Thomas Willcox, Ambrose Rigg, John Haywood, Hugh Hartshorn, Clement Plumstead, and Thomas Cooper. AND WHEREAS the said Thomas Wilcox hath conveyed all his share, estate and interest in the said premises, to the said David Barckly and his heirs: AND WHEREAS by the said several recited Letters Patents, made by his said Majesty unto his said Royal Highness as aforesaid, several powers and authorities are and were given and granted unto his said Royal Highness, his heirs or assigns, or by the deputies, agents or commissioners of his said Royal Highness, his heirs or assigns, which are necessary as well for the planting, peopling and improving of all and every the respective lands, places and territories thereof granted; and for the transporting thither from time to time such of his Majesty's subjects as should be willing to go or be transported into those parts, or any of them, as for the defending, guarding and keeping of the same; as also for the well governing of the same, and of all such as shall be inhabiting the same, and for the making, ordaining and executing of necessary and convenient laws and constitutions, in order to such government; and the punishing and pardoning offences and offenders, as occasion shall require; and to make, ordain, constitute, and confirm, and also to revoke, discharge and alter all and singular Governors, officers and magistrates, which by his said Royal Highness, his heirs and assigns, shall be from time to time thought fit and needful to be made, ordained, appointed or used in the said parts or places, or any of them; and to do all other things needful, useful and necessary, for the well governing, keeping, defending and preserving the said respective places and territories, and of every of them and all such as are and shall be inhabiting there. Now these presents witness, that for and in consideration of a competent sum of lawful English money, unto his said Royal Highness in hand paid, and for the better extinguishing all such claims and demands as his said Royal Highness, or his heirs, may any wise have of or in the premises aforesaid, now called East New Jersey, or any part of them, and for the further and better settling and conveying, assuring and confirming of the same, and of every part thereof, according to the purport and true meaning of these presents, his said Royal Highness the said James Duke of York, hath granted, bargained, sold, released and confirmed, and by these presents, as far as in him lyeth, doth grant, bargain, sell, release and confirm unto the said James, Earl of Perth, John Drummond, Robert Barckly, David Barckly, Robert Gordon, Arent Sonmans, William Penn, Robert West, Thomas Rudyard, Samuel Groome, Thomas Hart, Richard Mew, Ambrose Rigg, John Haywood, Hugh Hartshorn, Clement Plumstead, Thomas Cooper, Gawn Lawry, Edward Byllynge, James Braine, William Gibson, Thomas Barker, Robert Turner and Thomas Warne, their heirs and assigns, all that part, share and portion, and all those parts, shares and portions, of all that entire tract of land, and all those entire premises so granted by his aid Royal Highness, unto the said John Lord Berkely and Sir George Carteret, and their heirs, as in and by and upon the said partition was and were vested in the said George Carteret and his heirs, and there agreed to be called by the name of East New Jersey, together with all islands, bays, rivers, waters, forts, mines, minerals, quarries, royalties, franchises, and appurtenances whatsoever to the same belonging, or in any wise appertaining; and all the estate, right, title, interest, reversion, remainder, claim and demand whatsoever, as well in law as in equity, of his said Royal Highness James, Duke of York, of, in, unto or out of the same, or any part or parcel of the same: as also the free use of all bays, rivers, and waters, leading unto or lying between the said premises, or any of them, in the said parts of East New Jersey, for navigation, free trade, fishing or otherwise, to have and to hold unto the said Earl of Perth, John Drummond, Robert Barckly, David Barckly, Robert Gordon, Arent Sonmans, William Penn, Robert West, Thomas Rudyard, Samuel Groome, Thomas Hart, Richard Mew, Ambrose Rigg, John Haywood, Hugh Hartshorn Clement Plumstead, Thomas Cooper, Gawn Lawry, Edward Byllynge, James Braine, William Gibson, Thomas Barker, Robert Turner, and Thomas Warne, their heirs and assigns forever, to the only use and behoof of them the said Earl of Perth, John Drummond, Robert Barckly, David Barckly, Robert Gordon, Arent Sonmans, William Penn, Robert West, Thomas Rudyard, Samuel Groome, Thomas Hart, Richard Mew, Ambrose Rigg, John Haywood, Hugh Hartshorn, Clement Plumstead, Thomas Cooper, Gawn Lawry, Edward Byllynge, James Braine, William Gibson, Thomas Barker, Robert Turner and Thomas Warne, their heirs and assigns forever, yielding and paying therefor yearly for the said whole entire premises, unto his Royal Highness, his heirs and assigns, the yearly rent of ten nobles of lawful English money, at or in the middle Temple Hall, London, at or upon the feast day of St. Michael the Archangel, yearly. And the said James, Earl of Perth, John Drummond, Robert Barckly, David Barckly, Robert Gordon, Arent Sonmans, William Penn, Robert West, Thomas Rudyard, Samuel Groome, Thomas Hart, Richard Mew, Ambrose Rigg, John Haywood, Hugh Hartshorne, Clement Plumstead, Thomas Cooper, Gawn Lawry, Edward Byllynge, James Braine, William Gibson, Thomas Barker, Robert Turner and Thomas Warne, do for themselves severally, and for their several and respective heirs, executors, administrators and assigns, covenant, promise and agree to and with his said Royal Highness, his heirs and assigns, to pay, or cause to be paid, the said annual rent of ten nobles, on the days and times herein before limited for payment thereof. And these presents further witness, that for the better enabling this said Earl of Perth, John Drummond, Robert Barckly, David Barckly, Robert Gordon, Arent Sonmans, William Penn, Robert West, Thomas Rudyard, Samuel Groome, Thomas Hart, Richard Mew, Ambrose Rigg, John Haywood, Hugh Hartshorn, Clement Plumstead, Thomas Cooper, Gawn Lawry, Edward Byllynge, James Braine, William Gibson, Thomas Barker, Robert Turner and Thomas Warne, their heirs and assigns, to improve and plant the said premises with people, and to exercise all necessary government there, whereby the said premises may be the better improved, and made more useful to them, their heirs and assigns, and to the King's Majesty, his said Royal Highness hath likewise given and granted, assigned and transferred, and doth by these presents give, grant, assign and transfer unto the said Earl of Perth, John Drummond, Robert Barclay, David Barclay, Robert Gorden, Arent Sonmans, William Penn, Robert West, Thomas Rudyard, Samuel Groome, Thomas Hart, Richard Mew, Ambrose Rigg, John Haywood, Hugh Hartshorne, Clement Plumstead, Thomas Cooper, Gawn Lawry, Edward Billinge, James Braine, William Gibson, Thomas Barker, Robert Turner, and Thomas Warne, their heirs and assigns, proprietors of the said Province of East New Jersey aforesaid, for the time being, all and every such and the same powers, authorities, jurisdictions, governments, and other matters and things whatsoever, which by the said respective recited Letters Patents, or either of them, are or were granted, or intended to be granted, to be exercised by his said Royal Highness, his heirs, assigns, deputies, officers, or agents, in or upon, or in relation unto the said premises, hereby confirmed, or intended to be hereby confirmed, and every of them, in case the same were now in the actual seisen of his Royal Highness, to be held, enjoyed, exercised and executed by them the said Earl of Perth, John Drummond, Robert Barckly, David Barckly, Robert Gordon, Arent Sonmans, William Penn, Robert West, Thomas Rudyard, Samuel Groome, Thomas Hart, Richard Mew, Ambrose Rigg, John Haywood, Hugh Hartshorn, Clement Plumstead, Thomas Cooper, Gawn Lawry, Edward Byllynge, James Braine, William Gibson, Thomas Barker, Robert Turner and Thomas Warne, their heirs and assigns, Proprietors of the said Province of East New Jersey, for the time being, as fully and amply to all intents, constructions and purposes, as his said Royal Highness, or his heirs, might, could or ought to hold, enjoy, use, exercise or execute the same by force and virtue of the said several and respective before recited Letters Patents, or either of them, or any thing in them, or either or any of them, contained or otherwise howsoever. *Provided always*, that these presents be entered with the Auditor General of his said Royal Highness within two months next after the date hereof. In witness whereof the parties above mentioned to these present indentures, interchangeably have set their hands and seals, the-day and year first above written.

JAMES.

Sealed and delivered by his Royal Highness, in the presence of

Ro. Werden,

William Crofts,

John Ashton.

(1) verified by "Grants and Concessions of New Jersey.", Leaming & Spleer. 2d Ed. pp. 141-152. [Back](#)

Source:

The Federal and State Constitutions Colonial Charters, and Other Organic Laws of the States, Territories, and Colonies Now or Heretofore Forming the United States of America
Compiled and Edited Under the Act of Congress of June 30, 1906 by Francis Newton Thorpe
Washington, DC : Government Printing Office, 1909.

Colonial Charters Page

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**The Fundamental Constitutions for the Province of East New Jersey in America,
Anno Domini 1683 (1)**

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 priviledge 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 priviledge 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 realy 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 qualified 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, irreligionsness, or to practice cursing, swearing, drunkenness, prophaness, whoring, 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 diligence 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, deferred 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 trial, 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 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.

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 wilful 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 publicly 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, always 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 always 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.

(1) Verified by " Grants and Concessions of New Jersey." Leaming & Spicer. 2d Ed. pp. 153-156. [Back](#)

Source:

The Federal and State Constitutions Colonial Charters, and Other Organic Laws of the States, Territories, and Colonies Now or Heretofore Forming the United States of America
Compiled and Edited Under the Act of Congress of June 30, 1906 by Francis Newton Thorpe
Washington, DC : Government Printing Office, 1909.

Colonial Charters Page

Avalon Home	Document Collections	Ancient 4000bce - 399	Medieval 400 - 1399	15th Century 1400 - 1499	16th Century 1500 - 1599	17th Century 1600 - 1699	18th Century 1700 - 1799	19th Century 1800 - 1899	20th Century 1900 - 1999	21st Century 2000 -
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The King's Letter Recognizing the Proprietors' Right to the Soil and Government ; 1683 (1)

CHARLES, R.

WHEREAS his Majesty for divers good causes and considerations him thereunto moving, by [Letters Patents bearing date the twenty-ninth day of June, Anno Domini 1674](#), in the twenty-sixth year of his Majesty's reign, was pleased to give and grant unto his dearest brother James, Duke of York, several territories, islands, and tracts of land in America, part of which were since called by the name of Nova Caesarea or New Jersey, and was vested in John Lord Berkeley, of Stratton, and Sir George Carteret, Knight and Baronet, who were troth of his Majesty's most honourable Privy Council, and in their heirs and assigns: And the east part or portion of the said Province of New Jersey, by a certain deed of partition afterwards made, became the share of the said Sir George Carteret, his heirs and assigns, and was agreed to be called East New Jersey, and was since assigned to the present Proprietors. AND WHEREAS his Royal Highness, James, Duke of York, by his [indenture bearing date the fourteenth day of March, Anno Dom. 1682](#), in the thirty-fifth year of his Majesty's reign (for the consideration therein mentioned) did grant and confirm the said Province of East New Jersey, (extending eastward and northward all along the sea coast and Hudson's river, from Little Egg Harbour, to that part of Hudson's river which is in forty-one degrees of northern lattitude, and otherways bounded and limited as in said grant and confirmation, relation being thereunto had, may more particularly and at large appear) unto James, Earl of Perth, John Drummond of Lundie; as also unto Robert Barckly, of Eury. Esq; Robert Gordon, of Clunie, Esq; and others, his Majesty's loving subjects in England, Scotland, and elsewhere, to the number of twenty-four grantees, and to their heirs and assigns forever; together with all powers and jurisdiction necessary for the good government of the said Province. His Majesty therefore doth hereby declare his royal will and pleasure, and doth strictly charge and command the planters and inhabitants, and all other persons concerned in the said Province of East New Jersey, that they do submit and yield all due obedience to the laws and government of the said grantees, their heirs and assigns, as absolute Proprietors and Governors thereof, (who have the sole power and right derived under his Royal Highness from his said Majesty, to settle and dispose of the said Province upon such terms and conditions as to them shall seem good) as also to their deputy or deputies, agents, lieutenants, and officers, lawfully commssionated by them according to the powers and authorities granted to them. And of this his Majesty's royal will and pleasure, the Governor and Council is required to give publick notice, his Majesty expecting and requiring forthwith a due compliance with this his royal will and pleasure, from all persons as well without the Province as within the same, (who these presents do or may concern) as they will answer the contrary thereof at their peril. Given at the Court of Whitehall, the twenty-third day of November, 1683, in the thirty-fifth year of his Majesty's reign.

By his Majesty's command,

SUNDERLAND.

To the Governor and Council of East New Jersey, for the time being, and to the planters, inhabitants, and all others concerned in the said Province.

(1) Verified by " Grants and Concessions of New Jersey." Leaming & Spicer, 2nd ed., pp. 151-152. [Back](#)

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Surrender from the Proprietors of East and West New Jersey, of Their Pretended Right of Government to Her Majesty;
1702 (1)

WHEREAS his late Majesty King Charles the Second, by his [Letters Patents under the great seal of England, bearing date at Westminster on or about the 12th day of March](#), in the sixteenth year of his reign, did give and grant to James then Duke of York, his heirs and assigns, all that part of the main land of New England, beginning at a certain place called or known by the name of Saint Croix, next adjoining to New Scotland in America, and from thence extending along the sea-coast unto a certain place called Pemaquod or Pemaquid, and so up the river thereof to the furthest head of the same, as it tends northward, and extending from thence to the river of Kenibique, and so upwards by the shortest course to the river Canada, northward; and also all that island or islands commonly called by the several name or names of Manowacks, or Long Island, situate, lying and being towards the west of Cape Codd and the Narrohigansets, abutting upon the main land between the two rivers there, called or known by the several names of Connecticut and Hudson's river; together also with the said river called Hudson's river, and all the lands from the west side of Connecticut river to the east side of Delaware bay. And also all those several islands called or known by the names of Martin's Vinyard, and Nantucks or Nantucket, together with all the lands, islands, soils, rivers, harbours, mines, minerals, quarries, woods, marshes, waters, lakes, fishings, hawkings, hunting, and fowling, and all other royalties, profits, commodities and hereditaments to the several islands, lands, and premises, belonging and appertaining, with their and every of their appurtenances, *to have amid to hold* all and singular the said lands, islands, hereditaments, with their and every of their appurtenances, to the said James Duke of York, his heirs and assigns forever, to be held of the said King, his heirs and successors as of his manor of East Greenwich in Kent, in free and common soccage and not in capite or by knight's service, yielding and rendering therefore yearly and every year, forty beaver skins when demanded, or within ninety days after: And by the same Letters Patents the late King Charles the Second, for himself, his heirs and successors, did give and grant to the said James Duke of York, his heirs, deputies, agents, commissioners and assigns, full and absolute power and authority to correct, punish, pardon, govern and rule all such subjects of the said lying, his heirs and successors, as should from time to time adventure themselves into the parts and places aforesaid, or that should at any time then after inhabit within the same, according to such laws, orders, ordinances, directions and instructions as by the said Duke of York, or his assigns, should be established; and in defect thereof, in case of necessity, according to the good directions of his deputies, commissioners, officers or assigns respectively, as well in all causes and matters as well capital and criminal as civil, both marine and others, so always as the said statutes, ordinances and proceedings were not contrary, but as near as might be agreeable to the laws and statutes and government of the realm of England, saving and reserving to his said Majesty, his heirs and successors, the receiving, hearing and determining, of the appeal and appeals of all or any other person or persons of, in or belonging to the territories or islands aforesaid, in or touching any judgment or sentence to be there made or given; and further that it should and might be lawful to and for the said Duke of York, his heirs and assigns, from time to time to nominate, constitute, ordain and confirm such laws as aforesaid, by such name or names or stiles as to him or them shall seem good; and likewise to revoke, discharge, change and alter as well all and singular Governors, officers and ministers which then after should be by him or them thought fit or needful to be made or used within flee aforesaid parts and islands; and also to make, ordain and establish, all manner of orders, laws, directions, instructions, forms and ceremonies of government and magistracy, fit and necessary for and concerning the government of the Territories and islands aforesaid, so always as the same were not contrary to the laws and statutes of the realm of England, but as near as might be agreeable thereunto; and the same at all times then after to put in execution or abrogate, revoke or change, not only within the precinct of the said Territories or islands, but also upon the seas in going and coming to and from the same, as he and they in their good direction should think to be fittest for the good of the adventurers and inhabitants there. And the late King did thereby grant, ordain and declare, that such Governors, officers, ministers as from time to time should be authorized and appointed in manner and form aforesaid, should and might have full power and authority to use and exercise martial law in cases of rebellion, insurrection and mutiny, in as large and ample manner as the lieutenants of his said Majesty in his counties of the realm of England had, or ought to have, by their commissions of lieutenancy, or any law or statute of the said realm of England. And the said late King did thereby also for himself, heirs and successors, grant to the said James Duke of York, that it should and might be lawful for him, his heirs and assigns, in his or their discretions, from time to time, to admit such and so many person or persons to trade and traffick unto and within the Territories and islands aforesaid, and into every or any part or parcel thereof, and to have process and enjoy any lands and hereditaments in the parts and places aforesaid, as they should think fit, according to the laws, orders, constitutions and ordinances by the said James Duke of York, his heirs, deputies, commissioners and assigns from time to time to be made and established, by virtue of and according to the true intent and meaning of the said Letters Patents, and under such conditions, reservations and agreements as the said James Duke of York, his heirs and assigns should set down, order, direct and appoint, and not otherwise. And by the said Letters Patents the said King did for himself his heirs, and successors, grant to the said James Duke of York, his heirs and assigns, and to all and every such Governor and Governors or other officers or ministers as by the said James Duke of York, his heirs or assigns' should be appointed, with power and authority of government and command in or over the inhabitants of the said Territories or islands, that they and every of them should, or lawfully might, from time to time, and at all times then after or for ever, for their several defence and safety, encounter, expulse, repel and resist by force of arms, as well by sea as by land, and all ways and means whatsoever, all such person or persons as without the especial licence of the said James Duke of York, his heirs and assigns, should attempt to inhabit within the several precincts and limits of the said territories and islands; and also all and every such person and persons whatsoever as should enterprise, or attempt at any time then after, the destruction or invasion, detriment or annoyance to the parts, places or islands aforesaid, or any part thereof; as by the said recited Letters Patents duly enrolled, relation "hereunto had, more at 1argeN may appear. And *whereas* the estate, interest, right and title of the said James Duke of York, in and to the Provinces of East Jersey and West Jersey, part of the premises by the said recited Letters granted, are by mean conveyances and assurances in the law, come unto and vested in or claimed amongst others by Sir Thomas Lane, Paul Dominique, Robert Mitchell, Joseph Brooksbank, Michael Watts, Edward Richier, John Norton, Ebenezer Jones, John Whiting, John Willcocks, John Bridges, Thomas Skinner, Benjamin Steell, Obediah Burnett, Joseph Micklethwait, Elizabeth Miller, Benjamin Levy, Francis Minshall, Joseph Collier, Thomas Lewis, Jo. Rennet, John Booker, Benjamin Nelson, James Wassee, Richard Harrison, John Jurin, Richard Greenaway, Charles Mitchell, Francis Mitchell, Tracy Paunceford, William Hamond, Ferdinando Holland, William Dockwra, Peter Sonmans, Joseph Grimston, Charles Ormston, Edward Antill, George Willocks, Francis Handcock, Thomas Barker, Thomas Cooper, Robert Burnet, Miles Forster, John Johnstone, David Lyell, Michael Hawdon, Thomas Warne, Thomas Gordon, John Barclay Clement Plumstead, Gilbert Mollison, and Richard Hasel, the present Proprietors thereof, and they also have claimed, by virtue of the said Letters Patents and mean conveyances to exercise within the said Provinces for the governing the inhabitants thereof, all the powers and authorities for government granted by the said Letters Patents to the said Duke and his heirs and assigns; but her Majesty hath been advised, that they have no right nor can legally execute any of the said powers, but that it belongeth to her Majesty in right of her Crown of England to constitute Governors of the said Provinces, and to give directions for governing of the inhabitants thereof, as her Majesty shall think fit. And the said Proprietors being desirous to submit themselves to her Majesty, are willing to surrender all their presences to the said powers of government, to the intent her Majesty may be pleased to constitute a Governor or Governors of the same Provinces, with such powers, privileges and authorities for the government thereof, and making of such laws there with the consent of the Assembly of the said Provinces, and her Majesty's subsequent approbation thereof, as her Majesty in her great wisdom shall think fit and convenient. We therefore the said Sir Thomas Lane, Paul Dominique, Robert Mitchell, Joseph Brooksbanke, Machael Watts, Ed. Richier, John Norton, Ebenezer Jones, John Whiting, Clement Plumstead, John Wilcocks, John Bridges, Thomas Skinner, Beniamin Steele, Obadiah Burnet, Joseph Michlethwait, Elizabeth Milfer, Benjamin Levy, Francis Minshall, Joseph Collier, Thomas Lewes, Jo. Bennet, John Booker, Benjamin Nelson, James Wasse, Richard Harrison, John Jurin, Richard Greenaway, Charles Mitchell, Francis Mitchell, Tracy Paunceford, William Hamond, Ferdinando Holland, William Docwra, Peter Sonmans, Joseph Grinston, Charles Ormston, Edward Anthill, George Wilcocks, Francis Hancock, Thomas Barker, Thomas Cooper, Robert Burnett, Miles Forster, John Johnston, David Lyell, Michael Hawdon, Thomas Warne, Thomas Gordon, John Barclay, Gilbert Molleson, and Richard Hasell, &c. the present Proprietors of the said Provinces of East Jersey, and West Jersey, for the consideration and to the intent aforesaid, have surrendered and yielded up, and by these presents for us and our heirs, do surrender and yield up unto our Sovereign Lady ANNE by the grace of God Queen of England, Scotland, France. and Ireland, Defender of the Faith, &c. her heirs and successors, all these the said powers and authorities to correct, punish, pardon, govern and rule all or any of her Majesty's subjects or others, who now are or inhabit or hereafter shall adventure into or inhabit within the said Provinces of East

Jersey, and West Jersey, or either of them; and also to nominate, make, constitute, ordain and confirm any laws, orders, ordinances and directions and instruments for those purposes or any of them; and to nominate, constitute or appoint, revoke, discharge, change or alter any Governor or Governors, officers or ministers which are or shall be appointed, made or used within the said Provinces or either of them; and to make, ordain and establish any orders, laws, directions, instruments, forms or ceremonies of government and magistracy' for or concerning the government of the Provinces aforesaid or either of them, or on the sea in going and coming to or from thence, or to put in execution, or abrogate, revoke or change such as are already made for or concerning such government, or any of them; and also all those the said powers and authorities to use and exercise martial law in the places aforesaid, or either of them, and to admit any person or persons to trade or traffick there, and of encountering, repelling and resisting by force of arms any person or persons attempting to inhabit there without the licence of us the said Proprietors, our heirs and assigns, and all other the powers, authorities and privileges of or concerning the government of the Provinces aforesaid, or either of them to the inhabitants thereof, which were granted or mentioned to be granted by the said recited Letters Patents, and every of them. *In witness* whereof the persons above named have hereunto set their hands and seals this fifteenth day of April, in the year of our Lord one thousand seven hundred and two, and in the first year of her Majesty's reign.

For the Eastern Division

L. Morris, in behalf of Robert Burnett,
Miles Forster,
John Johnstone,
Michael Hawdon,
John Barclay,
David Lyell,
Thomas Warne,
Thomas Gordon,
Thomas Barker,
Thomas Cooper,
Gilbert Mollison,
Henry Adderly, for Richard Hasel of Barbados.
William Dockwra,
Peter Sonmans,
Joseph Ormston, for myself, and as proxy for Charles Ormston,
Edward Anthill, and George Willocks, and Representative of Francis Hancock,
Thomas Lane
Paul Dominique,
Robert Mitchell,
Joseph Brooksbank,
E. Richier,
Michael Watts,
Clement Plumstead.

For the Western Division

Benjamin Nellson,
James Wasse,
Richard Harrison,
John Grin,
Richard Greenaway,
Charles Michell,
Francis Michell
Francis Paunceford,
Wm. Hamond,
Ferd. Holland,
Elizabeth Miller
Benjamin Levy,
Francis Minshall,
Joseph Collin,
Thomas Lewis,
Jo. Bennet
John Booker,
John Whiting,
John Wilcocks
John Bridges,
Thomas Skinner,
Benjamin Steel,
Obadiah Burnett,
Jos. Micklethwait,
Thomas Lamb,
Paul Dominique,
Robert Michell,
Jos. Brooksbanks,
Michael Watts,
E. Eichier,
John Norton,
Eben Jones

Sealed and delivered by Thomas Lane, Paul Dominique, Robert Mitchell, Joseph Brooksbanks, Michael Watts, Edward Richier, John Norton, Ebenezer Jones, John Whiting, John Willcocks, John Bridges, Thomas Skinner, Benjamin Steel, Obadiah Burnett, Joseph Micklethwait, Elizabeth Miller, Benjamin Levy, Francis Minshall, Joseph Collier, Thomas Lewis, John Bennett, John Booker, Benjamin Nelson, James Wasse, Richard Harrison, John Jurin, Richard Greenaway, Charles Mitchell, Francis Mitchell, Tracy Pouncefort, William Hamond, Ferdinando Holland. And for the interest the Proprietors of West Jersey, have in East Jersey, Thomas Lane Paul Dominique, Robert Mitchel, Joseph Brooksbank, Edward Richier arid Michael Watts.

Sealed and delivered by the aforesaid persons in the presence of us. L. MORRIS,

JONATHAN GREENWOOD,

Sealed and delivered by William Docwra, Peter Sonmans, Joseph Ormston, Thomas Barker and Thomas Cooper, Proprietors of East Jersey, in the presence of us.

RICHARD BOUTS,

NATHANIEL WELCH

Sealed and delivered by Gilbert Molleson, in presence of us.

DANTEL WILD,

GILBERT FALCONER.

Sealed and delivered by Clement Plurnstead, in presence of us.

JOHN ASKEW,

SAMUEL HANNINGTON.

Sealed and delivered by Henry Adderly in presence of us.

JOHN BLACKALL,

THOMAS CAGE,

Sealed and delivered by Lewis Morris, in presence of

AUG. GRAHAM,

RICHARD BIBBY.

I do hereby certify that this is n true copy from the books in the plantation office.

Whitehall, January 17 1752.

SAMUEL GELLIBRAND. D. Secretary.

(1) Verified by " Grants and Concessions of New Jersey." Leaming & Spicer, 2nd ed., pp. 600-618. [Back](#)

Source:

The Federal and State Constitutions Colonial Charters, and Other Organic Laws of the States, Territories, and Colonies Now or Heretofore Forming the United States of America
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The Queen's Acceptance of the Surrender of Government

At the Court of St. James's the 17th day of April, 1709
PRESENT
Thee Queen's most Excellent Majesty
His Royal Highness, Prince Earl of Radnor,

George of Denmark, Earl of Barkeley,
Lord Keeper, Earl of Rochester,
Lord President, Earl of Marlborough,
Lord Steward, Earl of Bradford,
Duke of Bolton, Earl of Romney
Duke of Schonberg, Earl of Renalagh,
Duke of Leeds, Lord Ferrers
Lord Great Chamberlain, Lord Godolphin,
Earl Marshall, Mr. Comptroller,
Lord High Admiral, Mr. Vice Chamberlain,
Lord Chamberlain, Mr. Secretary Vernon,
Earl of Dorset, Mr. Chancellor of the Exchequer,
Earl of Manchester, Lord Chief Justice,
Earl of Stamford, Sir Charles Hedges,
Earl of Burlington Mr .Smith

This day the several Proprietors of East and West New Jersey in America, did in person present a deed of surrender by them executed under their hands and seals, to her Majesty in Council, and did acknowledge the same to be their act and deed, and humbly desire her Majesty accept the same, that it might be enrolled in the Court of Chancery, whereby they did surrender their power of the Government of those plantations: Which her Majesty graciously accepted, and was pleased to order as it is hereby ordered, that the same be enrolled in her Majesty's said High Court of Chancery, whereby they did surrender their power of the Government of those plantations which her Majesty graciously accepted and was pleased to order, as it is hereby ordered, that the same be enrolled in her Majesty's said High Court of Chancery, and the said instruments are to be delivered to Mr. Attorney General, who is to take care that the same be enrolled accordingly.

A true copy.

W. SHARPE.

17 March 1747,

Examined the foregoing copy with the entry, remaining in the register book, in the office of his Majesty's privy Council at Whitehall, and found the same to contain a true copy.

JAMES HAMILTON,

7 October, 1747

Examined the foregoing copy, with the entry remaining in the register book in the office of his Majesty's privy Council at Whitehall, and found the same to contain a true copy.

John WADDELL

Be it remembered, that on the tenth day of September 1748, John Waddell of the city of New York, merchant, appeared before Robert Hunter Morris, Esq; Chief Justice of the Province of flew Jersey, and being duly sworn on the holy evangelists, on his oath declared, that the name of John Waddell, signed to the preceding certificate of the 7th of October, 1747, is the proper hand writing of the declarant, and that the matter contained in the said certificate is true,

JOHN WADDELI,.

Sworn as above, before me,

ROBERT HUNTER MORRIS.

Agrees with an attested copy, being carefully examined and corrected by me,

JOHN SMITH,

Register of the Proprietors of East New Jersey.

Source:

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Charles II's Grant of New England to the Duke of York, 1676 - Exemplified by Queen Anne; 1712 (1)

Anne, by the grace of God, of Great Britain, France and Ireland, Queen, Defender of the Faith, &c. To all to whom these our present letters shall come greeting: Know ye that among the records remaining in our Secretary's Office of our Province of New York, in America, at our fort at New York, We have inspected certain Letters Patents granted unto his late Royal Hiness James, Duke of York, deceased, which followeth in these words.

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 presents shall come greeting: Know ye, that we for divers good causes and considerations us "hereunto moving, have of our 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 our dearest brother James, Duke of York, his heirs and assigns, all that part of the main land of New England, beginning at a certain place called or known by the name of St Croix, next adjoining to New Scotland in America; and from thence extending along the sea coast unto a certain place called Petuaquine or Pemaquid, and so up the river thereof to the farthest head of the same as it tendeth northward; and extending from thence to the river of Kenebeque, and so upwards by the shortest course to the river of Canada northward. And also all that Island or Islands, commonly called by the several name or names of Matowacks or Long Island, scituate, lying and being towards the west of Cape Codd and the Narrow Higansetts, abutting upon the main land between the two rivers there, called or known by the several names of Conecticut or Hudsons river; together also with the said river called Hudsons river, and all the lands from the west side of Conecticut, to the east side of Delaware Bay. And also all those several islands called or known by the names of Martin's Vineyard and Nantokes or otherwise Nantokett; together with all the lands, islands, soiles, rivers, harbours, mines, minerals, quarries, woods, marshes waters, lakes, fishings, hawkins, buntings and fowling; and all other royalty's, profits, commodities and hereditaments to said several islands, lands and premises belonging and appertaining, with their and every of their apurtenances; and all our estate, right, title, interest, benefit, advantage, claim and demand of, in or to the said lands and premises, or any part or parcel thereof, and the reversion and reversions remainder and remainders; together with the yearly and other the rents, revenues and profits of all and singular the said premises, and of every part and parcel thereof; to have and to hold all and singular the said lands, islands, heriditaments, and premises, with their and every of their apurtenances, hereby given and granted, or herein before mentioned to be given and granted unto our dearest brother James Duke of York, his heirs and assigns forever; to the only proper use and behoof of the said James Duke of York, his heirs and assigns forever; to be holden of us, our heirs and successors as of our mannor of East (Greenwich in our County of Kent, in free and common soccage, and not in capitie, nor by night service yielding and rendering. And the said James Duke of York, doth for himself, his heirs and assigns, covenant and promise to yield and render unto our heirs and successors, of and for the same and every Year, forty beaver skins when they shall be demanded, or within ninety days after. And we do further of our special grace, certain knowledge and meer motion, for us, our heirs and successors, give and grant unto our said dearest brother James Duke of York, his heirs, deputies, agents, commissioners and assigns, by these presents, full and absolute power and authority to correct, punish, pardon, govern and rule all such the subjects of us, our heirs and successors, as shall from time to time adventure themselves into any the parts or places aforesaid; or that shall or do at any time hereafter inhabit within the same, according to such laws, orders, ordinances, directions and instruments as by our said dearest brother, or his assigns, shall be established; and in defect thereof, in case of necessity, according to the good discretions of his deputy's, commissioners, officers or assigns respectively; as well in all causes and matters capital and criminal, as civil both marine and others; so always as-the said statutes, ordinances and proceedings be not contrary to, but as near as conveniently may be, agreeable to the laws, statutes and government of this our realm of England; and saving and reserving to us, our heirs and successors, the receiving, hearing, and determining of the appeal and appeals of all or any person or persons of, in or belonging to the territories or islands aforesaid, in or touching any judgment or sentence to be there made or given. And further, that it shall and may be lawful to and for our said dearest brother, his heirs and assigns, by these presents from time to time, to nominate, make, constitute, ordain and confirm, by such name or names, stile or stiles, as to him or them shall seem good, and likewise to revoke discharge, change and alter as well and singular governor's, officers and ministers which hereafter shall be by him or them thought fit and needful to be made or used within the aforesaid parts and islands: And also to make, ordain and establish all manner of orders, laws, directions, instructions, forms and ceremonies of government and magistracy fit and necessary for and concerning the government of the territories and islands aforesaid; so always that the same be not contrary to the laws and statutes of this our realm of England, but as near as may be agreeable thereunto; and the same at all times hereafter to put in execution or abrogate, revoke or change, not only within the precincts of the said territories or islands, but also upon the seas in going and coming to and from the same, as he or they in their good discretions shall think to be fittest for the good of the adventurers and inhabitants there. And we do further of our special grace, certain knowledge, and meer motion, grant, ordain and declare, that-such governors, officers, and ministers as from time to time shall be authorized and appointed in manner and form aforesaid, shall and may have full power and authority to use and exercise marshall law in cases of rebellion, insurrection and mutiny, in as large and ample manner as our lieutenants in our counties within our realm of England have or ought to have, by force of their commission of lieutenancy, or any law or statute of this our realm. And we do farther by these presents, for us, our heirs and successors, grant unto our said dearest brother James Duke of York, his heirs and assigns, that Shall and may be lawful to and for the said James Duke of York, his heirs and assigns, in his or their discretion from time to time, to admit such and so many person or persons to trade and traffique unto and within the said territories and islands aforesaid, and into every or any part and parcel thereof; and to have, possess and enjoy any lands or hereditaments in the parts and places aforesaid, as they shall think fit, according to the laws, orders, constitutions and ordinances by our said brother, his heirs, deputies, commissioners and assigns from time to time to be made and established by virtue of, and according to the true intent and meaning of these presents; and under such conditions, preservations and agreements as our said brother, his heirs or assigns shall set down' order, direct and appoint and not otherwise as aforesaid. And we do further of our especial grace, certain knowledge, and meer motion for us, our heirs and successors, give and grant unto our said dearest brother, his heirs and assigns, by these presents, that it shall and may be lawful to and for him, them or any of them, at all and every time and times hereafter, out of any our realms or dominions whatsoever, to take, lead, carry and transport in and into their voyages, and for and towards the plantations of our said territories and islands, all such and so many of our loving subjects, or any other strangers, being not prohibited or under restraint, that will become our loving subjects and live uncle' our allegiance, as shall willingly accompany them in the said voyages; together with all such cloathing, implements, furniture and other things usually transported, and not prohibited, as shall be necessary for the inhabitants of the said islands and territories, and for their use and defence thereof, and managing and carrying on the trade with the people there; and in passing and returning to and fro, yielding and paying to us, our heirs and successors, the customs and duties therefor due and payable, according to the laws and customs of this our realm. And we do also for us, our heirs and successors, grant to our said dearest brother James Duke of York, his heirs and assigns, and to all and every such governor or governors, or other officers or ministers as by our said brother, his heirs or assigns, shall be appointed; to have power and authority of government and command in or over the inhabitants of the said territories or islands, that they and every of them shall and lawfully may from time to time, and at all times hereafter for ever, for their several defence and safety, encounter, expulse, repell, and resist, by force of arms as Sell by sea as by land, and all ways and means whatsoever all such person and persons as without the special license of our said dearest brother, his heirs and assigns, shall attempt to inhabit within the several precincts and limits of our said territories and islands. And also, all and every such person and persons whatsoever, as shall enterprise or attempt at any time hereafter the destruction, invasion, detriment or annoyance to the parts, places or islands aforesaid or any part thereof. And lastly, our will and pleasure is, and we do hereby declare and grant, that these our letters patents, or the inrollment thereof, shall be good and effectual in the law to all intents and purposes whatsoever, notwithstanding the not reciting or mentioning of the premises or any part thereof, or the meets or bounds thereof, or of any former or other letters patents or grants heretofore made or granted of the premises, or of any part thereof, by us or of an, of our progenitors, unto any other person or persons whatsoever, bodies politick or corporate, or any act, law or other restraint, incertainty, or imperfection whatsoever to the contrary in any wise notwithstanding; altho' express mention of the yearly value or certainty of the premises, or any of them, or of any other gifts or grants by us, or by any of our progenitors or predecessors heretofore made to the said James Duke of York, in these presents is not made, or any statute, act, ordinance, provision, proclamation or restriction, heretofore had, made, enacted, ordained or provided, or any other matter, cause or thing whatsoever to the contrary thereof in any wise notwithstanding. In witness whereof we have caused these our letters to be made patent. Witness ourself at Westminster, the twelfth day of March, in the sixteenth year of our reign. By the King, Howard.

All which by the tenor of these presents we have caused to be exemplified. In testimony whereof we have caused our seal of our said Province of New York to be hereunto affixed. WITNESS our trusty and well beloved Robert Hunter, Esq.; our Captain General and Governor in Chief of our Provinces of New York, New Jersey and

Territories thereon depending in America, and Vice Admiral of the same, and at our Fort at New York, this thirtieth day of October, in the tenth year of our reign.

H. WILEMAN, Dep. Scry.

(1) verified by "Grants and Concessions of New Jersey," Leaming & Spicer. 2d Ed. pp. 3-8. [Back](#)

Source:

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Constitution of New Jersey; 1776 (1)

WHEREAS all the constitutional authority ever possessed by the kings of Great Britain over these colonies,(2) or their other dominions, was, by compact, derived from the people, and held of them, for the common interest of the whole society; allegiance and protection are, in the nature of things, reciprocal ties; each equally depending upon the other, and liable to be dissolved by the others being refused or withdrawn. And whereas George the Third, king of Great Britain, has refused protection to the good people of these colonies; and, by assenting to sundry acts of the British parliament, attempted to subject them to the absolute dominion of that body; and has also made war upon them, in the most cruel and unnatural manner, for no other cause, than asserting their just rights-all civil authority under him is necessarily at an end, and a dissolution of government in each colony has consequently taken place.

And whereas, In the present deplorable situation of these colonies, exposed to the fury of a cruel and relentless enemy, some form of government is absolutely necessary, not only for the preservation of good order, but also the more effectually to unite the people, and enable them to exert their whole force in their own necessary defence: and as the honorable the continental congress, the supreme council of the American colonies, has advised such of the colonies as have not yet gone into measures, to adopt for themselves, respectively, such government as shall best conduce to their own happiness and safety, and the well-being of America in general:-We, the representatives of the colony of New Jersey, having been elected by all the counties, in the freest manner, and in congress assembled, have, after mature deliberations, agreed upon a set of charter rights and the form of a Constitution, in manner following, viz.

- I. That the government of this Province shall be vested in a Governor, Legislative Council, and General Assembly.
- II. That the Legislative Council, and General Assembly, shall be chosen, for the first time, on the second Tuesday in August next; the members whereof shall be the same in number and qualifications as are herein after mentioned; and shall be and remain vested with all the powers and authority to be held by any future Legislative Council and Assembly of this Colony, until the second Tuesday in October, which shall be in the year of our Lord one thousand seven hundred and seventy-seven.
- III. That on the second Tuesday in October yearly, and every year forever (with the privilege of adjourning from day to day as occasion may require) the counties shall severally choose one person, to be a member of the Legislative Council of this Colony, who shall be, and have been, for one whole year next before the election, an inhabitant and freeholder in the county in which he is chosen, and worth at least one thousand pounds proclamation money, of real and personal estate, within the same county; that, at the same time, each county shall also choose three members of Assembly; provided that no person shall be entitled to a seat in the said Assembly unless he be, and have been, for one whole year next before the election, an inhabitant of the county he is to represent, and worth five hundred pounds proclamation money, in real and personal estate, in the same county: that on the second Tuesday next after the day of election, the Council and Assembly shall separately meet; and that the consent of both Houses shall be necessary to every law; provided, that seven shall be a quorum of the Council, for doing business, and that no law shall pass, unless there be a majority of all the Representatives of each body personally present, and agreeing thereto. Provided always, that if a majority of the representatives of this Province, in Council and General Assembly convened, shall, at any time or times hereafter, judge it equitable and proper, to add to or diminish the number or proportion of the members of Assembly for any county or counties in this Colony, then, and in such case, the same may, on the principles of more equal representation, be lawfully done; anything in this Charter to the contrary notwithstanding: so that the whole number of Representatives in Assembly shall not, at any time, be less than thirty-nine.
- IV. That all inhabitants of this Colony, of full age, who are worth fifty pounds proclamation money, clear estate in the same, and have resided within the county in which they claim a vote for twelve months immediately preceding the election, shall be entitled to vote for Representatives in Council and Assembly; and also for all other public officers, that shall be elected by the people of the county at large.
- V. That the Assembly, when met, shall have power to choose a Speaker, and other their officers; to be judges of the qualifications and elections of their own members; sit upon their own adjournments; prepare bills, to be passed into laws; and to empower their Speaker to convene them, whenever any extraordinary occurrence shall render it necessary.
- VI. That the Council shall also have power to prepare bills to pass into laws, and have other like powers as the Assembly, and in all respects be a free and independent branch of the Legislature of this Colony; save only, that they shall not prepare or alter any money bill-which shall be the privilege of the Assembly; that the Council shall, from time to time, be convened by the Governor or Vice-President, but must be convened, at all times, when the Assembly sits; for which purpose the Speaker of the House of Assembly shall always, immediately after an adjournment, give notice to the Governor, or Vice-President, of the time and place to which the House is adjourned.
- VII. That the Council and Assembly jointly, at their first meeting after each annual election, shall, by a majority of votes, elect some fit person within the Colony, to be Governor for one year, who shall be constant President of the Council, and have a casting vote in their proceedings; and that the Council themselves shall choose a Vice-President who shall act as such in the absence of the Governor.
- VIII. That the Governor, or, in his absence, the Vice-President of the Council, shall have the supreme executive power, be Chancellor of the Colony, and act as captain-general and commander in chief of all the militias and other military force in this Colony; and that any three or more of the Council shall, at all times, be a privy-council, to consult them; and that the Governor be ordinary or surrogate general.
- IX. That the Governor and Council, (seven whereof shall be a quorum) be the Court of Appeals, in the last resort, in all clauses of law, as heretofore; and that they possess the power of granting pardons to criminals, after condemnation, in all cases of treason, felony, or other offences.
- X. That captains, and all other inferior officers of the militia, shall be chosen by the companies, in the respective counties; but field and general officers, by the Council and Assembly.
- XI. That the Council and Assembly shall have power to make the (treat Seal of this Colony, which shall be kept by the Governor, or, in his absence, by the V3ce-President of the Council, to be used by them as occasion may require: and it shall be called, The Great Seal of the Colony of New-Jersey.
- XII. That the Judges of the Supreme Court shall continue in office for seven years: the Judges of the Inferior Court of Common Pleas in the several counties, Justices of the Peace, Clerks of the Supreme Court, Clerks of the Inferior Court of Common Pleas and Quarter Sessions, the Attorney-General, and Provincial Secretary, shall continue in office for five years: and the Provincial Treasurer shall continue in office for one year; and that they shall be severally appointed by the Council and Assembly, in manner aforesaid, and commissioned by the Governor, or, in his absence, the Vice-President of the Council. Provided always, that the said officers, severally, shall be capable of being re-appointed, at the end of the terms severally before limited; and that any of the said officers shall be liable to be dismissed, when adjudged guilty of misbehaviour, by the Council, on an impeachment of the Assembly.

XIII. That the inhabitants of each county, qualified to vote as aforesaid' shall at the title and place of electing their Representatives, annually elect one Sheriff, and one or more Coroners; and that they may re-elect the same person to such offices, until he shall have served three years, but no longer; after which, three years must elapse before the same person is capable of being elected again. When the election is certified to the Governor, or Vice-President, under the hands of six freeholders of the county for which they were elected, they shall be immediately commissioned to serve in their respective offices.

XIV. That the townships, at their annual town meetings for electing other officers, shall choose constables for the districts respectively; and also three or more judicious freeholders of good character, to hear and finally determine all appeals, relative to unjust assessments, in cases of public taxation; which commissioners of appeal shall, for that purpose, sit at some suitable time or times, to be by them appointed, and made known to the people by advertisements.

XV. That the laws of the Colony shall begin in the following style, viz. " Be it enacted by the Council and General Assembly of this Colony, and it is hereby enacted by authority of the same: " that all commissions, granted by the Governor or Vice-President, shall run thus-" The Colony of New-Jersey to A. B. &c. greeting: " and that all writs shall likewise run in the name of the Colony: and that all indictments shall conclude in the following manner, viz. "Against the peace of this Colony, the government and dignity of the same.

XVI. That all criminals shall be admitted to the same privileges of witnesses and counsel, as their prosecutors are or shall be entitled to.

XVII. That the estates of such persons as shall destroy their own lives, shall not, for that offence, be forfeited; but shall descend in the same manner, as they would have done, had such persons died in the natural way; nor shall any article, which may occasion accidentally the death of any one, be henceforth deemed, a deodand, or in anywise forfeited, on account of such misfortune.

XVIII. That no person shall ever, within this Colony, be deprived of the inestimable privilege of worshipping Almighty God in a manner, agreeable to the dictates of his own conscience; nor, under any presence whatever, be compelled to attend any place of worship, contrary to his own faith and judgment; nor shall any person, within this Colony, ever be obliged to pay tithes, taxes, or any other rates, for the purpose of building or repairing any other church or churches, place or places of worship, or for the maintenance of any minister or ministry, contrary to what he believes to be right, or has deliberately or voluntarily engaged himself to perform.

XIX. That there shall be no establishment of any one religious sect in this Province, in preference to another; and that no Protestant inhabitant of this Colony shall be denied the enjoyment of any civil right, merely on account of his religious principles; but that all persons, professing a belief in the faith of any Protestant sect. who shall demean themselves peaceably under the government, as hereby established, shall be capable of being elected into any office of profit or trust, or being a member of either branch of the Legislature, and shall fully and freely enjoy every privilege and immunity, enjoyed by others their fellow subjects.

XX. That the legislative department of this government may, as much as possible, be preserved from all suspicion of corruption, none of the Judges of the Supreme or other Courts, Sheriffs, or any other person or persons possessed of any post of profit under the government, other than Justices of the Peace, shall be entitled to a seat in the Assembly: but that, on his being elected, and taking his seat, his office or post shall be considered as vacant.

XXI. That all the laws of this Province, contained in the edition lately published by Mr. Allinson, shall be and remain in full force, until altered by the Legislature of this Colony (such only excepted, as are incompatible with this Charter) and shall be, according as heretofore, regarded in all respects, by all civil officers, and others, the good people of this Province.

XXII. That the common law of England, as well as so much of the statute law, as have been heretofore practiced in this Colony, shall still remain in force, until they shall be altered by a future law of the Legislature; such parts only excepted, as are repugnant to the rights and privileges contained in this Charter; and that the inestimable right of trial by jury shall remain confirmed as a part of the law of this Colony, without repeal, forever.

XXIII. That every person, who shall be elected as aforesaid to be a member of the Legislative Council, or House of Assembly, shall, previous to his taking his seat in Council or Assembly, take the following oath or affirmation, viz:

" I, A. B., do solemnly declare, that, as a member of the Legislative Council, [or Assembly, as the case may be,] of the Colony of New-Jersey, I will not assent to any law, vote or proceeding, which shall appear to me injurious to the public welfare of said Colony, nor that shall annul or repeal that part of the third section in the Charter of this Colony, which establishes, that the elections of members of the Legislative Council and Assembly shall be annual; nor that part of the twenty-second section in said Charter, respecting the trial by jury, nor that shall annul, repeal, or alter any part or parts of the eighteenth or nineteenth sections of the same."

And any person or persons, who shall be elected as aforesaid, is hereby empowered to administer to the said members the said oath or affirmation.

Provided always, and it is the true intent and meaning of this Congress, that if a reconciliation between Great-Britain and these Colonies should take place, and the latter be taken again under the protection and government of the crown of Britain, this Charter shall be null and void-otherwise to remain firm and inviolable.

In Provincial Congress, New Jersey,

Burlington. July 2, 1776.

By order of Congress.

SAMUEL TUCKER, Pres.

WILLIAM PATTERSON, Secretary.

(1) Verified from " Acts of the General Assembly of New Jersey, compiled by Peter Wilson, Trenton, MDCCCLXXXIV." pp. III-X

See, also Extracts from the Journal of Proceedings of the Provincial Congress of New Jersey. Held at Trenton in the months of May, June and August, 1775. Published by order. Burlington: Printed and sold by Isaac Collins M.DCC.LXXV. Woodbury, N. J. Reprinted by order. Joseph Sailer, Printer, 1835. pp. 241.

Journal of the Votes and Proceedings of the Convention of New Jersey. Begun at Burlington the Tenth of June 1776, and thence continued by Adjournment at Trenton and New Brunswick, to the Twenty-first of August following. To which is annexed, Sundry Ordinances, and the Constitution. Published by order Burlington: Printed and sold by Isaac Collins, M.DCC.LXXVI. Trenton: Reprinted by order. Joseph Justice, Printer. 1831

This constitution was framed by a convention which assembled in accordance with the recommendation of the Continental Congress that the people of the colonies should form independent State governments, and which was in session, with closed doors, successively, at Burlington, Trenton, and New Brunswick, from May 26, 1776, until July 2, 1776, with intermissions. It was not submitted to the people, but its publication was ordered by the convention, July 3, 1776. [Back](#)

(2) The legislature of New Jersey amended this constitution September 20, 1777, by substituting the words " State " and " States " for " colony " and " colonies." [Back](#)

Source:

The Federal and State Constitutions Colonial Charters, and Other Organic Laws of the States, Territories, and Colonies Now or Heretofore Forming the United States of America
Compiled and Edited Under the Act of Congress of June 30, 1906 by Francis Newton Thorpe
Washington, DC : Government Printing Office, 1909.



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Notification of the Purchase of Manhattan by the Dutch; November 5, 1626

High and Mighty Lords:

Yesterday arrived here the ship the Arms of Amsterdam, which sailed from New Netherland, out of the river Mauritius, on the 23rd September. They report that our people are in good heart and live in peace there; the women also have borne some children there. They have purchased the island Manhattes from the Indians for the value of 60 guilders; 'tis 11,000 morgens in size. They had all their grain sowed by the middle of May and reaped by the middle of August. They send thence samples of summer grain such as wheat, rye, barley, oats, buckwheat, canary seed, beans, and flax.

The cargo of the aforesaid ship is: 7246 beaver skins, 17886 otter skins, 675 otter skins, 48 mink skins, 36 wildcat skins, 33 minks, 34 rat skins, considerable oak, timber and hickory.

Herewith, high and mighty Lords, be commended to the mercy of the Almighty. In Amsterdam, the 5th November, A. D. 1626.

Your High Mightinesses' obedient, P. Schagen.

Received, 7th November, 1626.

Source:

Documents relative to the colonial history of the state of New York : procured in Holland, England, and France / by John Romeyn Brodhead ; edited by F.B. O'Callaghan with a general introduction by the agent.
Albany : Weed, Parsons, 1853-1887.
15 v. : ill., plates, maps (some folded) ; 30 cm.

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Charter of Carolina - March 24, 1663 (1) (2)

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 privileges 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 attoll 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, mountills, 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, privileges, 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 privileges 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 needfull, 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 unlance 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 unlading 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 unladed, 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 bv 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 tayle, 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, disfigure, 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 privileges, 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 manors as to them shall seem meet and convenient, and in every of the said 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 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 manners 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 virtue 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 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, 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.

FOOTNOTES

1 The Colonial Records of North Carolina Edited by William L. Saunders Vol. I - 1662 to 1712. Raleigh. P. M. Hale Printer to the state. pp. 20-33 1886. [Back](#)

2 Sir Robert Heath was attorney-general to Charles I, and Bancroft says: "There is room to believe that, in 1639, permanent plantations were planned and perhaps attempted by his assign," but the patent was declared void in 1663, because the purposes for which it had been granted had never been fulfilled.

See [patent to sir Robert Heath](#), p. 69. [Back](#)

3 18 Ed. 1 West. 3 c. 1 p. 45. [Back](#)

Source:

The Federal and State Constitutions Colonial Charters, and Other Organic Laws of the States, Territories, and Colonies Now or Heretofore Forming the United States of America
Compiled and Edited Under the Act of Congress of June 30, 1906 by Francis Newton Thorpe
Washington, DC : Government Printing Office, 1909.

Colonial Charters Page

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A Declaration and Proposals of the Lord Proprietor of Carolina, Aug. 25-Sept. 4, 1663 ⁽¹⁾

25 AUG., 1663.

His majesty having been graciously pleased, by his [charter bearing date the 24th of March](#), in the 15th year of his reign, out of a pious and good intention for the propagation of the Christian faith amongst the barbarous and ignorant Indians, the enlargement of his empire and dominions, and enriching of his subjects, to grant and confirm to us, Edward, earl of Clarendon, high chancellor of England, George, duke of Albemarle, master of his majesty's horse and captain-general of all his forces, William, Lord Craven, John, Lord Berkeley, Anthony, Lord Ashley, chancellor of his majesty's exchequer, Sir George Carteret, knight and baronet, vice-chamberlain of his majesty's household, William Berkeley, knight, and Sir John Colleton, knight and baronet, and all that territory or tract of ground with the islands and islets situate, lying, and being in his dominions in America, extending from the north end of the island called Lucke Island, which lieth in the Southern Virginia sea, and within 36 degrees of the northern latitude, and to the west as far as the South seas, and so southwardly as far as the river St. Matthias, which bordereth upon the coast of Florida, and within --- degrees of the northern latitude; in pursuance of which grant, and with a clear and good intention to make those parts useful and advantageous to his majesty and his people; we do hereby declare and propose to all his majesty's loving subjects wheresoever abiding or residing, and do hereby engage inviolably to perform and make good those ensuing proposals in such manner as the first undertakers of the first settlement shall reasonable desire.

1. If the first colony will settle on Charles River near Cape Fear, which seems to be desired, it shall be free for them to do so on the larboard side entering [south side]. If in any other of the territory, then to choose either side, if by a river; we reserving to ourselves twenty thousand acres of land, to be bounded and laid out by our agents in each settlement, in such places as they shall see fit, and in such manner that the colony shall not be thereby incommoded or weakened; which we intend by our agents or assignees in due time to settle and plant they submitting to the government of that colony.

2. That the first colony may have power, when desired, at their own charge to fortify the entrance of the river, as also the sea-coast and island; they engaging to be true and faithful to his majesty, his heirs and successors, by some oath or engagement of their own framing.

3. That the undertakers of that settlement do, before they or arty of them repair thither to settle, present to us thirteen persons of those that intend to go, of which number we shall commissionate one to be Governor, for three years from the date of his commission, and six more of the thirteen to be of his council, the major part of which number, the Governor or his deputy to be one, to govern for the time aforesaid; and will also nominate successors to the Governor, who shall be of the six councillors aforesaid, to succeed in the government, in case of death or removal; and likewise councillors out of the remaining six of the thirteen to succeed in case of death or removal of any of the councillors, and after the expiration of the first three years, and so successively for every three years. Upon or before the 25th day of March, before the expiration of the time of the Governor in, being a new presentment by the freeholders of the colony, or by such persons as they shall constitute, to be made of the thirteen persons, four of which shall consist of those that shall be in the government at the time of the election of the thirteen, out of which we will upon or before the 10th day of April following declare and commissionate a Governor and six councillors with their respective successors in case and manner as aforesaid.

4. We shall, as far as our charter permits us, empower the major part of the freeholders, or their deputies or assembly-men, to be by them chosen out of themselves, viz: two out of every tribe, division, or parish, in such manner as shall be agreed on, to make their own laws, by and with the advise and consent of the Governor and council, so as they be not repugnant to the laws of England, but, as near as may be, agreeing with them in all civil affairs, with submission to a superintendency of a general council, to be chosen out of every government of the province, in manner as shall be agreed on for the common defence of the whole; which laws shall, within one year after publication, be presented to us to receive our ratification, and to be in force until said ratification be desired and by us certified; but if once ratified, to continue until repealed by the same power, or by time expired.

5. We will grant, in as ample manner as the undertakers shall desire, freedom and liberty of conscience in all religious or spiritual things, and to be kept inviolably with them, we having power in our charter so to do. -

6 We will grant the full benefit of these immunities to the undertakers and settlers which, by the charter, is granted to us (for our services to his majesty) in relation to freedom of customs, of tools of ail sorts useful there, to be exported from England for the planters' use; and of certain growths of the plantations, as wine, oil, raisins of all sorts, olivers, capers, wax, currants, almonds, and silks, to be imported into any of his majesty's dominions for seven years for each commodity, after four tons of every respective species is imported as aforesaid in one bottom.

7. We will grant to every present undertaker for his own head, one hundred acres of land, to him and his heires forever, to be held in free and common soccage; and for every man-servant that he shall bring or sent thither, that is fit to bear arms, armed with a good firelock inusket, performed bore, twelve bullets to the pound, and with twenty pounds of powder and twenty pounds of bullets, fifty acres of land; and for every woman-servant thirty acres; and to every man-servant that shall come within that time, ten acres after the expiration of his time; and to every woman-servant six acres after the expiration of her time.

Note that we intend not hereby to be obliged to give the proportions of lands above mentioned to masters and servants, longer than in the first five years, to commence at the beginning of the first settlement.

8. We will enjoin the Governor and council to take care that there lie always one man armed and provided as aforesaid in the colony for every fifty acres which we shall grant, and that there be a supply to make up the number in case of death or quitting the colony by the owners of said lands within twelve months after giving notice of the defect.

In consideration of the premises, we do expect by wav of acknowledgment, and towards the charge we have been and shall be at, one half-penny for every acre that shall be granted as aforesaid, within the time before limited and expressed; and that the court-houses and houses for public meetings be erected by the public moneys of the colony on the lands taken up by us; but to be and continue to the country's use forever, they paying some small acknowledgement.

Given under our hands this twenty-fifth day of August, Anno Domini, 1663.

1 Text in the Colonial Records of North Carolina, Edited by William C. Saunders, (Raleigh, 1886) Vol. I, pp. 43-46. [Back](#)

Source:

The Federal and State Constitutions Colonial Charters, and Other Organic Laws of the States, Territories, and Colonies Now or Heretofore Forming the United States of America
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Colonial Charters Page

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Concessions and Agreements of the Lords Proprietors of the Province of Carolina, 1665 (1)

The Concessions and Agreement of the Lords Propyrtors of the Province of Carolina to and with the adventurers of the Island of Barbados and their associates of England New England the Carribbia Islands and Barmothos to the Province of Carolina and all that shall plant there In order to the selling and planting of the Countye of Clarendine the County of Albermarle and the County which latter is to bee to the southward or westward of Cape Romania all within the Province aforesaid.

1. Impris Wee doe consent and agree that the Governor of each County hath power by the advise of his Councill to depute one in his place and Authority in case of death or removall to continue untill our further order unless wee have commissioned one before.
2. Item That he hath likeways power to choyce of and to take to him six Councillors at least or twelve at moast or any even Number between six and twelve with whose advise and consent or with at least three of the six or fower of a greater Number all being summoned he is to govern according to the Lymitacons and Instructions following during our pleasure;
3. Item That the chiefe Registers or Secretarys which wee have chosen or shall chuse wee fayling that tree shall chuse shall keepe exact entereyes in faire bookes of all publicke affaires of the said Countyes and to avoyde deceiptes and lawsuits shall record and enter all Graunts of Land from the Lords to the planter and all conveyances of Land howse or howses from man to man, As alsoe all leases for Land howse or howses made or to be made by the Landlord to any tenant for more than one yeare, which conveyance or Lease shalbe first acknowledged by the Grantr or Lessor or proved by the oath of two witnesses to the conveyance or Lease before the Governor or some Cheife Judge of a Court for the time being whoe shall under our hand us grant upon the backside of the said deeds or Lease attest the acknowledgement or prooffe as aforesaid which shalbe our grant for the Registers and Surveyors or either of them shall soe misbehave themselves as that the Governor and Councill or Deputy Governor and Councill or the majr pte of them shall finde it reasonable to suspend their Actings in their respective Employments it shalbe lawful for them soe to doe untill further order from us;
4. Item That the surveyor Genll that wee have chosen or shall chuse wee fayling that the Governor shall chuse, shall have power bv himself or Deputy to survey ley out and bound all such Lands as shalbe granted from the Lords to the Planters (and all other Lands within the said Countyes &c which may concerne particular men as he shalbe desired to doe) And a particular thereof certifie to the Registers and Surveyors or either of them shall soe misbehave themselves as that the Governor and Councill or Deputy Governor and Councill or the majr pte of them shall finde it reasonable to suspend their Actings in their respective Employments it shalbe lawful for them soe to doe untill further order from us;
5. Item That all choise of officers made by the Governor shalbe for noe longer time then during our pleasure;
6. Item That the Governors Councillors Assemblymen Secretarys Surveyors and all other officers of trust shall sware or subscribe (in a booke to be provided for that purpose) that they will bare trew allegiance to the King of England his heires and successors and that they wilbe faithfull to the Interest of the Lords Propyrtors of the said Province and their heires executors and assignee and evdeavor the peace and wellfaire of the said Province and that they will trewly and faithfully discharge their respective trusts in their respective offices and doe equall justice to all men according to their best skill and judgmt without corruption favor or affection, and the names of all that have sworne or subscribed to be entred in a booke; And whosoever shall subscribe and not sware, and shall vyolate his promis in that Subscription shalbe lyable to the same punishmt that the persons are or may be that have sworne and broken their oathes;
7. Item That all persons that are or shalbecome subjects to the King of England and sware or subscribe allegiance to the King and faithfulness to the Lords as above shalbe admitted to plant and become freemen of the Province and enjoy the freedoms and Immunities hereafter express until some stop or Contradiccon be made by us the Lords or else by the Governor Councill and Assembly wch shalbe in force untill the Lords see Cause to the Contrary provided yt such stop shall not anyways prejudice ye right or Continewance of any person that hath beene recd before such stop or order come from the Lords or Genll Assembly.
8. Item That noe person or persons quallied as aforesaid within the Province or all or any of the Countyes before express at any time shalbe anyways molested punished disquieted or called in question for any differences in opinion or practice in matters of religious concernment whoe doe not actually disturbe the civil peace of the said Province or Countyes byt that all and every such person and persons from to time and at all times freely and fully have and enjoye his and their judgements and contiences in matrs of religion throughout all the sd Province they behaving themselves peaceably and quietly and not using this Liberty to Lycentiousness nor to the Civill Injury or outward disturbance of others, any Law statute or clause conteyned or to be conteyned usage or custom of this realme of England to the contrary hereof in anywise notwithstanding.
9. Item That noe presence may be taken by us our heries or assignee for or by reason of Or right of patronage and powr of advowson graunted unto us by his Majties Letters pattents aforesaid to infringe thereby ye Genll clause of Liberty of Contience aforementioned We doe hereby graunt unto the Genll assemblies of ye sevl Countyes power by act to constitute and appoint such and soe many Ministers or preachrs as they shall thinke fitt, and to establish their maintenance Giving Liberty besides to any person or persons to keepe and mainteyne wt preachers or Ministers they please.
10. Item That the inhabitants being freemen or chiefe agents to others of ye Countyes aforesd doe as soone as this our Comission shall arrive by virtue ot a writt in our names by the Governor to be for ye present (untill our seale comes) sealed and synded make choice of twelve Deputyes or representatives from amongst themselves whoe being chosen are to joyne with him the so Governor and Councill for the makinge of such Lawes Ordinances and Constitutions as shalbe necessary for the present good and welfare of the severall Countyes aforesd but as soone as Parishes Divisions tribes or districcons of ye said Countyes are made that then ye Inhabitants or Freeholders of the sevl and respective Parishes Tribes Divisions or Districcons of the Countyes aforesd doe (by our writts under our Seale wch wee Ingage shalbe in due time issued) annually meete on ye first day of January and chuse freeholders for each respective denizon Tribe or parish to be ye Deputyes or representatives of ye same, which body of Representatives or ye Majr parte of them shall wth the Governor and Councill aforesd by ye Genll Assembly of the County for which they shalbe chosen, the Governor or his Deputy being present unless they shall wilfully refuse in web case they may appoint themselves a president during the absence of the Governor or his Deputy Governor.

Which Assemblyes are to have power.

1. Item To appoint their own times of meeting and to adjorne their sessions from time to time to such times and places as they shall thinke Convenient as alsoe to ascertaines ye Number of their Quorum Provided that such members be not less than ye third pte Of the whole in whome or more shalbe ye full power of the Generall Assembly (vizt)
2. Item To enact and make all such Lawes Acts and Constitutions as shalbe necessary for the well Government of ye County for web they shalbe chosen and them to repeale provided that the same be consonant to reason and as near as they may be conveniently agreable to the Lawes and Customes of his Majties Kingdom of

England provided alsoe that they be not against ye Interest of us the Lords Propriators our heires or assignee nor any of these our present concessions Espetially that they be not against the Article for Liberty of Contience abovementconed, which Lawes &c soe made shall receave publication from the Governor and Councill (but as the Lawes of us and our Genll Assembly) and be in force for the space of one yeare and a halfe and noe more; Unless contradicted by the Lords Propriators within which time they are to be presented to us our heries, &c, for our ratification and being confirmed by us they shalbe in continuall force till expired by their owne Limitacon or by Act of Repeale in like manner as aforesd to be passed and confirmed;

3. Item by act as aforesd to constitute all Courts for their respective Countyes, together wth ye Lymitts powers and jurisdictions of ye said Courts as also ye severall offices & Number of Officers belonging to each of the sd respective Courts together with their severall and respective sallerves fees and perquisites Theire appellations and dignities with the penalties that shalbe due to them for breach of their severall and respective duties and Trusts.

4. Item by act as aforesd to ley equal taxes and assessments equally to rayse Moneyes or goods upon all Lands (excepting the lands of us the Lords Propriators before selling) or persons within the severall precincts Hundreds Parishes Manors or whatsoever other denizens shall hereafter be made and established in ye said Countyes as oft as necessity shall require and in such manner as to them shall seeme most equall and easye for ye so Inhabitants in order to the better supporting of the publicke Charge of the said Government, and for the mutuall safety defense and security of ye Countyes.

5. Item by act as aforesd to erect within ye said Countyes such see many Baronyes and Manors with their necessary Courts, jurisdiccons freedoms and priveledges as to them shall seeme convenient, as alsoe to device ye sd Countyes into Hundreds Parishes Tribes or such other denizens and districEons as they shall thinke flit and the said Divisions to distinguish by what names we shall order or direct, and in default thereof by such names as they please As also within any part of ye said Countyes to create and appoint such and soe many harbours Creekes and other places for ye convenient ladeing and unfading of goods and merchandise out of shippes, boates and other vessells as they shall see expedient with such jurisdiccons priveledges and franchises to such ports &c belonging as they shall judge most convenient to the genl good of ye said plantacon or Countyes.

6. Item by these enacting to be confirmed as aforesd to erect rayse and build within the sd Countyes or any part thereof such and soe many Forts Fortresses Castles Citytes Corporacons Borroughs Townes Villages and other places of strenkt and defence and them or any of them to incorporate with such Charters and priveledges as to them shall seeme good and our Charter will permit and the same or any of them to fortifie and furnish with such Proportions of ordinance powder shots Armor and all other Weapons Ammunition and Habillaments of warr both offensive and defensive as shalbe thought necessary and convenient for the safety and welfare of ye sd Countyes, but they may not at any time demolish dismantle or disfurnish the same without the consent of the Governor and the Major parte of the Councill of the County where such Forts Fortresses &c. shalbe erected and built.

7. Item by act as aforesd to constitute trayne bands and Companys with the number of souldiers for the safety strength and defence of the said Countyes and Province and of the Forts Castles Citytes &c to suppress all meutinyes and Rebellions. To make warr offensive and defensive with all Indians Strangers and Foraigners as they shall see cause and to persue any Enemy by sea as well as by land if need be out of ye Lymitts and Jurisdiccons of ye sd County with the perticculer consent of the Governor and under the Conduct of our Leut: Gen: or Commander in Cheife or whome he shall appoint.

8. Item by act as aforesd to give unto all strangers as to them shall seeme meete a Naturalizion and all such freedoms and priveledges within the sd Countyes as to his Majties subjects doe of right belong they swearing or subscribing as aforesd web said strangers soe naturalized and priveledged shall alsoe have the same Imumtyes from Customes as is granted by the Kinge to us and by us to ye said Countyes and shall not be lyable to any other Customes then the rest of his Majties subjects in the sd Countyes are but be in all respects accompted in the Province and Countyes aforesaid as the King's naturall subjects.

9. Item by act as aforesd to prescribe ye quantities of land which shalbe from time to time allotted to eavery free or Sarvt male or female and to make and ordaine Rules for the casting of Lotts for Land and [eying out of ye same provided yt these doe not their said prescriptions exceed ye severall! proportions which are hereby graunted by us to all persons arriveing in the said Countyes or adventuring theither;

10. Item the Genll Assembly by act as aforesd shall make provision for the maintenance and Support of the Governor and for the defraying for all necessary Charges of the Government as alsoe that the Constables of the respective Countves shall collect the halfe penny per acre payable to ye Lords in theire Countyes and pay ye same to ye receavor yt ye Lords shall appoint to receive the same unless ye so Generall Assembly shall prescribe some other way whereby the Lords may have their rents duely collected without charge or trouble to them.

11. Lastly to enact constitute and ordaine all such other Lawes actes and constitutions as shall or may be necessary for the Rood prosperity and settlement of ye said Countyes excepting wt by these presents are excepted and conformeing to Limitacons herein exprest,

The Governors are with the Councill before exprest:

1. Item to see that all Courts established by the Lawes of ye Genll Assembly and all Ministers and offices Civill or Military doe and execute their severall duties and offices respectively according to the Lawes in force and to punish them from swerveing from the Lawes or acting contrary to their trust as the nature of their offence Hall require.

2. Item according to the constitutions of the Genll Assembly to nominate and comissionate the severall Judges, Members and Officers of Courts wheither Majjstratcall or Ministeriall and all other civill officers as Justices Coroners &c the Comissions and powers and Privredges to revoake at pleasure provided that they appoint none but such as are freeholders in the Countyes aforesd unless the Generall Assembly consent;

3. Item according to the constitutions of the Genll Assembly to appoint Courts and officers in Cases Cryminall and to impower them to inflict penalties upon offenders against any of ye said Lawes in force in ye said Countyes as ye said Lawes shall ordaine wheither by fine Imprisonment Banishmt corporall punishmt or to ye taking away of member of or Life itselfe if there be cause for it.

4. Item to place officers and soldiers for the safety strenkt and defence of the Forts Castles Citytes &c according ye number appointed by the Genll Assembly to nominate place and commissionate all military officers under ye dignity of ye Leut: Genll whoe is commissionated by us, over the sevl trayned bands and Companys constituted by ye Genll Assembly as Colonels Capts: &c and theire comissions to revoake at pleasure, ye Leut: Gen: with the advise of his Councill unless some present danger will soe permit him to advize to muster and trayne all ye soldiers wthin the said County of Countyes to presecute warr persue an Enemy suppress rebellions and mewtinies as well by sea as Land and to exercise the whole Millitia as fully as by our Letters patients from the hinge wee can impower him or them to doe Provided yt they appoint noe Military officers but wt are freeholders in the sd Countyes unless ye Genll Assembly shall consent.

5. Item where they see cause after condemnacon to reprieve untill the Case may be presented with a Coppy of ye whole tryall proceedings and prooves to ye Lords who will accordingly rather pardon or comand execution of ye sentence on the offender offender who is in ye meane time to be kept in safe custody till the pleasure of ye Lords be knowne.

6. Item in case of death or other removall of any of the representatives within the yeare to issue summons by writt to ye respective division or divisions for which he or they were chosen commanding the freeholders of ye same to chuse others in their steade;

7. Item to make warrants and to scale Grants of Land according to theis our Concessions and the prescriptions by ye advice of ye Genll Assembly in such forme as shalbe at large set down in our Instrucons to ye Governor in his Comission and which are hereafter expressed.

S. Item to act and doe all other thing or things yt may conduce to ye safety peace and well Government of ye said Countyes as they shall see fitt soe as they be not contrary to ye Lawes of ye Countyes aforesaid;

For the better security of the proprietves of all the Inhabitants.

1. Item they are not to impose nor suffer to be imposed any tax Custome Subsidy Tallage Assessment or any other duty wtsoever upon any Culler or pretenee upon ye sd County or Countyes and the Inhabitants thereof other then what shalbe imposed by ye Authority and Consent of ye Generall Assembly and then only in manner as aforesaid;
2. They are to take care ye land quietly held planted and possessed seaven yeares after its bing first duely surveyed by the Surveyor Generall or his order shall not be subject to any review resurvey or alteration of bounds on wt presence soever or by any of us or any offcirs or Ministers under us.
3. Item they are to be taken care yt noe man if his Cattle straye range or graze on any ground within the sd Countyes not actually appropriated or sett out to particular persons shalbe lyable to pay any trespass for ye same to us our heires &c Provided yt Custome of Comons be not thereby pretended to; nor any person kindred from taking up and appropriating any Lands soe grazed upon and yt noe person purposely doe suffer his Cattle to graze on such land.
4. It is our will and desire that ye Inhabitants of the said Countyes and adventurers theither shall enjoye all the same Immunities from Customes for exporting certine goods from these Realmes of England &c theither as ye Kinge hath been graciously pleased to graunt to us as alsoe for ye Incorragement of the Manufactrs of wine silke oyle ollives fruite almonds &c. menconed in the Dattent have priveledge for bringing them Custome free into any of his Majties dominions for ye same time and upon ye same tearmes as we ourselves may by our Pattent.(2)

- 1 Text in the Colonial Records of North Carolina. Vol. I., pp. 79 86. (Raleigh, 1886) [Back](#)
- 2 The remaining articles of the Concessions relate to the distribution of land, land titles, etc. [Back](#)

Source:
The Federal and State Constitutions Colonial Charters, and Other Organic Laws of the States, Territories, and Colonies Now or Heretofore Forming the United States of America
Compiled and Edited Under the Act of Congress of June 30, 1906 by Francis Newton Thorpe
Washington, DC : Government Printing Office, 1909.

Colonial Charters Page

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Charter of Carolina; June 30, 1665 (1)

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 Lukelsland, 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 unlance, 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 enfeof, 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 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 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, disfigure, 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 Berkeley, 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 concerns, 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 Ourself, at Westminster, the thirtieth day of June, in the seventeenth year of our reign.

PER IPSUM REGEM.

1 North Carolina Colonial Records, pp. 102-114. [Back](#)

Source:

The Federal and State Constitutions Colonial Charters, and Other Organic Laws of the States, Territories, and Colonies Now or Heretofore Forming the United States of America
Compiled and Edited Under the Act of Congress of June 30, 1906 by Francis Newton Thorpe
Washington, DC : Government Printing Office, 1909.

[Colonial Charters Page](#)

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The Fundamental Constitutions of Carolina : March 1, 1669 (1) (2)

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 anti 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 signiories 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 signiories 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 w hen 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 constintions.

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.

Sixtv. 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.

Sixtv-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.](3)

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 ()arolina 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.

1 North Carolina Colonial records 187-205. Locke's Works [Eighth Edition] X. 175. [Back](#)

2 This form of government was framed by John Locke author of the Essay on the Human Understanding and amended by the Earl of Shaftesbury previously known as Anthony Ashley Cooper. It was only partially put into operation, and it was abrogated by the lords proprietors in April, 1693. [Back](#)

3 This article was not drawn up by Mr. Locke, but inserted by some of the chief of the proprietors, against his judgment; as Mr. Locke himself informed one of his friends, to whom he presented a copy of these constitutions. [Back](#)

Source:

The Federal and State Constitutions Colonial Charters, and Other Organic Laws of the States, Territories, and Colonies Now or Heretofore Forming the United States of America
Compiled and Edited Under the Act of Congress of June 30, 1906 by Francis Newton Thorpe
Washington, DC : Government Printing Office, 1909.

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The Mecklenburgh Resolutions : May 20, 1775 [\(1\)](#) [\(2\)](#)

I. *Resolved*: That whosoever directly or indirectly abets, or in any way, form, or manner countenances the unchartered and dangerous invasion of our rights, as claimed by Great Britain, is an enemy to this country -- to America -- and to the inherent and inalienable rights of man.

II. *Resolved*: That we do hereby declare ourselves a free and independent people; are, and of right ought to be a sovereign and self-governing association, under the control of no power, other than that of our God and the General Government of the Congress: To the maintainance of which Independence we solemnly pledge to each other our mutual co-operation, our Lives, our Fortunes, and our most Sacred Honor.

III. *Resolved*: That as we acknowledge the existence and control of no law or legal officer, civil or military, within this county, we do hereby ordain and adopt as a rule of life, all, each, and every one of our former laws, wherein, nevertheless, the Crown of Great Britain never can be considered as holding rights, privileges, or authorities therein.

IV. *Resolved*: That all, each, and every Military Officer in this country is hereby reinstated in his former command and authority, he acting to their regulations, and that every Member present of this Delegation, shall henceforth be a Civil Officer, viz: a Justice of the Peace, in the character of a Committee Man, to issue process, hear and determine all matters of controversy, according to said adopted laws, and to preserve Peace, Union, and Harmony in said county, to use every exertion to spread the Love of Country and Fire of Freedom throughout America, until a more general and organized government be established in this Province.

ABRAHAM ALEXANDER, *Chairman*.

JOHN MCKNITT ALEXANDER, *Secretary*.

1 Address of the Hon. William A. Graham, On the Mecklenburgh Declaration of Independence, * * * with Accompanying Documents. New York (E. J. Hale & Sons, publishers) 1875. 167 pp. [Back](#)

2 This declaration of independence (with Supplementary set of resolutions establishing a form of government) was adopted (as it is claimed) by a convention of delegates from different sections of Mecklenburgh County, which assembled at Charlotte May 20, 1775. [Back](#)

Source:

The Federal and State Constitutions Colonial Charters, and Other Organic Laws of the States, Territories, and Colonies Now or Heretofore Forming the United States of America
Compiled and Edited Under the Act of Congress of June 30, 1906 by Francis Newton Thorpe
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Constitution of North Carolina : December 18, 1776 [\(1\)](#) [\(2\)](#)

A DECLARATION OF RIGHTS, &C.

- I. That all political power is vested in and derived from the people only.
- II. That the people of this State ought to have the sole and exclusive right of regulating the internal government and police thereof.
- III. That no man or set of men are entitled to exclusive or separate emoluments or privileges from the community, but in consideration of public services.
- IV. That the legislative, executive, and supreme judicial powers of government, ought to be forever separate and distinct from each other.
- V. That all powers of suspending laws, or the execution of laws, by any authority, without consent of the Representatives of the people, is injurious to their rights, and ought not to be exercised.
- VI. That elections of members, to serve as Representatives in General Assembly, ought to be free.
- VII. That, in all criminal prosecutions, every man has a right to be informed of the accusation against him, and to confront the accusers and witnesses with other testimony, and shall not be compelled to give evidence against himself.
- VIII. That no freeman shall be put to answer any criminal charge, but by indictment, presentment, or impeachment.
- IX. That no freeman shall be convicted of any crime, but by the unanimous verdict of a jury of good and lawful men, in open court, as heretofore used.
- X. That excessive bail should not be required, nor excessive fines imposed, nor cruel or unusual punishments inflicted.
- XI. That general warrants -- whereby an officer or messenger may be commanded to search suspected places, without evidence of the fact committed, or to seize any person or persons, not named, whose offences are not particularly described, and supported by evidence -- are dangerous to liberty, and ought not to be granted.
- XII. That no freeman ought to be taken, imprisoned, or dis seized of his freehold liberties or privileges, or outlawed, or exiled, or in any manner destroyed, or deprived of his life, liberty, or property, but by the law of the land.
- XIII. That every freeman, restrained of his liberty, is entitled to a remedy, to inquire into the lawfulness thereof, and to remove the same, if unlawful; and that such remedy ought not to be denied or delayed.
- XIV. That in all controversies at law, respecting property, the ancient mode of trial, by jury, is one of the best securities of the rights of the people, and ought to remain sacred and inviolable.
- XV. That the freedom of the press is one of the great bulwarks of liberty, and therefore ought never to be restrained.
- XVI. That the people of this State ought not to be taxed, or made subject to the payment of any impost or duty, without the consent of themselves, or their Representatives in General Assembly, freely given.
- XVII. That the people have a right to bear arms, for the defence of the State; and, as standing armies, in time of peace, are dangerous to liberty, they ought not to be kept up; and that the military should be kept under strict subordination to, and governed by, the civil power.
- XVIII. That the people have a right to assemble together, to consult for their common good, to instruct their Representatives, and to apply to the Legislature, for redress of grievances.
- XIX. That all men have a natural and unalienable right to worship Almighty God according to the dictates of their own consciences.
- XX. That, for redress of grievances, and for amending and strengthening the laws, elections ought to be often held.
- XXI. That a frequent recurrence to fundamental principles is absolutely necessary, to preserve the blessings of liberty.
- XXII. That no hereditary emoluments, privileges or honors ought to be granted or conferred in this State.
- XXIII. That perpetuities and monopolies are contrary to the genius of a free State, and ought not to be allowed.
- XXIV. That retrospective laws, punishing facts committed before the existence of such laws, and by them only declared criminal, are oppressive, unjust, and incompatible with liberty; wherefore no ex post facto law ought to be made.
- XXV. The property of the soil, in a free government, being one of the essential rights of the collective body of the people, it is necessary, in order to avoid future disputes, that the limits of the State should be ascertained with precision; and as the former temporary line between North and South Carolina, was confirmed, and extended by Commissioners, appointed by the Legislatures of the two States, agreeable to the order of the late King George the Second, in Council, that line, and that only, should be esteemed the southern boundary of this State as follows: that is to say, beginning on the sea side, at a cedar stake, at or near the mouth of Little River (being the southern extremity of Brunswick county) and running from thence a northwest course, through the boundary house, which stands in thirty-three degrees fifty-six minutes, to thirty-five degrees north latitude; and from thence a west course so far as is mentioned in the Charter of King Charles the Second, to the late Proprietors of Carolina. Therefore all the territories, seas, waters, and harbours, with their appurtenances, lying between the line above described, and the southern line of the State of Virginia, which begins on the sea shore, in thirty-six degrees thirty minutes, north latitude, and from thence runs west, agreeable to the said Charter of King Charles, are the right and property of the people of this State, to be held by them in sovereignty; any partial line, without the consent of the Legislature of this State, at any time thereafter directed, or laid out, in anywise notwithstanding: -- Provided always, That this Declaration of Rights shall not prejudice any nation or nations of Indians, from enjoying such hunting-grounds as may have been, or hereafter shall be, secured to them by any former or future Legislature of this State: -- And provided also, That it shall not be construed so as to prevent the establishment of one or more governments westward of this State, by consent of the Legislature: -- And provided further,

That nothing herein contained shall affect the titles or repossessions of individuals holding or claiming under the laws heretofore in force, or grants heretofore made by the late King George the Second, or his predecessors, or the late lords proprietors, or any of them.

THE CONSTITUTION, OR FORM OF GOVERNMENT, &c

WHEREAS allegiance and protection are, in their nature, reciprocal, and the one should of right be refused when the other is withdrawn:

And whereas George the Third, King of Great Britain, and late Sovereign of the British American Colonies, hath not only withdrawn from them his protection, but, by an act of the British Legislature, declared the inhabitants of these States out of the protection of the British crown, and all their property, found upon the high seas, liable to be seized and confiscated to the uses mentioned in the said act; and the said George the Third has also sent fleets and armies to prosecute a cruel war against them, for the purposed reducing the inhabitants of the said Colonies to a state of abject slavery; in consequence whereof, all government under the said King, within the said Colonies, hath ceased, and a total dissolution of government in many of them hath taken place.

And whereas the Continental Congress, having considered the premises, and other previous violation of the rights of the good people of America, have therefore declared, that the Thirteen United Colonies are, of right, wholly absolved from all allegiance to the British crown or any other foreign jurisdiction whatsoever: and that the said Colonies now are, and forever shall be, free and independent States.

Wherefore, in our present state, in order to prevent anarchy and confusion, it becomes necessary that government should be established in this State; therefore we, the Representatives of the freemen of North-Carolina, chosen and assembled in Congress, for the express purpose of framing a Constitution, under the authority of the people, most conducive to their happiness and prosperity, do declare, that a government for this State shall be established, in manner and form following, to wit:

I.(3) That the legislative authority shall be vested in two distinct branches both dependent on the people, to wit, a *Senate* and *House of Commons*.

II.(3) That the Senate shall be composed of Representatives annually chosen by ballot, one for each county in the State.

III.(3) That the House of Commons shall be composed of Representatives annually chosen by ballot, two for each counts and one for each of the towns of Edentown, Newbern, Wilmington, Salisbury, Hillsborough and Halifax.

IV. That the Senate and House of Commons, assembled for the purpose of legislation, shall be denominated, *The General Assembly*.

V.(3) That each member of the Senate shall have usually resided in the county in which he is chosen for one year immediately preceding his election, and for the same time shall have possessed, and continue to possess in the county which he represents, not less than three hundred acres of land in fee.

VI. That each member of the House of Commons shall have usually resided in the county in which he is chosen for one year immediately preceding his election, and for six months shall have possessed, and continue to possess, in the county which he represents, not less than one hundred acres of land in fee, or for the term of his own life.

VII.(3) That all freemen, of the age of twenty-one years, who have been inhabitants of any one county within the State twelve months immediately preceding the day of any election and possessed of a freehold within the same county of fifty acres of land for six months next before, and at the day of election, shall be entitled to vote for a member of the Senate.

VIII.(3) That all freemen of the age of twenty-one Years, who have been inhabitants of any one county within this State twelve months immediately preceding the day of any election, and shall have paid public taxes shall be entitled to vote for members of the House of Commons for the county in which he resides.

IX.(3) That all persons possessed of a freehold in any town in this State, having a right of representation and also all freemen who have been inhabitants of any such town twelve months next before and at the day of election, and shall have paid public taxes, shall be entitled to vote for a member to represent such town in the House of Commons: -- Provided always, That this section shall not entitle any inhabitant of such town to vote for members of the House of Commons, for the county in which he may reside, nor any freeholder in such county, who resides without or beyond the limits of such town, to vote for a member for said town.

X. That the Senate and House of Commons, when met, shall each have power to choose a speaker and other their officers; be judges of the qualifications and elections of their members; sit upon their own adjournments from day to day, and prepare bills, to be passed into laws. The two Houses shall direct writs of election for supplying intermediate vacancies; and shall also jointly, by ballot, adjourn themselves to any future day and place.

XI. That all bills shall be read three times in each House, before they pass into laws, and be signed by the Speakers of both Houses.

XII. That every person, who shall be chosen a member of the Senate or House of Commons, or appointed to any office or place of trust, before taking his seat, or entering upon the execution of his office, shall take an oath to the State; and all officers shall also take an oath of office.

XIII.(4) That the General Assembly shall, by joint ballot of both houses, appoint Judges of the Supreme Courts of Law and Equity, Judges of Admiralty, and Attorney-General, who shall be commissioned by the Governor, and hold their offices during good behavior.

XIV. That the Senate and House of Commons shall have power to appoint the generals and field-officers of the militia, and all officers of the regular army of this State.

XV.(4) That the Senate and House of Commons, jointly at their first meeting after each annual election, shall by ballot elect a Governor for one year, who shall not be eligible to that office longer than three years, in six successive years. That no person, under thirty years of age, and who has not been a resident in this State above five years, and having, in the State, a freehold in lands and tenements above the value of one thousand pounds, shall be eligible as a Governor.

XIV. That the Senate and House of Commons, jointly, at their first meeting after each annual election, shall by ballot elect seven persons to be a Council of State for one year, who shall advise the Governor in the execution of his office; 2 nd that four members shall be a quorum; their advice and proceedings shall be Altered in a journal, to be kept for that purpose only and signed,by the members present; to any part of which, any member present Nay enter his dissent. And such journal shall he laid before the General Assembly when called for by them.

XVII. That there shall be a seal of this State, which shall be kept by the Governor, and used by him, as occasion may require; and shall be called, *The Great Seal of the State of North Carolina*, and be affixed to all grants and commissions.

XVIII. The Governor. for the time being, shall be captain-general and commander in chief of the militia; and, in the recess of the General Assembly, shall have power, by and with the advice of the Council of State, to embody the militia for the public safety.

XIX.(4) That the Governor, for the tine beings shall have power to draw for and apply such sums of money as shall be voted by the general assembly, for the contingencies of government, and be accountable to them for the same. He also may, by and with the advice of the Council of State, lay embargoes, or prohibit the exportation of any commodity, for any term not exceeding thirty days, at any one time in the recess of the General Assmably; and shall have the power of granting pardons and reprieves, except where the prosecution shall be carried on by the General Assembly, or the law shall otherwise direct; in which case he may in the recess grant a reprieve until the next sitting of the General Assembly; and may exercise all the other executive powers of government, limited and restrained as by this Constitution is mentioned, and according to the laws of the State. And on his death, inability, or absence from the State, the Speaker of the Senate for the time being -- (and in case of his death, inability, or absence from the State, the Speaker of the House of Commons) shall exercise the powers of government after such death, or during such absence or inability of the Governor (or Speaker of the Senate,) or until a new nomination is made by the General Assembly.

XX. That in every case where any officer, the right of whose appointment is by this Constitution vested in the General Assembly, shall, during their recess, die, or his office by other means become vacant, the Governor shall have power, with the advice of the Council of State, to fill up such vacancy, by granting a temporary commission, which shall expire at the end of the next session of the General Assembly

XXI. That the Governor, Judges of the Supreme Court of Law and Equity, Judges of Admiralty, and Attorney-General, shall have adequate salaries during their continuance in office.

XXII. That the General Assembly shall, by joint ballot of both Houses, annually appoint a Treasurer or Treasurers for this State.

XXIII. That the Governor, and other officers, offending against the State, by violating any part of this Constitution, mal-administration, or corruption, may be prosecuted, on the impeachment of the General Assembly, or presentment of the Grand Jury of any court of supreme jurisdiction in this State.

XXIV. That the General Assembly shall, by joint ballot of both Houses, triennially appoint a Secretary for this State.

XXV. That no persons, who heretofore have been, or hereafter may be, receivers of public the monies, shall have a seat in either House of General Assembly, or be eligible to any office in this State, until such person shall have fully accounted for and paid into the treasury all sums for which they may be accountable and liable.

XXVI. That no Treasurer shall have a seat, either in the Senate, House of Commons, or Council of State, during his continuance in that office, or before he shall have finally settled his accounts with the public, for all the monies which may be in his hands at the expiration of his office belonging to the State, and hath paid the same into the hands of the succeeding Treasurer.

XXVII. That no officer in the regular army or navy, in the service and pay of the United States, of this or any other State, nor any contractor or agent for supplying such army or navy with clothing or provisions, shall have a seat either in the Senate, House of Commons, or Council of State, or be eligible thereto: and any member of the Senate, House of Commons, or Council of State, being appointed to and accepting of such office, shall thereby vacate his seat.

XXVIII. That no member of the Council of State shall have a seat, either in the Senate, or House of Commons.

XXIX. That no Judge of the Supreme Court of Law or Equity, or Judge of Admiralty, shall have a seat in the Senate, House of Commons, or Council of State.

XXX. That no Secretary of this State, Attorney-General, or Clerk of any Court of Record, shall have a seat in the Senate, House of Commons, or Council of State.

XXXI. That no clergyman, or preacher of the gospels of any denomination, shall be capable of being a member of either the Senate, House of Commons, or Council of State, while he continues in the exercise of the pastoral function.

XXXII. (5) That no person, who shall deny the being of God or the truth of the Protestant religion, or the divine authority either of the Old or New Testaments, or who shall hold religious principles incompatible with the freedom and safety of the State, shall be capable of holding any office or place of trust or profit in the civil department within this State.

XXXIII. That the Justices of the Peace, within their respective counties in this State, shall in future be recommended to the Governor for the time being, by the Representatives in General Assembly; and the Governor shall commission them accordingly: and the Justices, when so commissioned, shall hold their offices during good behaviour, and shall not be removed from office by the General Assembly, unless for misbehaviour, absence, or inability.

XXXIV. That there shall be no establishment of any one religious church or denomination in this State, in preference to any other; neither shall any person, on any presence whatsoever, be compelled to attend any place of worship contrary to his own faith or judgment, nor be obliged to pay, for the purchase of any glebe, or the building of any house of worship, or for the maintenance of any minister or ministry, contrary to what he believes right, of has voluntarily and personally engaged to perform; but all persons shall be at liberty to exercise their own mode of worship: -- *Provided*, That nothing herein contained shall be construed to exempt preachers of treasonable or seditious discourses, from legal trial and punishment.

XXXV. That no person in the State shall hold more than one lucrative office, at any one time: -- *Provided*, That no appointment in the militia, or the office of a Justice of the Peace, shall be considered as a lucrative office.

XXXVI. That all commissions and grants shall run in the name of the State of North Carolina, and bear test, and be signed by the Governor. All writs shall run in the same manner and bear test, and be signed by the Clerks of the respective Courts. Indictments shall conclude, *Against the peace and dignity of the estate*.

XXXVII. (5) That the Delegates for this State, to the Continental Congress while necessary, shall be chosen annually by the General Assembly, by ballot; but may be superseded, in the mean time, in the same manner; and no person shall be electoral, to serve in that capacity, for more than three years successively.

XXXVIII. That there shall be a Sheriff, Coroner or Coroners, and Constables, in each county within this State.

XXXIX. That the person of a debtor, where there is not a strong presumption of fraud, shall not be continued in prison, after delivering up, *bona fide*, all his estate real and personal, for the use of his creditors in such manner as shall be hereafter regulated by law. All prisoners shall be bailable by sufficient sureties, unless for capital offences when the proof is evident or the presumption great.

XL. That every foreigner, who comes to settle in this State having first taken an oath of allegiance to the same, may purchase, or, by other means, acquire, hold, and transfer land, or other real estate; and after one year's residence, shall be deemed a free citizen.

XLI. That a school or schools shall be established by the Legislature, for the convenient instruction of youth, with such salaries to the masters, paid by the public, as may enable them to instruct at low prices; and all useful learning shall be duly encouraged, and promoted, in one or more universities.

XLII. That no purchase of lands shall be made of the Indian natives, but on behalf of the public, by authority of the General Assembly.

XLIII. That the future Legislature of this State shall regulate entails, in such a manner as to prevent perpetuities.

XLIV. That the Declaration of Rights is hereby declared to be part of the Constitution of this State, and ought never to be violated, on any presence whatsoever.

XLV. That any member of either House of General Assembly shall have liberty to dissent from, and protest against any act or resolve, which he may think injurious to the public, or any individual, and have the reasons of his dissent entered on the journals.

XLVI. That neither House of the General Assembly shall proceed upon public business, unless a majority of all the members of such House are actually present: and that, upon a motion made and seconded, the yeas and nays, upon any question, shall be taken and entered on the journals; and that the journals of the proceedings of both Houses of the General Assembly shall be printed, and made public, immediately after their adjournment.

This Constitution is not intended to preclude the present Congress from making a temporary provision, for the well ordering of this State, until the General Assembly shall establish government, agreeable to the mode herein before described.

RICHARD CASWELL, *President*.

December the eighteenth, one thousand seven hundred and seventy-six, read the third time, and ratified in open Congress.

By order,

JAMES GREEN, *jun. secretary*.

- 1 Verified from "The Proceedings and Debates of the Convention of North Carolina, called to amend the Constitution of the State, which assembled at Raleigh, June 4, 1835. To which are subjoined the Convention act and the Amendments to the Constitution together with the votes of the People. Raleigh: Printed by Joseph Gales and Son, 1836." Appendix, pp. 409 424. [Back](#)
- 2 This constitution was framed by a " Congress," "elected and chosen for that particular purpose," which assembled at Halifax November 12, 1776, and completed its labors December 18, 1776. It was not submitted to the people for ratification. [Back](#)
- 3 See amendments. [Back](#)
- 4 See amendments. [Back](#)
- 5 See amendments. [Back](#)

Source:

The Federal and State Constitutions Colonial Charters, and Other Organic Laws of the States, Territories, and Colonies Now or Heretofore Forming the United States of America
Compiled and Edited Under the Act of Congress of June 30, 1906 by Francis Newton Thorpe
Washington, DC : Government Printing Office, 1909.

Colonial Charters Page

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Charter for the Province of Pennsylvania-1681 (1)

[Charles the Second by the Grace of God King of England, Scotland, France and Ireland Defender of the Faith &c To our Right Trusty and Welbeloved Chancellor Heneage Lord Finch our Chancellor of England greeting Wee will and comand you that under our Great Seale of England remaining in your Custody you cause our Letters to be made Forth patents in form following] (2)

CHARLES the Second, by the Grace of God, King of England, Scotland, France, and Ireland, Defender of the Faith, &c. To all whom these presents shall come, Greetings. WHEREAS Our Trustie and wellbeloved Subject WILLIAM PENN, Esquire, Sonne and heire of Sir WILLIAM PENN deceased, out of a commendable Desire to enlarge our English Empire, and promote such usefull comodities as may bee of Benefit to us and Our Dominions, as also to reduce the savage Natives by gentle and just mamlers to the Love of Civil Societie and Christian Religion, hath humbley besought Leave of Us to transport an ample Colonie unto a certaine Countrey hereinafter described. in the Partes of America not yet cultivated and planted; And hath likewise humbley besought Our Royall Majestie to Give, Grant, and Confirme all the said Countrey, with certaine Privileges and Jurisdiccions, requisite for the good Government and Safetie of the said Countrey and Colonie, to him and his Heires forever: KNOW YE THEREFORE, That Wee, favouring the Petition and good Purpose of the said William Penn, and haveing Regard to the Memorie and Meritts of his late Father in divers Services, and perticulerly to his Conduct, Courage, and Discretion under our Dearest Brother JAMES Duke of York, in that Signall Battell and Victorie fought and obteyned against the Dutch Fleete, command by the Heer Van Opdam, in the yeare One thousand six hundred and sixty-five: In consideration thereof, of Our Speciale grace, certaine Knowledge, and meere Motion have Given and Granted, and by this Our present Charter, for Us, Our Heires and Successors, Doe give and Grant unto the said William Penn, his Heires and Assignes, all that Tract or Parte of Land in America, with all the Islands therein conteyned, as the same is bounded on the East by Delaware River, from twelve miles distance Northwards of New Castle Towne unto the three and fortieth degree of Northerne Latitude, if the said River doeth extende so farre Northwards; But if the said River shall not extend soe farre Northward, then by the said River soe farr as it doth extend; and from the head of the said River, the Easterne Bounds are to bee determined by a Meridian Line, to bee drawne from the head of the said River, unto the said three and fortieth Degree. The said Lands to extend westwards five degrees in longitude, to bee computed from the said Easterne Bounds; and the said Lands to bee bounded on the North by the beginning of the three and fortieth degree of Northern Latitude, and on the South by a Circle drawne at twelve miles distance from New Castle Northward and Westward unto the beginning of the fortieth degree of Northern Latitude, and then by a streight Line Westward to the Limitt of Longitude above-mentioned. WEE do also give and grant unto the said Willaim Penn, his heires and assignee, the free and undisturbed use and continuance in, and passage into and out of all and singuler Ports, Harbours, Bays, Waters, Rivers, Isles, and Inletts, belonging unto, or leading to and from the Countrey or Islands aforesaid, And all the Soyle, lands, fields, woods, underwoods, mountaines, hills, fenns, Isles, Lakes, Rivers, waters, Rivulets, Bays, and Inletts, scituate or being within, or belonging unto the Limitts and Bounds aforesaid, together with the fishing of all sortes of fish, whales, Sturgeons, and all Royall and other Fishes, in the Sea, Bayes, Inletts, waters, or Rivers within the premisses, and the Fish therein taken; And also all Veines, Mines, and Quarries as well discovered as not discovered, of Gold, Silver, Gemms, and Pretious Stones, and all other whatsoever, be it Stones, Mettals, or of any other thing or matter whatsoever, found or to bee found within the Countrey, Isles, or Limitts aforesaid; AND him, the said William Penn, his heires and assignee, Wee doe by this Our Royall Charter, for lfs, Our heires and Successors, make, create, and constitute the true and absolute Proprietarie of the Countrey aforesaid, and of all other the premisses, Saving alwayes to Us, Our heires and Successors, the Faith and Allegiance of the said William Penn, his heires and assignee, and of all other Proprietaries, Tenants, and Inhabitants that are or shall be within the Territories and Precincts aforesaid; and Saving also, unto Us, Our heires and Successors, the Sovereignty of the aforesaid Countrey; To HAVE, hold, possess, and enjoy the said Tract of Land, Countrey, Isles, Inletts, and other the premisses unto the said William Penn, his heires and assignee, to the only Proper use and behoofe of the said William Penn, his heires and assignee for ever, to bee holden of Us, Our heires and Successors, Kings of England, as of Our Castle of Windsor in Our County of Berks, in free and comon Socage, by fealty only for all Services, and not in Capite or by Knights Service: Yielding and paying therefore to lfs, Our heires and Successors, Two Beaver Skins, to bee delivered at Our said Castle of Windsor on the First Day of January in every Year; and also the Fifth Part of all Gold and Silver Oare, which shall from Time to Time happen to bee found within the Limitts aforesaid, cleare of all Charges. And of Our further Grace, certaine Knowledge, and meer motion, We have thought fitt to erect and Wee doe hereby erect the aforesaid Countrey and Islands into a Province and Seigniorie, and doe call itt PENSILVANIA, and soe from henceforth we will have itt called.

AND forasmuch as Wee have hereby made and ordained the aforesaid William Penn, his heires and assignee, the true and absolute Proprietaries of all the Lands and Dominions aforesaid, KNOW YE THEREFORE, That Wee reposing speciall trust and Confidence in the fidelitie, wisdom, Justice, and provident circumspection of the said William Penn for us, our heires and Successors, Doe grant free, full, and absolute power by vertue of these presents to him and his heires, and to his and their Deputies, and Lieutenants, for the good and happy government of the said countrey, to ordeyne, make, and enact and under his and their Seales to publish any Lawes whatsoever, for the raising of money for the publick use of the said Province, or for any other End, apperteyning either unto the publick state, peace, or safety of the said Countrey, or unto the private utility of particular persons, according unto their best discretions, by and with the advice, assent, and approbation of the Freemen of the said Countrey, or the greater parse of them, or of their Delegates or Deputies, whom for the Enacting of the said Lawes, when, and as often as need shall require, Wee will that the said William Penn and his heires, shall assemble in such sort and forme, as to him and them shall seeme best, and the same Lawes duly to execute, unto and upon all People within the said Countrey and the Limitts thereof.

AND wee doe likewise give and grant unto the said William Penn, and his heires, and to his and their Deputies and Lieutenants, full power and authoritie to appoint and establish any Judges and Justices, Magistrates and Officers whatsoever, for what Causes soever for the probates of wills, and for the granting of Administrations within the precincts aforesaid and with what Power soever, and in such forme as to the said William Penn or his heires shall seeme most convenient: Also to remits, release, pardon, and abolish whether before Judgement or after all Crimes and Of l ences whatsoever comitted within the said Countrey against the said Lawes, Treason and wilful and malicious Murder onely excepted, and in those Cases to grant Reprieves, until Our pleasure may bee known therein and to doe all and every other thing and things, which unto the complete Establishment of Justice, unto Courts and Tribunalls, formes of Judicature, and manner of Proceedings doe belong, altho in these presents expresse mention bee not made thereof, And by Judges by them delegated, to award Processe, hold Pleas, and determine in all the said Courts and Tribunalls all Actions, Suits, and Causes whatsoever, as well Criminall as Civill, Personall, reall and mixt; which Lawes soe as aforesaid to bee published, Our Pleasure is, and soe Wee enjoyne, require, and command, shall bee most absolute and avaylable in law; and that all the Liege People and subjects of Us, Our heires and Successors, doe observe and keepe the same inviolabl in those parses, soe farr as they concerne them under the paine therein expressed, or to bee expressed. PROVIDED nevertheles, That the said Lawes bee consonant to reason, and bee not repugnant or contrarie, but as neare as conveniently may bee agreeable to the Lawes and Statutes, and rights of this Our Kingdome of England; And Saving and reserving to Us, Our heires and Successors, the receiving, hearieing, and determining of the appeale and appeales of all or any Person or Persons, of, in, or belonging to the Territories aforesaid, or touching any Judgement to bee there made or given.

AND forasmuch as in the Government of soe great a Countrey, sudden Accidents doe often happen, whereunto itt will bee necessarie to apply remedie before the Freeholders of the said Province, or their Delegates or Deputies, can bee assembled to the making of Lawes; neither will itt bee convenient that instantly upon every such emergent occasion, soe grease a multitude should be called together: Therefore for the better Government of the said Countrey Wee will, and ordaine, and by these presents, for us, our Heires and successors, Doe Grant unto the said William Penn and his heires, by themselves or by their Magistrates and Officers, in that behalfe duely to bee ordeyned as aforesaid, to make and constitute fitt and wholesome Ordinances, from time to time, within the said Countrey to bee kept and observed, as well for the preservation of the peace, as for the better government of the People there inhabiting; and publickly to notifie the same to all persons, whome the same doeth or anyway may concerne. Which ordinances, Our Will and Pleasure is shall bee observed inviolably within the said Province, under Paines therein to be

expressed, soe as the said Ordinances bee consonant to reason, and bee not repugnant nor contrary, but soe farre as conveniently may bee agreeable with the Lawes of our Kingdome of England, and soe as the said Ordinances be not extended in any Sort to bind, charge, or take away the right or Interest of any person or persons, for or in their Life, members, Freehold, goods, or Chattles. And our further will and pleasure is, that the Lawes for regulateing and governing of Propertie within the said Province, as well for the descent and enjoyment of lands as likewise for the enjoyment and succession of goods and Chattles, and likewise as to Felonies, shall bee and continue the same, as they shall bee for the time being by the generall course of the Law in our Kingdome of England, untill the said Lawes shall bee altered by the said William Penn, his heires or assignee, and by the Freemen of the said Province, their Delegates or Deputies, or the greater Part of them.

AND to the End the said William Penn, or his heires, or other the Planters, Owners, or Inhabitants of the said Province, may not att any time hereafter by misconstruction of the powers aforesaid through inadvertencie or designe depart from that Faith and due allegiance, which by the lawes of this our Kingdom of England they and all our subjects, in our Dominions and Territories, alwayes owe unto us, Our heires and Successors, by colour of any Extent or largnesse of powers hereby given, or pretended to bee given, or by force or colour of any lawes hereafter to bee made in the said Province, by vertue of any such Powers; Our further will and Pleasure is, that a transcript or Duplicate of all Lawes, which shall bee soe as aforesaid made and published within the said Province, shall within five yeares after the making thereof, be transmitted and delivered to the Privy Councell, for the time being, of us, our heires and successors: And if any of the said Lawes, within the space of six moneths after that they shall be soe transmitted and delivered, bee declared by us, Our heires or Successors, in Our or their Privy C)olmcell, inconsistent with the Sovereignty or lawful Prerogative of us, our heires or Successors, or contrary to the Faith and Allegiance due by the legall government of this Realme, from the said William Penn, or his heires, or of the Planters and Inhabitants of the said Province, and that thereupon any of the said Lawes shall bee adjudged and declared to bee void by us, our heires or Successors, under our or their Privy Seale, that then and from thenceforth, such Lawes, concerning which such Judgement and declaration shall bee made, shall become voyd: Otherwise the said Lawes soe transmitted, shall remains, and stand in full force, according to the true intent and meaneing thereof.

FURTHERMORE, that this new Colony may the more happily increase, by the multitude of People resorting thither; Therefore wee for us, our heirs and Successors, doe Rive and grant by these presents power, Licence, and Libertie unto ail the Liege People and Subjects, both present and future, of us, our heires, and Successors, excepting those who shall bee Specially forbidden to transport themselves and Families unto the said Countrey, with such convenient Shipping as by the lawes of this our Kingdome of England they ought to use, with fitting provisions, paying only the customes therefore due, and there to settle themselves, dwell and inhabitt, and plant, for the publick and their owne private advantage.

AND FURTHERMORE, that our Subjects may bee the rather encouraged to undertake this expedition with ready and cheerful minces, KNOW YE, That wee, of Our especiall grace, certaine knowledge, and meere motion, Doe Give and Grant by vertue of these presents, as well unto the said William Penn, and his heires, as to all others, who shall from time to time repaire unto the said Countrey, with a purpose to inhabitt there, or trade with the Natives of the said Countrey, full Licence to lade and freight in any ports whatsoever, of us, our heires and Successors, according to the lawes made or to be made within our Kingdome of England, and into the said Countrey, by them, their Servants or assignee, to transport all and singular their wares, goods, and Merchandizes, as likewise all sorts of graine whatsoever, and all other things whatsoever, necessary for food or cloathing, not prohibited by the Lawes and Statutes of our Kingdomes and Dominions to be carried out of the said Kingdomes, without any Lett or molestation of us, our heires and Successors, or of any of the Officers of us, our heires and Successors; savinge alwayes to us, our heires and Successors, the legall impositions, customer, and other Duties and payments, for the said Wares and Merchandize, by any Law or Statute due or to be due to us, our heires and Successors.

AND Wee doe further, for us, our heires and Successors, Give and grant unto the said William, Penn, his heires and assignee, free and absolute power, to Divide the said Countrey and Islands into Townes, Hundreds and Counties, and to erect and incorporate Townes into Borroughs, and Borroughs into Citties, and to make and constitute faires and Marketts therein, with all other convenient privileges and immunities, according to the merits of the inhabitants, and the Tithes of the places, and to doe all and every other thing and things touching the premisses, which to him OI them shall seeme meet and requisite, albeit they be such as of their owne nature might otherwise require a more especiall comandment and Warrant then in these presents is expressed.

WE Will alsoe, and by these presents, for us, our heires and Successors, Wee doe Give and grant Licence by this our Charter, unto the said William Penn, his heires and assignee, and to all the inhabitants and dwellers in the Province aforesaid, both present and to come, to import or unlace, by them

selves or their Servants, ffactors or assignee, all merchandises and goods whatsoever, that shall arise of the fruites and comodities of the said Province, either by Land or Sea, into any of the ports of us, our heires and successors, in our Kingdome of England, and not into any other Countrey whatsoever: And wee give him full power to dispose of the said goods in the said ports; and if need bee, within one yeare next after the unlading of the same, to lade the said Merchandizes and Goods again into the same or other slipps, and to export the same into any other Countreys, either of our Dominions or fforeigne, according to Lawe: Provided alwayes, that they pay such customer and impositions, subsidies and duties for the same, to US, our heires and Successors, as the rest of our Subjects of our Kingdom of England, for the time being, shall be bound to pay, and doe observe the Acts of Navigation, and other Lawes in that behalfe made.

AND FURTHERMORE Of OUR most ample and esspeciall grace, certaine knowledge, and meere motion, Wee doe, for us, our heires and Suceessors, Grant unto the said William Penn, his heires and assignee, full and absolute power and authoritie to make, erect, and constitute within the said Province and the Isles and Islets aforesaid, such and soe many Sea-ports, harbours, Creeks, Havens, Keyes, and other places, for discharge and unladeing of goods and Merchandizes, out of the shippes, Boates, and other Vessells, and ladeing them in such and soe many Places, and with such rights, Jurisdictions, liberties and privileges unto the said ports belonging, as to him or them shall seeme most expedient; and that all and singular the shippes, boater, and other Vessells, which shall come for merchandise and trade unto the said Province, or out of the same shall depart, shall be laden or unladen onely at such Ports as shall be erected and constituted by the said William Penn, his heires and assignee, any use, custome, or other thing to the contrary notwithstanding. Provided, that the said William, Penn and his heires, and the Lieutenants and Governors for the time being, shall admits and receive in and about all such Ports, Havens, Creeks, and Keyes, all Officers and their Deputies, who shall from time to time be appointed for that Purpose by the Farmers or Commissioners of our Customes for the time being.

AND Wee doe further appoint and ordaine, and by these presents, for us, our heires and Successors, Wee doe grant unto the said William Penn, his heires and assignee, That he, the said William Penn, his heires and assignee, may from time to time for ever, have and enjoy the Customes and Subsidies, in the Fortes, Harbours, and other Creeks and Places aforesaid, within the Province aforesaid, payable or due for merchandises and wares there to be laded and unjaded, the said Customes and Subsidies to be reasonably assessed upon any occasion, by themselves and the People there as aforesaid to be assembled, to whom wee give power by these presents, for us, our heires and Successors, upon just cause and in dudue p'portion; to asseesse and impose the same; Savinge unto us, our heires and Successors, such impositions and Customes, as by Act of Parliament are and shall be appointed.

AND it is Our further Will and plasure, that the said William Penn, his heires and assignee, shall from time to time constitute and appoint an Attorney or Agent, to Reside in or neare our City of London, who shall make knowne the place where he shall dwell or may be found, unto the Clerks of our Privy Councell for the time being, or one of them, and shall be ready to appeare in any of our Courts att Westminster, to Answer for any Misdemeanors that shall be committed, or by any wilfull default or neglect permitted by the said William Penn, his heires or assignee, against our Lawes of Trade or Navigation; and after it shall be ascertained in any of our said Courts, what damages Wee or our heires or Successors shall have sustained by such default or neglect, the said William Penn, his heires and assignee shall pay the same within one yeare after such taxation, and demand thereof from such Attorney: or in case there shall be noe such Attorney by the space of a yeare, or such Attorney shall not make payment of such damages within the space of one yeare, and answer such other forfeitures and penalties within the said time, as by the Acts of Parliament in England are or shall be provided according to the true intent and meaneing of these presents; then it shall be lawfull for us, our heires and Successors, to seize and Resume the government of the said Province or Countrey, and the same to retaine untill payment shall be made thereof: But notwithstanding any such Seizure or resumption of the government, nothing concerning the propriety or ownership of any Lands tenements, or other hereditaments, or goods or chattels of any the Adventurers, Planters, or owners, other then the respective Offenders there, shall be any way be affected or molested thereby.

PROVIDED alwayes, and our will and pleasure is, that neither the said William Penn, nor his heires, or any other the inhabitants of the said Province, shall at any time hereafter have or maintain any Correspondence with any other king, prince, or State, or with any of their subjects who shall then be in Warr against us our heires or Successors; Nor shall the said William Penn, or his heires, or any other the Inhabitants of the said Province, make Warre or doe any act of Hostility against any other king, princes or State, or any of there Subjects, who shall then be in league or amity with us, our heires or successors.

AND, because in soe remote a Countrey, and scituate neare many Barbarous Nations, the incursions as well of the Savages themselves, as of other enemies,

pirates and robbers, may probably be feared; Therefore Wee have given, and for us, our heires and Successors, Doe give power by these presents unto the said William Penn, his heires and assignee, by themselves or theire Captained or other their Officers, to levy, muster and traine all sorts of men, of what condition soever, or wheresoever borne, in the said Province of Pensilvania, for the time being, and to make Warre, and to pursue the enemies and Robbers aforesaid, as well by Sea as by Land, even without the Limitts 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 Warre, or to save them, aft theire pleasure, and to doe all arid every other Thing which to the Charge and Office of a Captaine-Generall of an Army belongeth or hath accustomed to belong, as fully and Freely as any Captaine-Generall of an Army hath ever had the same.

AND FURTHERMORE, of Our especial! grace and of our certaine knowledge and meere motion, wee have given and granted, and by these presents, for us, our heires and Successors, do Give and Grant unto the said William Penn, his Heirs and Assigns, full and absolute power, licence and authoritie, that he, the said William Penn, his heires and assignee, from time to time hereafter forever, att his or theire own Will and pleasure may assigne, alien, Grant, demise, or enfeoffe of the Premises soe many and such parses or parcells to him or them that shall be willing to purchase the samej as they shall thinke fitt, To have and to hold to them the said person and persons willing to take or purchase, theire heires and assignee, in fee-simple or fee-taile, or for the terme of life, or lives or yeares, to be held of the said William Penn, his heires and assignee, as of the said Seigniorie of Windsor, by such services, customer and rents, as shall seeme ffitt to the said William Penn, his heires and assignee, and not immediately of us, our heires and successors. AND to the same person or persons, and to all 'end every of them, wee doe give and grant by these presents, for us, our heires and successors, licence, authoritie and power, that such person or persons may take the premisses, or any parcell thereof, of the aforesaid William Penn, his heires or assignee and the same hold to themselves, their heires and assignee, in what estate of inheritance soever, in fee-simple or in fee-taile, or otherwise, as to him, the said William Penn, his heires and assignee, shall seem expedient: The Statute made in the parliament of EDWARD, sonne of King HENRY, late King of England, our predecessor, commonly called The Statute QUIA EMPTORES TERRARUM, lately published in our Kingdome of England in any wise notwithstanding.

AND by these presents wee give and Grant Licence unto the said William Penn, and his heires, likewise to all and every such person and persons to whom the said William Penn or his heires shall att any time hereafter grant any estate or inheritance as aforesaid, to erect any parcells of Land within the Province aforesaid into Mannors by and with the Licence to be first had and obteyned for that purpose, under the hand and Seale of the said William Penn or his heires; and in every of the said Mannors to have and to hold a Court Baron, with all thinges whatsoever which to a Court-Baron do belong, and to have and to hold View of drank-pledge for the conservation of the peace and the better government of those parses, by themselves or their Stewards, or by the Lords for the time being of other Mannors to be deputed when they shall be erected, and in the same to use all things belonging to the View of frank-pledge. AND Wee doe further grant licence and authoritie, that every such person and persons who shall erect any such Mannor or Mannors, as aforesaid, shall or may grant all or any parse of his said Lands to any person or persons, in fee-simple, or any other estate of inheritance to be held of the said Mannors respectively, soe as noe further tenures shall be created, but that upon all further and other alienations thereafter to be made, the said lands see aliened shall be held of the same Lord and his heires, of whom the alienor did then before hold, and by the like rents and Services which were before due and accustomed.

AND FARTHER our pleasure is, and by these presents, for us, our heires and Successors, Wee doe covenant and grant to and with the said William Penn, and his heires and assignee, That Wee, our heires and Successors, shall at no time hereafter sett or make, or cause to be sets, any imposition, custome or other taxation, rate or contribution whatsoever, in and upon the dwellers and inhabitants of the aforesaid Province, for their Lands, tenements, goods or chattells within the said Province, or in and upon any goods or merchandise within the said Province, or to be laden or unladen within the ports or harbours of the said Province, unless the same be with the consent of the Proprietary, or chiefe governor, or assembly, or by act of Parliament in England.

AND Our Pleasure is, and for us, our heires and Successors, Wee charge and comand, that this our Declaration shall from henceforward be received and allowed from time to time in all our courts, and before all the Judges of us, our heires and Successors, for a sufficient and lawfull discharge, payment and acquittance; commanding all and singular the officers and ministers of us, our heires and Successors, and enjoyneing them upon pain of our high displeasure, that they doe not presume aft any time to attempt any thing to the contrary of the premisses, or that doe in any sort withstand the same, but that they be aft all times aiding and assisting, as is fitting unto the said William Penn, and his heires, and to the inhabitants and merchants of the Province aforesaid, their Servants, Ministers, doctors and Assignes, in the full use and fruition of the benefit of this our Charter.

AND Our further pleasure is and wee doe hereby, for us, our heires and Successors, charge and require, that if any of the inhabitants of the said Province, to the number of Twenty, shall at any time hereafter be desirous, and shall by any writinge, or by any person deputed for them, signify such their desire to the Bishop of London for the time being that any preacher or preachers, to be approved of by the said Bishop, may be sent unto them for their instruction, that then such preacher or preachers shall and may be and reside within the said Province, without any denial or molestation whatsoever.

AND if perchance hereafter it should happen any doubts or questions should arise, concerning the true Sense and meaning of any word, clause, or Sentence conteyned in this our present Charter, Wee will ordaine, and comand, that att all times and in all things, such interpretation be made thereof, and allowed in any of our Courts whatsoever, as shall be adjudged most advantatous and favourabla unto the said William Penn, his heires and assignes: Provided always that no interpretation be admitted thereof by which the allegiance due unto us, our heires and Successors may suffer any prejudice or diminution; Although express mention be not made in these presents of the true yearly value, or certainty of the premisses, or of any parse thereof, or of other gifts and grants made by us our progenitors or predecessors unto the said William Penn 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.

Given under our Privy Seale at our Palace of Westminster the Eight and Twentieth day of February in the Three and Thirtyeth Yeare of Our Reigne.

I. Mathew

1 This charter, granted by Charles II to William Penn, constituted him and his heirs proprietors of the province, which, in honor of his father, Admiral Penn, (whose cash advances and services were thus requited,) was called Pennsylvania. To perfect his title, William Penn purchased, in August, 1682, a quit-claim from the Duke of York to the lands west of the Delaware River embraced in his patent of 1664. [Back](#)

" Charter to William Penn and Laws of the Province of Pennsylvania passed between the Years 1682 and 1700, preceded by Duke of York's Laws in force from the year 1676 to the year 1682, with an appendix, containing Laws relating to the organization of the Provincial Courts and Historical matter. Published under the direction of John Blair Linn, Secretary of the Commonwealth. Compiled and edited by Staughton George, Benjamin M. Nead, Thomas McCamant. Harrisburg: Lane S. Hart, State Printer. 1879. " 614 pp.

2 The portion in brackets is found in the original copy, in the Public Record Office, London, Bundle 388, Privy Seals and Signed Bills (Chancery) 33 Charles the Second. See a certified copy in MS. from the Assistant Keeper of Public Records, London, September 25, 1878, in the Historical Society of Pennsylvania. [Back](#)

Source:

The Federal and State Constitutions Colonial Charters, and Other Organic Laws of the States, Territories, and Colonies Now or Heretofore Forming the United States of America
Compiled and Edited Under the Act of Congress of June 30, 1906 by Francis Newton Thorpe
Washington, DC : Government Printing Office, 1909.

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Concessions to the Province of Pennsylvania - July 11, 1681 (1)

Certain conditions, or concessions, agreed upon by William Penn, Proprietary and Governor of the province of Pennsylvania, find those who are the adventurers and purchasers in the same province, the eleventh of July, one thousand six hundred and eighty-one.

FIRST

That so soon as it pleaseth God that the abovesaid persons arrive there, a certain quantity of land, or ground plat, shall be laid out, for a large town or city, in the most convenient place, upon the river, for health and navigation; and every purchaser and adventurer shall, by lot, have so much land therein as will answer to the proportion, which he hath bought, or taken up, upon rent: but it is to be noted, that the surveyors shall consider what roads or high-ways will be necessary to the cities, towns, or through the lands. Great roads from city to city not to contain less than forty foot, in breadth, shall be first laid out and declared to be for high-ways, before the dividend of acres be laid out for the purchaser, and the like observation to be had for the streets in the towns and cities, that there may be convenient roads and streets preserved, not to be encroached upon by any planter or builder, that none may build irregularly to the damage of another. In this, custom governs.

II. That the land in the town be laid out together after the proportion of ten thousand acres of the whole country, that is, two hundred acres, if the place will bear it: however, that the proportion be by lot, and entire, so as those that desire to be together, especially those that are, by the catalogue, laid together, may be so laid together both in the town and country.

III. That, when the country lots are laid out, every purchaser, from one thousand, to ten thousand acres, or more, not to have above one thousand acres together, unless in three years they plant a family upon every thousand acres; but that all such as purchase together, lie together; and, if as many as comply with this condition, that the whole be laid out together.

IV. That, where any number of purchasers, more or less, whose number of acres amounts to five or ten thousand acres, desire to sit together in a lot, or township, they shall have their lot, or township, cast together, in such places as have convenient harbours, or navigable rivers attending it, if such can be found; and in case any one or more purchasers plant not according to agreement, in this concession, to the prejudice of others of the same township, upon complaint thereof made to the Governor, or his Deputy, with assistance, they may award (if they see cause) that the complaining purchaser may, paying the survey money. and purchase money, and interest thereof, be entitled, enrolled and lawfully invested, in the lands so not seated.

V. That the proportion of lands, that shall be laid out in the first great town, or city, for every purchaser, shall be after the proportion of ten acres for every five hundred acres purchased, if the place will allow it.

VI. That notwithstanding there be no mention made, in the several deeds made to the purchasers; yet the said William Penn does accord and declare, that all rivers, rivulets, woods, and underwoods, waters, watercourses, quarries, mines, and minerals, (except mines royal) shall be freely and fully enjoyed, and wholly by the purchasers, into whose lot they fall.

VII. That, for every fifty acres, that shall be allotted to a servant, at the end of his service, his quit-rent shall be two shillings per annum, and the master, or owner of the servant, when he shall take up the other fifty acres, his quit-rent, shall be four shillings by the year, or, if the master of the servant (by reason in the indentures he is so obliged to do) allot out to the servant fifty acres in his own division, the said master shall have, on demand, allotted him, from the governor, the one hundred acres, at the chief rent of six shillings per annum.

VIII. And, for the encouragement of such as are ingenious and willing to search out gold and silver mines in this province, it is hereby agreed, that they have liberty to bore and dig in any man's property, fully paying the damages done; and in case a discovery should be made, that the discoverer have one-fifth, the owner of the soil (if not the discoverer) a tenth part, the Governor two-fifths, and the rest to the public treasury, saving to the king the share reserved by patent.

IX. In every hundred thousand acres, the Governor and Proprietary, by lot, reserveth ten to himself, what shall lie but in one place.

X. That every man shall be bound to plant, or man, so much of his share of land as shall be set out and surveyed, within three years after it is so set out and surveyed, or else it shall be lawful for new comers to be settled thereupon, paying to them their survey money, and they go up higher for their shares.

XI. There shall be no buying and selling, be it with an Indian, or one among another, of any goods to be exported, but what shall be performed in public market, when such places shall be set apart, or erected, where they shall pass the public stamp, or mark. If bad ware, and prized as good, or deceitful in proportion or weight, to forfeit the value, as if good and full weight and proportion, to the public treasury of this province, whether it be the merchandise of the Indian, or that of the planters.

XII. And forasmuch, as it is usual with the planters to over-reach the poor natives of the country, in trade, by goods not being good of the kind, or debased with mixtures, with which they are sensibly aggrieved, it is agreed, whatever is sold to the Indians, in consideration of their furs, shall be sold in the market place, and there suffer the test, whether good or bad; if good, to pass; if not good, not to be sold for good, that the natives may not be abused, nor provoked.

XIII. That no man shall, by any ways or means, in word, or deed, affront, or wrong any Indian, but he shall incur the same penalty of the law, as if he had committed it against his fellow planter, and if any Indian shall abuse, in word, or deed, any planter of this province, that he shall not be his own judge upon the Indian, but he shall make his complaint to the governor of the province, or his lieutenant, or deputy, or some inferior magistrate near him, who shall, to the utmost of his power, take care with the king of the said Indian, that all reasonable satisfaction be made to the said injured planter.

XIV. That all differences, between the planters and the natives, shall also be ended by twelve men, that is, by six planters and six natives; that so we may live friendly together as much as in us lieth, preventing all occasions of heart-burnings and mischief.

XV. That the Indians shall have liberty to do all things relating to improvement of their ground, and providing sustenance for their families, that any of the planters shall enjoy.

XVI. That the laws, as to slanders, drunkenness, swearing, cursing, pride in apparel, trespasses, distriesses, replevins, weights, and measures, shall be the same as in England, till altered by law in this province.

XVII. That all shall mark their hogs, sheep and other cattle, and what are not marked within three months after it is in their possession, be it young or old, it shall be forfeited to the governor, that so people may be compelled to avoid the occasions of much strife between planters.

XVIII. That, in clearing the ground, care be taken to leave one acre of trees for every five acres cleared, especially to preserve oak and mulberries, for silk and shipping.

XIX. That all ship-masters shall give an account of their countries, names, ships, owners, freights and passengers, to an officer to be appointed for that purpose, which shall be registered within two days after their arrival, and if they shall refuse so to do, that then none presume to trade with them, upon forfeiture thereof; and that such masters be looked upon as having an evil intention to the province.

XX. That no person leave the province, without publication being made thereof, in the market place, three weeks before? and a certificate from some justice of the peace, of his clearness with his neighbours and those he dealt withal, so far as such an assurance can be attained and given: and if any master of a ship shall, contrary hereunto, receive and carry away any person, that hath not given that public notice, the said master shall be liable to all debts owing by the said person, so secretly transported from the province.

Lastly, That these are to be added to, or corrected, by and with the consent of the parties hereunto subscribed.

WILLIAM PENN.
Sealed and delivered In the presence of-
WILLIAM BOELHAM
HARBERT SPRINGET,
THOMAS PRUDYARD.

Sealed and delivered in the presence of all of the proprietors, who have hereunto subscribed, except Thomas Farrinborough and John Goodson, in presence of-
HUGH CHAMBERLEN,
R. MURRAY,
HARBERT SPRINGET,
HUMPHREY SOUTH,
THOMAS BARKER,
SAMUEL JOBSON,
JOHN JOSEPH MOORE,
WILLIAM POWEL,
RICHARD DAVIE,
GRIFFITH JONES,
HUGH LAMBE,
THOMAS FARRINBORROUGH,
JOHN GOODSON.

(1) Votes and Proceedings of the House of Representatives of the Province of Pennsylvania, beginning the Fourth Day of December, 1682, vol. I, Philadelphia, printed and sold by R. Franklin, and D. Hall, at the New-Printing-Office near the market, MDCCLII, pp. XXIV-XXVI. [Back](#)

Source:

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Penn's Charter of Libertie - April 25, 1682 (1)

To ALL PEOPLE to whom these presents shall come WHEREAS King Charles the second by his Letters, Patents under the Great Seal of England for the Considerations therein mentioned hath been graciously pleased to give and grant unto me William Penn (By the name of William Penn Esq'r son and heir of Sr. William Penn deceased) and to my heirs and assigns forever ALL that tract of land or province called PENNSILVANIA in America with divers Great Powers Preheminencies Royalties Jurisdictions and Authorities necessary for the Well being and Government thereof NOW KNOW YE That for the Well Being and Government of the said Province and for the Encouragement of all the Freeman and Planters that may be therein concerned in pursuance of the powers afore mentond I the said William Penn have declared Granted and Confirmed and by these presents for me my heirs and Assigns do declare grant and Confirm unto all the ffreemen Planters and Adventurers of in and to the said Province those Liberties Franchises and properties TO BE HEED Enjoyed and Kept by the Freeman Planters and Inhabitants of and in the said province of Pennsylvania forever.

" IMPRIMIS "-THAT the Government of this Province shall according to the Powers of the Patent consist of the Governour and Freeman of the said Province in the form of a Provincial Council and General Assembly by whom all Laws Shall be made Officers Chosen and publick affairs Transacted and is hereafter Respectively declared That is to say

2. THAT the freemen of the said Province shall on the Twentieth day of the Twelfth Month which shall be in this present year One Thousand Six hundred Eighty and two Meet and Assemble in some fit place of which timely notice shall be beforehand given by the Governour or his deputies and then and there shall chuse of themselves Seventy-Two persons of most note for their Wisdom Virtue and Ability who shall meet on the Tenth day of the ffirst month next ensuing and always be called and act as the Provincial Councill of the said province.

3. THAT at the First Choice of such Provincial Council One Third part of the said Provincial Council shall be Chosen to serve for Three years then next ensuing one Third part for two years then next ensuing and one Third part for one year then next following such Election and no longer and that the said Third part shall go out accordingly And on the Twentieth day of the Twelfth month aforesaid yearly forever afterward the ffreemen of the said province shall in like manner Meet and Assemble together and then Chuse Twenty flour persons being one Third of the said Number to serve in provincial Council for Three years it being intended that one Third of the whole provincial Council (always consisting and to consist of seventy two persons as aforesaid) falling off yearly it shall be yearly supplied by such new yearly Eleccons as aforesaid and that no one person shall continue therein longer than Three years And in Case any member shall decease before the Last Eleccon during his time that then at the next Eleccon ensuing his decease another shall be chosen to Supply his place for the remaining time he was to have served and no longer.

4. THAT-After the First Seven Years every one of the said Third parts that goeth yearly off shall be incapable of being Chosen again for one whole year following that so all may be fitted for the Government and have Experience of the Care and burthen of it.

5. THAT-In the provincial Council in all Cases and matters of moment as There agreeing upon Bills to be passed into Laws Exorting Courts of Justice having Judgment upon criminals Impeached and choice of Officers in such manner as is herein after menconed Not lesse than Two Thirds of the whole Provincial Council shall make a Quorum and that the Consent and approbaton of Two Thirds of said Quorum shall be had in all such Cases or matters of Moment. And moreover that in all cases and matters of lesser moment Twenty-four members of the said Provincial Council shall make a quorum The Majority of which flour and Twenty shall and may always determine on such Cases and Causes of Lesser moment.

6. THAT-In this Provincial Council the Governour or his deputies shall or may always preside and have a treble Voice. And the said Provincial Council shall always Continue and Sit upon its own Adjournments and Committees.

7. THAT-The Governour and Provincial Council shall prepare and propose to the General Assembly hereinafter menconed all Bills which they shall at any time think fit to be past into Laws within the said Province which Bills shall be publish" and Affixed to the most noted places in the inhabited parts thereof Thirty days before the meeting of the General Assembly in order to the passing of them into laws or Rejecting of them as the General Assembly shall see meet.

8. THAT-The Governour and Provincial Council shall take Care that all Laws Statutes and Ordinances which shall at any time be made within the said Province be duly and diligently executed.

9. THAT-The Governour and Provincial Council shall at all times have the Care of the peace and Safety of the Province and that nothing he by any person Attempted to the subversion of this Frame of Government.

10. THAT-The Governour and Provincial Council shall at all times settle and order the Situation of all Cities ports and Market towns in every County modelling therein all publick buildings Streets and Market places and shall appoint all necessary roads and highways in the province.

11. THAT-The Governour and Provincial Council shall at all times have power to inspect the management of the public Treasury and punish those who shall Convert any part thereof to any other use than what hath been Agreed upon by the Governour Provincial Council and General Assembly.

12. THAT-The Governour and Provincial Council shall Erect and order all publick Schools and encourage and Reward the Authors of usefull Science and Laudable Inventons in the said province.

13. THAT-For the better management of the powers and Trust aforesaid the Provincial Council shall from time to time divide itself into flour Distinct and proper Committees for the more Easie Administration of the Affairs of the province which divides the Seventy Two into flour Eighteens Every one of which Eighteens shall consist of Six out of each of the Three Orders or yearly Eleccons-Each of which shall have a distinct portion of business as followeth A Committee of plantatons to situate and settle cities ports and Market-towns and highways and to hear and decide all Suits and Controversies relating to Plantatons. A Committee of Justice and Safety to secure the peace of the province and punish the Male [mat-] Administration of those who subvert Justice to the prejudice of the publick and private Interest. A Committee of Trade and Treasury who Shall Regulate all Trade and Commerce according to Laws encourage Manufacture and Country-growth and defray the publick Charge of the province. And a Committee of manners Education and Arts that all Wicked and scandalous Living may be prevented and that Youth may be successively trained up in Virtue and useful Knowledge and Arts. The Quorum of each of which Committees being six that is Two out of each of the three orders or yearly eleccons as aforesaid make a Constant or Standing Council of Four and Twenty which shall have the power of the Provincial Council being the Quorum of it in all Cases not excepted in the ffifth Article. And in the said committees and standing Council of the Province the Governour or his deputy shall or may preside as aforesaid. And in the Absence of the Governour or his deputy if no one is by either of them appointed the said Committees or Council shall appoint a President for that time and not otherwise and what shall be Resolved at such Committees shall be reported to the said Council of the Province and shall be by them resolved and confirmed before the same shall be put in Execution And that these Respective Committees shall not sit at one and the same time except in Cases of necessity.

14. AND TO THE End that all Laws prepared by the Governour and Provincial Council aforesaid may yet have the more-full Concurrence of the Freemen of the Province It is declared granted and confirmed that at the time and place or places for the Choice of a Provincial Council as aforesaid the said FREEMEN shall yearly chuse to serve in a General Assembly as their representatives not exceeding Two hundred persons who shall yearly meet on the Twentieth day of the Second Month in the Capital Town or City of the said province where during Eight days the several members may freely confer with one another and if any of them see meet with a Committee of the Provincial Council consisting of Three out of each of the flour Committees aforesaid being Twelve in all which shall be at that time purposely appointed to secur from any of them proposals for the Alteration or Amendment of any of the said proposed and promulgated Bills and on the ninth day from their meeting the said General Assembly after the reading over of the proposed Bills by the Clerk of the Provincial Council and the occasion and motives for them being opened by the Governour or his Deputy shall give their Affirmative or Negative which, to them seemeth best in such manner as hereafter is express. But not less than two thirds shall make a Quorum in the passing of Laws and Choice of such Officers as are by them to be chosen.

15. THAT-The Laws so prepared and proposed as aforesaid that are Assented to by the General Assembly shall be Enrolled as Laws of the province with this stile by the Governour with the Assent and Approbation of the ffreemen in Provincial Council and General Assembly.

16. THAT-For the better Establishment of the Government and Laws of this province and to the end there may be an Universal Satisfaction in the laying of the fundamentals thereof the General Assembly shall or may for the ffirst year consist of all the ffreemen of and in the said province and ever after it shall be yearly chosen as aforesaid. Which number of Two hundred shall be enlarged as the Country shall Increase in people So as it do not exceed dive hundred at any time The Appointment and proportioning of which as also the laying and methodizing of the choice of the Provincial Council and General Assembly in future times most equally to the Division of the Hundreds and Counties which the Country shall hereafter be divided into shall be in the power of the Provincial Council to propose and the General Assembly to resolve.

17. THAT The Governour and the Provincial Council shall from time to time erect Standing Courts of Justice in such places and number as they shall Judge Convenient for the good Government of the said province And that the Provincial Council shall on the Thirteenth day of the First month yearly Elect and present to the Governour or his Deputy a double number of persons to serve for Judges Treasurers Masters of the Rolls within the said province for the year next ensuing. AND the ffreemen of the said province in their County Courts when they shall be erected and till then in the General Assembly shall on the Three and Twentieth day of the Second Month yearly Elect and present to the Governour or his Deputy a double number of persons to serve for Sheriffs Justices of peace and Coronors for the year next ensuing Out of which respective Eleccons and presentments the Governour or his Deputy shall nominate and Commissionate the proper number for each office the Third day after the said respective presentments or else the first named in such presentment for each office shall stand and serve for that office the year ensuing.

18. BUT for as much as the present Conditon of the Province requires some Immediate Settlement and admitts not of so quick a Revolution of Officers and to the end the said Province may with all Convenient speed be well ordered and settled I William Penn do therefore think fit to nominate and appoint Such persons for Judges Treasurers Masters of Rolls Sheriffs Justices of the peace and Coronors as are most fitly qualified for those employments To whom I shall make and grant Commissions for the said Offices respectively TO nod to them to whom the same shall be granted for so long time as every such person shall well behave himself in the Office or place to him respectively granted and no longer And upon the Decease or displacing of any of the said Officers the Succeeding Officer or Officers shall be chosen as before said.

19. That the General Assembly shall continue so long as may be needful to Impeach Criminals fit to be there Impeached To pass Bills into Laws that they shall think fit to pass into Laws and till such time as the Governour and Provincial Council shall declare that they have nothing further to propose unto them for their Assent and Approbation And that Declaration shall be a Dismiss to the General Assembly for that time Which General Assembly shall be notwithstanding Capable of Assembling together upon the summons of the Provincial Council at any time during that year if the said Provincial Council shall see occasion for their so Assembling.

20. THAT-All the Eleccons of Members or Representatives of the people to serve in Provincial Council and General Assembly, and all Questions to be determined by both or either of them that relate to passing of bills into Laws to the choice of Officers to Impeachments made by the General Assembly and Judgment of Criminals upon such Impeachment by the Provincial Council and to all other Cases by them respectively Judged of Importance Shall be resolved and determined by the BALLOTT And unless on suddain and Indispensable Occasions no business in Provincial Council or its respective Committees shall be finally determined the same day that it is moved.

21. AND THAT at all times when and so often as it shall happen that the Governour shall or may be an Infant under the Age of one and Twenty years and no Guardians or Commissioners are appointed in Writing by the dasher of said Infant or that Such Guardians or Commissioners shall be deceased that during such Minority the Provincial Council shall from time to time as they shall see meet Constitute and Appoint Guardians and Commissions not exceeding Three One of which Three shall preside as Deputy and Chief Guardian during such Minority and shall have and Execute with the consent of the other Two all the powers of a Governour in all publick Affairs and Concerns of the said province.

22. THAT-as often as any day of the month mentoned in any Article of this Charter shall fall on the First day of the Week commonly called the Lord's day the Business appointed for that day shall be differred till the next day unless in Case of Emergency.

23. THAT-no act Law or Ordinance whatsoever shall at any time hereafter be made or done by the Governour of this Province his heirs or Assigns or by the ffreemen in the Provincial Council or the General Assembly to Alter Change or Diminish the dorm or Effect of this Charter or any part or Clause thereof or contrary to the true Intent and meaning thereof without the Consent of the Governour his heirs or Assigns and six parts of seven of the said ffreemen in Provincial Council and General Assembly.

24. AND LASTLY THAT I the said William Penn for myself my heirs and Assigns have Solemnly declared granted and confirmed and do hereby solemnly declare grant and confirm that neither I my heirs nor Assigns shall procure or do anything or things w hereby the 1iberties in this Charter contained and expressed shall be Infringed or broken And if anything be procured by any person or persons contrary to these premises it shall be held of no force or Effect. IN WITNESS whereof I the said William Penn have unto this present Charter of Liberties Set my hand and Broad Seal this ffive and Twentieth day of the Second Month vulgarly called April in the year of our Lord One Thousand Six Hundred Eighty and Two.

WM, PENN.

Signed sealed and delivered by the within named William Penn as his Act and Deed in the presence of

CHRISTOPHER TAYLOR

CHARLES LLOYD

WILLIAM GIBSON

RICHARD DAVIES

N. MOORE

THO. RUDYARD

HARB. SPRINGETT

JAMES CLAYPOOLE

FRANS PLUMSTED

THOMAS BARKER

PHILIP FORD

EDWARD PRITCHARD

ANDREW SOWLE

(1) Verified by Francis N. Thorpe, March 11, 1893, from the original Charter at that time in the possession of Dr. Edward Maris, 1100 Pine Street, Philadelphia. [Back](#)

Source:

The Federal and State Constitutions Colonial Charters, and Other Organic Laws of the States, Territories, and Colonies Now or Heretofore Forming the United States of America
Compiled and Edited Under the Act of Congress of June 30, 1906 by Francis Newton Thorpe
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Frame of Government of Pennsylvania
May 5, 1682 (1)

The frame of the government of the province of Pensilvania, in America: together with certain laws agreed upon in England, by the Governor arid divers freemen of the aforesaid province. To be further explained and confirmed there, by the first provincial Council, that shall be held, if they see meet.

The Preface

When the great and wise God had made the world, of all his creatures, it pleased him to chuse man his Deputy to rule it: and to fit him for so great a charge and trust, he did not only qualify him with skill and power, but with integrity to use them justly. This native goodness was equally his honour and his happiness, and whilst he stood here, all went well; there was no need of coercive or compulsive means; the precept of divine love and truth, in his bosom, was the guide and keeper of his innocency. But lust prevailling against duty, made a lamentable breach upon it; and the law, that before had no power over him, took place upon him, and his disobedient posterity, that such as would not live conformable to the holy law within, should fall under the reproof and correction of the just law without, in a Judicial administration.

This the Apostle teaches in divers of his epistles: " The law (says he) was added because of transgression: " In another place, " Knowing that the law was not made for the righteous man; but for the disobedient and ungodly, for sinners, for unholy and prophane, for murderers, for wlloremongers, for them that defile themselves with mankind, and for man-stealers, for lyers, for perjured persons," &c., but this is not all, he opens and carries the matter of government a little further: " Let every soul be subject to the higher powers; for there is no power but of God. The powers that be are ordained of God: whosoever therefore resisteth the power, resisteth the ordinance of God. For rulers are not a terror to good works, but to evil: wilt thou then not be afraid of the power? do that which is good, and thou shalt have praise of the same." " He is the minister of God to thee for good." " Wherefore ye must needs be subject, not only for wrath, but for conscience sake."

This settles the divine right of government beyond exception, and that for two ends: first, to terrify evil doers: secondly, to cherish those that do well; which gives government a life beyond corruption, and makes it as durable in the world, as good men shall be. So that government seems to me a part of religion itself, a filing sacred in its institution and end. For, if it does not directly remove the cause, it crushes the effects of evil, and is as such, (though a lower, yet) an emanation of the same Divine Power, that is both author and object of pure religion; the difference lying here, that the one is more free and mental, the other more corporal and compulsive in its operations: but that is only to evil doers; government itself being otherwise as capable of kindness, goodness and charity, as a more private society. They weakly err, that think there is no other use of government, than correction, which is the coarsest part of it: daily experience tells us, that the care and regulation of many other affairs, more soft, and daily necessary, make up much of the greatest part of government; and which must have followed the peopling of the world, had Adam never fell, and will continue among men, on earth, under the highest attainments they may arrive at, by the coming of the blessed Second Adam, the Lord from heaven. Thus much of government in general, as to its rise and end.

For particular frames and models, it will become me to say little; and comparatively I will say nothing. My reasons are:

First. That the age is too nice and difficult for it; there being nothing the wits of men are more busy and divided upon. It is true, they seem to agree to the end, to wit, happiness; but, in the means, they differ, as to divine, so to this human felicity; and the cause is much the same, not always want of light and knowledge, but want of using them rightly. Men side with their passions against their reason, and their sinister interests have so strong a bias upon their minds, that they lean to them against the good of the things they know.

Secondly. I do not find a model in the world, that time, place, and some singular emergences have not necessarily altered; nor is it easy to frame a civil government, that shall serve all places alike.

Thirdly. I know what is said by the several admirers of monarchy, aristocracy and democracy, which are the rule of one, a few, and many, and are the three common ideas of government, when men discourse on the subject. But I chuse to solve the controversy with this small distinction, and it belongs to all three: Any government is free to the people under it (whatever be the frame) where the laws rule, and the people are a party to those laws, and more than this is tyranny, oligarchy, or confusion.

But, lastly, when all is said, there is hardly one frame of government in the world so ill designed by its first founders, that, in good hands, would not do well enough; and story tells us, the best, in ill ones, can do nothing that is great or good; witness the Jewish and Roman states. Governments, like clocks, go from the motion men give them; and as governments are made and moved by men, so by them they are ruined too. Wherefore governments rather depend upon men, than men upon governments. Let men be good, and the government cannot be bad; if it be ill, they will cure it. But, if men be bad, let the government be never so good, they will endeavor to warp and spoil it to their turn.

I know some say, let us have good laws, and no matter for the men that execute them: but let them consider, that though good laws do well, good men do better: for good laws may want good men, and be abolished or evaded [invaded in Franklin's print] by ill mend but good men will never want good laws, nor suffer ill ones. It is true, good laws have some awe upon-ill ministers, but that is where they have not power to escape or abolish them, and the people are generally wise and good: but a loose and depraved people (which is the question) love laws and an administration like themselves. That, therefore, which makes a good constitution, must keep it, vie: men of wisdom and virtue, qualities, that because they descend not with worldly inheritances, must be carefully propagated by a virtuous education of youth; for which after ages will owe more to the care and prudence of founders, and the successive magistracy, than to their parents, for their private patrimonies

These considerations of the weight of government, and the nice and various opinions about it, made it uneasy to me to think of publishing the ensuing frame and conditional laws, forseeing both the censures, they will meet with, from melt of differing humours and engagements, and the occasion they may give of discourse beyond my design.

But, next to the power of necessity, (which is a solicitor, that will take no denial) this induced me to a compliance, that we have (with reverence to God, and good conscience to men) to the best of our skill, contrived and composed the frame and laws of this government, to the great end of all government, viz: To support power in reverence with the people, and to secure the people from the almost of power; that they may be free by their just obedience, and the magistrates honourable, for their just administration: for liberty without obedience is confusion, and obedience without liberty is slavery. To carry this evenness is partly owing to the constitution, and partly to the magistracy: where either of these fail, government will be subject to convulsions; but where both are wanting, it must be totally subverted; then where both meet, the government is like to endure. Which I humbly pray and hope God will please to make the lot of this of Pensilvania. Amen.

WILLIAM PENN.

The Frame, &c.-April 25, 1682

To all Persons, to whom these presents may come. WHEREAS, king Charles the Second, by his letters patents, under the great seal of England, bearing date the fourth day of March in the Thirty and Third Year of the King, for divers considerations therein mentioned, hath been graciously pleased to give and grant unto me William Penn, by the name of William Penn, Esquire, son and heir of Sir William Penn, deceased, and to my heirs and assigns forever, all that tract of land, or Province, called Pennsylvania, in America, with divers great powers, pre-eminences, royalties, jurisdictions, and authorities, necessary for the well-being and government thereof: Now know ye, that for the well-being and government of the said province, and for the encouragement of all the freemen and planters that may be therein concerned, in pursuance of the powers aforementioned, I, the said William Penn, have declared, granted, and confirmed, and by these presents, for me, my heirs and assigns, do declare, grant, and confirm unto all the freemen, planters and adventurers of, in and to the said province, these liberties, franchises, and properties, to be held, enjoyed and kept by the freemen, planters, and inhabitants of the said province of Pennsylvania for ever.

Imprimis. That the government of this province shall, according to the powers of the patent, consist of the Governor and freemen of the said province, in form of a provincial Council and General Assembly, by whom all laws shall lie made, officers chosen, and public affairs transacted, as is hereafter respectively declared, that is to say-

II. That the freemen of the said province shall, on the twentieth day of the twelfth month, which shall be in this present year one thousand six hundred eighty and two, meet and assemble in some fit place, of which timely notice shall be before hand given by the Governor or his Deputy; and then, and there, shall chuse out of themselves seventy-two persons of most note for their wisdom, virtue and ability, who shall meet, on the tenth day of the first month next ensuing, and always be called, and act as, the provincial Council of the said province.

III. That, at the first choice of such provincial Council, one-third part of the said provincial Council shall be chosen to serve for three years, then next ensuing; one-third part, for two years then next ensuing; and one-third part, for one year then next ensuing such election, and no longer; and that the said third part shall go out accordingly: and on the twentieth day of the twelfth month, as aforesaid, yearly for ever afterwards, the freemen of the said province shall, in like manner, meet and assemble together, and then chuse twenty-four persons, being one-third of the said number, to serve in provincial Council for three years: it being intended, that one-third part of the whole provincial Council (always consisting, and to consist, of seventy-two persons, as aforesaid) falling oh yearly, it shall be yearly supplied by such new yearly elections, as aforesaid; and that no one person shall continue therein longer than three years: and, in case any member shall decease before the last election during his time, that then at the next election ensuing his decease, another shall be chosen to supply his place, for the remaining time, he was to have served, and no longer.

IV. That, after the first seven years, every one of the said third parts, that goeth yearly off, shall be incapable of being chosen again for one whole year following: that so all may be fitted for government, and have experience of the care and burden of it.

V. That the provincial Council, in all cases and matters of moment, as their arguing upon bills to be passed into laws, erecting courts of justice, giving judgment upon criminals impeached, and choice of officers, in such manner as is hereinafter mentioned, not less than two-thirds of the whole provincial Council shall make a quorum, and that the consent and approbation of two-thirds of such quorum shall be had in all such cases and matters of moment. And moreover that, in all cases and matters of lesser moment, twenty-four Members of the said provincial Council shall make a quorum, the majority of which. twenty-four shall, and may, always determine in such cases and causes of lesser moment.

VI. That, in this provincial Council, the Governor or his Deputy, shall or may, always preside, and have a treble voice; and the said provincial Council shall always continue, and sit upon its own adjournments and committees.

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

VIII. That the Governor and provincial Council shall take care, that all laws, statutes and ordinances, which shall at any time be made within the said province, be duly and diligently executed.

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

X. That the Governor and provincial Council shall, at all times, settle and order the situation of all cities, ports, and market towns in every county, modeling therein all public buildings, streets, and market places, and shall appoint all necessary roads, and high-ways in the province.

XI. That the Governor and provincial Council shall, at all times, have power to inspect the management of the public treasury, and punish those who shall convert any part thereof to any other use, than what hath been agreed upon by the Governor, provincial Council, and General Assembly.

XII. That the Governor and provincial Council, shall erect and order all public schools, and encourage and reward the authors of useful sciences and laudable inventions in the said province.

XIII. That, for the better management of the powers and trust aforesaid, the provincial Council shall, from time to time, divide itself into four distinct and proper committees, for the more easy administration of the affairs of the Province, which divides the seventy-two into four eighteens. Every one of which eighteens shall consist of six out of each of the three orders, or yearly elections, each of which shall have a distinct portion of business. as followeth: First, a committee of plantations, to situate and settle cities, ports, and market towns, and high-ways, and to hear and decide all suits and controversies relating to plantations. Secondly, a committee of justice and safety, to secure the peace of the Province, and punish the mar-administration of those who subvert justice to the prejudice of the public, or private, interest. Thirdly, a committee of trade and treasury, who shall regulate all trade and commerce, according to law, encourage manufacture and country growth, and defray the public charge of the Province. And, Fourthly, a committee of manners' education, and arts, that all wicked and scandalous living may be prevented, and that youth may be successively trained up in virtue and useful knowledge and arts: the quorum of each of which committees being six, that is, two out of each of the three orders, or yearly elections, as aforesaid, make a constant and standing Council of twenty-four, which will have the power of the provincial Council, being the quorum of it, in all cases not excepted in the fifth article; and in the said committees, and standing Council of the Province, the Governor, or his Deputy, shall, or may preside, as aforesaid; and in the absence of the Governor, or his Deputy, if no one is by either of them appointed, the said committees or Council shall appoint a President for that time, and not otherwise; and what shall be resolved at such committees, shall be reported to the said Council of the province, and shall be by them resolved and confirmed before the same shall be put in execution; and that these respective committees shall not sit at one and the same time, except in cases of necessity.

XIV. And, to the end that all laws prepared by the Governor and provincial Council aforesaid, may yet have the more full concurrence of the freemen of the province, it is declared, granted and confirmed, that, at the time and place or places, for the choice of a provincial Council, as aforesaid, the said freemen shall yearly chuse Members to serve in a (general Assembly, as their representatives, not exceeding two hundred persons, who shall yearly meet on the twentieth day of the second month, which shall be in the year one thousand six hundred eighty and three following, in the capital town, or city, of the said province, where, during eight days, the several Members may freely confer with one another; and, if any of them see meet, with a committee of the provincial Council (consisting of three out of each of the four committees aforesaid, being twelve in all) which shall be, at that time, purposely appointed to receive from any of them proposals, for the alterations or amendment of any of the said proposed and promulgated bills: and on the ninth day from their so meeting, the said General Assembly, after reading over the proposed bills by the Clerk of the provincial Council, and the occasions and motives for them being opened by the Governor or his Deputy, shall give their affirmative or negative, which to them seemeth best, in such manner as hereinafter is expressed. But not less than two-thirds shall make a quorum in the passing of laws, and choice of such officers as are by them to be chosen.

XV. That the laws so prepared and proposed, as aforesaid, that are assented to by the General Assembly, shall be enrolled as laws of the Province, with this stile:

By the Governor, with the assent and approbation of the freemen in provincial Council and General Assembly.

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

XVII. That the Governor and the provincial Council shall erect, from time to time, standing courts of justice, in such places and number-as they shall judge convenient for the good government of the said province. And that the provincial Council shall, on the thirteenth day of the first month, yearly, elect and present to the Governor, or his Deputy, a double number of persons, to serve for Judges, Treasurers, Masters of Rolls, within the said province, for the year next ensuing; and the freemen of the said province, in the county courts, when they shall be erected, and till then, in the General Assembly, shall, on the three and twentieth day of the second month, yearly, elect and present to the Governor, or his Deputy, a double number of persons, to serve for Sheriffs, Justices of the Peace, and Coroners, for the year next ensuing; out of which respective elections and presentments, the Governor or his Deputy shall nominate and commissionate the proper number for each office, the third day after the said presentments, or else the first named in such presentment, for each office, shall stand and serve for that office the year ensuing.

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

XIX. That the General Assembly shall continue so long as may be needful to impeach criminals, fit to be there impeached, to pass bills into laws, that they shall think fit to pass into laws, and till such time as the Governor and provincial Council shall declare that they have nothing further to propose unto them, for their assent and approbation: and that declaration shall be a dismiss to the General Assembly for that time; which General Assembly shall be, notwithstanding, capable of assembling together upon the summons of the provincial Council, at any time during that year, if the said provincial Council shall see occasion for their so assembling.

XX. That all the elections of members, or representatives of the people, to serve in provincial Council and General Assembly, and all questions to be determined by both, or either of them, that relate to passing of bills into laws, to the choice of officers, to impeachments by the General Assembly, and judgment of criminals upon such impeachments by the provincial Council, and to all other cases by then-1 respectively judged of importance, shall be resolved and determined by the ballot; -and unless on sudden and indispensable occasions, no business in provincial Council, or its respective committees, shall be finally determined the same day that it is moved.

XXI. That at all times when, and so often as it shall happen that the Governor shall or may be an infant, under the age of one and twenty years, and no guardians or commissioners are appointed in writing, by the father of the said infant, or that such guardians or commissioners, shall be deceased; that during such minority, the provincial Council shall, from time to time, as they shall see meet, constitute and appoint guardians or commissioners, not exceeding three; one of which three shall preside as deputy and chief guardian, during such minority, and shall have and execute, with the consent of the other two, all the power of a Governor, in all the public affairs and concerns of the said province.

XXII. That, as often as any day of the month, mentioned in any article of this charter, shall fall upon the first day of the week, commonly called the Lord's Day, the business appointed for that day shall be deferred till the next day, unless in case of emergency.

XXIII. That no act, law, or ordinance whatsoever, shall at any time hereafter, be made or done by the Governor of this province, his heirs or assigns, or by the freemen in the provincial Council, or the General Assembly, to alter, change, or diminish the form, or edect,-of this charter, or any part, or clause thereof, without the consent of the Governor, his heirs, or assigns, and six parts of seven of the said freemen in provincial Council and General Assembly.

XXIV. And lastly, that I, the said William Penn, for myself, my heirs and assigns, have solemnly declared, granted and confirmed, and do hereby solemnly declare, grant and confirm, that neither I, my heirs, nor assigns, shall procure or do any thing or things, whereby the liberties, in this charter contained and expressed, shall be infringed or broken; and if any thing be procured by any person or persons contrary to these premises, it shall be held of no force or eReet. In witness whereof, I, the said William Penn, have unto this present character of liberties set my hand and broad seal, this five and twentieth day of the second month, vulgarly called April, in the year of our lord one thousand six hundred and eighty-two.

WILLIAM PENN.

Laws Agreed Upon in England, &c.

I. That the charter of liberties, declared, granted and confirmed. the five and twentieth day of the second month, called April, 1682, before divers witnesses, by William Penn, Governor and chief Proprietor of Pensilvania, to all the freemen and planters of the said province, is hereby declared and approved, and shall be for ever held for fundamental in the government thereof, according to the limitations mentioned in the said charter.

II. That every inhabitant in the said province, that is or shall be, a purchaser of one hundred acres of land, or upwards, his heirs and assigns, and every person who shall have paid his passage, and taken up one hundred acres of land, at one penny an acre, and have cultivated ten acres thereof, and every person, that hath been a servant, or bonds-man, and is free by his service, that shall have taken up his fifty acres of land, and cultivated twenty thereof, and every inhabitant, artifices, or other resident in the said province, that pays scot and lot to the government; shall be deemed and accounted a freeman of the said province: and every such person shall, and may, be capable of electing, or being elected, representatives of the people, in provincial Council, or General Assembly, in the said province.

III. That all elections of members, or representatives of the people and freemen of the province of Pensilvania, to serve in provincial Council, or General Assembly, to be held within the said province, shall be free and voluntary: and that the elector, that shall receive any reward or gift, in meat, drink, monies, or otherwise, shall forfeit his right to elect; and such person as shall directly or indirectly give, promise, or bestow - any such reward as aforesaid, to he elected, shall forfeit his election, and be thereby incapable to serve as aforesaid: and the provincial Council and General Assembly shall be the sole judges of the regularity, or irregularity of the elections of their own respective -Members.

IV. That no money or goods shall be raised upon, or paid by, any of the people of this province by way of public tax, custom or contribution, but by a law, for that purpose made; and whoever shall levy, collect, or pay any money or goods contrary "hereunto, shall be held a public enemy to the province and a betrayer of the liberties of the people thereof.

V. That all courts shall be open, and justice shall neither be sold, denied nor delayed.

VI. That, in all courts all persons of all persuasions may freely appear in their own way, and according to their own manners and there personally plead their own cause themselves; or, if unable, by their friends: and the first process shall be the exhibition of the complaint in court, fourteen days before the trial; and that the party, complained against, may be fitted for the same, he or she shall be summoned, no less than ten days before, and a copy of the complaint delivered him or her, at his or her 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.

VII. That all pleadings, processes and records in courts, shall be short, and in English, and in an ordinary and plain character, that they may be understood, and justice speedily administered.

VIII. That all trials shall be by twelve men, and as near as may be, peers or equals, and of the neighborhood, and men without just exception; in cases of life, there shall be first twenty-four returned by the sheriffs, for a grand inquest, of whom twelve, at least, shall find the complaint to be true; and then the twelve men, or peers, to be likewise returned by the sheriff, shall have the final judgment. But reasonable challenges shall be always admitted against the said twelve men, or any of them.

IX. That all fees in all cases shall be moderate, and settled by the provincial Council, and General Assembly, and be hung up in a table in every respective court; and whosoever shall be convicted of taking more, shall pay twofold, and be dismissed his employment; one moiety of svllich shall go to the party wronged.

X. That all prisons shall be work-houses, for felons, vagrants, and loose and idle persons; whereof one shall be in every county.

XI. That all prisoners shall be bailable by sufficient sureties, unless for capital offences, where the proof is evident, or the presumption great.

XII. That all persons wrongfully imprisoned, or prosecuted at law, shall have double damages against the informer, or prosecutor.

XIII. That all prisons shall be free, as to fees, food and lodging.

XIV. That all lands and goods shall be liable to pay debts, except where there is legal issue, and then all the goods, and one-third of the land only.

XV. That all wills, in writing, attested by two witnesses, shall be of the same force as to lands, as other conveyances, being legally proved within forty days, either within or without the said province.

XVI. That seven years quiet possession shall give an unquestionable right, except in cases of infants, lunatics, married women, or persons beyond the seas.

XVII. That all briberies and extortion whatsoever shall be severely punished.

XVIII. That all fines shall be moderate, and saving men's contemnments, merchandise, or wainage.

XIX. That all marriages (not forbidden by the law of God, as to nearness of blood and affinity by marriage) shall be encouraged; but the parents, or guardians, shall be first consulted, and the marriage shall be published before it be solemnized; and it shall be solemnized by taking one another as husband and wife, before credible witnesses; and a certificate of the whole, under the hands of parties and witnesses, shall be brought to the proper register of that county, and shall be registered in his office.

XX. And, to prevent frauds and vexatious suits within the said province, that all charters, gifts, grants, and conveyances of and (except leases for a year or under) and all bills, bonds, and specialties above five pounds, and not under three months, made in the said province, shall be enrolled, or registered in the public enrolment office of the said province, within the space of two months next after the making thereof, else to be void in law, and all deeds, grants, and conveyances of land (except as aforesaid) within the said province, and made out of the said province, shall be enrolled or registered, as aforesaid, within six months next after the making thereof, and settling and constituting an enrolment office or registry within the said province, else to be void in law against all persons whatsoever.

XXI. That all defacers or corrupters of charters, gifts, grants. bonds, bills, wills, contracts, and conveyances, or that shall deface or falsify any enrolment, registry or record, within this province, shall make double satisfaction for the same; half whereof shall go to the party wronged, and they shall be dismissed of all places of trust, and be publicly disgraced as false men.

XXII. That there shall be a register for births, marriages, burials, wills, and letters of administration, distinct from the other registry.

XXIII. That there shall be a register for all servants, where their names, time, wages, and days of payment shall be registered.

XXIV. That all lands and goods of felons shall be liable, to make satisfaction to the party wronged twice the value; and for want of lands or goods, the felons shall be bondmen to work in the common prison, or work-house, or otherwise, till the party injured be satisfied.

XXV. That the estates of capital offenders, as traitors and murderers, shall go, one-third to the next of kin to the sufferer, and the remainder to the next of kin to the criminal.

XXVI. 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 said province, shall there give or deliver in their evidence, or testimonly, by solemnly promising to speak the truth, the whole truth, and nothing but the truth. to the matter, or thing in question. And in case any person so called to evidence, shall be convicted of wilful falsehood, such person shall suffer and undergo such damage or penalty, as the person, or persons, against whom he or she bore false witness, did, or should, undergo; and shall also make satisfaction to the party wronged, and be publicly exposed as a false witness, never to be credited in any court, or before any Magistrate, in the said province.

XXVII. And, to the end that all officers chosen to serve within this province, may, with more care and diligence, answer the trust reposed in them, it is agreed, that no such person shall enjoy more than one public office, at one time.

XXVIII. That all children, within this province, of the age of twelve years, shall be taught some useful trade or skill, to the end none may be idle, but the poor may work to live, and the rich, if they become poor, may not want.

XXIX. That servants be not kept longer than their time, and such as are careful, be both justly and kindly used in their service, and put in fitting equipage at the expiratiol; thereof, according to custom.

XXX. That all scandalous and malicious reporters, backbiters, defamers and spreaders of false news, whether against Magistrates, or private persons, shall be accordingly severely punished, as enemies to the peace and concord of this province.

XXXI. That for the encouragement of the planters and traders in this province, who are incorporated into a society, the patent granted to them by William Penn, Governor of the said province, is hereby ratified and confirmed.

XXXII. * * *

XXXIII. That all factors or correspondents in the said province, wronging their employers, shall make satisfaction, and one-third over, to their said employers: and in case of the death of any such factor or correspondent, the committee of trade shall take care to secure so much of the deceased party's estate as belongs to his said respective employers.

XXXIV. That all Treasurers, Judges, Masters of the Rolls, Sheriffs, Justices of the Peace, and other officers and persons whatsoever, relating to courts, or trials of causes or any other service in the government; and all Members elected to serve in provincial Council and General Assembly, and all that have right to elect such Members, shall be such as possess faith in Jesus Christ, and that are not convicted of ill fame, or unsober and dishonest conversation, and that are of one and twenty years of age, at least; and that all such so qualified, shall be capable of the said several employments and privileges, as aforesaid.

XXXV. That all persons living in this province, who confess and acknowledge the one Almighty and eternal God, to be the Creator, Upholder and Ruler of the world; and that hold themselves obliged in conscience to live peaceably and justly in civil society, shall, in no ways, be molested or prejudiced for their religious persuasion, or practice, in matters of faith and worship, nor shall they be compelled, at any time, to frequent or maintain any religious worship, place or ministry whatever.

XXXVI. That, according to the good example of the primitive Christians, and the case of the creation, every first day of the week, called the Lord's day, people shall

abstain from their common daily labour, that they may the better dispose themselves to worship God according to their understandings.

XXXVII. That as a careless and corrupt administration of justice draws the wrath of God upon magistrates, so the wildness and looseness of the people provoke the indignation of God against a country: therefore, that all such offences against God, as swearing, cursing, lying, prophane talking, drunkenness, drinking of healths, obscene words, incest, sodomy, rapes, whoredom, fornication, and other uncleanness (not to be repeated) all treasons, misprisions, murders, duels, felony, seditions, maims, forcible entries, and other violences, to the persons and estates of the inhabitants within this province; all prizes, stage-plays, cards, dice, May-games, gamesters, masques, revels, bull-battings, cock-fightings, bear-battings, and the like, which excite the people to rudeness, cruelty, looseness, and irreligion, shall be respectively discouraged, and severely punished, according to the appointment of the Governor and freemen in provincial Council and General Assembly; as also all proceedings contrary to these laws, that are not here made expressly penal.

XXXVIII. That a copy of these laws shall be hung up in the provincial Council, and in public courts of justice: and that they shall be read yearly at the opening of every provincial Council and General Assembly, and court of justice; and their assent shall be testified, by their standing up after the reading thereof.

XXXIX. That there shall be, at no time, any alteration of any of these laws, without the consent of the Governor, his heirs, or assigns, and six parts of seven of the freemen, met in provincial Council and General Assembly.

XL. That all other matters and things not herein provided for, which shall, and may, concern the public justice, peace or safety of the said province; and the raising and imposing taxes, customs, duties, or other charges whatsoever, shall be, and are, hereby referred to the order, prudence and determination of the Governor and freemen, in provincial Council and General Assembly, to be held, from time to time, in the said province.

Signed and sealed by the Governor and freemen aforesaid, the fifth day of the third month, called May, one thousand six hundred and eighty-two.

(1) From Votes and Proceedings, note b, ante, p. 3044, pp. XXVII, XXVIII. [Back](#)

Source:

The Federal and State Constitutions Colonial Charters, and Other Organic Laws of the States, Territories, and Colonies Now or Heretofore Forming the United States of America
Compiled and Edited Under the Act of Congress of June 30, 1906 by Francis Newton Thorpe
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Colonial Charters Page

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Frame of Government of Pennsylvania - February 2, 1683

The Frame of the Government of the Province of Pennsylvania and, Territories thereunto annexed, in America.

To all persons, to whom these presents may come. Whereas king *Charles* the Second, by his letters patents, under the great seal of England, bearing date the fourth day of March in the thirty and third year of the lying, for divers considerations therein mentioned, hath been graciously pleased to give and grant unto me *William Penn* (by the name of *William Penn*, Esquire, son and heir of Sir *William Penn*, deceased) and to my heirs and assigns for ever, all that tract of land or province called Pennsylvania, in America, with divers great powers, preheminencies, royalties, jurisdictions and authorities, necessary for the well-being and government thereof. And whereas, the king's dearest brother *James*, duke of York and Albany,&c., by his deeds of feoffment, under his hand and seal, duly perfected, bearing date the four and twentieth day of August, one thousand six hundred eighty and two, did grant Unto me, my heirs and assigns, all that tract of land, lying and being from twelve miles northward of *Newcastle*, upon Delaware river, in *America*, to Cape Hinlopen, upon the said river and bay of *Delaware* southward, together with all royalties, franchises, duties, jurisdictions, liberties and privileges hereunto belonging.

Now know ye, That for the well-being and good government of the said province and territories hereunto annexed, and for the encouragement of all the freemen and planters, that may be therein concerned, in pursuance of the rights and powers aforementioned, I, the said *William Penn*, have declared, granted, and confirmed, and by these presents, for me, my heirs and assigns, do declare, grant and confirm unto all the freemen, planters and adventurers of, in and to the said province and territories thereof, these liberties, franchises and properties, so far as in me lieth, to be held, enjoyed and kept by the freemen, planters and adventurers of and in the said province of *Pennsylvania*, and territories thereunto annexed, for ever.

Imprimis, That the government of this province and territories thereof, shall, from time to time, according to the powers of the patent and deeds of feoffment aforesaid, consist of the Proprietary and Governor, and freemen of the said province and territories thereof, in form of provincial Council and General Assembly; which provincial Council shall consist of eighteen persons, being three out of each county, and which Assembly shall consist of thirty-six persons, being six out of each county, men of most note for their virtue, wisdom and ability; by whom all laws shall be made, officers chosen, and public affairs transacted, as is hereafter limited and declared.

II. There being three persons already chosen for every respective county of this province and territories thereof, to serve in the provincial Council, one of them for three years; one for two years, and one for one year; and one of them to go off yearly, in every county; that on the tenth day of the first month yearly, for ever after, the freemen of the said province and territories thereof, shall meet together, in the most convenient place, in every county of this province and territories thereof, then and there to chuse one person, qualified as aforesaid, in every county, being one-third of the number to serve in provincial Council, for three years; it being intended, that one-third of the whole provincial Council, consisting and to consist of eighteen persons, falling off yearly, it shall be yearly supplied with such yearly elections, as aforesaid; and that one person shall not continue in longer than three years; and in case any member shall decease before the last election, during his time, that then, at the next election ensuing his decease, another shall be chosen to supply his place for the remaining time he was to have served, and no longer.

III. That, after the first seven years, every one of the said third parts, that goeth yearly off, shall be incapable of being chosen again for one whole year following, that so all that are capable and qualified, as aforesaid, may be fitted for government, and have a share of the care and burden of it.

IV. That the provincial Council in all cases and matters of moment, as their arguing upon bills to be passed into laws, or proceedings about erecting of courts of justice, sitting in judgment upon criminals impeached, and choice of officers, in such manner as is herein after expressed, not less than two-thirds of the whole shall make a *quorum*; and that the consent and approbation of two-thirds of that *quorum* shall be had in all such cases, or matters, of moment: and that, in all cases and matters of lesser moment, one-third of the whole shall make a *quorum*, the majority of which shall and may always determine in such cases and causes of lesser moment.

V. That the Governor and provincial Council shall have the power of preparing and proposing to the Assembly, hereafter mentioned, all bills, which they shall see needful, and that shall, at any time, be past into laws, within the said province and territories thereof, which bills shall be published and affixed to the most noted places, in every county of this province and territories thereof, twenty days before the meeting of the Assembly, in order to passing them into laws.

VI. That the Governor and provincial Council shall take care that all laws, statutes and ordinances, which shall, at any time, be made within the said province and territories, be duly and diligently executed.

VII. That the Governor and provincial Council shall, at all times, have the care of the peace and safety of this province and territories thereof; and that nothing be, by any person, attempted, to the subversion of this frame of government.

VIII. That the Governor and provincial Council shall, at all times, settle and order the situation of all cities, and market towns, in every county, modelling therein all public buildings, streets and market places; and shall appoint all necessary roads and highways, in this province and territories thereof.

IX. That the Governor and provincial Council shall, at all times, have power to inspect the management of the public treasury, and punish those who shall convert any part thereof to any other use, than what hath been agreed upon by the Governor, provincial Council and Assembly.

X. That the Governor and provincial Council shall erect and order all public schools, and encourage and reward the authors of useful sciences and laudable inventions in the said province and territories thereof.

XI. That one-third part of the provincial Council, residing with the Governor, from time to time, shall with the Governor have the care of the management of public affairs, relating to the peace, justice, treasury and improvement of the province and territories, and to the good education of youth, and sobriety of the manners of the inhabitants therein, as aforesaid.

XII. That the Governor, or his Deputy, shall always preside in the provincial Council, and that he shall,; at no time, therein perform any public act of state whatsoever, that shall, or may, relate unto the justice, trade, treasury, or safety of the province and territories as aforesaid, but by and with the advice and consent of the provincial Council thereof.

XIII. And to the end that all bills prepared and agreed by the Governor and provincial Council, as aforesaid may yet have the more full concurrence of the freemen of the province and territories thereof, it is declared, granted and confirmed, that, at the time and place in every county for the choice of one person to serve in provincial Council, as aforesaid, the respective Members thereof, at their said meeting, shall yearly chuse out of themselves six persons of most note, for virtue, wisdom and ability, to serve in Assembly, as their representatives, who shall yearly meet on the tenth day of the third month, in the capital town or city of the said province, unless the Governor and provincial Council shall think fit to appoint another place to meet in, where, during eight days, the several Members may confer freely with one another;

and if any of them see meet, with a committee of the provincial Council, which shall be, at that time, purposely appointed, to receive from any of them proposals for the alterations, or amendments, of any of the said proposed and promulgated bills; and on the ninth day from their so meeting, the said Assembly, after their reading over the proposed bills, by the Clerk of the provincial Council, and the occasions and motives for them being opened by the Governor or his Deputy, shall, upon the question by him put, give their affirmative or negative, which to them seemeth best, in such manner as is hereafter expressed: but not less than two-thirds shall make a quorum in the passing of all bills into laws, and choice of such officers as are by them to be chosen.

XIV. That the laws so prepared and proposed, as aforesaid, that are assented to by the Assembly, shall be enrolled as laws of this province and territories thereof, with this stile: *By the Governor, with the assent and approbation of the freemen in provincial Council and Assembly met*, and from henceforth the meetings, sessions, acts, and proceedings of the Governor, provincial Council and Assembly, shall be stiled and called, *The meeting, sessions and proceedings of the General Assembly of the province of Pennsylvania, and the territories thereunto belonging*.

XV. And that the representatives of the people in provincial Council and Assembly, may, in after ages, bear some proportion with the increase and multiplying of the people, the number of such representatives of the people may be, from time to time, increased and enlarged, so as at no time, the number exceeds seventy-two for the provincial Council, and two hundred for the Assembly; the appointment and proportion of which number, as also the laying and methodizing of the choice of such representatives in future time, most equally to the division of the country, or number of the inhabitants, is left to the Governor and provincial Council to propose, and the Assembly to resolve, so that the order of proportion be strictly observed, both in the choice of the Council and the respective committees thereof, viz.: one third to go off, and come in yearly.

XVI. That from and after the death of this present Governor, the provincial Council shall, together with the succeeding Governor, erect, from time to time, standing courts of justice, in such places and number as they shall judge convenient for the good government of the said province and territories thereof; and that the provincial Council shall, on the thirteenth day of the second month then next ensuing, elect and present to the Governor, or his Deputy, a double number of persons, to serve for Judges, Treasurers, and Masters of the Rolls, within the said province and territories, to continue so long as they shall well behave themselves, in those capacities respectively; and the freemen of the said province, in an Assembly met on the thirteenth day of the third month, yearly, shall elect and then present to the Governor, or his Deputy, a double number of persons to serve for Sheriffs, Justices of the Peace, and Coroners, for the year next ensuing; out of which respective elections and presentments, the Governor, or his Deputy, shall nominate and commissionate the proper number for each office, the third day after the said respective presentments; or else the first named in such presentment, for each office, as aforesaid, shall stand and serve in that office, the time before respectively limited; and in case of death or default, such vacancy shall be supplied by the Governor and provincial Council in manner aforesaid.

XVII. That the Assembly shall continue so long as may be needful to impeach criminals, fit to be there impeached, to pass such bills into laws as are proposed to them, which they shall think fit to pass into laws, and till such time as the Governor and provincial Council shall declare, that they have nothing further to propose unto them, for their assent and approbation, and that declaration shall be a dismiss to the assembly, for that time; which Assembly shall be, notwithstanding, capable of assembling together, upon the summons of the Governor and provincial Council, at any time, during that year, if the Governor and provincial Council shall see occasion for their so assembling.

XVIII. That all the elections of members, of representatives of the people to serve in provincial Council and Assembly, and all questions to be determined by both or either of them, that relate to choice of officers, and all, or any other personal matters, shall be resolved or determined by the *ballot*, and all things relating to the preparing and passing of bills into laws, shall be openly declared and resolved by the vote.

XIX. That, at all times, when the Proprietary and Governor shall happen to be an infant, and under the age of one and twenty years, and no guardians or commissioners are appointed in writing, by the father of the said infant, or that such guardian shall be deceased, that during such minority, the provincial Council shall, from time to time, as they shall see meet, constitute and appoint guardians and commissioners, not exceeding three, one of which shall preside as deputy, and chief guardian, during such minority, and shall have and execute, with the consent of one of the other two, all the power of a Governor, in all public affairs and concerns of the said province and territories thereof, according to charter; which said guardian so appointed, shall also have the care and oversight of the estate of the said minor, and be yearly accountable and responsible for the same to the provincial Council, and the provincial Council to the minor, when of age, or to the next heir, in case of the minor's death, for the trust before expressed.

XX. That as often as any days of the month mentioned in any article of this charter, shall fall upon the first day of the week, commonly called the *Lord's day*, the business appointed for that day, shall be deferred until the next day, unless in cases of emergency.

XXI. And, for the satisfaction and encouragement of all aliens, I do give and grant, that, if any alien, who is, or shall be a purchaser, or who doth, or shall, inhabit in this province or territories thereof, shall decease at any time before he can well be naturalized, his right and interest therein shall notwithstanding descend to his wife and children, or other his relations, be he testate, or intestate, according to the laws of this province or territories thereof, in such cases provided, in as free and ample manner, to all intents and purposes, as if the said alien had been naturalized.

XXII. And that the inhabitants of this province and territories thereof may be accommodated with such food and sustenance, as God, in His providence, hath freely afforded, I do also further grant to the inhabitants of this province and territories thereof, liberty to fowl and hunt upon the lands they hold, and all other lands therein not inclosed; and to fish, in all waters in the said lands, and in all rivers and rivulets in, and belonging to, this province and territories thereof, with liberty to draw his or their fish on shore on any man's lands, so as it be not to the detriment, or annoyance of the owner thereof, except such lands as do lie upon inland rivulets that are not bootable, or which are, or may be hereafter erected into manors.

XXIII. And that all the inhabitants of this province and territories thereof, whether purchasers or others, may have the last worldly pledge of my good and kind intentions to them and theirs, I do give, grant and confirm to all and every one of them, full and quiet possession of their respective lands, to which they have any lawful or equitable claim, saving only such rents and services for the same, as are, or customarily ought to be, reserved to me, my heirs or assigns.

XXIV. That no act, law, or ordinance whatsoever, shall, at any time hereafter, be made or done by the Proprietary and Governor of this province, and territories "hereunto belonging, his heirs or assigns, or by the freemen in provincial Council or Assembly, to alter, change or diminish the form or effect of this charter, or any part or clause thereof, contrary to the true intent and meaning thereof, without the consent of the Proprietary and Governor, his heirs or assigns, and six parts of seven of the said freemen in provincial Council and Assembly met.

XXV. And lastly, I, the said *William Penn*, Proprietary and Governor of the province of *Pennsylvania*, and territories thereunto belonging, for me, my heirs and assigns, have solemnly declared, granted and confirmed, and do hereby solemnly declare, grant and confirm, that neither I, my heirs nor assigns, shall procure, or do, any thing or things, whereby the liberties, in this charter contained and expressed, shall be infringed or broken: and if any thing be procured, by any person or persons, contrary to these premises, it shall be held of no force or effect. In witness whereof, I, the said *William Penn*, at Philadelphia, in *Pennsylvania*, have unto this present charter of liberties set my hand and broad seal, this second day of the second month, in the year of our Lord one thousand six hundred and eighty and three, being the five and thirtieth year of the king, and the third year of my government.

William Penn.

This within *charter*, which we have distinctly heard read and thankfully received, shall be by us inviolably kept, at Philadelphia, the second day of the second month, one thousand six hundred eighty and three.

The members of the provincial Council present.

William Markham,
John Moll,
William Haige,

Christopher Taylor,
John Simcock,
William Clayton,
Francis Whittwel,
Thomas Holme

William Clark,
William Biles,
James Harrison,
John Richardson,
Philip Thomas Lenman,
Secr. Gov.
Richard Ingelo,
Cl. Coun.

The Members of the Assembly present:

Casparus Harman,
John Darby,
Benjamin Williams,
William Guest,
Valentine Hollingsworth
James Boyden,
Bennony Bishop,
John Beazor,
John Harding,
Andrews Bringston,
Simon Irons,
John Wood,
John Curtis,
Daniel Brown,
William Futchter,
John Kipshaven,
Alexander Molestine,
Robert Bracy, senior,
Thomas Bracy,
William Yardly,
John Hastings,
Robert Wade
Thomas Hassald,
John Hart,
Robert Hall,
Robert Bedwell,
William Simsmore,
Samuel Darke,
Robert Lucas,
James Williams,
John Blunston,
John Songhurst,
John Hill,
Nicholas Waln,
Thomas Fitzwater,
John Clows,
Luke Watson,
Joseph Phipps,
Dennis Rotchford,
John Brinklair,
Henry Bowman,
Cornelius Verhoofe,
John Southworth, Cl. Synod.

Some of the inhabitants of Philadelphia present:

William Howell,
Edmund Warner,
Henry Lewis,
Samuel Miles.

Source:

The Federal and State Constitutions Colonial Charters, and Other Organic Laws of the States, Territories, and Colonies Now or Heretofore Forming the United States of America
Compiled and Edited Under the Act of Congress of June 30, 1906 by Francis Newton Thorpe
Washington, DC : Government Printing Office, 1909.

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Frame of Government of Pennsylvania - 1696

The Frame of Government of the Province of Pennsylvania, and the territories thereunto belonging; passed by Governor Markham, November 1, 1696

WHEREAS, the late king Charles the Second, in the three and thirtieth year of his reign, by letters patent under the great seal of *England*, did, for the considerations therein mentioned, grant unto *William Penn*, his heirs and assigns, for ever, this colony, or tract of land, thereby erecting the same into a province, called Pennsylvania, and constituting him, the said *William Penn*, absolute Proprietary thereof, vesting him, his Deputies and Lieutenants, with divers great powers, pre-eminences, royalties, jurisdictions and authorities, necessary for the well-being and good government of the said province. And whereas the late Duke of *York* and *Albany*, &c., for valuable considerations, did grant unto the said *William Penn*, his heirs and assigns, all that tract of land which hath been cast, or divided into three counties, now called *Newcastle*, *Kent*, and *Sussex*, together with all royalties, franchises, duties, jurisdictions, liberties and privileges thereunto belonging; which last mentioned tract being intended as a beneficial and requisite addition to the territory of the said Proprietary, he. the said Proprietary and Governor, at the request of the freemen of the said three counties, by their deputies, in Assembly met, with the representatives of the freemen of the said province at *Chester*, alias *Upland*, on the sixth day of the tenth month, 1682, did (with the advice and consent of the Members of the said Assembly) enact, that the said three counties should be annexed to the province of Pennsylvania, as the proper territories thereof: and whereas king *William* and the late queen *Mary*, over *England*, &c., by their letters patent and commission, under the great seal of *England*, dated the twenty-first day of October, in the fourth year of their reign, having, (for the reasons therein mentioned) taken the government of this said province and territories into their hands, and under their care and protection, did think fit to constitute *Benjamin Fletcher*, Governor of New York, to be their Captain General, and Governor in Chief, over this province and country. And whereas, also the said king and queen afterwards, by their letters patent, under the great seal of *England*, dated the twentieth day of August, in the sixth year of their reign, have thought fit, upon the humble application of the said *William Penn*, to restore him to the administration of the government of the said province and territories; and that so much of their said commission as did constitute the said *Benjamin Fletcher*, their Captain General and Governor in Chief of the said province of *Pennsylvania*, country of *Newcastle*, and the territories and tracts of land depending thereupon, in America, together with all the powers and authorities thereby granted for the ruling and governing their said province and country, should, from the publication of the said last recited letters patent, cease, determine and become void; and accordingly the same are hereby declared void; whereupon the said *William Penn* did commissionate his kinsman, *William Markham*, Governor under him, with directions to act according to the known law and usages of this government.

Now, forasmuch as the former frame of government, modelled by act of settlement, and charter of liberties, is not deemed, in all respects, suitably accommodated to our present circumstances, therefore it is unanimously desired that it may be enacted, And be it enacted by the Governor aforesaid, with the advice and consent of the representatives of the freemen of the said province and territories, in Assembly met, and by the authority of the same, that this government shall, from time to time, consist of the Governor, or his Deputy, or Deputies, and the freemen of the said province, and territories thereof, in form of a Council and Assembly; which Council and Assembly shall be men of most note for virtue, wisdom and ability; and shall, from and after the tenth day of the first month next, consist of two persons out of each of the counties of this government, to serve as the people's representatives in Council; and of four persons out of each of the said counties, to serve as their representatives in Assembly; for the electing of which representatives, it shall and may be lawful to and for all the freemen of this province and territory aforesaid, to meet together on the tenth day of the first month yearly hereafter, in the most convenient and usual place for election, within the respective counties, then and there to chuse their said representatives as aforesaid, who shall meet on the tenth day of the third month yearly, in the capital town of the said province, unless the Governor and Council shall think fit to appoint another place.

And, to the end it may be known who those are, in this province and territories, who ought to have right of, or to be deemed freemen to chuse, or be chosen, to serve in Council and Assembly, as aforesaid, Be it enacted by the authority aforesaid, That no inhabitant of this province or territories, shall have right of electing, or being elected as aforesaid, unless they be free denizens of this government, and are of the age of twenty-one years, or upwards, and have fifty acres of land, ten acres whereof being seated and cleared, or be otherwise worth *fifty pounds*, lawful money of this government, clear estate, and have been resident within this government for the space of two years next before such election.

And whereas divers persons within this government, cannot, for conscience sake, take an oath, upon any account whatsoever, Be it therefore enacted by the authority aforesaid, That all and every such person and persons, being, at any time hereafter, required, upon any lawful occasion, to give evidence, or take an oath, in any case whatsoever, shall, instead of swearing, be permitted to make his, or their solemn affirmation, attest, or declarations which shall be adjudged, and is hereby enacted and declared to be of the same force and effect, to all intents and purposes whatsoever, as if they had taken an oath, and in case any such person or persons shall be lawfully convicted of having wilfully and corruptly affirmed, or declared any matter or thing, upon such solemn affirmation or attest, shall incur the same penalties and forfeitures as by the laws and statutes of *England* are provided against persons convicted of wilful and corrupt perjury.

And be it further enacted by the authority aforesaid, That all persons who shall be hereafter either elected to serve in Council and Assembly, or commissioned or appointed to be Judges, Justices, Masters of the Rolls, Sheriffs, Coroners, and all other offices of State and trust, within this government, who shall conscientiously scruple to take an oath, but when lawfully required, will make and subscribe the declaration and profession of their Christian belief, according to the late act of parliament, made in the first year of king *William*, and the late queen *Mary*, entitled, An act for exempting their majesties' Protestant subjects, dissenting from the Church of *England*, from the penalty of certain laws, shall be adjudged, and are hereby declared to be qualified to act in their said respective offices and places, and thereupon the several officers herein mentioned, shall, instead of an oath make their solemn affirmation or declaration in manner and form following; that is to say,

The form of Judges' and Justices' attest shall be in these words, viz:

Thou shalt solemnly promise that as Judge, or Justice, according to the Governor's commission to thee directed, thou shalt do equal to the Governor's commission to thee directed, thou shalt do equal right to the poor and rich, to the best of thy knowledge and power, according to law, and after the usages and constitutions of this government; thee, but shalt well and truly do thy office in every respect, according to the best of thy understanding.

The form of the attests to be taken by the Masters of the Rolls, Secretaries, Clerks, and such like officers, shall be thus, viz:

Thou Shalt well and faithfully execute the office of, &c., according to the best of thy skill and knowledge; taking such fees only as thou oughtest to receive by the laws of this government.

The form of the Sheriffs' and Coroners' attest, shall be in these words, viz:

Thou shalt solemnly promise, that thou wilt well and truly serve the King and Governor In the office of the Sheriff (or Coroner) of the county of, &c., and preserve the King and Governor's rights, as far forth as thou canst, or mayest; thou shalt truly serve, and return, all the writs and precepts to thee directed; thou shalt take no bailiff, nor deputy, but such as thou wilt Hanover for; thou shalt receive no writs, except from such judges and justices who, by the laws of this government, have authority to

issue and direct writs unto thee; and thou shalt diligently and truly do and accomplish all things appertaining to thy office, after the best of thy wit and power, both for the King and Governor's profit, and good of the inhabitants within the said county, taking such fees only as thou oughtest to take by the laws of this government, and not otherwise.

The form of a Constable's attest shall be this, viz:

Thou shalt solemnly promise, well and duly, according to the best of thy understanding, to execute the office of a Constable for the town (or county) of P. for this ensuing year, or until another be attested in thy room, or thou shalt be legally discharged thereof.

The form of the Grand Inquest's attests shall be in these words, viz:

Thou shalt diligently enquire, and true presentment make, of all such matters and things as shall be given thee in charge, or come to thy knowledge, touching this present service; the King's counsel, thy fellows, and thy own, thou shalt keep secret, and in all things thou shalt present the truth, and nothing but the truth, to the best of thy knowledge.

This being given to the Foreman, the rest of the Inquest shall be attested thus, by three at a time, viz:

The same attestation that your Foreman hath taken on his part, you will well and truly keep on your parts.

The form of the attest to be given to the Traverse Jury, by four at a time, shall be thus, viz:

You solemnly promise that you will well and truly try the issue of traverse between the lord the King, and A. B. whom you have in charge? according to your evidence.

In civil causes, thus, viz:

You solemnly promise that you will well and truly try the issue between A. B. plaintiff, and C. D., defendant, according to your evidence.

Provided always, and it is hereby intended, that no person shall be, by this act, excused from swearing, who, by the acts of parliament, for trade and navigation, are, or shall be required to take an oath.

And, that elections may not be corruptly managed, on which the good of the government so much depends, Be it further enacted by the authority aforesaid' that all elections of the said representatives shall be free and voluntary, and that the electors, who shall receive any reward, or gift, for giving his vote, shall forfeit his right to elect for that year; and such person or persons, as shall give, or promise, any such reward to be elected, or that shall offer to serve for nothing, or for less wages than the law prescribes, shall be thereby rendered incapable to serve in Council, or Assembly, for that year; and the representatives so chosen, either for Council or Assembly, shall yield their attendance accordingly, and be the sole judges of the regularity, or irregularity of the elections of their respective Members; and if any person, or persons, chosen to serve in Council, or Assembly, shall be wilfully absent from the service, he or they are so chosen to attend, or be deceased, or rendered incapable, then, and in all such cases, it shall be lawful for the Governor, within ten days after knowledge of the same, to issue forth a writ to the Sheriff of the county, for which the said person, or persons, were chosen, immediately to summons the freemen of the same to elect another member in the room of such absent, deceased, or incapable person or persons; and in case any Sheriff shall misbehave himself, in the management of any of the said elections, he shall be punished accordingly, at the discretion of the Governor and Council, for the time being.

Be it further enacted by the authority aforesaid, That every member now chosen, or hereafter to be chosen, by the freemen as aforesaid, to serve in Council, and the Speaker of the Assembly, shall be allowed five shillings by the day, during his and their attendance; and every Member of Assembly shall be allowed four shillings by the day, during his attendance on the service of the Assembly; and that every Member of Council and Assembly shall be allowed towards their traveling charges after the rate of two pence each mile, both going to, and coming from, the place, where the Council and Assembly is, or shall be, held; all which sums shall be paid yearly out of the county levies, by the county receivers respectively.

And be it further enacted by the authority aforesaid,. That the Governor, or his Deputy, shall always preside in the Council, and that he shall, at no time, perform any public act of state whatsoever, that shall, may relate unto the justice, treasury or trade of the province and territories, but by and with the advice and consent of the Council thereof, or major part of them that shall be present.

And be it further enacted by the authority aforesaid, That all the Sheriffs and Clerks of the respective counties of the said province, and territories, who are, or shall be, commissioned, shall Dive good and sufficient security to the Governor, for answering the king and. his people, in matters relating to the said offices respectively.

And be it further enacted by the authority aforesaid, That the Council, in all cases and matters of moment, as about erecting courts of justice, sitting in judgment upon persons impeached, and upon bills and other matters, that may be, from time to time, presented by the Assembly, not less than two-thirds shall make a quorum; and that the consent and approbation of the majority of that quorum shall be had in all such cases and matters of moment; and that in cases of less moment, not less than one-third of the whole shall make a quorum; the majority of which shall, and may, always determine in all such matters of lesser moment, as are not above specified: and in case the Governor's power shall hereafter happen to be in the Council, a President shall then be chosen out of themselves by two-thirds, or the major part of them; which President shall therein preside.

Be it further enacted by the authority aforesaid, That the Governor and Council shall take care that all the lows, statutes and ordinances, which shall at any time be made within the said province and territories, be duly and diligently executed.

Be in further enacted by the authority aforesaid, That the Governor and Council shall, at all times, have the care of the peace of this province and territories thereof, and that nothing be, by any persons, attempted to the subversion of this *frame of government*.

And be it further enacted by the authority aforesaid, That the Governor and Council for the time being, shall, at all times, settle and order the situation of all cities and market towns, modeling therein all public buildings, streets and market places; and shall appoint all public landing places of the towns of this province and territories: and if any man's property shall be judged by the Governor and Council to be commodious for such landing place in the said towns, and that the same be by them appointed as such, that the owner shall have such reasonable satisfaction given him for the same as the Governor and Council shall see meet, to be paid by the said respective towns

Be it further enacted by the authority aforesaid, That the Governor and Council shall, at all times, have power to inspect the management of the public treasury, and punish those who shall convert any part thereof to any other use, than what hath been agreed upon by the Governor, Council and Assembly.

Be it further enacted by the authority aforesaid, That the Governor and Council shall erect and order all public houses, and encourage and reward the authors of useful sciences and laudable inventions in the said province, and territories thereof.

And be it further enacted by the authority aforesaid, That the Governor and Council shall, from time to time have the care of the management of all public affairs, relating to the peace, safety, justice, treasury, trade, and improvement of the province and territories, and to the good education of youth, and sobriety of the manners of the inhabitants therein, as aforesaid.

And be it further enacted by the authority aforesaid, That the representatives of the freemen, when met in Assembly, shall have power to prepare and propose to the Governor and Council all such bills as they or the major part of them, shall, at any time, see needful to be passed into laws, within the said province and territories.

Provided always, That nothing herein contained shall debar the Governor and Council from recommending to the Assembly all such bills as they shall think fit to be

passed into laws; and that the Council and Assembly may, upon occasion, confer together in committees, when desired; all which proposed and prepared bills, or such of them, as the Governor, with the advice of the Council, shall, in open Assembly, declare his assent unto, shall be the laws of this province and territories thereof, and published accordingly, with this stile, *By the Governor, with the assent and, approbatory of the freemen in General Assembly met*; a true transcript, or duplicate whereof, shall be transmitted to the king's privy council, for the time being, according to the said late king's letters patent.

And be it further enacted by the authority aforesaid, That the Assembly, shall sit upon their own adjournments, and committees, and continue, in order to prepare and propose bills, redress grievances, and impeach criminals, or such persons as they shall think fit to be there impeached, until the Governor and Council, for the time being, shall dismiss them; which Assembly shall, notwithstanding such dismiss, be capable of Assembling together upon summons of the Governor and Council, at any time during that year; two-thirds of which Assembly, in all cases, shall make a quorum.

And be it enacted by the authority aforesaid, That all elections of representatives for Council and Assembly, and all questions to be determined by them, shall be by major part of votes.

Be it further enacted by the authority aforesaid, That as oft as any days of the month, mentioned in any article of this act, shall fall upon the first day of the week, commonly called the Lord's day, the business appointed for that day, shall be deferred till the next day, unless in cases of emergency.

Be it further enacted by the authority aforesaid, That if any alien, who is, or shall be a purchaser of lands, or who doth, or shall inhabit in this province, or territories thereof, shall decease at any time before he can well be denizised, his right and interest therein shall notwithstanding descend to his wife and children, or other, his relations, be he testate, or intestate, according to the laws of this province and territories thereof, in such cases provided, in as free and ample manned, to all intents and purposes, as if said alien had been denizised.

And that the people may be accommodated with such food and sustenance as God, in his providence, hath freely afforded, Be it enacted by the authority aforesaid, That the inhabitants of this province and territories thereof, shall have liberty to fish and hunt, upon the lands they hold, or all other lands therein, not inclosed, and to fish in all waters in the said lands, and in all rivers and rivulets, in and belonging to this province and territories thereof, with liberty to draw his, or their fish upon any man's land, so as it be not to the detriment or annoyance of the owner thereof, except such lands as do lie upon inland rivulets, that are not boatable, or which hereafter may be erected into manors.

Be it further enacted by the authority aforesaid, That all inhabitants of this province and territories, whether purchasers, or others, and every one of them, shall have full and quiet enjoyment of their respective lands and tenements, to which they have any lawful or equitable claim, saving only such rents and services for the same, as are, or customarily ought to be, reserved to the lord, or lords of the fee thereof, respectively.

Be it further enacted by the authority aforesaid, That no act, law, or ordinance whatsoever, shall, at any time hereafter, be made or done, by the Governor of this province, and territories thereunto belonging, or by the freemen, in Council, or Assembly, to alter, change or diminish the form and effect of this act, or any part, or clause thereof, contrary to the true intent and meaning thereof. without the consent of the Governor, for the time being, and six parts of seven of the said freemen, in Council, and Assembly met. This act to continue, and be in force, until the said Proprietary shall signify his pleasure to the contrary, by some instrument, under his hand and seal, in that behalf.

Provided always, and it is hereby enacted, That neither this act, nor any other act, or acts whatsoever, shall preclude, or debar the inhabitants of this province and territories, from claiming, having and enjoying any of the rights, privileges and immunities, which the said Proprietary, for himself, his heirs, and assigns, did formerly grant, or which of right belong unto them, the said inhabitants, by virtue of any law, charter or grants whatsoever, any thing herein contained to the contrary notwithstanding.

Source:

The Federal and State Constitutions Colonial Charters, and Other Organic Laws of the States, Territories, and Colonies Now or Heretofore Forming the United States of America
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**Charter of Privileges Granted by William Penn, esq.
to the Inhabitants of Pennsylvania and Territories, October 28, 1701 (1)**

WILLIAM PENN, Proprietary and Governor of the Province of *Pensilvania* and Territories thereunto belonging, To all to whom these Presents shall come, sendeth Greeting. WHEREAS King CHARLES *the Second*, by His Letters Patents, under the Great Seal of *England*, bearing Date the *Fourth* Day of *March* in the Year *One Thousand Six Hundred and Eighty-one*, was graciously pleased to give and grant unto me, and my Heirs and Assigns for ever, this Province of *Pennsilvania*, with divers great Powers and Jurisdictions for the well Government thereof.

AND WHEREAS the King's dearest Brother, JAMES *Duke of YORK and ALBANY*, &c. by his Deeds of Feoffment, under his Hand and Seal duly perfected, bearing Date the *Twenty-Fourth* Day of August, *One Thousand Six Hundred Eighty and Two*, did grant unto me, my Heirs and Assigns, all that Tract of Land, now called the Territories of *Pensilvania*, 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 Six 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 of the Province of Pensilvania, 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 Hundred*, 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 of 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 profess him or themselves obliged to live quietly under the Civil Government, shall be in any Case molested or prejudiced, in his or their Person or Estate, because of his or their 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 super 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 Governor, and taking the Attests as now established by the Law made at *New-Castle*, 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 Clause 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 Counites, 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 *New-Castle* 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 Offices 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 Behavior.

IV

THAT the Laws of this Government shall be in this Stile, viz. *By the Governor, with the Consent and Approbations of the Freemen in General Assembly Met*; and shall be, after 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 thereunto 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 Publick-House as aforesaid, upon their Misbehaviour, on such Penalties as the Law doth or shall direct; and to recommend others from time to time, as they shall see Occasion.

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 Penn*, Proprietary and Governor of the Province of *Pensilvania*, and Territories thereunto 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.

IN WITNESS whereof, I the said *William Penn*, at *Philadelphia* in *Pensilvania*, 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 thereunto, as Part of the same, *That is 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 Representatives 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, Usage 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 of 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,
PHINEAS PEMBERTON,
SAMUEL CARPENTER,
GRIFFITH OWEN,
CALEB PUSEY,
THOMAS STORY,
Proprietary and Governor's Council.

(1) This charter was granted by William Penn, with the approbation of the General Assembly, and remained in force until the Revolution. [Back](#)

The Federal and State Constitutions Colonial Charters, and Other Organic Laws of the States, Territories, and Colonies Now or Heretofore Forming the United States of America
Compiled and Edited Under the Act of Congress of June 30, 1906 by Francis Newton Thorpe
Washington, DC : Government Printing Office, 1909.

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Constitution of Pennsylvania - September 28, 1776 (1)

WHEREAS all government ought to be instituted and supported for the security and protection of the community as such, and to enable the individuals who compose it to enjoy their natural rights, and the other blessings which the Author of existence has bestowed upon man; and whenever these great ends of government are not obtained, the people have a right, by common consent to change it, and take such measures as to them may appear necessary to promote their safety and happiness. AND WHEREAS the inhabitants of this commonwealth have in consideration of protection only, heretofore acknowledged allegiance to the king of Great Britain; and the said king has not only withdrawn that protection, but commenced, and still continues to carry on, with unabated vengeance, a most cruel and unjust war against them, employing therein, not only the troops of Great Britain, but foreign mercenaries, savages and slaves, for the avowed purpose of reducing them to a total and abject submission to the despotic domination of the British parliament, with many other acts of tyranny, (more fully set forth in the declaration of Congress) whereby all allegiance and fealty to the said king and his successors, are dissolved and at an end, and all power and authority derived from him ceased in these colonies. AND WHEREAS it is absolutely necessary for the welfare and safety of the inhabitants of said colonies, that they be henceforth free and independent States, and that just, permanent, and proper forms of government exist in every part of them, derived from and founded on the authority of the people only, agreeable to the directions of the honourable American Congress. We, the representatives of the freemen of Pennsylvania, in general convention met, for the express purpose of framing such a government, confessing the goodness of the great Governor of the universe (who alone knows to what degree of earthly happiness mankind may attain, by perfecting the arts of government) in permitting the people of this State, by common consent, and without violence, deliberately to form for themselves such just rules as they shall think best, for governing their future society, and being fully convinced, that it is our indispensable duty to establish such original principles of government, as will best promote the general happiness of the people of this State, and their posterity, and provide for future improvements, without partiality for, or prejudice against any particular class, sect, or denomination of men whatever, do, by virtue of the authority vested in use by our constituents, ordain, declare, and establish, the following Declaration of Rights and Frame of Government, to be the CONSTITUTION of this commonwealth, and to remain in force therein for ever, unaltered, except in such articles as shall hereafter on experience be found to require improvement, and which shall by the same authority of the people, fairly delegated as this frame of government directs, be amended or improved for the more effectual obtaining and securing the great end and design of all government, herein before mentioned.

A DECLARATION OF THE RIGHTS OF THE INHABITANTS OF THE COMMONWEALTH OR STATE OF PENNSYLVANIA

- I. That all men are born equally free and independent, and have certain natural, inherent and inalienable rights, amongst which are, the enjoying and defending life and liberty, acquiring, possessing and protecting property, and pursuing and obtaining happiness and safety.
- II. That all men have a natural and unalienable right to worship Almighty God according to the dictates of their own consciences and understanding: And that no man ought or of right can be compelled to attend any religious worship, or erect or support any place of worship, or maintain any ministry, contrary to, or against, his own free will and consent: Nor can any man, who acknowledges the being of a God, be justly deprived or abridged of any civil right as a citizen, on account of his religious sentiments or peculiar mode of religious worship: And that no authority can or ought to be vested in, or assumed by any power whatever, that shall in any case interfere with, or in any manner controul, the right of conscience in the free exercise of religious worship.
- III. That the people of this State have the sole, exclusive and inherent right of governing and regulating the internal police of the same.
- IV. That all power being originally inherent in, and consequently derived from, the people; therefore all officers of government, whether legislative or executive, are their trustees and servants, and at all times accountable to them.
- V. That government is, or ought to be, instituted for the common benefit, protection and security of the people, nation or community; and not for the particular emolument or advantage of any single man, family, or soft of men, who are a part only of that community, And that the community hath an indubitable, unalienable and indefeasible right to reform, alter, or abolish government in such manner as shall be by that community judged most conducive to the public weal.
- VI. That those who are employed in the legislative and executive business of the State, may be restrained from oppression, the people have a right, at such periods as they may think proper, to reduce their public officers to a private station, and supply the vacancies by certain and regular elections.
- VII. That all elections ought to be free; and that all free men having a sufficient evident common interest with, and attachment to the community, have a right to elect officers, or to be elected into office.
- VIII. That every member of society hath a right to be protected in the enjoyment of life, liberty and property, and therefore is bound to contribute his proportion towards the exence of that protection, and yield his personal service when necessary, or an equivalent thereto: But no part of a man's property can be justly taken from him, or applied to public uses, without his own consent, or that of his legal representatives: Nor can any man who is conscientiously scrupulous of bearing arms, be justly compelled thereto, if he will pay such equivalent, nor are the people bound by any laws, but such as they have in like manner assented to, for their common good.
- IX. That in all prosecutions for criminal offences, a man hath a right to be heard by himself and his council, to demand the cause and nature of his accusation, to be confronted with the witnesses, to call for evidence in his favour, and a speedy public trial, by an impartial jury of the country, without the unanimous consent of which jury he cannot be found guilty; nor can he be compelled to give evidence against himself; nor can any man be justly deprived of his liberty except by the laws of the land, or the judgment of his peers.
- X. That the people have a right to hold themselves, their houses, papers, and possessions free from search and seizure, and therefore warrants without oaths or affirmations first made, affording a sufficient foundation for them, and whereby any officer or messenger may be commanded or required to search suspected places, or to seize any person or persons, his or their property, not particularly described, are contrary to that right, and ought not to be granted.
- XI. That in controversies respecting property, and in suits between man and man, the parties have a right to trial by jury, which ought to be held sacred.
- XII. That the people have a right to freedom of speech, and of writing, and publishing their sentiments; therefore the freedom of the press ought not to be restrained.
- XIII. That the people have a right to bear arms for the defence of themselves and the state; and as standing armies in the time of peace are dangerous to liberty, they ought not to be kept up; And that the military should be kept under strict subordination to, and governed by, the civil power.
- XIV. That a frequent recurrence to fundamental principles, and a firm adherence to justice, moderation, temperance, industry, and frugality are absolutely necessary to preserve the blessings of liberty, and keep a government free: The people ought therefore to pay particular attention to these points in the choice of officers and representatives, and have a right to exact a due and constant regard to them, from their legislatures and magistrates, in the making and executing such laws as are necessary for the good government of the state.

XV. That all men have a natural inherent right to emigrate from one state to another that will receive them, or to form a new state in vacant countries, or in such countries as they can purchase, whenever they think that thereby they may promote their own happiness.

XVI. That the people have a right to assemble together, to consult for their common good, to instruct their representatives, and to apply to the legislature for redress of grievances, by address, petition, or remonstrance.

PLAN OR FRAME OF GOVERNMENT FOR THE COMMONWEALTH OR STATE OF PENNSYLVANIA

SECTION 1. The commonwealth or state of Pennsylvania shall be governed hereafter by an assembly of the representatives of the freemen of the same, and a president and council, in manner and form following-

SECT. 2. The supreme legislative power shall be vested in a house of representatives of the freemen of the commonwealth or state of Pennsylvania.

SECT. 3. The supreme executive power shall be vested in a president and council.

SECT. 4. Courts of justice shall be established in the city of Philadelphia, and in every county of this state.

SECT. 5. The freemen of this commonwealth and their sons shall be trained and armed for its defence under such regulations, restrictions, and exceptions as the general assembly shall by law direct, preserving always to the people the right of choosing their colonels and all commissioned officers under that rank, in such manner and as often as by the said laws shall be directed.

SECT. 6. Every freemen of the full age of twenty-one Years, having resided in this state for the space of one whole Year next before the day of election for representatives, and paid public taxes during that time, shall enjoy the right of an elector: Provided always, that sons of freeholders of the age of twenty-one years shall be intitled to vote although they have not paid taxes.

SECT. 7. The house of representatives of the freemen of this commonwealth shall consist of persons most noted for wisdom and virtue, to be chosen by the freemen of every city and county of this commonwealth respectively. And no person shall be elected unless he has resided in the city or county for which he shall be chosen two years immediately before the said election; nor shall any member, while he continues such, hold any other office, except in the militia.

SECT. 8. No person shall be capable of being elected a member to serve in the house of representatives of the freemen of this commonwealth more than four years in seven.

SECT. 9. The members of the house of representatives shall be chosen annually by ballot, by the freemen of the commonwealth, on the second Tuesday in October forever, (except this present year,) and shall meet on the fourth Monday of the same month, and shall be stiled, The general assembly of the representatives of the freemen of Pennsylvania, and shall have power to choose their speaker, the treasurer of the state, and their other officers; sit on their own adjournments; prepare bills and enact them into laws; judge of the elections and qualifications of their own members; they may expel a member, but not a second time for the same cause; they may administer oaths or affirmations on examination of witnesses; redress grievances; impeach state criminals; grant charters of incorporation; constitute towns, boroughs, cities, and counties; and shall have all other powers necessary for the legislature of a free state or commonwealth: But they shall have no power to add to, alter, abolish, or infringe any part of this constitution.

SECT. 10. A quorum of the house of representatives shall consist of two-thirds of the whole number of members elected; and having met and chosen their speaker, shall each of them before they proceed to business take and subscribe, as well the oath or affirmation of fidelity and allegiance hereinafter directed, as the following oath or affirmation, viz:

I do swear (or affirm) that as a member of this assembly, I will not propose or assent to any bill, vote, or resolution, which shall appear to free injurious to the people; nor do or consent to any act or thing whatever, that shall have a tendency to lessen or abridge their rights and privileges, as declared in the constitution of this state; but will in all things conduct myself as a faithful honest representative and guardian of the people, according to the best of only judgment and abilities.

And each member, before he takes his seat, shall make and subscribe the following declaration, viz:

I do believe in one God, the creator and governor of the universe, the rewarder of the good and the punisher of the wicked. And I do acknowledge the Scriptures of the Old and New Testament to be given by Divine inspiration.

And no further or other religious test shall ever hereafter be required of any civil officer or magistrate in this State.

SECT. 11. Delegates to represent this state in congress shall be chosen by ballot by the future general assembly at their first meeting, and annually forever afterwards, as long as such representation shall be necessary. Any delegate may be superseded at any time, by the general assembly appointing another in his stead. No man shall sit in congress longer than two years successively, nor be capable of reelection for three Years afterwards: and no person who holds any office in the gift of the congress shall hereafter be elected to represent this commonwealth in congress.

SECT. 12. If any city or cities, county or counties shall neglect or refuse to elect and send representatives to the general assembly, two-thirds of the members from the cities or counties that do elect and send representatives, provided they be a majority of the cities and counties of the whole state, when met, shall have all the powers of the general assembly, as fully and amply as if the whole were present.

SECT. 13. The doors of the house in which the representatives of the freemen of this state shall sit in general assembly, shall be and remain open for the admission of all persons who behave decently, except only when the welfare of this state may require the doors to be shut.

SECT. 14. The votes and proceedings of the general assembly shall be printed weekly during their sitting, with the yeas and nays, on any question, vote or resolution, where any two members require it except when the vote is taken by ballot; and when the yeas and nays are so taken every member shall have a right to insert the reasons of his vote upon the minutes, if he desires it.

SECT. 15. To the end that laws before they are enacted may be more maturely considered, and the inconvenience of hasty determinations as much as possible prevented, all- bills of public nature shall be printed for the consideration of the people, before they are read in general assembly the last time for debate and amendment; and, except on occasions of sudden necessity, shall not be passed into laws until the next session of assembly; and for the more perfect satisfaction of the public, the reasons and motives for making such laws shall be fully and clearly expressed in the preambles.

SECT. 16. The stile of the laws of this commonwealth shall be, " Be it enacted, and it is hereby enacted by the representatives of the freemen of the commonwealth of Pennsylvania in general assembly met, and by the authority of the same." And the general assembly shall affix their seal to every bill, as soon as it is enacted into a law, which seal shall be kept by the assembly, and shall be called, The seal of the laws of Pennsylvania, and shall not be used for any other purpose.

SECT. 17. The city of Philadelphia and each county of this commonwealth respectively, shall on the first Tuesday of November in this present year, and on the second Tuesday of October annually for the two next succeeding years, viz. the year one thousand seven hundred and seventy-seven, and the year one thousand seven hundred and seventy-eight, choose six persons to represent them in general assembly. But as representation in proportion to the number of taxable inhabitants is the only principle which can at all times secure liberty, and make the voice of a majority of the people the law of the land; therefore the general assembly shall cause complete lists of the taxable inhabitants in the city and each county in the commonwealth respectively, to be taken and returned to them, on or before the last meeting of the assembly elected in the year one thousand seven hundred and seventy-eight, who shall appoint a representation to each, in proportion to the number of taxables in

such returns; which representation shall continue for the next seven years afterwards at the end of which, a new return of the taxable inhabitants shall be made, and a representation agreeable thereto appointed by the said assembly, and so on septennially forever. The wages of the representatives in general assembly, and all other state charges shall be paid out of the state treasury.

SECT. 18. In order that the freemen of this commonwealth may enjoy the benefit of election as equally as may be until the representation shall commence as directed in the foregoing section, each county at its own choice may be divided into districts, hold elections therein, and elect their representatives in the county, and their other elective officers, as shall be hereafter regulated by the general assembly of this state. And no inhabitant of this state shall have more than one annual vote at the general election for representatives in assembly.

SECT. 19. For the present the supreme executive council of this state shall consist of twelve persons chosen in the follow-in" manner: The freemen of the city of Philadelphia, and of the counties of Philadelphia, Chester, and Bucks, respectively, shall choose by ballot one person for the city, and one for each county aforesaid to serve for three years and no longer, at the time and place for electing representatives in general assembly. The freemen of the counties of Lancaster, York, Cumberland, and Berks, shall, in like manner elect one person for each county respectively, to serve as counsellors for two years and no longer. And the counties of Northampton, Bedford, Northumberland and Westmoreland, respectively, shall, in like manner, elect one person for each county, to serve as counsellors for one year, and no longer. And at the expiration of the time for which each counsellor was chosen to serve, the freemen of the city of Philadelphia, and of the several counties in this state, respectively, shall elect one person to serve as counsellor for three years and no longer; and so on every third year forever. By this mode of election and continual rotation, more men will be trained to public business, there will in every subsequent year be found in the council a number of persons acquainted with the proceedings of the foregoing Years, whereby the business will be more consistently conducted, and moreover the danger of establishing an inconvenient aristocracy will be effectually prevented. All vacancies in the council that may happen by death, resignation, or otherwise, shall be filled at the next general election for representatives in general assembly, unless a particular election for that purpose shall be sooner appointed by the president and council. No member of the general assembly or delegate in congress, shall be chosen a member of the council. The president and vice-president shall be chosen annually by the joint ballot of the general assembly and council, of the members of the council. Any person having served as a counsellor for three successive years, shall be incapable of holding that office for four years afterwards. Every member of the council shall be a justice of the peace for the whole common-wealth, by virtue of his office.

In case new additional counties shall hereafter be erected in this state, such county or counties shall elect a counsellor, and such county or counties shall be annexed to the next neighbouring counties, and shall take rotation with such counties.

The council shall meet annually, at the same time and place with the general assembly.

The treasurer of the state, trustees of the loan office, naval officers, collectors of customs or excise, judge of the admiralty, attornies general, sheriffs, and prothonotaries, shall not be capable of a seat in the general assembly, executive council, or continental congress.

SECT. 20. The president, and in his absence the vice-president, with the council, five of whom shall be a quorum, shall have power to appoint and commissionate judges, naval officers, judge of the admiralty, attorney general and all other officers, civil and military, except such as are chosen by the general assembly or the people, agreeable to this frame of government, and the laws that may be made hereafter; and shall supply every vacancy in any office, occasioned by death, resignation, removal or disqualification, until the office can be filled in the time and manner directed by law or this constitution. They are to correspond with other states, and transact business with the officers of government, civil and military; and to prepare such business as may appear to them necessary to lay before the general assembly. They shall sit as judges, to hear and determine on impeachments, taking to their assistance for advice only, the justices of the supreme court. And shall have power to grant pardons and remit fines, in all cases whatsoever, except in cases of impeachment; and in cases of treason and murder, shall have power to grant reprieves, but not to pardon, until the end of the next sessions of assembly; but there shall be no remission or mitigation of punishments on impeachments, except by act of the legislature; they are also to take care that the laws be faithfully executed; they are to expedite the execution of such measures as may be resolved upon by the general assembly; and they may draw upon the treasury for such sums as shall be appropriated by the house: They may also lay embargoes, or prohibit the exportation of any commodity, for any time, not exceeding thirty days, in the recess of the house only: They may grant such licences, as shall be directed by law, and shall have power to call together the general assembly when necessary, before the day to which they shall stand adjourned. The president shall be commander in chief of the forces of the state, but shall not command in person, except advised thereto by the council, and then only so long as they shall approve thereof. The president and council shall have a secretary, and keep fair books of their proceedings, wherein any counsellor may enter his dissent, with his reasons in support of it.

SECT. 21. All commissions shall be in the name, and by the authority of the freemen of the commonwealth of Pennsylvania, sealed with the state seal, signed by the president or vice-president, and attested by the secretary; which seal shall be kept by the council.

SECT. 22. Every officer of state, whether judicial or executive, shall be liable to be impeached by the general assembly, either when in office, or after his resignation or removal for mar-administration: All impeachments shall be before the president or vice-president and council, who shall hear and determine the same.

SECT. 23. The judges of the supreme court of judicature shall have fixed salaries, be commissioned for seven years only, though capable of re-appointment at the end of that term, but removable for misbehaviour at any time by the general assembly; they shall not be allowed to sit as members in the continental congress, executive council, or general assembly, nor to hold any other office civil or military, nor to take or receive fees or perquisites of any kind.

SECT. 24. The supreme court, and the several courts of common pleas of this commonwealth, shall, besides the powers usually exercised by such courts, have the powers of a court of chancery, so far as relates to the perpetuating testimony, obtaining evidence from places not within this state, and the care of the persons and estates of those who are non compotes mentis, and such other powers as may be found necessary by future general assemblies, not inconsistent with this constitution.

SECT. 25. Trials shall be by jury as heretofore: And it is recommended to the legislature of this state, to provide by law against every corruption or partiality in the choice, return, or appointment of juries.

SECT. 26. Courts of sessions, common pleas, and orphans courts shall be held quarterly in each city and county; and the legislature shall have power to establish all such other courts as they may judge for the good of the inhabitants of the state. All courts shall be open, and justice shall be impartially administered without corruption or unnecessary delay: All their officers shall be paid an adequate but moderate compensation for their services: And if any officer shall take greater or other fees than the law allows him, either directly or indirectly, it shall ever after disqualify him from holding any office in this state.

SECT. 27. All prosecutions shall commence in the name and by the authority of the freemen of the commonwealth of Pennsylvania; and all indictments shall conclude with these words, "Against the peace and dignity of the same." The style of all process hereafter in this state shall be, The commonwealth of Pennsylvania.

SECT. 28. The person of a debtor, where there is not a strong presumption of fraud, shall not be continued in prison, after delivering Up, bona fide, all his estate real and personal, for the use of his creditors, in such manner as shall be hereafter regulated by law. All prisoners shall be bailable by sufficient sureties, unless for capital offences, when the proof is evident, or presumption great.

SECT. 29. Excessive bail shall not be exacted for bailable offences: And all fines shall be moderate.

SECT. 30. Justices of the peace shall be elected by the freeholders of each city and county respectively, that is to say, two or more persons may be chosen for each ward, township, or district, as the law shall hereafter direct: And their names shall be returned to the president in council, who shall commissionate one or more of them for each ward, township, or district so returning, for seven years, removable for misconduct by the general assembly. But if any city or county, ward, township, or district in this commonwealth, shall hereafter incline to change the manner of appointing their justices of the peace as settled in this article, the general assembly may make laws to regulate the same, agreeable to the desire of a majority of the freeholders of the city or county, ward, township, or district so applying. No justice of the peace shall sit in the general assembly unless he first resigns his commission; nor shall he be allowed to take any fees, nor any salary or allowance, except such as the future legislature may grant.

SECT. 31. Sheriffs and coroners shall be elected annually in each city and county, by the freemen; that is to say, two persons for each office, one of whom for each,

is to be commissioned by the President in council. No person shall continue in the office of sherlit more than three successive years, or be capable of being again elected during four years afterwards. The election shall be held at the same time and place appointed for the election of representatives: And the commissioners and assessors, and other officers chosen by the people, shall also be then and there elected, as has been usual heretofore, until altered or otherwise regulated by the future legislature of this state.

SECT. 32. All elections, whether by the people or in general assembly, shall be by ballot, free and voluntary: And any elector, who shall receive any gift or reward for his vote, in meat, drink, monies, or otherwise, shall forfeit his right to elect for that time, and suffer such other penalties as future laws shall direct. And any person who shall directly or indirectly give, promise, or bestow any such rewards to be elected, shall be thereby rendered incapable to serve for the ensuing year.

SECT. 33. All fees, licence money, fines and forfeitures heretofore granted, or paid to the governor, or his deputies for the support of government, shall hereafter be paid into the public treasury, unless altered or abolished by the future legislature.

SECT. 34. A register's office for the probate of wills and granting letters of administration, and an office for the recording of deeds, shall be kept in each city and county: The officers to be appointed by the general assembly, removable at their pleasure, and to be commissioned by the president in council.

SECT. 35. The printing presses shall be free to every person who undertakes to examine the proceedings of the legislature, or any part of government.

SECT. 36. As every freeman to preserve his independence, (if without a sufficient estate) ought to have some profession, calling, trade or farm, whereby he may honestly subsist, there can be no necessity for, nor use in establishing offices of profit, the usual effects of which are dependence and servility unbecoming freemen, in the possessors and expectants; faction, contention, corruption, and disorder among the people. But if any man is called into public service; to the prejudice of his-private affairs, he has a right to a reasonable compensation: And whenever an office, through increase of fees or otherwise, becomes so profitable as to occasion many to apply for it, the profits ought to be lessened by the legislature.

SECT. 37. The future legislature of this state, shall regulate intails in such a manner as to prevent perpetuities.

SECT. 38. The penal laws as heretofore used shall be reformed by the legislature of this state, as soon as may be, and punishments made in some cases less sanguinary, and in general more proportionate to the crimes.

SECT. 39. To deter more effectually from the commission of crimes by continued visible punishments of long duration, and to make sanguinary punishments less necessary; houses ought to be provided for punishing by hard labour, those who shall be convicted of crimes not capital; wherein the criminals shall be employed for the benefit of the public, or for reparation of injuries done to private persons: And all persons at proper times shall be admitted to see the prisoners at their labour.

SECT. 40. Every officer, whether judicial, executive or military, in authority under this commonwealth, shall take the following oath or affirmation of allegiance, and general oath of office before he enters on the execution of his office.

THE OATH OR AFFIRMATION OF ALLEGIANCE

I do swear (or affirm) that I will be true and faithful to the commonwealth of Pennsylvania: And that I will not directly or indirectly do any act or thing prejudicial or injurious to the constitution or government thereof, as established by the-convention. -

THE OATH OR AFFIRMATION OF OFFICE

I-do swear (or affirm) that I will faithfully execute the office of for the of-and will do equal right and justice to all men, to the best of my judgment and abilities, according to law.

SECT. 41. NO public tax, custom or contribution shall be imposed upon, or paid by the people of this state, except by a law for that purpose: And before any law be made for raising it, the purpose for which any tax is to be raised ought to appear clearly to the legislature to be of more service to the community than the money would be, if not collected; which being well observed, taxes can never be burthens.

SECT. 42. Every foreigner of good character who comes to settle in this state, having first taken an oath or affirmation of allegiance to the same, may purchase, or by other just means acquire, hold, and transfer land or other real estate; and after one year's residence, shall be deemed a free denizen thereof, and entitled to all the rights of a natural born subject of this state, except that he shall not be capable of being elected a representative until after two years residence.

SECT. 43. The inhabitants of this state shall have liberty to fowl and hunt in seasonable times on the lands they hold, and on all other lands therein not inclosed; and in like manner to fish in all boatable waters, and others not private property

SECT. 44. A school or schools shall be established in each county by the legislature, for the convenient instruction of youth, with such salaries to the masters paid by the public, as may enable them to instruct youth at low prices: And all useful learning shall be duly encouraged and promoted In one or more universities.

SECT. 45. Laws for the encouragement of virtue, and prevention of vice and immorality, shall be made and constantly kept in force, and provision shall be made for their due execution: And all religious societies or bodies of men heretofore united or incorporated for the advancement of religion or learning, or for other pious and charitable purposes, shall be encouraged and protected in the enjoyment of the privileges, immunities and estates which they were accustomed to enjoy, or could of right have enjoyed, under the laws and former constitution of this state.

SECT. 46. The declaration of rights is hereby declared to be a part of the constitution of this commonwealth, and ought never to be violated on any presence whatever.

SECT. 47. In order that the freedom of the commonwealth may be preserved inviolate forever, there shall be chosen by ballot by the freemen in each city and county respectively, on the second Tuesday in October, in the Year one thousand seven hundred and eighty-three, and on the second Tuesday in October, in every seventh year thereafter, two persons in each city and county of this state, to be called the COUNCIL OF CENSORS; who shall meet together on the second Monday of November next ensuing their election; the majority of whom shall be a quorum in every case, except as to calling a convention, in which two-thirds of the whole number elected shall agree: And whose duty it shall be to enquire whether the constitution has been preserved inviolate in every part; and whether the legislative and executive branches of government have performed their duty as guardians of the people, or assumed to themselves, or exercised other or greater powers than they are intitled to by the constitution: They are also to enquire whether the public taxes have been justly laid and collected in all parts of this commonwealth, in what manner the public monies have been disposed of, and whether the laws have been duly executed. For these purposes they shall have power to send for persons, papers, and records; they shall have authority to pass public censures, to order impeachments, and to recommend to the legislature the repealing such laws as appear to them to have been enacted contrary to the principles of the constitution. These powers they shall continue to have, for and during the space of one year from the day of their election and no longer: The said council of censors shall also have power to call a convention, to meet within too years after their sitting, if there appear to them an absolute necessity of amending any article of the constitution which may be defective, explaining such as may be thought not clearly expressed, and of adding such as are necessary for the preservation of the rights and happiness of the people: But the articles to be amended, and the amendments proposed, and such articles as are proposed to be added or abolished, shall be promulgated at least six months before the day appointed for the election of such convention, for the previous consideration of the people, that they may have an opportunity of instructing their delegates on the subject.

Passed in Convention the 28th day of September, 1776, and signed by their order.

BENJ. FRANKLIN, Prest.

(1) The Proceedings Relative to Calling the Conventions of 1776 and 1790 the Minutes of the Convention that formed the present Constitution of Pennsylvania together with the Charter to William Penn the Constitutions of 1776 and 1790 and a view of the Proceedings of the Convention of 1776 and the Council of Censors. Harrisburg: Printed by John S. Wiestling Market Street, 1825. pp. 3S4. Index.

The Constitution of the Commonwealth of Pennsylvania as established by the General Convention carefully compared with the original to which is added a Report of the Committee appointed to enquire Whether the Constitution has been preserved inviolate in every Part and whether the legislative and executive branches of Government, have performed their duty as Guardians of the People or assumed to themselves or exercised other or greater Powers. than they are entitled to by the Constitution.

As adopted by the Council of Censors Published by their Order. Philadelphia: Printed by Francis Bailey, at Yorick s Head in Market Street. M, DCC.LXXXIV. pp. 64.

This constitution was framed by a convention (called in accordance with the expressed wish of the Continental Congress) which assembled at Philadelphia July 15 1776 and completed its labors September 28 1776. It was not submitted to the people for ratification. [Back](#)

Source:

The Federal and State Constitutions Colonial Charters, and Other Organic Laws of the States, Territories, and Colonies Now or Heretofore Forming the United States of America
Compiled and Edited Under the Act of Congress of June 30, 1906 by Francis Newton Thorpe
Washington, DC : Government Printing Office, 1909.

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Plantation Agreement at Providence August 27 - September 6, 1640 (1)

Wee, Robert Coles, Chad Browne, William Harris, and John Warner, being freely chosen by the consent of our loving friends and neighbors the Inhabitants of this Towne of Providence, having many differences amongst us, they being freely willing and also bound themselves to stand to our Arbitration in all differences amongst us to rest contented in our determination, being so entrusted we have seriously and carefully indeavoured to weigh and consider all those differences, being desirous to bringe to unity and peace, although our abilities are farr short in the due examination of such weighty things, yet so farre as we conceive in laying all things together we have gone the fairest and the equallest way to produce our peace.

1. Agreed, We have with one consent agreed that in the parting those particular properties which some of our friends and neighbors have in Patuxit, from the general Common of our towne of Providence, to run uppon a straight line from a fresh spring being in the Gulley, at the head of that cove running by that point of land called Saxafras unto the towne of Mashipawogt to an oake tree standing neere unto the corn field, being at this time the nearest corn field unto Patuxit, the cake tree having four marks with an axe, till some other land marke be set for a certaine bound. Also, we agree that if any meadow ground lyeing and joineing to that Meadow, that borders uppon the River of Patuxit come within the aforesaid line, which will not come within a straight line from long Cove to the marked tree, then for that meadow to belong to Pawtuxit, and so beyond the towne of Mashipawog from the oake tree between the two fresh Rivers Pawtuxit and Waanasquatucket of an even Distance.

2. Agreed. We have with one consent agreed that for the disposinge, of those lands that shall be disposed belonging to this towne of Providence to be in the whole Inhabitants by the choise of five men for generall disposeall, to entrusted with disposeall of lands and also of the towne Stocke, and all Generall things and not to receive in any six dayes at townesmen, but first to give the Inhabitants notice to consider if any have just cause to shew against the receiving of him as you can apprehend, and to receive none but such as subscribe to this our determination. Also, we agree that if any of our neighbours doe apprehend himselfe wronged by these or any of these 5 disposers, that at the Generall towne meeting he may have a tryall.

Also wee agree for the towne to choose beside the other five men one or more to keepe Record of all things belonging to the towne and lying in Common,

Wee agree, as formerly hath bin the liberties of the town, so still, to hould forth liberty of Conscience.

III. Agreed, that after many Considerations and Consultations of our owne State and alsoe of States abroad in way of government, we apprehend, no way so suitable to our Condition as government by way of Arbitration. But if men agree themselves by arbitration, no State we know of disallows that, neither doe we: But if men refuse that which is but common humanity betweene man and man, then to compel such unreasonable persons to a reasonable way, we agree that the 5 disposers shall have power to compel him to choose two men himselfe, or if he refuse, for them to choose two men to arbitrate his cause, and if these foure men chosen by every partie do end the cause, then to see theire determination performed and the faultive to pay the Arbitrators for theire time spent in it: But if these foure men doe not end it, then for the 5 disposers to choose three men to put an end to it, and for the certainty thereof, wee agree the major part of the 5 disposers to choose the 3 men, and the major part of the 3 men to end the cause haveing power from the 5 disposers by a note under theire hand to performe it, and the faultive not agreeing in the first to pay the charge of the last, and for the Arbitrators to follow no employment til the cause be ended without consent of the whole that have to doe with the cause.

Instance. In the first Arbitration the offender may offer reasonable terms of peace, and the offended may exact upon him and refuse and trouble men beyond reasonable satisfaction; so for the last arbitrators to judge where the fault was, in not agreeing in the first, to pay the charge of the last.

IV. Agreed, that if any person damnify any man, either in goods of good name, and the person offended follow not the cause uppon the Vendor, that if any person give notice to the 5 Disposers, they shall call the party delinquent to answer by Arbitration.

Instance, Thus, if any person abuse an other person or goods, may be for peace sake, a man will at present put it up, and it may so be resolve to revenge: therefore, for the peace of the state, the disposers are to look to it in the first place.

V. Agreed, for all the whole Inhabitants to combine ourselves to assist any man in the pursuit of any party delinquent, with all best endeavours to attack him: but if any man raise a hubbub and there be no just cause, then for the party that raised the hubbub to satisfy men for their time lost in it.

VI.. Agreed, that if any man have a difference with any of the 5 Disposers which cannot be deferred till general meeting of the towne, then he may have the Clerk call the towne together at his [discretion] for a tryall.

Instance. It may be, a man may be to depart the land, or to a fare parse of the land; or his estate may lye uppon a speedy tryall or the like case may fall out.

VII. Agreed, that the towne, by the five men shall give every man a deed of all his lands lying within the bounds of the Plantations, to hould it by for after ages.

VIII. Agreed, that the 5 disposers shall from the date hereof, meete every month-day uppon General things and at the quarter-day to yeeld a new choice and give up their old Accounts.

IX. Agreed, that the Clerke shall call the 5 Disposers together at the month-day, and the general! towne together every quarter, to meete uppon general occasions from the date hereof.

X. Agreed, that the Clerke is to receive for every cause that comes to the towne for a tryall 4d. for making each deed 12d. and to give up the booke to the towne at the yeeres' end and yeeld to a new choice.

XI Agreed, that all acts of disposall on both sides to stand since the difference.

XII. Agreed, that every man that hath not paid in his purchase money for his Plantation shall make up his 10s. to be 30s. equal with the first purchasers: and for all that are received townsmen hereafter, to pay the like summe of money to the towne stocke.

These being those things wee have generally concluded on, for our peace, we desireing our loving friends to receive as our absolute determination, laying ourselves downe as subjects to it.

[Thirty-nine signatures follow.]

(1) Rhode Island was first settled in 1636 by Roger Williams and other immigrants who had suffered persecution in Massachusetts, and who established at Providence " a pure democracy, which for the first time guarded jealously the rights of conscience by ignoring any power in the body politic to interfere with those matters

that alone concern man and his Maker."-Arnold.

Text in Records of the Colony of Rhode Island and Providence Plantations in New England. (Providence, 1856), Vol. I, pp. 27-31. [Back](#)

Source:

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Government of Rhode Island-March 16-19, 1641 (1)

The Generall Court of Election began and held at Portsmouth, from the 16th of March, to the 19th of the same mot, 1641.

1. It was ordered and agreed, before the Election, that an Ingagement by oath should be taken of all the officers of this Body now to be elected, as likewise for the time to come; the ingagement which the severall officers of the State shall give is this: To the Execution of this office, I Judge myself bound before God to walk faithfully and this I profess in ye presence of God.

2. [Minute of officers elected.]

3. It is ordered and unanimously agreed upon, that the Government which this Bodie Politick doth attend unto in this Island, and the Jurisdiction thereof, in favour of our Prince is a DEMOCRACIE, or Popular Government; that is to say, It is in the Powre of the Body of Freemen orderly assembled, or the major part of them, to make or constitute Just Lawes, by which they will be regulated, and to depute from among themselves such Ministers as shall see them faithfully executed between Man and Man.

4. It was further ordered, by the authority of this present Courte, that none bee accounted a Delinquent for Doctrine: Provided, it be not directly repugnant to ye Government or Lawes established.

5. [Bounty on foxes.]

6. [Regulation in regard to the killing of deer.]

7. It is ordered from henceforth, that the Quarter Session Courts shall always be kept the first, the first Tuesday in March; the second, the first Tuesday in June; the third, the first Tuesday in September; the last, the first Tuesday in December.

8. It is ordered, that Eight Guns and their furniture with two corsletts, now in the hands of Mr. Willbore, shall be taken off by the Tresurie Jointlie, as part of satisfaction for what debts from him is now dew thereto: and that the said Armes be equally divided to each Towne.

9. It is ordered, that the Deputie Governor and Mr. Willbore, and Mr. Cogshall, and Mr. Jeremy Clarke, shall be joyned in commission with the Two Treasurers that now bee, to examine the Tresurie, and to even the accounts, and then to present them so rectified to the next Generall Court; and what oneveness there is found to bee, the one Treasurer shall make payment to the other Treasurer within twentie dayes after the period of their commission: the limits which are set for the performance of this, shall be three weeks from the date hereof.

10. It is ordered, that Mr. Porter, Mr. Balston, Mr. Easton, and Mr. Jeoffreys shall runn the line between the two Towns within twentie days after the date hereof, or else shall forfeit a Mark a peece; and performing it within the (time or) tearme they shall have a Mark a peece for their Labour.

11. It is ordered, that each Towne shall provide a Towne Book, wherein they shall Record the Evidences of the Lands by them impropriated; and shall also have Powre to give forth a Coppie thereof, which shall be a clear evidence for them and theirs, to whom it is so granted.

12. It is ordered, that the Officers of Justices of the Peace is confirmed to the Magistrates.

13. It is ordered, that no Fiers shall be kindled by any whatsoever to runn at Randome, eyther in Meadows or Woods; but what by him that so kindled it shall forthwith be put out, that it damnifie none. And that if damage shall accrew, satisfaction to the utmost shall be awarded.

14. It is ordered, that a Booke shall be provided, wherein the Secretary shall write all such Lawes and Acts, as are made and constituted by the Body, to be left alway in that Towne where the said Secretary is not resident; and also that copies of such Acts as shall be made now or hereafter, at the Generall Courts concerning necessary uses and ordinances to be observed, shall be fixed upon some public place where all men may see and take notice of them; or that coppies thereof be seven to the Clerks of the Band, who shall read them at the head of the Companie.

15. It is ordered, that a Manual Seale shall be provided for the State, and thatt the Signett or Engraving thereof, shall be a sheafe of Arrows bound up, and in the Liess or Bond, this motto indented: *Amor vincet omnia*.

16. It is ordered, that Ingagement shall be taken by the Justices of the Peace in their Quarter Sessions of all men or youth above fifteen years of age, eyther by the oath of Fidelity, or some other strong cognizance.

17. It is ordered, that a Line be drawn and a way be cleared between the Townes of Nuport and Portsmouth, by removing of the wood and mowing it; that drift Cattle may sufficiently pass; and for the performance thereof, Capt. Morris, of the one Towne, and Mr. Jeoffreys of the other, are appointed to draw the Line, and to be paid therefor, and the Townes to perform the rest.

18. It is ordered, that the Traine Bands shall choose among the Freemen, one or more such as shall be for their commanders, and present them to the Towne. The Major vote of the Towne, by the authority of this Court, shall have the negative voise for the Establishment of them, and shall order their Power till the next Generall Courte.

19. It is ordered, that the major part of the Courts, being lawfully assembled at the place and houre appointed, shall have full Powre to transact the business that shall be Presented: Provided, it be the Major part of the Body entire, if it be the Generall Court (present) or the Major part of the Magistrates, with the Jury in the inferior Courts; and that such acts concluded and issued be of as full authority as if there were all present. Provided, there be due and seasonable notice given of every such Court.

(1) Text III Records of the Colony of Rhode Island and Providence Plantations in New Ellglalld, (Providence, 1856), Vol. I, pp. 111 - 115. [Back](#)

Source:

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Patent for Providence Plantations - March 14, 1643 (1)

WHEREAS by an Ordinance of the Lords and Commons, now assembled in Parliament, bearing Date the Second Day of November, Anno Domini 1643, Robert Earl of Warwick, is constituted, and ordained Governor in Chief, and Lord High Admiral of all those Islands and other Plantations inhabited or planted by, or belonging to any His Majesty the King of England's subjects, (or which hereafter may be inhabited and planted by, or belonging to them,) within the Bounds, and upon the Coasts of America. And whereas the said Lords have thought fit, and thereby ordained, that Philip Earl of Pembroke, Edward Earl of Manchester, William Viscount Say and Seal, Philip Lord Wharton, John Lord:Rolle, Members of the House of Peers. Sir Gilbert Gerrard, Baronet, Sir Arthur Haslerig, Baronet, Sir Henry Vane, jun. Knight, Sir Benjamin Rudyard, Knight, John Pim, Oliver Cromwell, Dennis Bond, Miles Corbet, Cornelius Holland, Samuel Vassal, John Rolle, and William Spurstow, Esqrs, Members of the House of Commons, should be Commissioners, to join in Aid and Assistance with the said Earl. And whereas for the better Government and Defence, it is thereby ordained, that the aforesaid Governor and Commissioners, or the greater Number of them, shall have Power and Authority from Time to Time to nominate, appoint, and constitute all such subordinate Governors, Counsellors, Commanders, Officers, and Agents, as they shall judge to be best affected, and most fit and serviceable for the said Islands and Plantations; and to provide for, order and dispose all Things, which they shall, from Time to Time, find most advantageous for the said Plantations; and for the better Security of the Owners and Inhabitants thereof, to assign, ratify, and confirm, so much of their afore-mentioned Authority and Power, and in such Manner, and to such Persons as they shall judge to be fit for the better governing and preserving of the said Plantations and Islands, from open Violences and Private Disturbances and Distractions. And whereas there is a Tract of Land in the Continent of America aforesaid, called by the Name of the Narraganset-Bay; bordering Northward and Northeast on the Patent of the Massachusetts, East and Southeast on Plymouth Patent, South on the Ocean, and on the West and Northwest by the Indians called Nahigganneucks, alias Narragansets; the whole Tract extending about Twenty-five English Miles unto the Pequot River and Country.

And whereas divers well affected and industrious English Inhabitants, of the Towns of Providence, Portsmouth, and Newport in the tract aforesaid, have adventured to make a nearer neighborhood and Society with the great Body of the Narragansets, which may in time by the blessing of God upon their Endeavours, lay a sure foundation of Happiness to all America. And have also purchased, and are purchasing of and amongst the said Natives, some other Places, which may be convenient both for Plantations, and also for building of Ships Supply of Pipe Staves and other Merchandize. And whereas the said English, have represented their Desire to the said Earl, and Commissioners, to have their hopeful beginnings approved and confirmed, by granting unto them a free Charter of Civil Incorporation and Government; that they may order and govern their Plantation in such a Manner as to maintain Justice and peace, both among themselves, and towards all Men with whom they shall have to do. In due Consideration of the said Premises, the said Robert Earl of Warwick, Governor in Chief, and Lord High Admiral of the said Plantations, and the greater Number of the said Commissioners, whose Names and Seals are here under-written and subjoined, out of a Desire to encour age the good Beginnings of the said Planters, Do, by the Authority of the aforesaid Ordinance of the Lords and Commons, give, grant' and confirm, to the aforesaid Inhabitants of the Towns of Providence, Portsmouth, and Newport, a free and absolute Charter of Incorporation, to be known by the Name of the Incorporation of Pi evidence Plantations, in the Narraganset-Bay, in New-England.-Together with full Power and Authority to rule themselves, and such others as shall hereafter inhabit within any Part of the said Tract of land, by such a Form of Civil Government, as by voluntary consent of all, or the greater Part of them, they shall find most suitable to their Estate and Condition; and, for that End, to make and ordain such Civil Laws and Constitutions, and to inflict such punishments upon Transgressors, and for Execution thereof, so to place, and displace Officers of Justice, as they, or the greater Part of them, shall by free Consent agree unto. Provided nevertheless, that the said Laws, Constitutions, and Punishments, for the Civil Government of the said Plantations, be conformable to the Laws of England, so far as the Nature and Constitution of the place will admit. And always reserving to the said Earl, and Commissioners, and their successors, Power and Authority for to dispose the general Government of that, as it stands in Relation to the rest of the Plantations in America as they shall conceive from Time to Time, Inost conducing to the general Good of the said Plantations, the Honour of his Majesty, and the Service of the State. And the said Earl and Commissioners, do further authorize, that the aforesaid Inhabitants, for the better transacting of their public Affairs to make and use a public Seal as the known Seal of Providence-Plantations, in the Narraganset-Bay, in New-England. In Testimony whereof, the said Robert Earl of Warwick, and Commissioners, have hereunto set their Hands and Seals, the Fourteenth Day of March, in the Nineteenth Year of the Reign of our Sovereign-Lord King Charles, and in the Year of our Lord God, 1643.

ROBERT WARWICK,
PHILIP PEMBROKE,
SAY and SEAL,
P. WHARTON,
ARTHUR HASEERIG,
COR. HOLLAND,
H. VANE,
SAM VASSAL,
JOHN ROME,
MILES CORBET
W. SPURSTOW.

(1) Bartlett's Records of the Colony of Rhode Island and Providence Plantations. I.143-146. [Back](#)

Source:

The Federal and State Constitutions Colonial Charters, and Other Organic Laws of the States, Territories, and Colonies Now or Heretofore Forming the United States of America
Compiled and Edited Under the Act of Congress of June 30, 1906 by Francis Newton Thorpe
Washington, DC : Government Printing Office, 1909.

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Charter of Rhode Island and Providence Plantations - July 15, 1663 (1)

CHARLES THE SECOND, by the grace of God, King of England, Scotland, France and Ireland, Defender of the Faith, &c., to all to whome these presents shall come, greeting: Whereas wee have been informed, by the humble petition of our trustie and well beloved subject, John Clarke, on the behalf of Benjamine Arnold, William Brenton, William Codington, Nicholas Easton, William Boulston, John Porter, John Smith, Samuell Gorton, John Weeks, Roger Williams, Thomas Olnie, Gregorie Dexter, John Cogeshall, Joseph Clarke, Randall Holden, John Greene, John Roome, Samuell Wildbore, William Ffield, James Barker, Richard Tew, Thomas Harris, and William Dyre, and the rest of the purchasers and ffree inhabitants of our island, called Rhode-Island, and the rest of the colonie of Providence Plantations, in the Narragansett Bay, in New-England, in America, that they, pursueing, with peaceable and loyall minces, their sober, serious and religious intentions, of goalie edifieing themselves, and one another, in the holie Christian ffaith and worshipp as they were perswaded; together with the gaineing over and conversione of the poore ignorant Indian natives, in those partes of America, to the sincere professione and obedienc of the same ffaith and worship, did, not onlie by the consent and good encouragement of our royall progenitors, transport themselves out of this kingdome of England into America, but alsoe, since their arrivall there, after their first settlement amongst other our subjects in those parts, Nor the avoideing of discorde, and those manic evils which were likely to ensue upon some of those oure subjects not beinge able to beare, in these remote parties, their different apprehensions in religious concernements, and in pursueance of the aforesayd ends, did once againe leave their desireable stationies and habitationes, and with excessive labour and travell, hazard and charge, did transplant themselves into the middest of the Indian natives, who, as wee are informed, are the most potent princes and people of all that country; where, by the good Providence of God, from whome the Plantationes have taken their name, upon their labour and industrie, they have not onlie byn preserved to admiration, but have increased and prospered, and are seized and possessed, by purchase and consent of the said natives, to their full content, of such lands, islands, rivers, harbours and roades, as are verie convenient, both for plantationes and alsoe for buildings of shippes, suplye of pypestaves, and other merchandise; and which lyes verie commodious, in manic respects, for commerce, and to accommodate oure southern plantationes, and may much advance the trade of this oure realme, and greatlie enlarge the territories thereof; they haveinge, by neare neighbourhoode to and friendlie societie with the greate bodie of the Narragansett Indians, given them encouragement, of their owne accorde, to subject themselves, their people and lances, unto us; whereby, as is hoped, there may, in due tyme, by the blessing of God upon their endeavours, bee layd a sure ffoundation of happinesse to all America:

And whereas, in their humble addresse, they have ffreely declared, that it is much on their hearts (if they may be permitted), to hold forth a livlie experiment, that a most flourishing civill state may stand and best bee maintained, and that among our English subjects. with a full libertie in religious concernements; and that true pietie rightly grounded upon gospell principles, will give the best and greatest security to soveraignetye, and will lay in the hearts of men the strongest obligations to true loyaltie: Now know bee, that wee beinge willinge to encourage the hopefull undertakeinge of oure sayd lovall and loveinge subjects, and to secure them in the free exercise and enjoyment of all their civill and religious rights, appertaining to them, as our lovinge subjects; and to preserve unto them that libertie, in the true Christian ffaith and worshipp of God, which they have sought with soe much travaill, and with peaceable myndes, and lovall subjectione to our royall progenitors and ourselves, to enjoye; and because some of the people and inhabitants of the same colonie cannot, in their private opinions, conforms to the publike exercise of religion, according to the littyrgy, formes and ceremones of the Church of England, or take or subscribe the oaths and articles made and established in that behalfe; and for that the same, by reason of the remote distances of those places, will (as wee hope) bee noe breach of the unitie and uniformitie established in this nation: Have therefore thought ffit, and doe hereby publish, graunt, ordeyne and declare, That our royall will and pleasure is, that noe person within the sayd colonie, at any tyme hereafter, shall bee any wise molested, punished, disquieted, or called in question, for any differences in opinione in matters of religion, and doe not actually disturb the civill peace of our sayd colony; but that all and everye person and persons may, from tyme to tyme, and at all tymes hereafter, freelye and fullye have and enjoye his and their owne judgments and consciences, in matters of religious concernments, throughout the tract of lance hereafter mentioned; they behaving themselves peaceable and quietlie, and not using this libertie to lycentiousnesse and profanenesse, nor to the civill injure or outward disturbance of others; any lawe, statute, or clause, therein containyed, or to bee containyed, usage or custome of this realme, to the contrary hereof, in any wise, notwithstanding. And that they may bee in the better capacity to defend themselves, in their just rights and libertyes against all the enemies of the Christian ffaith, and others, in all respects, wee have further thought fit, and at the humble petition of the persons aforesayd are graciously pleased to declare, That they shall have and enjoye the benefist of our late act of indempnity and ffree pardon, as the rest of our subjects in other our dominions and territories have; and to create and make them a bodye politique or corporate, with the powers and priviledges hereinafter mentioned.

And accordingly our will and pleasure is, and of our especiall grace, certaine knowledge, and meere motion, wee have ordeyned, constituted and declared, and by these presents, for us, our heires and successors, doe ordeyne, constitute and declare, That they, the sayd William Brenton, William Codington, Nicholas Easton, Benedict Arnold, William Boulston, John Porter, Samuell Gorton, John Smith, John Weekes, Roger Williams, Thomas Olneye, Gregorie Dexter, John Cogeshall, Joseph Clarke, Randall Holden, John Greene, John Roome, William Dyre, Samuell Wildbore, Richard Tew, William Ffeild, Thomas Harris, James Barker, Rainsborrow,- Williams, and John Nicksonj and all such others as now are, or hereafter shall bee admitted and made ffree of the companv and societie of our collonie of Providence Plantations, in the Narragansett Bay, in New England, shall bee, from tyme to tyme, and forever hereafter, a bodie corporate and politique, in fact and name, by the name of The Governor and Company of the English Colony of Rhode-Island and Providence Plantations, in New-England, in America; and that, by the same name, they and their successors shall and may have perpetuall succession, and shall and may bee persons able and capable, in the lawe, to sue and bee sued, to pleade and be impleaded, to answere and bee answered unto, to defend and to be defended, in all and singular suites, causes, quarrels, matters, actions and thinges, of what kind or nature soever; and alsoe to have, take, possessej acquire and purchase lands, tenements or hereditaments, or any goods or chattels, and the same to lease, graunt, demise, aliene, bargain, sell and dispose of, at their owne will and pleasure, as other our liege people of this our realme of England, or anie corporation or bodie politique within the same, may be lawefully doe: And further, that they the sayd Governor and Company, and their successors, shall and may, forever hereafter, have a common scale, to serve and use for all matters, causes, thinges and affaires, whatsoever, of them and their successors; and the same scale to alter, change, breake, and make new, from tyme to tyme, at their will and pleasure, as they shall thinke bitt.

And farther, wee will and ordeyne, and by these presents, for us, oure heires and successours, doe declare and apoynt that, for the better ordering and managing of the adaires and business of the sayd Company, and their successours, there shall bee one Governour, one Deputie-Governour and ten Assistants, to bee from tyme to tyme, constituted, elected and chosen, out of the freemen of the sayd Company, for the tyme beinge, in such manner and fforme as is hereafter in these presents expressed; which sayd officers shall aplye themselves to take care for the best disposeinge and orderings of the generall businesse and adaires of, and concerneinge the lances and hereditaments hereinafter mentioned, to be graunted, and the plantation thereof and the government of the people there. And for the better execution of oure royall pleasure herein, wee doe, for us, oure heires and successours, assign, name, constitute and apoynt the aforesayd Benedict Arnold to bee the first and present Governor of the sayd Company, and the sayd William Brenton, to bee the Deputy-Governor, and the sayd William Boulston, John Porter, Roger Williams, Thomas Olnie, John Smith, John Greene, John Cogeshall, James Barker, William Ffeild, and Joseph Clarke, to bee the tenn present Assistants of the sayd Companye, to continue in the sayd severall offices, respectively, untill the first Wednesday which shall bee in the month of May now next cominge. And farther, wee will, and by these presents, for us, our heires and successessours, doe ordeyne and graunt, that the Governor of the sayd Company, for the tyme being, or, in his absence, by occasion of sicknesse, or otherwise, by his leave and permission, the Deputy-Governor, Ror the tyme being, shall and may, from tyme to tyme, upon all occasions, give order Ror the assemblinge of the sayd Company and callinge them together, to consult and advise of the businesse and affaires of the sayd Company.

And that forever hereafter, twice in every year, that is to say, on every first Wednesday in the month of May, and on every last Wednesday in October, or oftener, in case it shall bee requisite, the Assistants, and such of the freemen of the Company, not exceedings six persons For Newport, doure persons ffor each of the respective

townes of Providence, Portsmouth and Warwicke, and two persons for each other place, towne or city, whoe shall bee, from tyme to tyme, thereunto elected or deputed by the majour parte of the ffreemen of the respective townes or places For which they shall bee so elected or deputed, shall have a generall meetings or Assembly then and there to consult, advise and determine, in and about the affaires and businesse of the said Company and Plantations. And farther, wee doe, of our especiall grace, certayne knowledge, and meere motion, give and graunt unto the sayd Governour and Company of the English Colonie of Rhode-Island and Providence Plantations, in New-England, in America, and their successours, that the Governour, or, in his absence, or, by his permission, the Deputy-Governour of the sayd Company, for the tyme beinge, the Assistants, and such of the Freemen of the sayd Company as shall bee soe as aforesayd elected or deputed, or soe many of them as shall bee present aft such meetinge or assemblye, as aBoresayde, shall bee called the Generall Assemblye; and that they, or the greatest parte of them present, whereof the Governour or Deputy-Governour, and sixe of the Assistants, at least to bee seven, shall have, and have hereby given and graunted unto them, ffull power authority, Prom tyme tyme, and at all tymes hereafter, to apoynt, alter and change, such dayes, tymes and places of meetinge and Generall Assemblye, as theye shall thinke ffit; and to choose, nominate, and apoynt, such and soe manye other persons as they shall thinke ffit, and shall be willing to accept the same, to bee Free of the sayd Company and body politique, and them into the same to admits; and to elect and constitute such offices and officers, and to graunt such needfull commissions, as they shall thinke Ott and requisite, ffor the ordering, managing and dispatching of the affaires of the sayd Governour and Company, and their successours; and from tyme to tyme, to make, ordeyne, constitute or repeal, such lawes statutes, orders and ordinances, fformes and ceremonies of government and magistracye as to them shall seeme meete for the good nad welfare of the sayd Company, and ffor the government and ordering of the lances and hereditaments, hereinafter mentioned to be graunted, and of the people that doe, or aft any tyme hereafter shall, inhabitt or bee within the same; soe as such lawes, ordinances and constitutiones, soe made, bee not contrary and repugnant unto, butt, as neare as may bee, agreeable to the lawes of this our realme of England, considering the nature and constitutions of the place and people there; and alsoe to apoynt, order and direct, erect and settle, such places and courts of jurisdiction, ffor the heareinge and detemilling of all actions, cases, matters and things, happening within the sayd collonie and plantations, and which shall be in dispute, and depending there, as they shall thinke fit; and alsoe to distinguish and sett forth the severall names and titles, duties, powers and limitts, of each court, office and officer, superior and inferior; and alsoe to contrive and apoynt such formes of oaths and attestations, not repugnant, but, as neare as may bee, agreeable, as aforesayd, to the lawes and statutes of this oure realme, as are conveniente and requisite, with respect to the due administration of justice, and due execution and discharge of all offices and places of trust by the persons that shall bee therein concerned; and alsoe to regulate and order the wave and manner of all elections to offices and places of trust, and to prescribe, limits and distinguish the numbers and bounces of all places, townes or cities, within the limitts and bounds herein after mentioned, and not herein particularlie named, who have, and shall have, the power of electing and sending of ffreemen to the sayd Generall Assembly; and alsoe to order, direct and authorize the imposing of lawfull and reasonable Dynes, mulcts, imprisonments, and executing other punishments pecuniary and corporal, upon offenders and delinquents, according to the course of other corporations within this oure kingdom of England; and agayne to alter, revoke, annull or pardon, under their common scale or otherwise, such Dynes, mulcts, imprisonments, sentences, judgments and condemnations, as shall bee thought Bitt; and to direct, rule, order and dispose of, all other matters and things, and particularly that which relates to the makinge of purchases of the native Indians, as to them shall seeme meete; wherebv oure sayd people and inhabitants, in the sayd Plantationes, may be soe religiously, peaceably and civilly governed, as that, by their good life and orderlie conversations, they may win and invite the native Indians of the countrie to the knowledge and obedience of the onlie true God, and Saviour of mankind; willing, commanding and requireing, and by these presents, for us, oure heires and successours, ordeyneing and apoynting, that all such lawes, statutes, orders and ordinances, instructions, impositions and directiones, as shall bee soe made by the Governour, deputye-Governour, Assistants and Freemen. Or such number of them as aforesayd, and published in writinge, under their common scale, shall bee carefully and duely observed, kept, performed and putt in execution, accordinge to the true intent and meaning of the same.

And these our letters patent, or the duplicate or exemplificationon thereof, shall bee to all and everie such officer, superiour or inferiour, From tyme to tyme, for the putting of the same orders, lawes, statutes, ordinances, instructions and directions, in due execution, against us, oure heires and successours, a sufficient warrant and discharge. And further, our will and pleasure is, and wee doe hereby, for US, oure heires and successors, establish and ordeyne, that yearelie, once in the yeare, forever hereafter, namely, the aforesayd Wednesday in May, and at the towne of Newport, or elsewhere, if urgent occasion doe require, the Governour, Deputy-Governour and Assistants of the sayd Company, and other officers of the sayd Company, or such of them as the Generall Assemblye shall thinke Bitt, shall bee, in the sayd Generall Court or Assembly to bee held from that daye or tyme, newly chosen for the year ensuring, by such greater part of the sayd Company, for the tyme beinge, as shall bee then and there present; and if itt shall happen that the present Governour, Deputy-Governour and Assistants, bv these presents apoynted, or any such as shall hereafter be newly chosen into their roomes, or any of them, or any other the officers of the sayd Company, shall die or bee removed From his or their severall offices or places, before the sayd generall day of election, (whom wee doe hereby declare, for any misdemeanour or default, to be removeable by the Governour, Assistants and Company, or such greater parte of them, in any of the sayd publike courts, to bee assembled as aforesayd), that then, and in every such case, it shall and may bee lawfull to and ffor the sayd Governour, Deputy-Governour, Assistants and Company aforesayde, or such greater parte of them, soe to bee assembled as is aforesayde, in any their assemblyes, to proceede to a new election of one or more of their Company, in the roome or place, roomes or places, of such officer or officers, soe dyeinge or removed, according to their discretones; and immediately upon and after such elections or elections made of such Governour, Deputy-Governour or Assistants, or any other officer of the sayd Company, in manner and forme aforesayde, the authoritie, office and power, before given to the fformer Governour, Deputy-Governour, and other officer and officers, soe removed, in whose steade and place new shall be chosen, shall, as to him and them, and every of them, respectively, cease and determine:

Provided, allwayes, and our will and pleasure is, that as well such as are by these presents apoynted to bee the present Governour, Deputy-Governour and Assistants, of the sayd Company, as those that shall succede them, and all other officers to bee apoynted and chosen as aforesayde, shall, before the undertakeinge the execution of the sayd offices and places respectively, give their solemn engagement, by oath, or otherwise, for the due and faythfull performance of their duties in their severall offices and places, before such person or persons as are by these presents hereafter apoynted to take and receive the same, that is to say: the sayd Benedict Arnold, whoa is hereinbefore nominated and apoynted the present Governour of the sayd Company, shall give the aforesayd engagement before William Brenton, or any two of the sayd Assistants of the sayd Company; unto whome, wee doe by these presenter give Bull power and authority to require and receive the same; and the sayd William Brenton, whoe is hereby before nominated and apoynted the present DeputyGovernour of the sayd Company, shall give the aforesaved engagement before the sayd Benedict Arnold, or any two of the Assistants of the sayd Company; unto whome wee doe by these presents give ffull power and authority to require and receive the same; and the sayd William Boulston, John Porter, Roger Williams, Thomas Olneye, John Smith, John Greene, John Cogeshall, James Barker, William Ffeild, and Joseph Clarke, whoe are hereinbefore nominated apoynted the present Assistants of the sayd Company, shall give the sayd engagement to their offices and places respectively belongeing, before the sayd Benedict Arnold and William Brenton, or one of them; to whome, respectively wee doe hereby give dull power and authority to require, administer or receive the same: and further, our will and pleasure is. that all and every other future Governour or Deputy-Governour, to bee elected and chosen by vertue of these presents, shall give the sayd engagement before two or more of the sayd Assistants of the sayd Company ffor the tyme beinge; unto whome wee doe by these presents give full power and authority to require, administer or receive the same; and the sayd Assistants, and every of them, and all and every other officer or officers to bee hereafter elected and chosen by vertue of these presents, from tyme to tyme, shall give the like engagements, to their offices and places respectively belonging bofore the Governour or Deputy-Governour for the tyme being; unto which sayd Governour, or Deputy-Governour, wee doe by these presents give full power and authority to require, administer or receive the same accordingly.

And wee doe likewise, for vs, oure heires and successours, give and graunt vnto the sayd Governour and Company and their successours by these presents, that, for the more peaceable and orderly Government of the sayd Plantations, it shall and may bee lawfull ffor the Governour, Deputy-Governor, Assistants, and all other officers and ministers of the sayd Company, in the administration of justice, and exercise of government, in the sayd Plantations, to vse, exercise, and putt in execution, such methods, rules, orders and directions, not being contrary or repugnant to the laws and statutes of this oure realme, as have byn heretofore given, vsed and accustomed, in such cases respectively, to be putt in practice, untill att the next or some other Generall Assembly, special provision shall be made and ordeyned in the cases aforesayd. And wee doe further, for vs. oure heroes and successors, give and graunt vnto the sayd Governour and Company, and their successours, by these presents, that itt shall and may bee lawfull to and for the sayd Governour, or in his absence, the Deputy-Governour, and majour parte of the sayd Assistants, for the tyme being, aft any tyme when the sayd Generall Assembly is not sitting, to nominate, apoynt and constitute, such and soe many commanders, governours, and military officers, as to them shall seeme requisite, for the leading, conductinge and travneing vpp the inhabitants of the sayd Plantations in martiall affaires, and for the defence and safeguard of the sayd Plantations; and that itt shall and may bee lawfull to and for all and every such commander, governour and military officer, that shall bee soe as aforesayd, or by the Governour. or, in his absence, the Deputy-Governour, and six of the sayd Assistants, and majour parte of the Freemen of the sayd Company present att any Generall Assemblies, nominated, apoynted and constituted accordinge to the tenor of his and their respective commissions and directions, to assemble, exercise in arms, martiall array, and putt in warlyke posture, the inhabitants of the sayd collonie, For their speciall defence and safety; and to lead and conduct the sayd inhabitants, and to encounter, expulse, expell and resist, by force of armes, as well by sea as by lance; and alsoe to kill, slay and destroy, by all fitting wayes, enterprises and meaner, whatsoever, all and every such person or persons as shall, aft any tyme hereafter, attempt or enterprize the destruction, invasion, detriment or annoyance of the sayd inhabitants or Plantations; and to vse and exercise the lawe martiall in such cases only as occasion shall necessarily require; and to take or surprise, by all

wayes and meanes whatsoever, all and every such person and persons, with their shipp or shippes, armor, ammunition or other goods of such persons, as shall, in hostile manner, invade or attempt the defeating of the sayd Plantations, or the hurt of the sand Company and inhabitants; and vpon just causes, to invade and destroy the native Indians, or other enemies of the sayd Collony. Neverthelessse, our will and pleasure is, and wee doe hereby declare to the rest of oure Collonies in New England, that itt shall not bee lawfull ffor this our sayd Collony of Rhode-Island and Providence Plantations, in America, in New-England, to invade the natives inhabiting within the bounces and limitts of their sayd Collonies without the knowledge and consent of the sand other Collonies. And itt is hereby declared, that itt shall not bee lawfull to or ffor the rest of the Collonies to invade or molest the native Indians, or any other inhabitants, inhabiting within the bounds and lymitts hereafter mentioned (they having subjected themselves vnto vs. and being by vs taken into our speciall protection), without the knowledge and consent of the Governour and Company of our Collony of Rhode-Island and Providence Plantations.

Alsoe our will and pleasure is, and wee doe hereby declare unto all Christian Kings, Princes and States, that if any person, which shall hereafter bee of the sayd Company or Plantations, or any other, by apoyntment of the sayd Governour and Company for the tyme beinge, shall at any tyme or tymes hereafter, rob or spoyle, by sea or land, or do any hurt, unlawfull hostility to any of the subjects of vs, oure heires or successours, or any of the subjects of any Prince or State, beinge then in league with vs, oure heires, or successours, vpon complaint of such injury done to any such Prince or State, or their subjects, wee, our hearer and successours, will make open proclamation within any parts of oure realme of England, ffit for that purpose, that the person or persons committing any such robbery or spoyle shall, within the tyme lymitted by such proclamation, make full restitution or satisfaction of all such injuries, done or committed, soe as the sayd Prince, or others soe complaineinge, may bee fully satisfied and contented; and if the sayd person or persons whose shall commits any such robbery or spoyle sha'l not make satsfaction, accordingly, within such tyme, soe to bee lymitted, that then wee, oure heires and successours, will putt such person or persons out of oure allegiance and protection; and that then itt shall and may bee lawfull and Tree ffor all Princes or others to prosecute, with hostility, such offenders, and every of them, their and every of their procurers, adders, abettors and counsellors, in that behalfe; Provided alsoe, and oure expresse will and pleasure is, and wee doe, by these presents, For vs. our heirs and successours, ordeyne and apoynt, that these presents shall not, in any manner, hinder any of oure lovinge subjects, whatsoever, ffrom vseing and exercising the trade of ffishing vpon the coast of New-England, in America; butt that they, and every or any of them, shall have full and free power and liberty to continue and vse the trade of ffishing vpon the sayd coast, in an of the seas thereunto adjoyninge, or-any armes of the seas, or salt water, rivers and creeks, where they have been accustomed to ffish; and to build and to sett upon the waste land, belonginge to the sayd Collony and Plantations, such wharves, stages and worke-houses as shall be necessary for the salting, drying and keepinge of their dish, to be taken or gotten upon that coast. And further, for the encouragement of the inhabitants of our sayd Collony of Providence Plantations to sett vpon the businesse of takinge whales, itt shall bee lawfull For them, or any of them, having struck whale, dubertus, or other greate ffish, itt or them, to pursue unto any parte of that coaste, and into any bay, river, cove, creeke or shoare, belonging thereto, and itt or them, vpon sayd coaste, or in the sand bay, river, cove, creeke or shoare, belonging thereto, to kill and order for the best advantage, without molestation, they makinge noe wilfull waste or spoyle, any thinge in these presents conteyned, or any other matter or thing, to the contrary notwithstanding. And further alsoe, wee are gratusly pleased, and doe hereby declare, that if any of the inhabitants of oure sayd Collony doe sett upon the plantings of vineyards (the soyle and clymate both seemeing naturally to coneuir to the production of wyne), or bee industrious in the discovery of ffishing banks, in or about the sayd Collony, wee will, ffrom tyme to tyme, give and allow all due and fitting encouragement therein, as to others in cases of tyke nature. And further, of oure more ample grace, certayne knowledge, and meere motion, wee have given and graunted, and by these presents, ffor vs. oure heires and successours, doe Five and graunt vnto the sayd Governour and Company of the English Collony of Rhode-Island and Providence Plantations, in the Narragansett Bay, in New-England in America, and to every inhabitant there, and to every person and persons trading thither, and to every such person or persons as are or shall bee Tree of the sayd Collony, full power and authority, from tyme to tyme, and aft all tymes hereafter, to take, shipp, transport and carry away, out of any of our realmes and dominions for and towards the plantation and defence of the sayd Collony, such and soe many of oure lovinge subjects and strangers as shall or will willingly accompany them in and to their sayd Collony and Plantation; except such person or persons as are or shall be therein restrained by vs. oureheires and successours, or any law or statute of this realme: and also to shipp and transport all and all manner of goods, chattels, merchandises, and other things whatsoever, that are or shall bee vsefull or necessary ffor the sayd Plantations, and defence thereof, and vsually transported, and nott prohibited by any lawe or statute of this our realme; yielding and paying vnto vs. our heires and successours, such the rluties, customes and subsidies, as are or ought to bee payd or payable for the same.

And further, our will and pleasure is, and wee doe, For us, our heires and successours, ordeyn, declare and graunt, vnto the sayd Governour and Company, and their successours, that all and every the subjects of vs. our heires and successours, which are already planted and settled within our sayd Collony of Providence Plantations, or which shall hereafter Roe to inhabit within the sayd Collony' and all and every of their children, which have byn borne there, or which shall happen hereafter to bee borne there, or on the sea, goeing thither, or retourneing from thence, shall have and enjoye all libertyes and immunities of fires and natrall subjects within any the dominions of vs. our heires or successours, to all intents, constructions and purposes, whatsoever, as if they, and every of them, were borne within the realme of England. And further, know ye, that wee, of our more abundant grace, certain knowledge and meere motion, have given, graunted and confirmed, and, by these presents, for vs. our heires and successours, doe give, graunt and confirms, vnto the sayd Governour and Company, and their successours, all that parte of Our dominiones in New-England, in America, conteyneing the Nahantick and Nanhyganset Bay, and countryes and partes adjacent, bounded on the west, or westerly, to the middle or channel of a river there, commonly called and known by the name of Pawcatuck, alias Pawcawtuck river, and soe along the sayd river, as the greater or middle streame thereof reacheth or lyes vpp into the north countrye, northward, unto the head thereof, and from thence, by a streight lyne drawn due north, vntill itt meets with the south lyne of the Massachusetts Collonie; and on the north, or northerly, by the aforesayd south or southerly lyne of the Massachusetts Collony or Plantation, and extending towards the east, or eastwardly, three English miles to the east and north-east of the most eastern and north-eastern parts of the aforesayd Narragansett Bay, as the sayd bay lyeth or extendeth itself from the ocean on the south, or southwardly, vnto the mouth of the river which runneth towards the towne of Providence, and from thence along the eastwardly side or banke of the sayd river (higher called by the name of Seacuncck river), vp to the falls called Patuckett falls, being the most westwardly lyne of Plymouth Collony, and soe from the sayd Balls, in a streight lyne, due north, untill itt meete with the aforesayd line of the Massachusetts Collony; and bounded on the south by the ocean: and, in particular, the lands belonging to the townes of Providence, Pawtuxet, Warwicke; Misquammacok, alias Pawcatuck, and the rest vpon the maine land in the tract aforesayd, together with Rhode-Island, Blocke-Island, and all the rest of the islands and banks in the Narragansett Bay, and bordering vpon the coast of the tract aforesayd (Ffisher's Island only excepted), together with all firme lands, soyles, grounds, havens. ports rivers, waters, ffishings, mines royall, and all other mynes, mineralls, precious stones, quarries, woods, wood-grounds, rocks' slates, and all and singular other commodities, jurisdictions, royalties, priviledges, franchises, preheminenes and hereditaments, whatsoever, within the sayd tract, bounds, lances, and islands, aforesayd, or to them or any of them belonging, or in any wise appertaining; to have and to hold the same, Into the sayd Governour and Companv, and their successours, forever, vpon trust, for the vse and benefit of themselves and their associates, ffreemen of the sayd Collony, their heires and assignas, to be holden of vs. our heires and successours, as of the Mannor of East-Greenwich, in our county of Kent, in free and comon soccage, and not in capite, nor by knight service; Wilding and paying therefor, to vs. our heires and successours, only the Fifth part of all the oare of Fold and silver which, from tyme to tyme, and att all tymes hereafter, shall bee there gotten, had or obtained, in lieu and satisfaction of all services, duties, Dynes, forfeitures, made or to be made, claimes and demands, whatsoever, to bee to vs. our heires or successours, therefor or thereout rendered, made or paid; any graunt, or clause in a late graunt, to the Governour and Company of Connecticutt Colony, in America, to the contrary thereof in any wise notwithstanding; the aforesavd Pawcatuck river haven byn yielded, after much debate, for the fixed and certain bounces betweene these our sayd Colonies, by the agents thereof; w hoe have alsoe agreed, that the sayd Pawcatuck river shall bee alsoe called alias Norrogansett or Narrogansett river; and to prevent future disputes, that otherwise might arise thereby, forever hereafter shall bee construed, deemed and taken to bee the Narragansett river in our late Irrupt to Connecticutt (colony mentioned as the easterly bounds of that Colony. And further, our will and pleasure is, that in all matters of publike controversy which may fall out betweene our Colovn of Providence Plantations, and the rest of our Colonies in New-England, lit shall and may bee lawfull to and for the Governour and Company of the sayd Colony of Providence Plantations to make their appeales therein to vs. our heirs and successours. for redresse in such cases, within this our realme of England: and that itt shall bee lawfull to and for the inhabitants of the sayd Colony of Providence Plantations, without let or molestation, to passe and repasse with freedome, into and thorough the rest of the English Colonies, vpon their lawfull and civil occasions, and to converse, and hold commerce and trade, wit: such of the inhabitants of our other English Collonies as shall bee willing to admits them thereunto, they behaving themselves peaceably among them; any act, clause or sentence, in any of the sayd Collonies provided, or that shall bee provided, to the contrary in anywise notwithstanding. And lastly, wee doe, for vs. our heires and successours, ordeyne and graunt vnto the sayd Governor and Company, and their successours, and by these presents, that these our letters patent shall be firme, good, effectuell and available in all things in the lawe, to all intents, constructions and purposes whatsoever, according to our true intent and meaning hereinbefore declared; and shall bee construed, reputed and adjudged in all cases most favorably on the behalfe, and for the benefit and behoofe, of the sayd Governor and Company, and their successours; although empress mention of the true yearly value or certainty of the premises, or any of them, or of any other gifts or graunts by vs. or by any of our progenitors or predecessors, heretofore made to the sayd Governor and Company of the English Colony of Rhode-Island and Providence Plantations, in the Narragansett Bay, New-England, in America, in these presents is not made, or any statute, act, ordinance, provision. proclamation or restriction, heretofore had, made, enacted ordeyned or provided, or any other matter, cause or thing whatsoever, to the contrary thereof in anywise notwithstanding; In witnes whereof, wee have caused these our letters to bee made patent. Witnes our Selfe att Westminster, the eighth day of July, in the Fifteenth yeare of our reigne.

By the King:

HOWARD.

(1) The Charter in " The Manual with Rules and orders for the use of the General Assembly of the State of Rhode Island. 1889-'90. Prepared h accordance with a Resolution of the General Assembly by Samuel H. Cross, Sec'y of State 1889." pp. 49-64.

The commonwealth of England had claimed the right, in 1651, to appoint a governor for Rhode Island and Providence Plantations, with a provincial council, to be elected by the freeholders and accepted by himself. After the restoration an agent was sent to England, who obtained this charter from Charles II. [Back](#)

Source:

The Federal and State Constitutions Colonial Charters, and Other Organic Laws of the States, Territories, and Colonies Now or Heretofore Forming the United States of America
Compiled and Edited Under the Act of Congress of June 30, 1906 by Francis Newton Thorpe
Washington, DC : Government Printing Office, 1909.

Colonial Charters Page

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Constitution of South Carolina - March 26, 1776 (1)

Whereas the British Parliament, claiming of late years a right to bind the North American colonies by law in all cases whatsoever, have enacted statutes for raising a revenue in those colonies and disposing of such revenue as they thought proper, without the consent and against the will of the colonists. And whereas it appearing to them that (they not being represented in Parliament) such claim was altogether unconstitutional, and, if admitted, would at once reduce them from the rank of freemen to a state of the most abject slavery; the said colonies, therefore, severally remonstrated against the passing, and petitioned for the repeal, of those acts, but in vain, and whereas the said claim being persisted in, other unconstitutional anal oppressive statutes have been since enacted by which the powers of admiralty courts in the colonies are extended beyond their ancient limits, and jurisdiction is given to such courts in cases similar to those which in Great Britain are triable by jury; persons are liable to be sent to and tried in Great Britain for an offence created and made capital by one of those statutes, though committed in the colonies; the harbor of Boston was blocked up; people indicted for murder in the Massachusetts Bay may, at the will of a governor, be sent for trial to any other colony, or even to Great Britain; the chartered constitution of government in that colony is materially altered; the English laws and a free government, to which the inhabitants of Quebec were entitled by the King's royal proclamation, are abolished and French laws are restored; the Roman Catholic religion (although before tolerated and freely exercised there) and an absolute government are established in that province, and its limits extended through a vast tract of country so as to border on the free Protestant English settlements, with design of using a whole people differing in religious principles from the neighboring colonies, and subject to arbitrary power, as fit instruments to overawe and subdue the colonies. And whereas the delegates of all the colonies on this continent, from Nova Scotia to Georgia, assembled in a general Congress at Philadelphia, in the most dutiful manner laid their complaints at the foot of the throne, and humbly implored their sovereign that his royal authority and interposition might be used for their relief from the grievances occasioned by those statutes, and assured His Majesty that harmony between Great Britain and America, ardently desired by the latter, would be thereby immediately restored, and that the colonists confided in the magnanimity and justice of the King and Parliament for redress of the many other grievances under which they labored. And whereas these complaints being Only disregarded, statutes still more cruel than those above mentioned have been enacted, prohibiting the intercourse of the colonies with each other, restricting their trade, and depriving many thousands of people of the means of subsistence, by restraining them from fishing on the American coast. And whereas large fleets and armies having been sent to America in order to enforce the execution of those laws, and to compel an absolute and implicit submission to the will of a corrupt and despotic administration, and in consequence thereof, hostilities having been commenced in the Massachusetts Bay, by the troops under command of General Gage, whereby a number of peaceable, helpless, and unarmed people were wantonly robbed and murdered, and there being just reason to apprehend that like hostilities would be committed in all the other colonies. The colonists were therefore driven to the necessity of taking up arms, to repel force by force, and to defend themselves and their properties against lawless invasions and depredations. Nevertheless, the delegates of the said colonies assembled in another Congress at Philadelphia, anxious to procure a reconciliation with Great Britain upon just and constitutional principles, supplicated His Majesty to direct some mode by which the united applications of his faithful colonists might be improved into a happy and permanent reconciliation, that in the mean time measures might be taken for preventing the further destruction of their lives, and that such statutes as immediately distressed any of the colonists might be repealed. And whereas, instead of obtaining that justice, to which the colonists were and are of right entitled, the unnatural civil war into which they were thus precipitated and are involved, hath been prosecuted with unremitted violence, and the governors and others bearing the royal commission in the colonies having broken the most solemn promises and engagements, and violated every obligation of honor, Justice, and humanity, have caused the persons of divers good people to be seized and imprisoned, and their properties to be forcibly taken and detained' or destroyed, without any crime or forfeiture; excited domestic insurrections; proclaimed freedom to servants and slaves, enticed or stolen them from, and armed them against their masters; instigated and encouraged the Indian nations to war against the colonies; dispensed with the law of the land, and substituted the law martial in its stead; killed many of the colonists; burned several towns, and threatened to burn the rest, and daily endeavor by a conduct which has sullied the British arms, and would disgrace even savage nations, to effect the ruin and destruction of the colonies; and whereas a statute hath been lately passed, whereby, under presence that the said colonies are in open rebellion, all trade and commerce whatsoever with them is prohibited; vessels belonging to their inhabitants trading in, to, or from the said colonies, with the cargoes and effects on board such vessels, are made lawfull prize, and the masters and crews of such vessels are subjected by force to act on board the King's ships against their country and dearest friends; and all seizures and detention or destruction of the persons and properties of the colonists which have at any time been made or committed for withstanding or suppressing the said pretended rebellion, and which' shall be made in pursuance of the said act, or for the service of the public, are justified, and persons suing for damages in such cases are, on failing in their suits, subjected to payment of very heavy expenses. And whereas large reenforcements of troops and ships have been ordered and are daily expected in America for carrying on war against each of the united colonies by the most vigorous exertions. And whereas in consequence of a plan recommended by- the governors, and which seems to have been concerted between them and their ministerial masters to withdraw the usual officers and thereby loosen the bands of government and create anarchy and confusion in the colonies. Lord William (Jampbell, late governor, on the fifteenth day of September last, dissolved the general assembly of this colony, and no other hath been since called, although by law the sitting and holding of general assemblies cannot be intermitted above six months, and having used his utmost efforts to destroy the lives, liberties, and properties of the good people here, whom by the duty of his station he was bound to protect, withdrew himself from the colony and carried off the great seal and the royal instructions to governors. And whereas the judges of courts of law here have refused to exercise their respective functions, so that it is become indispensably necessary that during the present situation of American affairs, and until an accommodation of the unhappy differences between Great Britain and America can be obtained, (an event which, though traduced and treated as rebels, we still earnestly desire,) some mode should be established by common consent, and for the good of the people, the origin and end of all governments, for regulating the internal polity of this colony. The congress being vested with powers competent for the purpose, and having fully deliberated touching the premises, do therefore resolve:

- I. That this congress being a full and free representation of the people of this colony, shall henceforth be deemed and called the general assembly of South Carolina, and as such shall continue until the twenty-first day of October next, and no longer.
- II. That the general assembly shall, out of their own body, elect by ballot a legislative council, to consist of thirteen members, (seven of whom shall be a quorum,) and to continue for the same time as the general assembly.
- III. That the general assembly and the said legislative council shall jointly choose by ballot from among themselves, or from the people at large, a president and commander-in-chief and a vice-president of the colony.
- IV. That a member of the general assembly being chosen and acting as president and commander-in-chief, or vice-president, or one of the legislative council shall vacate his seat in the general assembly and another person shall be elected in his room; and if one of the legislative council is chosen president and commander-in-chief or vice-president, he shall lose his seat and another person shall be elected in his stead.
- V. That there be a privy council, whereof the vice-president of the colony shall of course be a member and president of the privy council, gild that six other members be chosen by ballot, three by the general assembly, and three by the legislative council: Provided always, That no officer in the army or navy in the service of the continent, or of this colony, shall be eligible. And a member of the general assembly, or of the legislative council, being chosen of the privy council, shall not thereby lose his seat in the general assembly, or in the legislative council, unless he be elected vice-president of the colony, in which case he shall, and another person shall be chosen in his stead. The privy council (of which four to be a quorum) to advise the president and commander-in-chief when required, but he shall not be bound to consult them, unless in cases after mentioned.

VI. That the qualifications of president and commander-in-chief, and vice-president of the colony, and members of the legislative and privy council, shall be the same as of members of the general assembly, and on being elected they shall take an oath of qualification in the general assembly.

VII. That the legislative authority be vested in the president and commander-in-chief, the general assembly and legislative council. All money-bills for the support of government shall originate in the general assembly, and shall not be altered or amended by the legislative council, but may be rejected by them. All other bills and ordinances may take rise in the general assembly or legislative council, and may be altered, amended, or rejected by either. Bills having passed the general assembly and legislative council may be assented to or rejected by the president and commander-in-chief. Having received his assent, they shall have all the force and validity of an act of general assembly of this colony. And the general assembly and legislative council, respectively, shall enjoy all other privileges which have at any time been claimed or exercised by the commons house of assembly, but the legislative council shall have no power of expelling their own members.

VIII. That the general assembly and legislative council may adjourn themselves respectively, and the president and commander-in-chief shall have no power to adjourn, prorogue, or dissolve them, but may, if necessary, call them before the time to which they shall stand adjourned. And where a bill has been rejected, it may, on a meeting after adjournment of not less than three days of the general assembly and legislative council, be brought in again.

IX. That the general assembly and legislative council shall each choose their respective speakers and their own officers without control.

X. That if a member of the general assembly or of the legislative council shall accept any place of emolument or any commission except in the militia, he shall vacate his seat, and there shall thereupon be a new election, but he shall not be disqualified from serving upon being reelected.

XI. That on the last Monday in October next, and the day following, and on the same days of every second year thereafter, members of the general assembly shall be chosen, to meet on the first Monday il1 December then next, and continue for two years from the said last Monday in October. The general assembly to consist of the same number of members as this congress does, each parish and district having the same representation as at present, viz: the parish of Saint Philip and Saint Michael, Charlestown, thirty members; the parish of Christ Church, six members; the parish of Saint John, in Berkely County, six members; the parish of Saint Andrew, six members; the parish of Saint George Dorchester, six members; the parish of Saint James Goose Creek, six members; the parish of Saint Thomas and Saint Dennis, six members; the parish of Saint Paul, six members; the parish of Saint Bartholemew, six members; the parish of Saint Helena, six members; the parish of Saint James Santee, six members; the parish of Prince George, Winyaw, six members; the parish of Prince Frederick, six members; the parish of Saint John, in Colleton County, six members; the parish of Saint Peter, six members; the parish of Prince William, six members; the parish of Saint Stephen, six members; the district to the eastward of Stereo River, ten members; the district of Ninety-six, ten members; the district of Saxe Gotha, six members; the district between Broad and Saluda Rivers, in three divisions, viz: the Lower district, four members; the Little River district, four members; the Upper or Spartan district, four members; the district between Broad and Catawba Rivers, ten members; the district called the New Acquisition, ten members; the parish of Saint Mathew, six members; the parish of Saint David, six members; the district between Savannah River and the North Fork of Edisto, six members. And the election of the said members shall be conducted as near as may be agreeable to the directions of the election act, and where there are no churches or church wardens in a district or parish, the general assembly, at some convenient time before their expiration, shall appoint places of election and persons to receive votes and make returns. The qualifications of electors shall be the same as required by law, but persons having property, which, according to the rate of the last preceding tax, is taxable at the sums mentioned in the election act, shall be entitled to vote, though it was no actually taxed, having the other qualifications mentioned in that act; electors shall take an oath of qualification, if required by the returning-officer. The qualification of the elected to be the same as mentioned in the election act, and construed to mean clear of debt.

XII. That if any parish or district neglects or refuses to elect members, or if the members chosen do not meet in general assembly those who do meet shall have the powers of a general assembly; not less than forty-nine members shall make a house to do business, but the speaker or any seven members may adjourn from day to day.

XIII. That as soon as may be, after the first meeting of the general assembly, a president and commander-in-chief, a vice-president of the colony and privy council, shall be chosen in manner and for the time above mentioned, and till such choice be made the former president and commander-in-chief and vice-president of the colony and privy council shall continue to act as such.

XIV. That in case of the death of the president and commander-in-chief, or his absence from the colony, the vice-president of the colony shall succeed to his office, and the privy council shall choose out of their own body a vice-president of the colony, and in case of the death of the vice-president of the colony, or his absence from the colony, one of the privy council (to be chosen by themselves) shall succeed to his office, until a nomination to those offices, respectively, by the general assembly and legislative council for the remainder of the time for which the officer so dying or being absent was appointed.

XV. That the delegates of this colony in the Continental Congress be chosen by the general assembly and legislative council jointly by ballot in the general assembly.

XVI. That the vice-president of the colony and the privy council, or the vice-president and a majority of the privy council for the time being, shall exercise the powers of a court of chancery, and there shall be an ordinary who shall exercise the powers heretofore exercised by that officer in this colony.

XVII. That the jurisdiction of the court of admiralty be confined to maritime causes.

XVIII. That all suits and process depending in any court of law or equity may, if either party shall be so inclined, be proceeded in and continued to a final ending, without being obliged to commence de nova. And the judges of the courts of law shall cause jury-lists to be made, and juries to be summoned, as near as may be, according to the directions of the acts of the general assembly in such cases provided.

XIX. That justices of the peace shall be nominated by the general assembly and commissioned by the president and commander-in-chief, during pleasure. They shall not be entitled to fees except on prosecutions for felony, and not acting in the magistracy, they shall not be entitled to the privileges allowed to them by law.

XX. That all other judicial officers shall be chosen by ballot, jointly by the general assembly and legislative council, and except the judges of the court of chancery, commissioned by the president and commander-in-chief, during good behavior, but shall be removed on address of the general assembly and legislative council

XXI. That sheriffs, qualified as by law directed, shall be chosen in like manner by the general assembly and legislative council, and commissioned by the president and commander-in-chief, for two years only.

XXII. That the commissioners of the treasury, the secretary of the colony, register of mesne conveyances, attorney-general, and powder receiver, be chosen by the general assembly and legislative council, jointly by ballot, and commissioned by the president and commander-in-chief during good behavior, but shall be removed on address of the general assembly and legislative council.

XXIII. That all field-officers in the army, and all captains in the navy, shall be, by the general assembly and legislative council, chosen jointly by ballot, and commissioned by the president and commander-in-chief, and that all other officers in the army or navy shall be commissioned by the president and commander-in-chief

XXIV. That in case of vacancy in any of the offices above directed to be filled by the general assembly and legislative council, the president and commander-in-chief, with the advice and consent of the privy council, may appoint others in their stead, until there shall be an election by the general assembly and legislative council to fill their vacancies respectively.

XXV. That the president and commander-in-chief, with the advice and consent of the privy council, may appoint during pleasure, until otherwise directed by resolution of the general assembly and legislative council, all other necessary officers, except such as are by law directed to be otherwise chosen.

XXVI. That the president and commander-in-chief shall have no power to make war or peace, or enter into any final treaty, - without the consent of the general assembly and legislative council.

XXVII. That if any parish or district shall neglect to elect a member or members on the day of election, or in case any person chosen a member of the general assembly shall refuse to qualify and take his seat as such, or die or depart the colony, the said general assembly shall appoint proper days for electing a member or members of the said general assembly in such cases respectively; and on the death of a member of the legislative or privy council, another member shall be chosen in his room, in manner above mentioned, for the election of members of the legislative and privy council respectively

XXVIII. That the resolutions of the Continental Congress, now of force in this colony, shall so continue until altered or revoked by them.

XXIX. That the resolutions of this or any former congress of this colony, and all laws now of force here, (and not hereby altered,) shall so continue until altered or repealed by the legislature of this colony, unless where they are temporary, in which case they shall expire at the times respectively limited for their duration.

XXX. That the executive authority be vested in the president and commander-in-chief, limited and restrained as aforesaid.

XXXI. That the president and commander-in-chief, the vice-president of the colony, and privy council, respectively, shall have the same personal privileges as are allowed by act of assembly to the governor, lieutenant-governor, and privy council.

XXXII. That all persons now in office shall hold their commissions until there shall be a new appointment in manner above directed, at which time all commissions not derived from authority of the congress of this colony shall cease and be void

XXXIII. That all persons who shall be chosen and appointed to any office or to any place of trust, before entering upon the execution of office, shall take the following oath: " I, A. B., do swear that I will, to the utmost of my power, support, maintain, and defend the constitution of South Carolina, as established by Congress on the twenty-sixth day of March, one thousand seven hundred and seventy-six, until an accommodation of the differences between Great Britain and America shall take place, or I shall be released from this oath by the legislative authority of the said colony: So help me God." find all such persons shall also take an oath of office.

XXXIV. That the following yearly salaries be allowed to the public officers undermentioned: The president and commander-in-chief nine thousand pounds; the chief justice and the assistant judges, the salaries, respectively, as by act of assembly established; the attorneygeneral, two thousand one hundred pounds, in lieu of all charges against the public for fees upon criminal prosecutions; the ordinary, one thousand pounds; the three commissioners of the treasury, two thousand pounds each; and all other public officers shall have the same salaries as are allowed such officers, respectively, by act of assembly.

By order of the congress, March 26, 1776.

WILLIAM HENRY DRAYTON, President.

Attested:

PETER TIMOTHY, Secretary.

(1) Verified by-" constitution" in "The statutes at Large of South Carolina Edited by Thomas Cooper, M. D.; LL. D. Vol. I. Columbia s. c. 1836" pp. 128-134,

This constitution was framed by the "Provincial Congress ", of South Carolina and adopted March 26, 1776. It was not submitted to the people for ratification. [Back](#)

Source:

The Federal and State Constitutions Colonial Charters, and Other Organic Laws of the States, Territories, and Colonies Now or Heretofore Forming the United States of America
Compiled and Edited Under the Act of Congress of June 30, 1906 by Francis Newton Thorpe
Washington, DC : Government Printing Office, 1909.

Colonial Charters Page

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Constitution of South Carolina - March 19, 1778 (1)

An Act for establishing the constitution of the State of South Carolina.

Whereas the [constitution or form of government agreed to and resolved upon by the freemen of this country, met in congress, the twenty-sixth day of March, one thousand seven hundred and seventy-six](#), was temporary only, and suited to the situation of their public affairs at that period, looking forward to an accommodation with Great Britain, an event then desired; and whereas the United Colonies of America have been since constituted independent States, and the political connection heretofore subsisting between them and Great Britain entirely dissolved by the [declaration](#) of the honorable the Continental Congress, dated the fourth day of July, one thousand seven hundred and seventy-six, for the many great and weighty reasons therein particularly set forth: It therefore becomes absolutely necessary to frame a constitution suitable to that great event.

Be it therefore constituted and enacted, by his excellency Rawlins Lowndes, esq., president and commander-in-chief in and over the State of South Carolina, by the honorable the legislative council and general assembly, and by the authority of the same:

That the following articles, agreed upon by the freemen of this State, now met in general assembly, be deemed and held the constitution and form of government of the said State, unless altered by the legislative authority thereof, which constitution or form of government shall immediately take place and be in force from the passing of this act, excepting such parts as are hereafter mentioned and specified.

- I. That the style of this country be hereafter the State of South Carolina.
- II. That the legislative authority be vested in a general assembly, to consist of two distinct bodies, a senate and house of representatives, but that the legislature of this State, as established by the [constitution or form of government passed the twenty-sixth of March, one thousand and seven hundred and seventy-six](#), shall continue and be in full force until the twenty-ninth day of November ensuing.
- III. That as soon as may be after the first meeting of the senate and house of representatives, and at every first meeting of the senate and house of representatives thereafter, to be elected by virtue of this constitution, they shall jointly in the house of representatives choose by ballot from among themselves or from the people at large a governor and commander-in-chief, a lieutenant-governor, both to continue for two years, and a privy council, all of the Protestant religion, and till such choice shall be made the former president or governor and commander-in-chief, and vice-president or lieutenant-governor, as the case may be, and privy council, shall continue to act as such.
- IV. That a member of the senate or house of representatives, being chosen and acting as governor and commander-in-chief or lieutenant-governor, shall vacate his seat, and another person shall be elected n his room.
- V. That every person who shall be elected governor and commander-in-chief of the State, or lieutenant-governor, or a member of the privy council, shall be qualified as forthwith; that is to say, the governor and lieutenant-governor shall have been residents id tills State for ten years, and the members of the privy council five years, preceding their said election, and shall have in this State a settled plantation or freehold in their and each of their own right of the value of at least ten thousand pounds currency, clear of debt, and on being elected they shall respectively take an oath of qualification in the house of representatives.
- VI. That no future governor and commander-in-chief who shall serve for two years shall be eligible to serve in the said office after the expiration of the said term until the full end and term of four Years.
- VII. That no person in this State shall hold the office of governor thereof, or lieutenant-governor, and any other office or commission, civil or military, (except in the militia,) either in this or any other State, or under the authority of the Continental Congress, at one and the same time.
- VIII. That in case of the impeachment of the governor and commander-in-chief, or his removal from office, death, resignation, or absence from the State, the lieutenant-governor shall succeed to his office, and the privy council shall choose out of their own body a lieutenant-governor of the State. And in case of the impeachment of the lieutenant-governor, or his removal from office death, resignation, or absence from the State, one of the privy council to be chosen by themselves, shall succeed to his office until a nomination to those offices respectively, by the senate and house of representatives, for the remainder of the time for which the officer so impeached, removed from office, dying, resigning, or being absent was appointed.

IX. That the privy council shall consist of the lieutenant-governor for the time being, and eight other members, five of whom shall be a quorum to be chosen as before directed; four to serve for two years, and four for one year, and at the expiration of one year four others shall be chosen in the room of the last four, to serve for two years, all future members of the privy council shall thenceforward be elected to serve two years, whereby there will be a new election every Year for half the privy council, and a constant rotation established; but no member of the privy council who shall serve for two years shall be eligible to serve therein after the expiration of the said term until the full end and term of four years: Provided always, That no officer of the army or navy in the service of the continent or this State, nor judge of any of the courts of law, shall be eligible, nor shall the father, son, or brother to the governor for the time being be elected in the privy council during his administration. A member of the senate and house of representatives being chosen of the privy council, shall not thereby lose his seat in the senate or house of representatives, unless he be elected lieutenant-governor, in which case he shall, and another person shall be chosen in his stead. The privy council is to advise the governor and commander-in-chief when required, but he shall not be bound to consult them unless directed by law. If a member of the privy council shall die or depart this State during the recess of the general assembly, the privy council shall choose another to act in his room, until a nomination by the senate and house of representatives shall take place. The clerk of the privy council shall keep a regular journal of all their proceedings, in which shall be entered the yeas and nays on every question, and the opinion, with the reasons at large, of anv member who desires it; which journal shall be laid before the legislature when required by either house.

X. That in case of the absence from the seat of government or sickness of the governor and lieutenant-governor, any one of the privy council may be empowered by the governor, under his hand and seal, to act in his room, but such appointment shall not vacate his seat in the senate, house of representatives, or privy council.

XI. That the executive authority be vested in the governor and commander-in-chief, in manner herein mentioned

XII. That each parish and district throughout this State shall on the last Monday in November next and the day followings and on the same days of every succeeding year thereafter, elect by ballot one member of the senate, except the district of Saint Philip and Saint Michael's parishes, Charleston, which shall elect two members; and except also the district between Broad and Saluda Rivers, in three divisions, viz: the Lower district, the Little River district, and the Upper or Spartan district, each of which said divisions shall elect one member; and except the parishes of Saint Matthew and Orange, which shall elect one member; and also except the parishes of Prince George and All Saints, which shall elect one member; and the election of senators for such parishes, respectively, shall, until otherwise altered by the legislature,

be at the parish of Prince George for the said parish and the parish of All Saints, and at the parish of Saint Matthew for that parish and the parish of Orange; to meet on the first Monday in January then next, at the seat of government, unless the casualties of war or contagious disorders should render it unsafe to meet there, in which case the governor and commander-in-chief for the time being may, by proclamation, with the advice and consent of the privy council, appoint a more secure and convenient place of meeting; and to continue for two years from the said last Monday in November; and that no person shall be eligible to a seat in the said senate unless he be of the Protestant religion, and hath attained the age of thirty years, and hath been a resident in this State at least five years. Not less than thirteen members shall be a quorum to do business but the president or any three members may adjourn from day to day. No person who resides in the parish or district for which he is elected shall take his seat in the senate, unless he possess a settled estate and freehold in his own right in the said parish or district of the value of two thousand pounds currency at least, clear of debt; and no non-resident shall be eligible to a seat in the said senate unless he is owner of a settled estate and freehold in his own right, in the parish or district where he is elected, of the value of seven thousand pounds currency at least, also clear of debt.

XIII. That on the last Monday in November next and the day following, and on the same days of every second year thereafter, members of the house of representatives shall be chosen, to meet on the first Monday in January then next, at the seat of Government, unless the casualties of war or contagious disorders should render it unsafe to meet there, in which case the governor and commander-in-chief for the time being may, by proclamation, with the advice and consent of the privy council, appoint a more secure and convenient place of meeting, and to continue for two years from the said last Monday in November. Each parish and district within this State shall send members to the general assembly in the following proportions; that is to say, the parish of Saint Philip and Saint Michael's, Charleston, thirty members; the parish of Christ Church, six members; the parish of Saint John's, in Berkely County, six members; the parish of Saint Andrew, six members; the parish of Saint George, Dorchester, six members; the parish of Saint James, Goose Creek, six members; the parish of Saint Thomas and Saint Dennis, six members; the parish of Saint Paul, six members; the parish of Saint Bartholomew, six members; the parish of Saint Helena, six members; the parish of Saint James, Santee, six members; the parish of Prince George, Winyaw, four members; the parish of All Saints, two members; the parish of Prince Frederick, six members; the parish of Saint John, in Colleton County, six members; the parish of Saint Peter, six members; the parish of Prince William, six members; the parish of Saint Stephen, six members; the district to the eastward of Wateree River, ten members; the district of Ninety-six, ten members; the district of Saxe Gotha, six members; the district between Broad and Saluda Rivers, in three divisions, viz: the lower district, four members; the Little River district, four members; the Upper or Spartan district, four members; the district between Broad and Catawba Rivers, ten members; the district called the New Acquisition, ten members; the parish of Saint Matthew, three members; the parish of Orange, three members; the parish of Saint David, six members; the district between the Savannah River and the North Fork of Edisto, six members. And the election of the said members shall be conducted as near as may be agreeable to the directions of the present or any future election act or acts, and where there are no churches or church-wardens in a district or parish, the house of representatives, at some convenient time before their expiration, shall appoint places of election and persons to receive votes and make returns. The qualification of electors shall be that every free white man, and no other person, who acknowledges the being of a God, and believes in a future state of rewards and punishments, and who has attained to the age of one and twenty years, and hath been a resident and an inhabitant in this State for the space of one whole year before the day appointed for the election he offers to give his vote at, and hath a freehold at least of fifty acres of land, or a town lot, and hath been legally seized and possessed of the same at least six months previous to such election, or hath paid a tax the preceding year, or was taxable the present year, at least six months previous to the said election, in a sum equal to the tax on fifty acres of land, to the support of this government, shall be deemed a person qualified to vote for, and shall be capable of electing, a representative or representatives to serve as a member or members in the senate and house of representatives, for the parish or district where he actually is a resident, or in any other parish or district in this State where he hath the like freehold. Electors shall take an oath or affirmation of qualification, if required by the returning officer. No person shall be eligible to sit in the house of representatives unless he be of the Protestant religion, and hath been a resident in this State for three years previous to his election. The qualification of the elected, if residents in the parish or district for which they shall be returned, shall be the same as mentioned in the election act, and construed to mean clear of debt. But no non-resident shall be eligible to a seat in the house of representatives unless he is owner of a settled estate and freehold in his own right of the value of three thousand and five hundred pounds currency at least, clear of debt, in the parish or district for which he is elected.

XIV. That if any parish or district neglects or refuses to elect members, or if the members chosen do not meet in general assembly, those who do meet shall have the powers of the general assembly. Not less than sixty-nine members shall make a house of representatives to do business, but the speaker or any seven members may adjourn from day to day.

XV. That at the expiration of seven Years after the passing of this constitution, and at the end of every fourteen years thereafter, the representation of the whole State shall be proportioned in the most equal and just manner according to the particular and comparative strength and taxable property of the different parts of the same regard being always had to the number of white inhabitants and such taxable property.

XVI. That all money bills for the support of government shall originate in the house of representatives, and shall not be altered or amended by the senate, but may be rejected by them, and that no money be drawn out of the public treasury but by the legislative authority of the State. All other bills and ordinances may take rise in the senate or house of representatives, and be altered, amended, or rejected by either. Acts and ordinances having passed the general assembly shall have the great seal affixed to them by a joint committee of both houses, who shall wait upon the governor to receive and return the seal, and shall then be signed by the president of the senate and speaker of the house of representatives, in the senate-house, and shall thenceforth have all the force and validity of a law, and be lodged in the secretary's office. And the senate and house of representatives, respectively, shall enjoy all other privileges Which have at any time been claimed or exercised by the commons house of assembly.

XVII. That neither the senate nor house of representatives shall have power to adjourn themselves for any longer time than three days, without the mutual consent of both. The governor and commander-in-chief shall have no power to adjourn, prorogue, or dissolve them, but may, if necessary, by and with the advice and consent of the privy council, convene them before the time to which they shall stand adjourned. And where a bill hath been rejected by either house, it shall not be brought in again that session, without leave of the house, and a notice of six days being previously given.

XVIII. That the senate and house of representatives shall each choose their respective officers by ballot, without control, and that during a recess the president of the senate and speaker of the house of representatives shall issue writs for filling up vacancies occasioned by death in their respective houses, giving at least three weeks and not more than thirty-five days' previous notice of the time appointed for the election.

XIX. That if any parish or district shall neglect to elect a member or members on the day of election, or in case any person chosen a member of either house shall refuse to qualify and take his seat as such, or die, or depart the State, the senate or house of representatives, as the case may be, shall appoint proper days for electing a member or members in such cases respectively.

XX. That if any member of the senate or house of representatives shall accept any place of emolument, or any commission, (except in the militia or commission of the peace, and except as is excepted in the tenth article,) he shall vacate his seat, and there shall thereupon be a new election; but he shall not be disqualified from serving upon being reelected, unless he is appointed secretary of the State, a commissioner of the treasury, an officer of the customs, register of mesne conveyances, a clerk of either of the courts of justice, sheriff, powder reviewer, clerk of the senate, house of representatives, or privy council, surveyor-general, or commissary of military stores, which officers are hereby declared disqualified from being members either of the senate or house of representatives.

XXI. And whereas the ministers of the gospel are by their profession dedicated to the service of God and the cure of souls, and ought not to be diverted from the great duties of their function, therefore no minister of the gospel or public preacher of any religious persuasion, while he continues in the exercise of his pastoral function, and for two years after, shall be eligible either as governor, lieutenant-governor, a member of the senate, house of representatives, or privy council in this State.

XXII. That the delegates to represent this State in the Congress of the United States be chosen annually by the senate and house of representatives jointly, by ballot, in the house of representatives, and nothing contained in this constitution shall be construed to extend to vacate the seat of any member who is or may be a delegate from this State to Congress as such.

XXIII. That the form of impeaching all officers of the State for mal and corrupt conduct in their respective offices, not amenable to any other jurisdiction, be vested in the house of representatives. But that it shall always be necessary that two-third parts of the members present do consent to and agree in such impeachment. That the senators and such of the judges of this State as are not members of the house of representatives, be a court for the trial of impeachments, under such regulations as the legislature shall establish, and that previous to the trial of every impeachment, the members of the said court shall respectively be sworn truly and impartially to try and

determine the charge in question according to evidence, and no judgment of the said court, except judgment of acquittal, shall be valid, unless it shall be assented to by two-third parts of the members then present, and on every trial, as well on impeachments as others, the party accused shall be allowed counsel.

XXIV. That the lieutenant-governor of the State and a majority of the privy council for the time being shall, until otherwise altered by the legislature, exercise the powers of a court of chancery, and there shall be ordinaries appointed in the several districts of this State, to be chosen by the senate and house of representatives jointly by ballot, in the house of representatives, who shall, within their respective districts, exercise the powers heretofore exercised by the ordinary, and until such appointment is made the present ordinary in Charleston shall continue to exercise that office as heretofore.

XXV. That the jurisdiction of the court of admiralty be confined to maritime causes.

XXVI. That justices of the peace shall be nominated by the senate and house of representatives jointly, and commissioned by the governor and commander-in-chief during pleasure. They shall be entitled to receive the fees heretofore established by law; and not acting in the magistracy, they shall not be entitled to the privileges allowed them by law.

XXVII. That all other judicial officers shall be chosen by ballot jointly by the senate and house of representatives, and, except the judges of the court of chancery, commissioned by the governor and commander-in-chief during good behavior, but shall be removed on address of the senate and house of representatives.

XXVIII. That the sheriffs, qualified as by law directed, shall be chosen in like manner by the senate and house of representatives, when the governor, lieutenant-governor, and privy council are chosen, and commissioned by the governor and commander-in-chief, for two years, and shall give security as required by law, before they enter on the execution of their office. No sheriff who shall have served for two years shall be eligible to serve in the said office after the expiration of the said term, until the full end and term of four years, but shall continue in office until such choice be made; nor shall any person be eligible as sheriff in any district unless he shall have resided therein for two years previous to the election.

XXIX. That two commissioners of the treasury, the secretary of the State, the register of mesne conveyances in each district, attorney-general, surveyor-general, powder-receiver, collectors and comptrollers of the customs and waiters, be chosen in like manner by the senate and house of representatives jointly, by ballot, in the house of representatives, and commissioned by the governor and commander-in-chief, for two years; that none of the said officers, respectively, who shall have served for four years, shall be eligible to serve in the said offices after the expiration of the said term, until the full end and term of four years, but shall continue in office until a new choice be made: Provided, That nothing herein contained shall extend to the several persons appointed to the above offices respectively, under the late constitution; and that the present and all future commissioners of the treasury, and powder-receivers, shall each give bond with approved security agreeable to law.

XXX. That all the officers in the army and navy of this State, of and above the rank of captain, shall be chosen by the senate and house of representatives jointly, by ballot in the house of representatives, and commissioned by the governor and commander-in-chief, and that all other officers in the army and navy of this State shall be commissioned by the governor and commander-in-chief.

XXXI. That in case of vacancy in any of the offices above directed to be filled by the senate and house of representatives, the governor and commander-in-chief, with the advice and consent of the privy council, may appoint others in their stead, until there shall be an election by the senate and house of representatives to fill those vacancies respectively

XXXII. That the governor and commander-in-chief, with the advice and consent of the privy council, may appoint during pleasure, until otherwise directed by law, all other necessary officers, except such as are now by law directed to be otherwise chosen.

XXXIII. That the governor and commander-in-chief shall have no power to commence war, or conclude peace, or enter into any final treaty without the consent of the senate and house of representatives.

XXXIV. That the resolutions of the late congress of this State, and all laws now of force here, (and not hereby altered,) shall so continue until altered or repealed by the legislature of this State, unless where they are temporary, in which case they shall expire at the times respectively limited for their duration.

XXXV. That the governor and commander-in-chief for the time being, by and with the advice and consent of the privy council, may lay embargoes or prohibit the exportation of any commodity, for any time not exceeding thirty days, in the recess of the general assembly.

XXXVI. That all persons who shall be chosen and appointed to any office or to any place of trust, civil or military, before entering upon the execution of office, shall take the following oath: " I, A. B., do acknowledge the State of South Carolina to be as free, sovereign, and independent State, and that the people thereof owe no allegiance or obedience to George the Third, King of Great Britain, and I do renounce, refuse, and abjure any allegiance or obedience to him. And I do swear [or affirm, as the case may be] that I will, to the utmost of my power, support, maintain, and defend the said State against the said King George the Third, and his heirs and successors, and his or their abettors, assistants, and adherents, and will serve the said State, in the office of , with fidelity and honor, and according to the best of my skill and understanding: So help me God." -

XXXVII. That adequate yearly salaries be allowed to the public officers of this State, and be fixed by law.

XXXVIII. That all persons and religious societies who acknowledge that there is one God, and a future state of rewards and punishments, and that God is publicly to be worshipped, shall be freely tolerated. The Christian Protestant religion shall be deemed, and is hereby constituted and declared to be, the established religion of this State. That all denominations of Christian Protestants in this State, demeaning themselves peaceably and faithfully, shall enjoy equal religious and civil privileges. To accomplish this desirable purpose without injury to the religious property of those societies of Christians which are by law already incorporated for the purpose of religious worship, and to put it fully into the power of every other society of Christian Protestants, either already formed or hereafter to be formed, to obtain the like incorporation, it is hereby constituted, appointed, and declared that the respective societies of the Church of England that are already formed in this State for the purpose of religious worship shall still continue incorporate and hold the religious property now in their possession. And that whenever fifteen or more male persons, not under twenty-one years of age, professing the Christian Protestant religion, and agreeing to unite themselves in a society for the purposes of religious worship, they shall, (on complying with the terms hereinafter mentioned,) be, and be constituted a church, and be esteemed and regarded in law as of the established religion of the State, and on a petition to the legislature shall be entitled to be incorporated and to enjoy equal privileges. That every society of Christians so formed shall give themselves a name or denomination by which they shall be called and known in law, and all that associate with them for the purposes of worship shall be esteemed as belonging to the society so called. But that previous to the establishment and incorporation of the respective societies of every denomination as aforesaid, and in order to entitle them thereto, each society so petitioning shall have agreed to and subscribed in a book the following five articles, without which no agreement fir union of men upon presence of religion shall entitle them to be incorporated and esteemed as a church of the established religion of this State:

- 1st. That there is one eternal God, and a future state of rewards and punishments.
- 2d. That God is publicly to be worshipped.
- 3d. That the Christian religion is the true religion
- 4th. That the holy scriptures of the Old and New Testaments are of divine inspiration, and are the rule of faith and practice.
- 5th. That it is lawful and the duty of every man being thereunto called by those that govern, to bear witness to the truth.

And that every inhabitant of this State, when called to make an appeal to God as a witness to truth, shall be permitted to do it in that way which is most agreeable to the dictates of his own conscience. And that the people of this State may forever enjoy the right of electing their own pastors or clergy, and at the same time that the State may have sufficient security for the due discharge of the pastoral office, by those who shall be admitted to be clergymen, no person shall officiate as minister of

any established church who shall not have been chosen by a majority of the society to which he shall minister, or by persons appointed by the said majority, to choose and procure a minister for them; nor until the minister so chosen and appointed shall have made and subscribed to the following declaration, over and above the aforesaid five articles, viz: "That he is determined by God's grace out of the holy scriptures, to instruct the people committed to his charge, and to teach nothing as required of necessity to eternal salvation but that which he shall be persuaded may be concluded and proved from the scripture; that he will use both public and private admonitions, as well to the sick as to the whole within his cure, as need shall require and occasion shall be given, and that he will be diligent in prayers, and in reading of the same; that he will be diligent to frame and fashion his own self and his family according to the doctrine of Christ, and to make both himself and them, as much as in him lieth, wholesome examples and patterns to the flock of Christ; that he will maintain and set forwards, as much as he can, quietness, peace, and love among all people, and especially among those that are or shall be committed to lids charge. No person shall disturb or molest any religious assembly; nor shall use any reproachful, reviling, or abusive language against any church, that being the certain way of disturbing the peace, and of hindering the conversion of any to the truth, by engaging them in quarrels and animosities, to the hatred of the professors, and that profession which otherwise they might be brought to assent to. To person whatsoever shall speak anything in their religious assembly irreverently or seditiously of the government of this State. No person shall, by law, be obliged to pay towards the maintenance and support of a religious worship that he does not freely join in, or has not voluntarily engaged to support. But the churches, chapels, parsonages, globes, and all other property now belonging to any societies of the Church of England, or any other religious societies, shall remain and be secured to them forever. The poor shall be supported, and elections managed in the accustomed manner, until laws shall be provided to adjust those matters in the most equitable way.

- XXXIX. That the whole State shall, as soon as proper laws can be passed for these purposes, be divided into districts and counties, and county courts established.
- XL. That the penal laws, as heretofore used, shall be reformed, and punishments made in some cases less sanguinary, and in general more proportionate to the crime.
- XLI. That no freeman of this State be taken or imprisoned, or disseized of his freehold, liberties, or privileges, or outlawed, exiled or in any manner destroyed or deprived of his life, liberty, or property, but by the judgment of his peers or by the law of the land.
- XLII. That the military be subordinate to the civil power of the State.
- XLIII. That the liberty of the press be inviolably preserved.
- XLIV. That no part of this constitution shall be altered without notice being previously given of ninety days, nor shall any part of the same be changed without the consent of a majority of the members of the senate and house of representatives.

XLV. That the senate and house of representatives shall not proceed to the election of a governor or lieutenant-governor, until there be a majority of both houses present.

In the council-chamber, the 19th day of March, 1778.

Assented to.
RAWLINS LOWNDES.
HUGH RUTLEGE,
Speaker of the Legislative Council.
THOMAS BEE,
Speaker of the General Assembly.

(1) Verified by " A Collection of the Constitutions of the Tllirteen United States of North America, Published by order of Congress. Philadelphia Printed: Glasgow Reprinted, John Bryee, 1783."

Also from Cooper's Statute of South Carolina, Vol. I, pp. 137-146.

This constitution was framed by the general assembly of South Carolina, by which it was passed as an " act " March 19, 1778, although it did not go into effect until November, 1778. It was soon afterwards declared by the supreme court of South Carolina that both the constitution of 1776 and the constitution of 1778 were simply acts of the general assembly, which that body could repeal or amend at pleasure. [Back](#)

Source:
The Federal and State Constitutions Colonial Charters, and Other Organic Laws of the States, Territories, and Colonies Now or Heretofore Forming the United States of America
Compiled and Edited Under the Act of Congress of June 30, 1906 by Francis Newton Thorpe
Washington, DC : Government Printing Office, 1909.

Colonial Charters Page

Avalon Home	Document Collections	Ancient 4000bce - 399	Medieval 400 - 1399	15th Century 1400 - 1499	16th Century 1500 - 1599	17th Century 1600 - 1699	18th Century 1700 - 1799	19th Century 1800 - 1899	20th Century 1900 - 1999	21st Century 2000 -
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Constitution of Vermont - July 8, 1777 (1)

WHEREAS, all government ought to be instituted and supported, for the security and protection of the community, as such, and to enable the individuals who compose it, to enjoy their natural rights, and the other blessings which the Author of existence has bestowed upon man; and whenever those great ends of government are not obtained, the people have a right, by common consent, to change it, and take such measures as to them may appear necessary to promote their safety and happiness.

And whereas, the inhabitants of this State have (in consideration of protection only) heretofore acknowledged allegiance to the King of Great Britain, and the said King has not only withdrawn that protection, but commenced, and still continues to carry on, with unabated vengeance, a most cruel and unjust war against them; employing therein, not only the troops of Great Britain, but foreign mercenaries, savages and slaves, for the avowed purpose of reducing them to a total and abject submission to the despotic domination of the British parliament, with many other acts of tyranny, (more fully set forth in the declaration of Congress) whereby all allegiance and fealty to the said King and his successors, are dissolved and at an end; and all power and authority derived from him, ceased in the American Colonies.

And whereas, the territory which now comprehends the State of *Vermont*, did antecedently, of right, belong to the government of *New-Hampshire*; and the former Governor thereof, viz. his Excellency *Benning Wentworth*, Esq., granted many charters of lands and corporations, within this State, to the present inhabitants and others. And whereas, the late Lieutenant Governor *Colden*, of *New York*, with others, did, in violation of the tenth command, covet those very lands; and by a false representation made to the court of Great Britain, (in the year 1764, that for the convenience of trade and administration of justice, the inhabitants were desirous of being annexed to that government,) obtained jurisdiction of those very identical lands, *ex-parte*; which ever was, and is, disagreeable to the inhabitants. And whereas, the legislature of *New-York*, ever have, and still continue to disown the good people of this State, in their landed property, which will appear in the complaints hereafter inserted, and in the 36th section of their present constitution, in which is established the grants of land made by that government.

They have refused to make regents of our lands to the original proprietors and occupants, unless at the exorbitant rate of 2300 dollars fees for each township; and did enhance the quit-rent, three fold, and demanded an immediate delivery of the title derived before, from *New-Hampshire*.

The judges of their supreme court have made a solemn declaration that the charters, conveyances, &c. of the lands included in the before described premises, were utterly null and void, on which said title was founded: in consequence of which declaration, writs of possession have been by them issued, and the sheriff of the county of Albany sent, at the head of six or seven hundred men, to enforce the execution thereof.

They have passed an act, annexing a penalty thereto, of thirty pounds fine and six months imprisonment, on any person who should refuse assisting the sheriff, after being requested, for the purpose of executing writs of possession.

The Governors, *Dunmore*, *Tryon* and *Colden*, have made re-grants of several tracts of land, included in the premises, to certain favorite land jobbers in the government of *New-York*, in direct violation of his Britannic majesty's express prohibition, in the Year 1767.

They have issued proclamations, wherein they have offered large sums of money, for the purpose of apprehending those very persons who have dared boldly, and publicly, to appear in defence of their just rights.

They did pass twelve acts of outlawry, on the 9th day of March, A. D. 1774, empowering the respective judges of their supreme court, to award execution of death against those inhabitants in said district, that they should judge to be offenders, without trial.

They have, and still continue, an unjust claim to those lands, which greatly retards emigration into, and the settlement of, this State.

They have hired foreign troops, emigrants from *Scotland*, at two different times, and armed them, to drive us out of possession.

They have sent the savages on our frontiers, to distress us.

They have proceeded to erect the counties of Cumberland and Gloucester, and establish courts of justice there, after they were discountenanced by the authority of Great Britain.

The free convention of the State of *New-York* at *Harlem*, in the year 1776, unanimously voted, " That all quit-rents, formerly due to the King of Great Britain, are now due and owing to this Convention. Or such future government as shall be hereafter established in this State."

In the several stages of the aforesaid oppressions, we have petitioned his Britannic majesty, in the most humble manner, for redress? and have, at very great expense, received several reports in our favor; and, in other instances, wherein we have petitioned the late legislative authority of *New-York*, those petitions have been treated with neglect.

And whereas, the local situation of this State, from *New-York*, at the extreme part, is upward of four hundred and fifty miles from the seat of that government, which renders it extreme difficult to continue under the jurisdiction of said State

Therefore, it is absolutely necessary, for the welfare and safety of the inhabitants of this State, that it should be, henceforth, a free and independent State; and that a just, permanent, and proper form of government, should exist in it, derived from, and founded on, the authority of the people only, agreeable to the direction of the honorable American Congress.

We the representatives of the freemen of Vermont, in General Convention met, for the express purpose of forming such a government, confessing the goodness of the Great Governor of the universe, (who alone, knows to what degree of earthly happiness, mankind may attain, by perfecting the arts of government,) in permitting the people of this State, by common consent, and without violence, deliberately to form for themselves, such just rules as they shall think best for governing their future society; and being fully convinced that it is our indispensable duty, to establish such original principles of government, as will best promote the general happiness of the people of this State, and their posterity, and provide for future improvements, without partiality for, or prejudice against, any particular class, sect, or denomination of men whatever, -do, by virtue of authority vested in us, by our constituents, ordain, declare, and establish, the following declaration of rights, and frame of government, to be the CONSTITUTION of this COMMONWEALTH, and to remain in force therein, forever, unaltered, except in such articles, as shall, hereafter, on experience, be found to require improvement, and which shall, by the same authority of the people, fairly delegated, as this frame of government directs, be amended or improved, for the more effectual obtaining and securing the great end and design of all government, herein before mentioned.

CHAPTER I
A DECLARATION OF THE RIGHTS OF THE INHABITANTS OF THE STATE OF VERMONT

I. THAT all men are born equally free and independent, and have certain natural, inherent and unalienable rights, amongst which are the enjoying and defending life and liberty; acquiring, possessing and protecting property, and pursuing and obtaining happiness and safety. Therefore, no male person, born in this country, or brought from over sea, ought to be holden by law, to serve any person, as a servant, slave or apprentice, after he arrives to the age of twenty-one Years, nor female, in like manner, after she arrives to the age of eighteen years, unless they are bound by their own consent, after they arrive to such age, or bound by law, for the payment of debts, damages, fines, costs, or the like.

II. That private property ought to be subservient to public uses, when necessity requires it; nevertheless, whenever any particular man's property is taken for the use of the public, the owner ought to receive an equivalent in money.

III. That all men have a natural and unalienable right to worship ALMIGHTY GOD, according to the dictates of their own consciences and understanding, regulated by the word of GOD; and that no man ought, or of right can be compelled to attend any religious worship, or erect, or support any place of worship, or maintain any minister, contrary to the dictates of his conscience; nor can any man who professes the protestant religion, be justly deprived or abridged of any civil right, as a citizen, on account of his religious sentiment, or peculiar mode of religious worship, and that no authority can, or ought to be vested in, or assumed by, any power whatsoever, that shall, in any case, interfere with, or in any manner controul, the rights of conscience, in the free exercise of religious worship: nevertheless, every sect or denomination of people ought to observe the Sabbath, or the Lord's day, and keep up, and support, some sort of religious worship, which to them shall seem most agreeable to the revealed will of GOD.

IV. That the people of this State have the sole, exclusive and inherent right of governing and regulating the internal police of the same.

V. That all power being originally inherent in, and consequently, derived from, the people; therefore, all officers of government, whether legislative or executive, are their trustees and servants. and at all times accountable to them.

VI. That government is, or ought to be, instituted for the common benefit, protection, and security of the people, nation or community; and not for the particular emolument or advantage of any single man, family or set of men, who are a part only of that community; and that the community hath an indubitable, unalienable and indefeasible right to reform, alter, or abolish, government, in such manner as shall be, by that community, judged most conducive to the public weal.

VII. That those who are employed in the legislative and executive business of the State, may be restrained from oppression, the people have a right, at such periods as they may think proper, to reduce their public officers to a private station, and supply the vacancies by certain and regular elections.

VIII. That all elections ought to be free; and that all freemen. having a sufficient, evident, common interest with, and attachment to the community, have a right to elect officers, or be elected into office.

IX. That every member of society hath a right to be protected in the enjoyment of life, liberty and property, and therefore, is bound to contribute his proportion towards the expense of that protection, and yield his personal service, when necessary, or an equivalent thereto; but no part of a man's property can be justly taken from him, or applied to public uses, without his own consent, or that of his legal representatives; nor can any man who is conscientiously scrupulous of bearing arms, be justly compelled thereto, if he will pay such equivalent; nor are the people bound by any law' but such as they have, in like manner, assented to, for their common good.

X. That, in all prosecutions for criminal offences, a man hath a right to be heard, by himself and his counsel-to demand the cause and nature of his accusation-to be confronted with the witnesses- to call for evidence in his favor, and a speedy public trial, by an impartial jury of the country; without the unanimous consent of which jury, he cannot be found guilty; nor can he be compelled to give evidence against himself; nor can any man be justly deprived of his liberty, except by the laws of the land or the judgment of his peers.

XI. That the people have a right to hold themselves, their houses, papers and possessions free from search or seizure; and therefore warrants without oaths or affirmations first made, affording a sufficient foundation for them, and whereby any officer or messenger may be commanded or required to search suspected places, or to seize any person or persons, his, her or their property, not particularly described, are contrary to that right, and ought not to be granted.

XII. That no warrant or writ to attach the person or estate. of any freeholder within this State, shall be issued in civil action, without the person or persons, who may request such warrant or attachment, first make oath, or affirm, before the authority who may be requested to issue the same, that he, or they, are in danger of losing his, her or their debts.

XIII. That, in controversies respecting property, and in suits between man and man, the parties have a right to a trial by jury; which ought to be held sacred.

XIV. That the people have a right to freedom of speech, and of writing and publishing their sentiments; therefore, the freedom of the press ought not be restrained.

XV. That the people have a right to bear arms for the defence of themselves and the State; and, as standing armies, in the time of peace, are dangerous to liberty, they ought not to be kept up; and that the military should be kept under strict subordination to, and governed by, the civil power.

XVI. That frequent recurrence to fundamental principles, and a firm adherence to justice, moderation, temperance, industry and frugality, are absolutely necessary to preserve the blessings of liberty, and keep government free. The people ought, therefore, to pay particular attention to these points, in the choice of officers and representatives, and have a right to exact a due and constant regard to them, from their legislators and magistrates, in the making and executing such laws as are necessary for the good government of the State.

XVII. That all people have a natural and inherent right to emigrate from one State to another, that will receive them, or to form a new State in vacant countries, or in such countries as they can purchase? whenever they think that thereby they can promote their own happiness.

XVIII. That the people have a right to assemble together, to consult for their common good-to instruct their representatives, and to apply to the legislature for redress of grievances, by address, petition or remonstrance.

XIX. That no person shall be liable to be transported out of this State for trial, for any offence committed within this State.

CHAPTER II
PLAN OR FRAME OF GOVERNMENT

SECTION I. THE COMMONWEALTH or STATE of VERMONT, shall be governed, hereafter, by a Governor, Deputy Governor, Council, and an Assembly of the Representatives of the Freemen of the same, in manner and form following.

SECTION II. The supreme legislative power shall be vested in a House of Representatives of the Freemen or Commonwealth or State of *Vermont*.

SECTION III. The supreme executive power shall be vested in a Governor and Council.

SECTION IV. Courts of justice shall be established in every county in this State.

SECTION V. The freemen of this Commonwealth, and their sons, shall be trained and armed for its defence, under such regulations, restrictions and exceptions, as

the general assembly shall, by law, direct; preserving always to the people, the right of choosing their colonels of militia, and all commissioned officers under that rank, in such manner, and as often, as by the said laws shall be directed.

SECTION VI. Every man of the full age of twenty-one years, having resided in this State for the space of one whole year, next before the election of representatives, and who is of a quiet and peaceable behaviour, and will take the following oath (or affirmation) shall be entitled to all the privileges of a freeman of this State.

I _____ solemnly swear, by the ever living God, (or affirm, in the presence of Almighty God,) that whenever I am called to give any vote or suffrage, touching any matter that concerns the State of Vermont, I will do it so, as in my conscience, I shall judge will most conduce to the best good of the same, as established by the constitution, without fear or favor of any man.

SECTION VII. The House of Representatives of the Freemen of this State, shall consist of persons most noted for wisdom and virtue, to be chosen by the freemen of every town in this State, respectively. And no foreigner shall be chosen, unless he has resided in the town for which he shall be elected, one year immediately before said election.

SECTION VIII. The members of the House of Representatives, shall be chosen annually, by ballot, by the freemen of this State, on the first Tuesday of September, forever, (except this present year) and shall meet on the second Thursday of the succeeding October, and shall be stiled the General Assembly of the Representatives of the Freemen of *Vermont*; and shall have power to choose their Speaker, Secretary of the State, their Clerk, and other necessary officers of the house- sit on their own adjournments-prepare bills and enact them into laws-judge of the elections and qualifications of their own members-they may expel a member, but not a second time for the same cause-They may administer oaths (or affirmations) on examination of witnesses-redress grievances-impeach State criminals-grant charters of incorporation-constitute towns, boroughs, cities and counties, and shall have all other powers necessary for the legislature of a free State; but they shall have no power to add to, alter, abolish, or infringe any part of this constitution. And for this present year, the members of the General Assembly shall be chosen on the first Tuesday of March next, and shall meet at the meeting-house, in *Windsor*, on the second Thursday of March next.(2)

SECTION IX. A quorum of the house of representatives shall consist of two-thirds of the whole number of members elected; and having met and chosen their speaker, shall, each of them, before they proceed to business, take and subscribe, as well the oath of fidelity and allegiance herein after directed, as the following oath or affirmation, viz.

" I _____ do solemnly swear, by the ever living God, (or, I do solemnly affirm in the presence of Almighty God) that as a member of this assembly, I will not propose or assent to any bill, vote, or resolution, which shall appear to me injurious to the people; nor do or consent to any act or thing whatever, that shall have a tendency to lessen or abridge their rights and privileges, as declared in the Constitution of this State; but will, in all things' conduct myself as a faithful, honest representative and guardian of the people, according to the best of my judgment and abilities."

And each member, before he takes his seat, shall make and subscribe the following declaration, viz.

" I _____ do believe in one God, the Creator and Governor of the Diverse, the rewarder of the good and punisher of the wicked. And I do acknowledge the scriptures of the old and new testament to be given by divine inspiration, and own and profess the protestant religion."

And no further or other religious test shall ever, hereafter, be required of any civil officer or magistrate in this State.

SECTION X. Delegates to represent this State in Congress shall be chosen, by ballot, by the future General Assembly, at their first meeting, and annually, forever afterward, as long as such representation shall be necessary. Any Delegate may be superseded, at any time. by the General Assembly appointing another in his stead. No man shall sit in Congress longer than two years successively, nor be capable of re election for three years afterwards; and no person who holds any office in the gift of the Congress, shall, thereafter, be elected to represent this State in Congress.

SECTION XI. If any town or towns shall neglect or refuse to elect and send representatives to the General Assembly, two thirds of the members of the towns, that do elect and send representatives, (provided they be a majority of the inhabited towns of the whole State) when met, shall have all the powers of the General Assembly, as fully and amply, as if the whole were present.

SECTION XII. The doors of the house in which the representatives of the Greene of this State, shall sit, in General Assembly, shall be and remain open for the admission of all persons, who behave decently, except only, when the welfare of this State may require the doors to be shut.

SECTION XIII. The votes and proceedings of the General Assembly shall be printed, weekly, during their sitting, with the yeas and nays, on any question, vote or resolution, where one-third of the members require it; (except when the votes are taken by ballot) and when the yeas and nays are so taken, every member shall have a right to insert the reasons of his votes upon the minutes, if he desire it.

SECTION XIV. To the end that laws, before they are enacted, may be more maturely considered, and the inconveniency of hasty determination as much as possible prevented, all bills of public nature, shall be first laid before the Governor and Council, for their perusal and proposals of amendment, and shall be printed for the consideration of the people, before they are read in General Assembly, for the last time of debate and amendment; except temporary acts, which, after being laid before the Governor and Council, may (in case of sudden necessity) be passed into laws; and no other shall be passed into laws, until the next session of assembly. And for the more perfect satisfaction of the public, the reasons and motives for making such laws, shall be fully and clearly expressed and set forth in their preambles.

SECTION XV. The style of the laws of this State shall be, " Be it enacted, and it is hereby enacted, by the Representatives of the Freemen of the State of Vermont, in General Assembly met, and by the authority of the same."

SECTION XVI. In order that the Freemen of this State might enjoy the benefit of election, as equally as may be, each town within this State, that consists, or may consist, of eighty taxable inhabitants, within one septenary or seven years, next after the establishing this constitution, may hold elections therein, and choose each, two representatives; and each other inhabited town in this State may, in like manner, choose each, one representative, to represent them in General Assembly, during the said septenary or seven years; and after that, each inhabited town may, in like manner, hold such election, and choose each, one representative, forever thereafter.

SECTION XVII. The Supreme Executive Council of this State, shall consist of a Governor, Lieutenant-Governor, and twelve persons, chosen in the following manner, viz. The Freemen of each town, shall, on the day of election for choosing representatives to attend the General Assembly, bring in their votes -for Governor, with his name fairly written, to the constable, who shall seal them up, and write on them, votes for the Governor, and deliver them to the representative chosen to attend the General Assembly; and, at the opening of the General Assembly, there shall be a committee appointed out of the Council and Assembly, who, after being duly sworn to the faithful discharge of their trust, shall proceed to receive, sort, and count, the votes for the Governor, and declare the person who has the major part of the votes, to be Governor, for the year ensuing. And if there be no choice made, then the Council and General Assembly, by their joint ballot. shall make choice of a Governor.

The Lieutenant Governor and Treasurer, shall be chosen in the manner above directed; and each freeman shall give in twelve votes for twelve councillors, in the same manner; and the twelve highest in nomination shall serve for the ensuing year as Councillors.(3)

The Council that shall act in the recess of this Convention, shall supply the place of a Council for the next General Assembly, until the new Council be declared chosen. The Council shall meet annually, at the same time and place with the General Assembly; and every member of the Council shall be a Justice of the Peace for the whole State, by virtue of his office.

SECTION XVIII. The Governor, and in his absence, the Lieutenant or Deputy Governor, with the Council-seven of whom shall be a quorum-shall have power to appoint and commissionate all officers, (except those who are appointed by the General Assembly,) agreeable to this frame of government, and the laws that may be made hereafter; and shall supply every vacancy in any office, occasioned by death, resignation, removal or disqualification, until the office can be filled, in the time and manner directed by law or this constitution. They are to correspond with other States, and transact business with officers of government, civil and military; and to prepare

such business as may appear to them necessary to lay before the General Assembly. They shall sit as judges to hear and determine on impeachments, taking to their assistance, for advice only, the justices of the supreme court; and shall have power to grant pardons, and remit fines, in all cases whatsoever, except cases of impeachment, and in cases of treason and murder shall have power to grant reprieves, but not to pardon, until the end of the next session of the Assembly: but there shall be no remission or mitigation of punishment, on impeachments, except by act of legislation. They are also, to take care that the laws be faithfully executed. They are to expedite the execution of such measures as may be resolved upon by General Assembly; and they may draw upon the Treasurer for such sums as may be appropriated by the House: they may also lay embargoes, or prohibit the exportation of any commodity for any time, not exceeding thirty days, in the recess of the House only: they may grant such licenses as shall be directed by law, and shall have power to call together the General Assembly, when necessary, before the day to which they shall stand adjourned. The Governor shall be commander-in-chief of the forces of the State; but shall not command in person, except advised thereto by the Council, and then, only as long as they shall approve thereof. The Governor and Council shall have a Secretary, and keep fair books of their proceedings, wherein any Councillor may enter his dissent, with his reasons to support it.

SECTION XIX. All commissions shall be in the name of the freemen of the State of Vermont, sealed with the State seal, signed by the Governor, and in his absence, the Lieutenant Governor, and attested by the Secretary; which seal shall be kept by the Council.

SECTION XX. Every officer of State, whether judicial or executive, shall be liable to be impeached by the General Assembly, either when in office, or after his resignation, or removal for mal-administration. All impeachments shall be before the Governor or Lieutenant Governor and Council, who shall hear and determine the same.

SECTION XXI. The supreme court, and the several courts of common pleas of this State shall, besides the powers usually exercised by such courts, have the powers of a court of chancery, so far as relates to perpetuating testimony, obtaining evidence from places not within this State, and the care of persons and estates of those who are *non compotes mentis*, and such other powers as may be found necessary by future General Assemblies, not inconsistent with this constitution.

SECTION XXII. Trials shall be by jury; and it is recommended to the legislature of this State to provide by law, against every corruption or partiality in the choice, and return, or appointment, of juries.

SECTION XXIII. All courts shall be open, and justice shall be impartially administered, without corruption or unnecessary delay; all their officers shall be paid an adequate, but moderate, compensation for their services; and if any officer shall take greater or other fees than the laws allow him, either directly or indirectly, it shall ever after disqualify him from holding any office in this State.

SECTION XXIV. All prosecution shall commence in the name and by the authority of the freemen of the State of *Vermont*, and all indictments shall conclude with these words, " against the peace and dignity of the same." The style of all process hereafter, in this State, shall be, "The State of *Vermont*."

SECTION XXV. The person of a debtor, where there is not a strong presumption of fraud, shall not be continued in prison, after delivering up, *bone fide*, all his estate, real and personal, for the use of his creditors, in such manner as shall be hereafter regulated by law. All prisoners shall be bailable by sufficient securities, unless for capital offences, when the proof is evident or presumption great.

SECTION XXVI. Excessive bail shall not be exacted for bailable offences: and all fines shall be moderate.

SECTION XXVII. That the General Assembly, when legally formed, shall appoint times and places for county elections, and at such times and places, the freemen in each county respectively, shall have the liberty of choosing the judges of inferior court of common pleas, sheriff, justices of the peace, and judges of probates, commissioned by the Governor and Council, during good behavior, removable by the General Assembly upon proof of mal-administration.

SECTION XXVIII. That no person, shall be capable of holding any civil office, in this State, except he has acquired, and maintains a good moral character.

SECTION XXIX. All elections, whether by the people or in General Assembly, shall be by ballot, free and voluntary: and any elector who shall receive any gift or reward for his vote, in meat, drink, monies or otherwise shall forfeit his right to elect at that time, and suffer such other penalty as future laws shall direct. And any person who shall, directly or indirectly, give, promise, or bestow, any such rewards to be elected, shall, thereby, be rendered incapable to serve for the ensuing year.

SECTION XXX. All fines, license money, fees and forfeitures, shall be paid, according to the direction hereafter to be made by the General Assembly.

SECTION XXXI. All deeds and conveyances of land shall be. recorded in the town clerk's office, in their respective towns.

SECTION XXXII. The printing presses shall be free to every person who undertakes to examine the proceedings of the legislature or any part of government.

SECTION XXXIII. As every freeman, to preserve his independence (if without a sufficient estate) ought to have some profession, calling, trade or farm, whereby he may honestly subsist, there can be no necessity for, nor use in, establishing offices of profit, the usual effects of which are dependence and servility, unbecoming freemen, in the possessors or expectants; faction, contention, corruption and disorder among people. But if any man is called into public service, to the prejudice of his private affairs, he has a right to a reasonable compensation; and whenever an office, through increase of fees, or otherwise, becomes so profitable as to occasion many to apply for it the profits ought to be lessened by the legislature.

SECTION XXXIV. The future legislature of this State, shall regulate entails, in such manner as to prevent perpetuities.

SECTION XXXV. To deter more effectually from the commission of crimes, by continued visible punishment of long duration, and to make sanguinary punishments less necessary; houses ought to be provided for punishing, by hard labor, those who shall be convicted of crimes not capital; wherein the criminal shall be employed for the benefit of the public, or for reparation of injuries done to private persons; and all persons, at proper times, shall be admitted to see the prisoners at their labor.

SECTION XXXVI. Every officer, whether judicial, executive or military, in authority under this State. shall take the following oath or affirmation of allegiance, and general oath of office, before he enter on the execution of his office.

THE OATH OR AFFIRMATION OF ALLEGIANCE

" I ____ do solemnly swear by the ever living God, (or affirm in presence of Almighty God,) that I will be true and faithful to the State of *Vermont*; and that I will not, directly or indirectly do any act or thing, prejudicial or injurious, to the constitution or government thereof, as established by Convention."

THE OATH OR AFFIRMATION OF OFFICE

" I ____ do solemnly swear by the ever living God, (or affirm in presence of Almighty God) that I will faithfully execute the office of for the of ; and will do equal right and justice to all men, to the best of my judgment and abilities, according to law."

SECTION XXXVII. No public tax, custom or contribution shall be imposed upon, or paid by, the people of this State, except by a law for that purpose; and before any law be made for raising it, the purpose for which any tax is to be raised ought to appear clear to the legislature to be of more service to the community than the money would be, if not collected; which being well observed, taxes can never be burthens.

SECTION XXXVIII. Every foreigner of good character, who comes to settle in this State, having first taken an oath or affirmation of allegiance to the same, may purchase, or by other just means acquire, hold, and transfer, land or other real estate; and after one years residence, shall be deemed a free denizen thereof, and intitled to all the rights of a natural born subject of this State; except that he shall not be capable of being elected a representative, until after two years residence.

SECTION XXXIX. That the inhabitants of this State, shall have liberty to hunt and fowl, in seasonable times, on the lands they hold, and on other lands (not

enclosed;) and, in like manner, to fish in all beatable and other waters, not private property, under proper regulations, to be hereafter made and provided by the General Assembly.

SECTION XL. A school or schools shall be established in each town, by the legislature, for the convenient instruction of youth, with such salaries to the masters, paid by each town; making proper use of school lands in each town, thereby to enable them to instruct youth at low prices. One grammar school in each county, and one university in this State, ought to be established by direction of the General Assembly.

SECTION XLI. Laws for the encouragement of virtue and prevention of vice and immorality, shall be made and constantly kept in force; and provision shall be made for their due execution; and all religious societies or bodies of men, that have or may be hereafter united and incorporated, for the advancement of religion and learning, or for other pious and charitable purposes, shall be encouraged and protected in the enjoyment of the privileges, immunities and estates which they, in justice, ought to enjoy, under such regulations; as the General Assembly of this State shall direct.

SECTION XLII. All field and staff officers, and commissioned officers of the army, and all general officers of the militia, shall be chosen by the General Assembly.

SECTION XLIII. The declaration of rights is hereby declared to be part of the Constitution of this State, and ought never to be violated, on any presence whatsoever.

SECTION XLIV. In order that the freedom of this Commonwealth may be preserved inviolate, forever, there shall be chosen, by ballot, by the freemen of this State, on the last Wednesday in March, in the year one thousand seven hundred and eighty-five, and on the last Wednesday in March, in every seven years thereafter, thirteen persons, who shall be chosen in the same manner the council is chosen- except they shall not be out of the Council or General Assembly-to be called the Council of Censors; who shall meet together, on the first Wednesday of June next ensuing their election; the majority of whom shall be a quorum in every case, except as to calling a Convention, in which two-thirds of the whole number elected shall agree; mod whose duty it shall be to enquire whether the constitution has been preserved inviolate, in every part; and whether the legislative and executive branches of government have performed their duty as guardians of the people; or assumed to themselves, or exercised, other or greater powers, than they are entitled to by the constitution. They are also to enquire whether the public taxes have been justly laid and collected, in all parts of this Commonwealth-in what manner the public monies have been disposed of, and whether the laws have been duly executed. For these purposes they shall have power to send for persons, papers and records; they shall have authority to pass public censures-to order impeachments, and to recommend to the legislature the repealing such laws as appear to them to have been enacted contrary to the principles of the constitution. These powers they shall continue to have, for and during the space of one year from the day of their election, and no longer. The said Council of Censors shall also have power to call a Convention, to meet within two years after their sitting, if there appears to them an absolute necessity of amending any article of this constitution which may be defective-explaining such as may be thought not clearly expressed, and of adding such as are necessary for the preservation of the rights and happiness of the people; but the articles to be amended, and the amendments proposed, and such articles as are proposed to be added or abolished, shall be promulgated at least six months before the day appointed for the election of such convention, for the previous consideration of the people, that they may have an opportunity of instructing their delegates on the subject.

(1) Verified from "Vermont State Papers; Being a Collection of Records and Documents, Connected with the Assumption and Establishment of Government by the People of Vermont: together with the Journal of the Council of Safety, the First Constitution, the early Journals of the General Assembly, and the Laws from the year 1779 to 1786, inclusive. To which are added the Proceedings of the First and Second Councils of Censors. Compiled and Published by William Slade Jun. Secretary of State, Middlebury: J. W. Copeland, Printer. 1823." pp. 241-255.

The State of Vermont was originally claimed by Massachusetts, New Hampshire, and New York, and at the commencement of the revolutionary struggle she not only sought independence from British rule, but from the State of New York, which claimed sovereignty over the territory to the west bank of the Connecticut River, and from New Hampshire, which contested the claims of both New York and Vermont. In March, 1781, Massachusetts assented to the independence of Vermont, which adjusted her difficulties with New Hampshire in 1782, but it was 1790 before New York consented to her admission into the Union

This constitution was framed by a convention which assembled at Windsor, July 2, 1777, and completed its labors July 8, 1777. It was not submitted to the people for ratification. It was affirmed by the legislature at its sessions in 1780 and 1782, and declared to be a part of the laws of the State. The Convention subsequently met, on December 24, 1777, after the time of election and the day of meeting of the Assembly. [Back](#)

(2) The convention which met on July 2, 1777, " ordered that the first election should be holden in December, 1777, and that the General Assembly, thus elected should meet at Bennington, in January, 1778. The publick attention being arrested by the evacuation of Tyconderoga, and the progress of the enemy under General Burgoyne; the constitution was not printed, seasonable, to have the election holden in December. The convention was therefore, summoned, by the Council of Safety, to meet at Windsor, on the 24th of Dec. 1777." They met and revised the constitution in this particular. [Back](#)

(3) The Council of Safety. [Back](#)

Source:

The Federal and State Constitutions Colonial Charters, and Other Organic Laws of the States, Territories, and Colonies Now or Heretofore Forming the United States of America
Compiled and Edited Under the Act of Congress of June 30, 1906 by Francis Newton Thorpe
Washington, DC : Government Printing Office, 1909.

Colonial Charters Page

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Constitution of Vermont - July 4, 1786 (1)

WHEREAS all government ought to be instituted and supported for the security and protection of the community as such, and to enable the individuals, who compose it, to enjoy their natural rights, and the other blessings which the Author of existence has bestowed upon man: and whenever those great ends of government are not obtained, the people have a right, by common consent, to change it, and take such measures as to them may appear necessary to promote their safety and happiness.

And whereas the inhabitants of this State have (in consideration of protection only) heretofore acknowledged allegiance to the King of Great-Britain: and the said King has not only withdrawn that protection, but commenced and still continues to carry on, with unabated vengeance, a most cruel and unjust war against them; employing therein not only the troops of Great-Britain, but foreign mercenaries, savages, and slaves, for the avowed purpose of reducing them to a total and abject submission to the despotic domination of the British Parliament, with many more acts of tyranny, (more fully set forth in the Declaration of Congress) whereby all allegiance and fealty to the said King and his Successors are dissolved and at an end; and all power and authority derived from him ceased in the American Colonies. And whereas the Territory, which now comprehends the State of Vermont, did antecedently of right belong to the government of New-Hampshire, and the former Governor thereof, viz. his excellency Benning Wentworth, Esq. granted many charters of lands and corporations within this State to the present inhabitants and others. And whereas the late Lieutenant-Governor Colden, of New York, with others, did, in violation, of the tenth command, covet those very lands: and by a false representation, made to the Court of Great-Britain, (in the year 1764, that for the convenience of trade and administration of justice, the inhabitants were desirous of being annexed to that government) obtained jurisdiction of those very identical lands, *ex- parte* which ever was and is disagreeable to the inhabitants. And whereas the Legislature of New-York ever have, and still continue, to disown the good people of this State, in their landed property, which will appear in the complaints hereafter inserted, and in the 36th section of their present Constitution, in which is established the Grants of Land made by that government.

They have refused to make re-grants of our lands to the original Proprietors and Occupants, unless at the exorbitant rate of 2,300 dollars fees for each township; and did enhance the quitrent threefold, and demanded an immediate delivery of the title derived from New-Hampshire.

The Judges of their Supreme Court have made a solemn declaration, that the charters, conveyances, &c., of the lands included in the before-described premises, were utterly null and void, on which said title was founded. In consequence of which declaration, writs of possession have been by them issued, and the Sheriff of the county of Albany sent at the head of six or seven hundred men, to enforce the execution thereof.

They have passed an act, annexing a penalty thereto, of thirty pounds' fine, and six months' imprisonment, on any person who should refuse assisting the Sheriff, after being requested, for the purpose of executing writs of possession.

The Governors Dunmore, Tryon, and Colden, have made re-grants of several tracts of land included in the premises, to certain favourite land jobbers in the government of New-York, in direct violation of his Britannic Majesty's express prohibition, in the year 1767.

They have issued proclamations, wherein they have offered large sums of money for the purpose of apprehending those very persons, who have dared boldly and publicly to appear in defence of their just rights.

They did pass twelve acts of outlawry on the ninth day of March, A. D. 1774, empowering the respective Judges of their Supreme Court to award execution of death against those inhabitants in said district, that they should judge to be offenders, without trial.

They have and still continue an unjust claim to those lands, which greatly retards emigration into any settlement of this State.

They have hired foreign troops, emigrants from Scotland, at two different times, and armed them to drive us out of possession.

They have sent the Savages on our frontiers to distress us.

They have proceeded to erect the counties of Cumberland and Gloucester, and establish courts of justice there, after they were discountenanced by the authority of Great-Britain.

The free Convention of the State of New-York, at Harlem, in the year 1776, unanimously voted, " That all quitrents, formerly due to the King of Great-Britain, are now due, and owing to this Convention, or such future government as shall be hereafter established in this State."

In the several stages of the aforesaid oppressions, we have petitioned his Britannic Majesty in the most humble manner for redress and have, at very great expense, received several reports in our favour: and in other instances, wherein we have petitioned the late legislative authority of New-York, those petitions have been treated with neglect. And whereas, the local situation of this State from New-York, which, at the extreme part, is upward of four hundred and fifty miles from the seat of that government, renders it extreme difficult to continue under the jurisdiction of said State;

Therefore it is absolutely necessary, for the welfare and safety of the inhabitants of this State, that it should be henceforth a free and independent State, and that a just, permanent, and proper form of government should exist in it, derived from and founded on the authority of the people only, agreeable to the direction of the honourable American Congress.

We the Representatives of the freemen of Vermont, in General Convention met, for the express purpose of forming such a government- confessing the goodness of the great Governor of the universe (who alone knows to what degree of earthly happiness mankind may attain by perfecting the arts of government) in permitting the people of this State, by common consent, and without violence, deliberately to form for themselves such just rules as they shall think best, for governing their future society; and being fully convinced, that it is our indispensable duty to establish such original principles of government as will best promote the general happiness of the people of this State, and their posterity, and provide for future improvements, without partiality for, or prejudice against, any particular class, sect, or denomination of men whatever; do, by virtue of authority vested in us by our constituents, ordain, declare and establish the following Declaration of Rights, and Frame of Government, to be the Constitution of this Commonwealth, and to remain in force therein forever unaltered, except in such articles as shall hereafter on experience be found to require improvement, and which shall, by the same authority of the people, fairly delegated, as this Frame of Government directs, be amended or improved, for the more effectual obtaining and securing the great end and design of all government, herein before mentioned.

CHAPTER I
A DECLARATION OF THE RIGHTS OF THE, INHABITANTS OF THE STATE OF VERMONT

I. THAT all men are born equally free and independent, and have certain natural, inherent and unalienable rights; amongst which are, the enjoying and defending life and liberty-acquiring, possessing and protecting property-and pursuing and obtaining happiness and safety. Therefore, no male person, born in this country, or brought from over sea, ought to be holden by law to serve any person, as a servant, slave, or apprentice, after he arrives to the age of twenty one Years; nor female, in like manner, after she arrives to the age of eighteen years; unless they are bound by their own consent after they arrive to such age; or bound by law for the payment of debts, damages, fines, costs, or the like.

II. That private property ought to be subservient to public uses, when necessity requires it; nevertheless, whenever any particular man's property is taken for the use of the public, the owner ought to receive an equivalent in money.

III. That all men have a natural and unalienable right to worship Almighty God according to the dictates of their own consciences and understandings, as In their opinion shall be regulated by the word of God; and that no man ought, or of right can be compelled to attend any religious worship, or erect or support any place of worship, or maintain any minister, contrary to the dictates of his conscience; nor can any man be justly deprived or abridged of any civil right as a citizen, on account of his religious sentiments, or peculiar mode of religious worship; and that no authority can, or ought to be vested in, or assumed by any power whatsoever, that shall in any case interfere with, or in any manner control the rights of conscience, in the free exercise of religious worship: Nevertheless, every sect or denomination of Christians ought to observe the Sabbath or Lord's day, and keep up some sort of religious worship, which to them shall seem most agreeable to the revealed will of God.

IV. Every person within this Commonwealth ought to find a certain remedy by having recourse to the laws, for all injuries or wrongs which he may receive in his person, property, or character: he ought to obtain right and justice freely, and without being obliged to purchase it-completely, and without any denial-promptly, and without delay; conformably to the laws.

V. That the people of this State, by their legal representatives, have the sole, exclusive and inherent right of governing and regulating the internal police of the same.

VI. That all power being originally inherent in, and consequently derived from the people; therefore, all officers of government, whether legislative or executive, are their trustees and servants, and at all times, in a legal way, accountable to them.

VII. That government is, or ought to be, instituted for the common benefit, protection and security of the people, nation, or community: and that the community hath an indubitable, unalienable, single man, family, or set of men, who are a part only of that community: and that the community hath an indubitable, unalienable, and indefeasible right, to reform or alter government, in such manner as shall be, by that community, judged to be most conducive to the public weal.

VIII. That those who are employed in the legislative and executive business of the State may be restrained from oppression, the people have a right, by their legal representatives, to enact laws for reducing their public officers to a private station, and for supplying their vacancies in a constitutional manner, by regular elections, at such periods as they may think proper.

IX. That all elections ought to be free and without corruption; and that all freemen, having a sufficient evident common interest with, and attachment to the community, have a right to elect officers, and be elected into office.

X. That every member of society 1atl a right to be protected in the enjoyment of life, liberty and property; and therefore is bound to contribute his proportion towards the expense of that protection, and yield his personal service, when necessary, or an equivalent thereto: but no part of a man's property can be justly taken from him, or applied to public uses, without his own consent, or that of the representative body of the freemen; nor can any man, who is Conscientiously scrupulous of bearing arms, be justly compelled thereto, if he will pay such equivalent; nor the people bound by any law, belt such as they have in like manner assented to, for their common good. And previous to any law being made to raise a tax, the purpose for which it is to be raised ought to appear evident to the Legislature to be of more service to the community, than the money would be if not collected.

XI. That in all prosecutions for criminal offences, a man hath a right to be heard by himself and his counsel-to demand the cause and nature of his accusation-to be confronted with the witnesses-to call for evidence in his favour, and a speedy public trial by an impartial jury of the country, without the unanimous consent of which jury he cannot be found guilty-nor can he be compelled to give evidence against himself-nor can any man be justly deprived of his liberty, except by the laws of the land, or the judgment of his peers.

XII. That the people have a right to hold themselves, their houses, papers and possessions, free from search or seizure: and therefore warrants, without oaths or affirmations first made, affording sufficient foundation for them, and whereby any officer or messenger may be commanded or required to search suspected places, or to seize any person or persons, his, her or their property not particularly described, are contrary to that right, and ought not to be granted.

XIII. That no warrant or writ to attach the person or estate of any freeholder within this State, shall be issued in civil action without the person or persons, who may request such warrant or attachment, first make oath, or affirm before the authority who may be requested to issue the same, that he or they are in danger of losing his, her, or their debts.

XIV. That when an issue in fact, proper for the cognizance of a jury, is joined in a court of law, the parties have a right to a trial by Jury; which ought to be held sacred.

XV. That the people have a right of freedom of speech and of writing and publishing their sentiments, concerning the transactions of government-and therefore the freedom of the press ought not to be restrained.

XVI. The freedom of deliberation, speech, and debate, in the legislature,- is so essential to the rights of the people, that it can not be the foundation of any accusation or prosecution, action or complaint, in any other court or place whatsoever.

XVII. The power of suspending laws, or the execution of laws ought never to be exercised, but by the Legislature, or by authority derived from it, to be exercised in such particular cases only as the Legislature shall expressly provide for.

XVIII. That the people have a right to bear arms, for the defence of themselves and the State: and as standing armies, in the time of peace, are dangerous to liberty, they ought not to be kept up; and that the military should be kept under strict subordination to, and governed by the civil power.

XIX. That no person in this Commonwealth can, in any case, be subject to law-martial or to any penalties or pains, by virtue of that law, except those employed in the army, and the militia in actual service.

XX. That frequent recurrence to fundamental principles, and a firm adherence to justice, moderation, temperance, industry, and frugality, are absolutely necessary to preserve the blessings of liberty, and keep government free; the people ought therefore to pay particular attention to these points, in the choice of officers and representatives; and have a right, in a legal way, to exact a due and constant regard to them, from their legislators and magistrates, in the making and executing such laws as are necessary for the good government of the State.

XXI. That all people have a natural and inherent right to emigrate from one State to another, that will receive them; or to form a new State in vacant countries, or in such countries as they can purchase? whenever they think that thereby they can promote their own happiness.

XXII. That the people have a right to assemble together, to consult for their common good-to instruct their representatives, and to apply to the Legislature for redress of grievances, by address, petition or remonstrance.

XXIII. That no person shall be liable to be transported out of this State, for trial for any offence committed within the same.

CHAP. II
PLAN OR FRAME OF GOVERNMENT

- SECT. I. THE Commonwealth or State of Vermont, shall be governed hereafter by a Governor, (or Lieutenant-Governor) Council, and an Assembly of the Representatives of the freemen of the same, in manner and form following:
- II. The supreme legislative power shall be vested in a House of Representatives of the freemen, or Commonwealth, or State of Vermont.
- III. The supreme executive power shall be vested in a Governor, (or, in his absence, a Lieutenant-Governor) and Council.
- IV. Courts of justice shall be maintained in every county in this State, and also in new counties when formed; which courts shall be open for the trial of all causes proper for their cognizance, and justice shall be therein impartially administered, without corruption, or unnecessary delay. The Judges of the Supreme Court shall be Justices of the Peace throughout the State; and the several Judges of the County Courts, in their respective counties, by virtue of their offices, except in the trial of such cases as may be appealed to the County Court.
- V. A future legislature may, when they shall conceive the same to be expedient and necessary, erect a Court of Chancery. with such powers as are usually exercised by that Court, or as shall appear for the interest of the Commonwealth: Provided they do not constitute themselves the Judges of the said Court.
- VI. The legislative, executive and judiciary departments shall be separate and distinct, so that neither exercise the powers properly belonging to the other.
- VII. In order that the freemen of this State may enjoy the benefit of election, as equally as may be, each town within this State, that consists or may consist of eighty taxable inhabitants, within out septenary or seven years next after the establishing this Constitution. may bold elections therein, and choose each two representatives; and each other inhabited town in this State may, in like manner, choose each one representative to represent them in General Assembly, during the said septenary or seven years; and after that, each inhabited town may, in like manner, hold such election, and choose each one representative forever thereafter.
- VIII. The House of Representatives of the freemen of this State shall consist of persons most noted for wisdom and virtue, to be chosen by ballot by the freemen of every town in this State respectively, on the first Tuesday of September annually forever.
- IX. The representatives, so chosen, (a majority of whom shall constitute a quorum for transacting any other business than raising a State tax, for which two thirds of the members elected shall be present) shall meet on the second Thursday of the succeeding October, and shall be styled, *The General Assembly of the State of Vermont*. they shall have power to choose their Speaker, Secretary of the State, their Clerk and other necessary officers of the house-sit on their own adjournments- prepare bills, and enact them into laws-judge of the elections and qualifications of their own members: they may expel members, but not for causes known to their constituents antecedent to their election; they may administer oaths, or affirmations, in matters depending before them-redress grievances- impeach State criminals grant charters of incorporation-constitute towns, boroughs, cities and counties: they may annually, in their first session after their election, and at other times when vacancies happen, choose Delegates to Congress: and shall also, in conjunction with the Council, annually, (or oftener if need be) elect Judges of the Supreme and several County and Probate Courts, Sheriffs and Justices of the Peace: and also with the Council, may elect Major-Generals and Brigadier-Generals, from time to time, as often as there shall be occasion; and they shall have all other powers necessary for the Legislature of a free and sovereign State: but they shall have no power to add to, alter, abolish, or infringe, any part of this Constitution.
- X. The Supreme Executive Council of this State shall consist of a Governor, Lieutenant-Governor, and twelve persons, chosen in the following manner, viz. The freemen of each town shall, on the day of election for choosing representatives to attend the General Assembly, bring in their votes for Governor, with his name fairly written, to the Constable, who shall seal them up, and write on them, *Votes for the Governor*, and deliver them to the representative chosen to attend the General Assembly: and at the opening of the General Assembly, there shall be a committee appointed out of the Council and Assembly, who, after being duly sworn to the faithful discharge of their trust, shall proceed to receive, sort and count the votes for the Governor, and declare the person who has the major part of the votes to be Governor, for the year ensuing. And if there be no choice made, then the Council and General Assembly by their joint ballot shall make choice of a Governor.
- The Lieutenant-Governor and Treasurer shall be chosen in the manner above directed. And each freeman shall give in twelve votes for twelve counsellors, in the same manner: and the twelve highest in nomination shall serve for the ensuing year as counsellors.
- XI. The Governor, and in his absence, the Lieutenant-Governor, with the Council, (a major part of whom, including the Governor or Lieutenant-Governor, shall be a quorum to transact business) shall have power to commissionate all officers-and also to appoint officers, except where provision is or shall be otherwise made by law, or this frame of government; and shall supply every vacancy in any office occasioned by death or otherwise, until the office can be filled in the manner directed by law or this Constitution. They are to correspond with other States-transact business with officers of government, civil and military, and to prepare such business as may appear to them necessary to lay before the General Assembly. They shall sit as Judges to hear and determine on impeachments, taking to their assistance, for advice only, the Judges of the Supreme Court; and shall have power to grant pardons, and remit fines in all cases whatsoever, except in treason and murder, in which they shall have power to grant reprieves but not to pardon, until after the end of the next session of Assembly, and except in cases of impeachment, in which there shall be no remission or mitigation of punishment, but by act of legislation. They are also to take care that the laws be faithfully executed. They are to expedite the execution of such measures as may be resolved upon by the General Assembly: and they may draw upon the Treasurer for such sums as may be appropriated by the House of Representatives. They may also lay embargoes, or prohibit the exportation of any commodity, for any time not exceeding thirty days, in the recess of the House only: they may grant such licenses as shall be directed by law' and shall have power to call together the General Assembly, when necessary, before the day to which they shall stand adjourned. The Governor shall be captain-general and commander-in-chief of the forces of the State, but shall not command in person, except advised thereto by the Council, and then only as long as they shall approve thereof: and the Lieutenant-Governor shall, by virtue of his office, be Lieutenant-General of all the forces of the State. The Governor, or Lieutenant-Governor, and the Council, shall meet at the time and place with the General Assembly: the Lieutenant-Governor shall, during the presence of the commander-in-chief, vote and act as one of the Council; and the Governor, and, in his absence, the Lieutenant-Governor, shall, by virtue of their offices, preside in Council, and have a casting, but no other vote. Every member of the Council shall be a Justice of the Peace for the whole State, by virtue of his office. The Governor and Council shall have a Secretary, and keep fair books of their proceedings, wherein any counsellor may enter his dissent, with his reasons to support it.
- XII. The representatives, having met, and chosen their speaker and clerk, shall each of them, before they proceed to business, take and subscribe, as well the oath or affirmation of allegiance herein after directed (except where they, shall produce certificates of their having heretofore taken and subscribed the same) as the following oath or affirmation, viz.
- You- do solemnly swear, (or affirm) that, as a member of this Assembly, you will not propose or assent to any bill, vote, or resolution, which shall appear to you injurious to the people; nor do nor consent to any act or thing whatever, that shall have a tendency to lessen or abridge their rights and privileges as declared by the Constitution of this State; but will, in all things, conduct yourself as a faithful, honest representative and guardian of the people, according to the best of your judgment and abilities. (In case of an oath) So help you God. (And in case of an affirmation) Under the pains and penalties of perjury.
- And each member, before he takes his seat, shall make and subscribe the following declaration, viz.
- You do believe in one God, the Creator and Governor of the Universe, the rewarder of the good, and punisher of the wicked. And you do acknowledge the scriptures of the Old and New Testament to be given by divine inspiration; and own and profess the Protestant religion.
- And no further or other religious test shall ever hereafter be required of any civil officer or magistrate, in this State.
- XIII. The doors of the House, in which the General Assembly of this Commonwealth shall sit, shall be open for the admission of all persons who behave decently, except only when the welfare of the State may require them to be shut.

XIV. The votes and proceedings of the General Assembly shall be printed (when one third of the members think it necessary) as soon as conveniently may be, after the end of each session, with the yeas and nays on any question, when required by any member, (except where the votes shall be taken by ballot) in which case every member shall have a right to insert the reasons of his vote upon the minutes.

XV. The style of laws of this State, in future to be passed, shall be, *It Is hereby enacted by the General, Assembly of the State of Vermont.*

XVI. To the end that laws, before they are enacted, may be more maturely considered, and the inconvenience of hasty determinations as much as possible prevented, all bills which originate in the Assembly shall be laid before the Governor and Council for their revision and concurrence, or proposals of amendment; who shall return the same to the Assembly, with their proposals of amendment (if any) in writing: and if the same are not agreed to by the Assembly, it shall be in the power of the Governor and Council to suspend the passing of such bills until the next session of the Legislature. Provided, that if the Governor and Council shall neglect or refuse to return any such bill to the Assembly with written proposals of amendment, within five days, or before the rising of the Legislature, the same shall become a law.

XVII. No person ought, in any case, or in any time, to be declared guilty of treason or felony by the Legislature.

XVIII. Every man, of the full age of twenty-one years, having resided in this State for the space of one whole year, next before the election of representatives, and is of a Quiet and peaceable behaviour, and will take the following oath, (or affirmation) shall be entitled to all the privileges of a freeman of this State.

You solemnly swear, (or affirm) that whenever you give your vote or suffrage, touching any matter that concerns the State of Vermont, you will do it so as in your conscience you shall judge will most conduce to the best good of the same, by the Constitution, without fear or favour of any man

XIX. The inhabitants of this Commonwealth shall be trained and armed for its defence, under such regulations, restrictions, and exceptions, as the General Assembly shall by law direct. The several companies of militia shall, as often as vacancies happen, elect their captains and other inferior officers; and the captains and subalterns shall nominate and recommend the field officers of their respective regiments, who shall appoint their staff-officers.

XX. All commissions shall be in the name of the freemen of the State of Vermont, sealed with the State seal, signed by the Governor, and in his absence the Lieutenant-Governor, and attested by the Secretary; which seal shall be kept by the Council.

XXI. Every officer of State, whether judicial or executive, shall be liable to be impeached by the General Assembly, either when in office, or after his resignation, or removal for mar-administration. All impeachments shall be before the Governor or Lieutenant-Governor, and Council, who shall Lear and determine the same, and may award costs.

XXII. As every freeman, to preserve his independence, (if without a sufficient estate) Occult to have some profession, calling, trade, or farm, whereby he may honestly subsist, there can be no necessity for, nor use in establishing offices of profit, the usual effects of which are dependence and servility, unbecoming freemen, in the possessors or expectants, faction, contention, corruption and disorder among the people. But if any man is called into public service, to the prejudice of his private affairs, he has a right to a reasonable compensation: and whenever an office, through increase of fees or otherwise, becomes so profitable as to occasion many to apply for it, the profits ought to be lessened by the legislature. And if any officer shall take greater or other fees than the laws allow him, either directly or indirectly, it shall ever after disqualify him from holding any office in this State.

XXIII. No person in this State shall be capable of holding or exercising more than one of the following offices at the same time, viz. Governor, Lieutenant-Governor, Judge of the Supreme Court, Treasurer of the State, member of the Council, member of the General Assembly, Surveyor-General, or Sheriff.

XXIV. The Treasurer of the State shall, before the Governor and Council, give sufficient security to the Secretary of the State, in behalf of the General Assembly; and each High Sheriff, before the first Judge of the County Court, to the Treasurer of their respective counties, previous to their respectively entering upon the execution of their offices, in such manner, and in such sums, as shall be directed by the Legislature.

XXV. The Treasurer's accounts shall be annually audited, and a fair state thereof laid before the General Assembly, at their session in October

XXVI. Every officer, whether judicial, executive, or military, in authority under this State, before he enter upon the execution of his office, shall take and subscribe the following oath or affirmation of allegiance to this State, (unless he shall produce evidence that he has before taken the same) and also the following oath or affirmation of office, (except such as shall be exempted by the Legislature,) viz.

THE OATH OR AFFIRMATION OF ALLEGIANCE

You __ do solemnly swear (or affirm) that you will be true and faithful to the State of Vermont; and that you will not, directly nor indirectly, do any act or thing injurious to the Constitution or government thereof, as established by Convention. (If an oath) So help you God. (If an affirmation) Under the pains and penalties of perjury.

THE OATH OR AFFIRMATION OF OFFICE

You __do solemnly swear, (or affirm) that you will faithfully execute the office of for the of ; and will therein do equal right and justice to all men, to the best of your judgment and abilities, according to law. (If an oath) So help you God. (If an affirmation) Under the pains and penalties of perjury.

XXVII. Any delegate to Congress may be superseded at any time, by the General Assembly appointing another in his stead. To man shall be capable of being a delegate to represent this State in Congress for more than three years, in any term of six veers;-and no person, who holds any office in the gift of Congress, shall, during the time of his holding such office, be elected to represent this State in Congress.

XXVIII. Trials of issues, proper for the cognizance of a jury, in the Supreme and County Courts, shall be by jury, except where parties otherwise agree: and great care ought to be taken to prevent corruption or partiality in the choice and return, or appointment of Juries.

XXIX. All prosecutions shall commence by the authority of the State of Vermont-all indictments shall conclude with these words, *Against the peace and dignity of the State.* And all fines shall be proportionate to the offences.

XXX. The person of a debtor, where there is not strong presumption of fraud, shall not be continued in prison after delivering up and assigning over, *bona fide*, all his estate, real and personal, in possession, reversion, or remainder, for the use of his creditors, in such manner as shall be hereafter regulated by law. And all prisoners, unless in execution, or committed for capital offences, when the proof is evident or presumption great, shall be bailable by sufficient sureties: nor shall excessive bail be exacted for bailable offences.

XXXI. All elections, whether by the people, or in General Assembly, shall be by ballot, free and voluntary: and any elector, who shall receive any gift or reward for his vote, in meat, drink, monies or otherwise, shall forfeit his right to elect at that time, and suffer such other penalty as the laws shall direct: and any person who shall, directly or indirectly, give, promise or bestow any such rewards to be elected, shall thereby be rendered incapable to serve for the ensuing year, and be subject to such further punishment as a future Legislature shall direct.

XXXII. All deeds and conveyances of land shall be recorded in the Town Clerk's office, in their respective towns; and, for want thereof, in the County Clerk's office of the same county.

XXXIII. The Legislature shall regulate entails in such manner as to prevent perpetuities.

XXXIV. To deter more effectually from the commission of crimes, by continued visible punishment, of long duration, and to make sanguinary punishment less

necessary, means ought to be provided for punishing by hard labour, those who shall be convicted of crimes not capital, whereby the criminal shall be employed for the benefit of the public, or for reparation of injuries done to private persons: and all persons, at proper times, ought to be permitted to see them at their labour.

XXXV. The estates of such persons as may destroy their own lives, shall not for that offense be forfeited, but descend or ascend in the same manner as if such persons had died in a natural way. Nor shall any article, which shall accidentally occasion the death of any person, be henceforth deemed a deodand, or in anywise forfeited on account of such misfortune.

XXXVI. Every person of good character, who comes to settle in this State, having first taken an oath or affirmation of allegiance to the same, may purchase, or, by other just means, acquire, hold and transfer land, or other real estate; and, after one year's residence, shall be deemed a free denizen thereof, and entitled to all the rights of a natural born subject of this State, except that he shall not be capable of being elected Governor, Lieutenant-Governor, Treasurer, Counsellor, or Representative in Assembly, until after two years' residence.

XXXVII. The inhabitants of this State shall have liberty, in seasonable times, to hunt and fowl on the lands they hold, and on other lands not inclosed; and in like manner to fish in all beatable and other waters, not private property, under proper regulations, to be hereafter made and provided by the General Assembly.

XXXVIII. Laws for the encouragement of virtue, and prevention of vice and immorality, ought to be constantly kept in force, and duly executed; and a competent number of schools ought to be maintained in each town for the convenient instruction of youth; and one or more grammar schools be incorporated, and properly supported in each county in this State. And all religious societies, or bodies of men, that may be hereafter united or incorporated, for the advancement of religion and learning, or for other pious and charitable purposes, shall be encouraged and protected in the enjoyment of the privileges, immunities, and estates, which they in justice ought to enjoy, under such regulations as the General Assembly of this State shall direct.

XXXIX. The declaration of the political rights and privileges of the inhabitants of this State, is hereby declared to be a part of the Constitution of this Commonwealth; and ought not to be violated on any presence whatsoever.

XL. In order that the freedom of this Commonwealth may be preserved inviolate forever, there shall be chosen by ballot, by the freemen of this State, on the last Wednesday in March, in the year one thousand seven hundred and eighty-five, and on the last Wednesday in March in every seven years thereafter, thirteen persons, who shall be chosen in the same manner the Council is chosen, except that they shall not be out of the Council or General Assembly, to be called the Council of Censors; who shall meet together on the first Wednesday of June next ensuing their election, the majority of whom shall be a quorum in every case, except as to calling a convention; in which two-thirds of the whole number elected shall agree: and whose duty it shall be to inquire whether the Constitution has been preserved inviolate every part, during the last septenary (including the year of their service;) and whether the legislative and executive branches of government have performed their duty, as guardians of the people, or assumed to themselves, or exercised other or greater powers than they are entitled to by the Constitution; they are also to inquire whether the public taxes have been justly laid and collected in all parts of this Commonwealth-in what manner the public monies have been disposed of-and whether the laws have been duly executed. For these purposes they shall have power to send for persons, papers, and records; they shall have authority to pass public censures-to order impeachments-and to recommend to the Legislature the repealing such laws as appear to them to have been enacted contrary to the principles of the Constitution; these powers they shall continue to have, for, and during the space of one year from the day of their election, and no longer. The said Council of Censors shall also have power to call a Convention, to meet within two Years after their sitting, if there appears to them an absolute necessity of amending any article of this Constitution which may be defective-explaining such as may be thought not clearly expressed-and of adding such as are necessary for the preservation of the rights and happiness of the people; but the articles to be amended, and the amendments proposed and such articles as are proposed to be added or abolished, shall be promulgated at least six months before the day appointed for the election of such Convention, for the previous consideration of the people, that they may have an opportunity of instructing their delegates on the subject.

By order of Convention, July 4th, 1786.

MOSES ROBINSON, President.

Attest:

ELIJAH PAINE, Secretary.

(1) Verified from text in " The Constitutions of the Sixteen States which Compose the Confederate Republic of America, according to the latest Amendments, to which are prefixed the Declaration of Independence; the Articles of Confederation; the Definitive Treaty of Peace with Great Britain, and the Constitution of the United States with all the Amendments. Boston: Printed by Manning & Loring, 1797."

"Vermont State Papers; being a Collection of Records and Documents connected with the assumption and establishment of Government by the people of Vermont; together with the Journal of the Council of Safety, the First Constitution, the early Journals of the General Assembly and the Laws from the year 1779 to 1786 inclusive. To which are added the Proceedings of the first and second Councils of Censors. Compiled and published by William Slade, Jun. Secretary of State. Middlebury: J. W. Copeland, Printer, 1823." pp. 567.

The original constitution of Vermont provided for the election, at intervals of seven years, commencing in 1785, of a "council of censors," who should not only inquire whether the constitution had been preserved inviolate during the last septenary, and whether the government had been faithfully exercised, but should propose such amendments to the constitution as they might deem proper, and call a convention to meet for the adoption or rejection of them. This constitution was adopted by the legislature and declared to be a part of the laws of the State, in March, 1787. [Back](#)

Source:

The Federal and State Constitutions Colonial Charters, and Other Organic Laws of the States, Territories, and Colonies Now or Heretofore Forming the United States of America
Compiled and Edited Under the Act of Congress of June 30, 1906 by Francis Newton Thorpe
Washington, DC : Government Printing Office, 1909.

Colonial Charters Page

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The Avalon Project at Yale Law School

Admission of the State of Vermont -
February 18, 1791 [\(1\)](#)

[First Congress, Third Session.]

An Act for the admission of the State of Vermont into this Union.

The State of Vermont having petitioned the Congress to be admitted a member of the United States,

Be it enacted by the Senate and House of Representatives of the United States of America in (congress assembled, and it is hereby enacted and declared, That on the fourth day of March, one thousand seven hundred and ninety-one, the said State, by the name and style of "the State of Vermont," shall be received and admitted into this Union, as a new and entire member of the United States of America.

Approved, February 18,1791.

(1) An act approved March 2, 1791, declared that " from and after the third day of March next, all the laws of the United States, which are not locally inapplicable, ought to have, and shall have, the same force and effect within the State of Vermont as elsewhere within the United States." [Back](#)

Source:

The Federal and State Constitutions Colonial Charters, and Other Organic Laws of the States, Territories, and Colonies Now or Heretofore Forming the United States of America
Compiled and Edited Under the Act of Congress of June 30, 1906 by Francis Newton Thorpe
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[Statutes Page](#)

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The First Charter of Virginia; April 10, 1606 (1)

JAMES, by the Grace of God, King of England, Scotland, France and Ireland, Defender of the Faith, &c. WHEREAS our loving and well-disposed Subjects, Sir Thorn as Gales, and Sir George Somers, Knights, Richard Hackluit, Clerk, Prebendary of Westminster, and Edward-Maria Wingfield, Thomas Hanham and Raleigh Gilbert, Esqrs. William Parker, and George Popham, Gentlemen, and divers others of our loving Subjects, have been humble Suitors unto us, that We would vouchsafe unto them our Licence, to make Habitation, Plantation, and to deduce a colony of sundry of our People into that part of America commonly called VIRGINIA, and other parts and Territories in America, either appertaining unto us, or which are not now actually possessed by any Christian Prince or People, situate, lying, and being all along the Sea Coasts, between four and thirty Degrees of Northerly Latitude from the Equinoctial Line, and five and forty Degrees of the same Latitude, and in the main Land between the same four and thirty and five and forty Degrees, and the Islands "hereunto adjacent, or within one hundred Miles of the Coast thereof;

And to that End, and for the more speedy Accomplishment of their said intended Plantation and Habitation there, are desirous to divide themselves into two several Colonies and Companies; the one consisting of certain Knights, Gentlemen, Merchants, and other Adventurers, of our City of London and elsewhere, which are, and from time to time shall be, joined unto them, which do desire to begin their Plantation and Habitation in some fit and convenient Place, between four and thirty and one and forty Degrees of the said Latitude, alongst the Coasts of Virginia, and the Coasts of America aforesaid: And the other consisting of sundry Knights, Gentlemen, Merchants, and other Adventurers, of our Cities of Bristol and Exeter, and of our Town of Plimouth, and of other Places, which do join themselves unto that Colony, which do desire to begin their Plantation and Habitation in some fit and convenient Place, between eight and thirty Degrees and five and forty Degrees of the said Latitude, all alongst the said Coasts of Virginia and America, as that Coast lyeth:

We, greatly commending, and graciously accepting of, their Desires for the Furtherance of so noble a Work, which may, by the Providence of Almighty God, hereafter tend to the Glory of his Divine Majesty, in propagating of Christian Religion to such People, as yet live in Darkness and miserable Ignorance of the true Knowledge and Worship of God, and may in time bring the Infidels and Savages, living in those parts, to human Civility, and to a settled and quiet Government: DO, by these our Letters Patents, graciously accept of, and agree to, their humble and well-intended Desires;

And do therefore, for Us, our Heirs, and Successors, GRANT and agree, that the said Sir Thomas Gates, Sir George Somers, Richard Hackluit, and Edward-Maria Wingfield, Adventurers of and for our City of London, and all such others, as are, or shall be, joined unto them of that Colony, shall be called the first Colony; And they shall and may begin their said first Plantation and Habitation, at any Place upon the said-Coast of Virginia or America, where they shall think fit and convenient, between the said four and thirty and one and forty Degrees of the said Latitude; And that they shall have all the Lands, Woods, Soil, Grounds, Havens, Ports, Rivers, Mines, Minerals, Marshes, Waters, Fishings, Commodities, and Hereditaments, whatsoever, from the said first Seat of their Plantation and Habitation by the Space of fifty Miles of English Statute Measure, all along the said Coast of Virginia and America, towards the West and Southwest, as the Coast lyeth, with all the Islands within one hundred Miles directly over against the same Sea Coast; And also all the Lands, Soil, Grounds, Havens, Ports, Rivers, Mines, Minerals, Woods, Waters, Marshes, Fishings, Commodities, and Hereditaments, whatsoever, from the said Place of their first Plantation and Habitation for the space of fifty like English Miles, all alongst the said Coasts of Virginia and America, towards the East and Northeast, or towards the North, as the Coast lyeth, together with all the Islands within one hundred Miles, directly over against the said Sea Coast, And also all the Lands, Woods, Soil, Grounds, Havens, Ports, Rivers, Mines, Minerals, Marshes, Waters, Fishings, Commodities, and Hereditaments, whatsoever, from the same fifty Miles every way on the Sea Coast, directly into the main Land by the Space of one hundred like English Miles; And shall and may inhabit and remain there; and shall and may also build and fortify within any the same, for their better Safeguard and Defense, according to their best Discretion, and the Discretion of the Council of that Colony; And that no other of our Subjects shall be permitted, or suffered, to plant or inhabit behind, or on the Backside of them, towards the main Land, without the Express License or Consent of the Council of that Colony, thereunto in Writing; first had and obtained.

And we do likewise, for Us, Our Heirs, and Successors, by these Presents, GRANT and agree, that the said Thomas Hanham, and Raleigh Gilbert, William Parker, and George Popham, and all others of the Town of Plimouth in the County of Devon, or elsewhere which are, or shall be, joined unto them of that Colony, shall be called the second Colony; And that they shall and may begin their said Plantation and Seat of their first Abode and Habitation, at any Place upon the said Coast of Virginia and America, where they shall think fit and convenient, between eight and thirty Degrees of the said Latitude, and five and forty Degrees of the same Latitude; And that they shall have all the Lands, Soils, Grounds, Havens, Ports, Rivers, Mines, Minerals, Woods, Marshes, Waters, Fishings, Commodities, and Hereditaments, whatsoever, from the first Seat of their Plantation and Habitation by the Space of fifty like English Miles, as is aforesaid, all alongst the said Coasts of Virginia and al raerica towards the West and Southwest, or towards the South, as the Coast lyeth, and all the Islands within one hundred Miles, directly over against the said Sea Coast; And also all the Lands, Soils, Grounds, Havens, Ports, Rivers, Mines, Minerals, Woods, Marshes, Waters, Fishings, Commodities, and Hereditaments, whatsoever, from the said Place of their first Plantation and Habitation for the Space of fifty like Miles, all alongst the said Coast of Virginia and America, towards the least and Northeast, or towards the North, as the Coast lyeth, and all the Islands also within one hundred Miles directly over against the same Sea Coast; And also all the Lands, Soils, Grounds, Havens, Ports, Rivers, Woods, Mines, Minerals, Marshes, Waters, Fishings, Commodities, and Hereditaments, whatsoever, from the same fifty Miles every way on the Sea Coast, directly into the main Land, by the Space of one hundred like English Miles; And shall and may inhabit and remain there; and shall and may also build and fortify within any the same for their better Safeguard, according to their best Discretion, and the Discretion of the Council of that Colony; And that none of our Subjects shall be permitted, or suffered, to plant or inhabit behind, or on the back of them, towards the main Land, without express Licence of the Council of that Colony, in Writing thereunto first had and obtained.

Provided always, and our Will and Pleasure herein is, that the Plantation and Habitation of such of the said Colonies, as shall last plant themselves, as aforesaid, shall not be made within one;hundred like English Miles of the other of them, that first began to make their Plantation, as aforesaid.

And we do also ordain, establish, and agree, for Us, our Heirs, and Successors, that each of the said Colonies shall have a Council, which shall govern and order all Matters-and Causes, which shall arise, grow, or happen, to or within the same several Colonies, according to such Laws, Ordinances, and Instructions, as shall be, in that behalf, given and signed with Our Hand or Sign Manual, and pass under the Privy Seal of our Realm of England; Each of which Councils shall consist of thirteen Persons, to be ordained, made, and removed, from time to time, according as shall be directed and comprised in the same instructions; And shall have a several Seal, for all Matters that shall pass or concern the same several Councils; Each of which Seals, shall have the King's Arms engraver on the one Side thereof, and his Portraiture on the other; And that the Seal for the Council of the said first Colony shall have engraver round about, on the one Side, these Words; Sigillum Regis Magne Britanniae, Franciae, & Hiberniae; on the other Side this Inscription round about; Pro Concilio primae Coloniae Virginiae. And the Seal for the Council of the said second Colony shall also have engraven, round about the one Side thereof, the aforesaid Words; Sigillum Regis Magne Britanniae, Franciae, & Hiberniae; and on the other Side; Pro Concilio primae Coloniae Virginiae:

And that also there shall be a Council, established here in England, which shall, in like manner, consist of thirteen Persons, to be for that Purpose, appointed by Us, our Heirs and Successors, which shall be called our Council of Virginia; And shall, from time to time, have the superior Managing and Direction, only of and for all Matters that shall or may concern the Government, as well of the said several Colonies, as of and for any other Part or Place, within the aforesaid Precincts of four and thirty and five and forty Degrees abovementioned; Which Council shall, in like manner, have a Seal, for matters concerning the Council or Colonies, with the like Arms

and Portraiture, as aforesaid, with this inscription, engraver round about on the one Side; Sigillum Regis Magne Britanniae, Franciae, & Hiberniae; and round about on the other Side, Pro Concilio fuo Virginiae.

And moreover, we do GRANT and agree, for Us, our Heirs and Successors; that that the said several Councils of and for the said several Colonies, shall and lawfully may, by Virtue hereof, from time to time, without any Interruption of Us, our Heirs or Successors, give and take Order, to dig, mine, and search for all Manner of Mines of Gold, Silver, and Copper, as well within any Part of their said several Colonies, as of the said main Lands on the Backside of the same Colonies; And to HAVE and enjoy the Gold, Silver, and Copper, to be gotten thereof, to the Use and Behoof of the same Colonies, and the Plantations thereof; YIELDING therefore to Us, our Heirs and Successors, the fifth Part only of all the same Gold and Silver, and the fifteenth Part of all the same Copper, so to be gotten or had, as is aforesaid, without any other Manner of Profit or Account, to be given or yielded to Us, our Heirs, or Successors, for or in Respect of the same:

And that they shall, or lawfully may, establish and cause to be made a Coin, to pass current there between the people of those several Colonies, for the more Ease of Traffick and Bargaining between and amongst them and the Natives there, of such Metal, and in such Manner and Form, as the said several Councils there shall limit and appoint.

And we do likewise, for Us, our Heirs, and Successors, by these Presents, give full Power and Authority to the said Sir Thomas Gates, Sir George Somers, Richard Hackluit, Edward-Maria Wingfield, Thomas Hanham, Raleigh Gilbert, William Parker, and George Popham, and to every of them, and to the said several Companies, Plantations, and Colonies, that they, and every of them, shall and may, at all and every time and times hereafter, have, take, and lead in the said Voyage, and for and towards the said several Plantations, and Colonies, and to travel thitherward, and to abide and inhabit there, in every the said Colonies and Plantations, such and so many of our Subjects, as shall willingly accompany them or any of them, in the said Voyages and Plantations; With sufficient Shipping, and Furniture of Armour, Weapons, Ordinance, Powder, Victual, and all other things, necessary for the said Plantations, and for their Use and Defence there: PROVIDED always, that none of the said Persons be such, as shall hereafter be specially restrained by Us, our Heirs, or Successors.

Moreover, we do, by these Presents, for Us, our Heirs, and Successors, GIVE AND GRANT Licence unto the said Sir Thomas Gates, Sir George Somers, Richard Hackluit, Edward-Maria Wingfield, Thomas Hanham, Raleigh Gilbert, William Parker, and George Popham, and to every of the said Colonies, that they, and every of them, shall and may, from time to time, and at all times forever hereafter, for their several Defences, encounter, expulse, repel, and resist, as well by Sea as by Land, by all Ways and Means whatsoever, all and every such Person or Persons, as without the especial Licence of the said several Colonies and Plantations, shall attempt to inhabit within the said several Precincts and Limits of the said several Colonies and Plantations, or any of them, or that shall enterprise or attempt, at any time hereafter, the Hurt, Detriment, or Annoyance, of the said several Colonies or Plantations:

Giving and granting, by these Presents, unto the said Sir Thomas Gates, Sir George Somers, Richard Hackluit, Edward-Maria Wingfield, Thomas Hanham, Raleigh Gilbert, William Parker, and George Popham, and their Associates of the said second Colony, arid to every of them, from time to time, and at all times for ever hereafter, Power and Authority to take and surprise, by all Ways and Means whatsoever, all and every Person and Persons, with their Ships, Vessels, Goods, and other Furniture, which shall be found trafficking, into any Harbour or Harbours, Creek or Creeks, or Place, within the Limits ok Precincts of the said several Colonies and Plantations, not being of the same Colony, until such time, as they, being of any Realms, or Dominions under our Obedience, shall pay, or agree to pay, to the Hands of the Treasurer of that Colony, within whose Limits and Precincts they shall so traffick, two and a half upon every Hundred, of any thing so by them trafficked, bought, or sold; And being Strangers, and not Subjects under our Obeysance, until they shall pay five upon every Hundred, of such Wares and Merchandises, as they shall traffick, buy, or sell, within the Precincts of the said several Colonies, wherein they shall so traffick, buy, or sell, as aforesaid; WHICH Sums of Money, or Benefit, as aforesaid, for and during the Space of one and twenty Years, next ensuing the Date hereof, shall be wholly employed to the Use, Benefit, and Behoof of the said several Plantations, where such Traffick shall be made; And after the said one and twenty Years ended, the same shall be taken to the Use of Us, our Heires, and Successors, by such Officers and Ministers as by Us, our Heirs, and Successors, shall be thereunto assigned or appointed.

And we do further, by these Presents, for Us, our Heirs and Successors, GIVE AND GRANT unto the said Sir Thomas Gates, Sir George Sommers, Richard Hackluit, and Edward-Maria Wingfield, and to their Associates of the said first Colony and Plantation, and to the said Thomas Hanham, Raleigh Gilbert, William Parker, and George Popham, and their Associates of the said second Colony and Plantation, that they, and every of them, by their Deputies, Ministers, and Factors, may transport the Goods, Chattels, Armour, Munition, and Furniture, needful to be used by them, for their said Apparel, Food, Defence, or otherwise in Respect of the said Plantations, out of our Realms of England and Ireland, and all other our Dominions, from time to time, for and during the Time of seven Years, next ensuing the Date hereof, for the better Relief of the said several Colonies and Plantations, without any Customs, Subsidy, or other Duty, unto Us, our Heirs, or Successors, to be yielded or payed for the same.

Also we do, for Us, our Heirs, and Successors, DECLARE, by these Presents, that all and every the Persons being our Subjects, which shall dwell and inhabit within every or any of the said several Colonies and Plantations, and every of their children, which shall happen to be born within any of the Limits and Precincts of the said several Colonies and Plantations, shall HAVE and enjoy all Liberties, Franchises, and Immunities, within any of our other Dominions, to all Intents and Purposes, as if they had been abiding and born, within this our Realm of England, or any other of our said Dominions.

Moreover, our gracious Will and Pleasure is, and we do, by these Presents, for Us, our Heirs, and Successors, declare and set forth, that if any Person or Persons, which shall be of any of the said Colonies and Plantations, or any other, which shall trick to the said Colonies and Plantations, or any of them, shall, at any time or times hereafter, transport any Wares, Merchandises, or Commodities, out of any of our Dominions, with a Pretence to land, sell, or otherwise dispose of the same, within any the Limits and Precincts of any of the said Colonies and Plantations, and yet nevertheless, being at Sea, or after he hath landed the same within any of the said Colonies and Plantations, shall carry the same into any other Foreign Country, with a Purpose there to sell or dispose of the same, without the Licence of Us, our Heirs, and Successors, in that Behalf first had and obtained; That then, all the Goods and Chattels of such Person or Persons, so offending and transporting together with the said Ship or Vessel, wherein such Transportation was made, shall be forfeited to Us, our Heirs, and Successors.

Provided always, and our Will and Pleasure is, and we do hereby declare to all Christian Kings, Princes, and States, that if any Person or Persons which shall hereafter be of any of the said several Colonies and Plantations, or any other, by his, their, or any of their Licence and Appointment, shall, at any Time or Times hereafter, rob or spoil, by Sea or Land, or do any Act of unjust and unlawful Hostility to any the Subjects of Us, our Heirs, or Successors, or any the Subjects of any King, Prince, Ruler, Governor, or State, being then in League or Amitie with Us, our Heirs, or Successors, and that upon such Injury, or upon just Complaint of such Prince, Ruler, Governor, or State, or their Subjects, We, our Heirs, or Successors, shall make open Proclamation, within any of the Ports of our Realm of England, commodious for that purpose, That the said Person or Persons, having committed any such robbery, or Spoil, shall, within the term to be limited by such Proclamations, make full Restitution or Satisfaction of all such Injuries done, so as the said Princes, or others so complaining, may hold themselves fully satisfied and contented; And, that if the said Person or Persons, having committed such Robery or Spoil, shall not make, or cause to be made Satisfaction accordingly, within such Time so to be limited, That then it shall be lawful to Us, our Heirs, and Successors, to put the said Person or Persons, having committed such Robbery or Spoil, and their Procurers, Abettors, and Comforters, out of our Allegiance and Protection; And that it shall be lawful and free, for all Princes, and others to pursue with hostility the said offenders, and every of them, and their and every of their Procurers, Aiders, abettors, and comforters, in that behalf.

And finally, we do for Us, our Heirs, and Successors, and agree, to and with the said Sir Thomas Gates, Sir George Somers, Richard Hackluit, Edward-Maria Wingfield, and all others of the said first colony, that We, our Heirs and Successors, upon Petition in that Behalf to be made, shall, by Letters Patent under the Great Seal of England, GIVE and GRANT unto such Persons, their Heirs and Assigns, as the Council of that Colony, or the most part of then, shall, for that Purpose, nominate and assign all the lands, Tenements, and Hereditaments, which shall be within the Precincts limited for that Colony, as is aforesaid, To BE HOLDEN of Us, our heirs and Successors, as of our Manor at East-Greenwich, in the County of Kent, in free and common Soccage only, and not in Capite:

And do in like Manner, Grant and Agree, for Us, our Heirs and Successors, to and with the said Thomas Hanham, Raleigh Gilbert, William Parker, and George Popham, and all others of the said second Colony, That We, our Heirs, and Successors, upon Petition in that Behalf to be made, shall, by Letters-Patent, under the Great Seal of England, GIVE and GRANT, unto such Persons, their Heirs and Assigns, as the Council of that Colony, or the most Part of them, shall for that Purpose nominate and assign, all the Lands, Tenements, and Hereditaments, which shall be within the Precincts limited for that Colony, as is aforesaid, To BE noddod of Us, our Heires, and Successors, as of our Manor of East-Greenwich, in the County of Kent, in free and common Soccage only, and not in Capite.

All which Lands, Tenements, and Hereditaments, so to be passed by the said several Letters-Patent, shall be sufficient Assurance from the said Patentees, so distributed and divided amongst the Undertakers for the Plantation of the said several Colonies, and such as shall make their Plantations in either of the said several Colonies, in such Manner and Form, and for such Estates, as shall be ordered and set down by the Council of the said Colony, or the most part of them, respectively, within which the same Lands, Tenements, and Hereditaments shall lye or be; Although express Mention of the true yearly Value or Certainty of the Premises, or any of them, or of any other Gifts or Grants, by Us or any of our Progenitors or Predecessors, to the aforesaid Sir Thomas Gates, Knt. Sir George Somers, Knt. Richard Hackluit, Edward-Maria Wingfield, Thomas Hanham, Raleigh Gilbert, William Parker, and George Popham, or any of them, heretofore made, in these Presents, is not made; Or any Statute, Act, Ordinance, or Provision, Proclamation, or Restraint, to the contrary hereof had, made, ordained, or any other Thing, Cause, or Matter whatsoever, in any wise notwithstanding. IN Wetness whereof, we have caused these our Letters to be made Patent; Witness Ourself at Westminster, the tenth Day of April, in the fourth Year of our Reign of England, France, and Ireland, and of Scotland the nine and thirtieth.

LUKIN

Per breve de private Sigillo.

(1) Hening's Statutes of Virginia, I, 57-66. [Back](#)

Source:

The Federal and State Constitutions Colonial Charters, and Other Organic Laws of the States, Territories, and Colonies Now or Heretofore Forming the United States of America
Compiled and Edited Under the Act of Congress of June 30, 1906 by Francis Newton Thorpe
Washington, DC : Government Printing Office, 1909.

[Colonial Charters Page](#)

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The Second Charter of Virginia; May 23, 1609 (1)

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

WHEREAS, at the humble Suit and Request of sundry our loving and well-disposed Subjects, intending to deduce a Colony, and to make Habitation and Plantation of sundry our People in that Part of America, commonly called VIRGINIA, and other Parts and Territories in America, either appertaining unto Us, or which are not actually possessed of any Christian Prince or People, within certain Bounds and Regions, We have formerly, by our [Letters-patents, bearing Date the tenth Day of April](#), in the fourth Year of our Reign of England, France, and Ireland, and of Scotland the nine and thirtieth, GRANTED to Sir Thomas Gates, Sir George Somers, and others, for the more speedy Accomplishment of the said Plantation and Habitation that they should divide themselves into two Colonies (the one consisting of divers Knights, Gentlemen, Merchants, and others, of our City of London, called the FIRST COLONY; And the other consisting of divers Knights, Gentlemen, and others, of our Cities of Bristol, Exeter, and Town of Plimouth, and other Places, called the SECOND COLONY). And have yielded and granted in any and sundry Privileges and Liberties to each Colony, for their quiet settling and good Government therein, as by the said Letters patents more at large appeareth:

Now, forasmuch as divers and sundry of our loving Subjects, as well Adventurers, as Planters, of the said first Colony, which have already engaged themselves in furthering the Business of the said Colony and Plantation, and do further intend, by the Assistance of Almighty God, to prosecute the same to a happy End, have of late been humble Suitors unto Us, that (in Respect of their great Charges and the Adventure of many of their Lives, which they have hazarded in the said Discovery and Plantation of the said Country) We should be pleased to grant them a further Enlargement and Explanation of the said Grant, Privileges, and Liberties, and that such Counsellors, and other Officers, may be appointed amongst them, to manage and direct their Affairs, as are willing and ready to adventure with them, as also whose Dwellings are not so far remote from the City of London, but they may, at convenient Times, be ready at Hand, to give their Advice and Assistance, upon all Occasions requisite.

We greatly affecting the effectual Prosecution and happy success of the said Plantation, and commending their good desires therein, for their further Encouragement in accomplishing so excellent a Work, much pleasing to God, and profitable to our Kingdom, do of our especial Grace, and certain Knowledge, and mere Motion, for Us, our Heirs, and Successors, GIVE, GRANT, and CONFIRM, to our trusty and well beloved Subjects, Robert, Earl of Salisbury, Thomas, Earl of Suffolk, Henry, Earl of Southampton, William, Earl of Pembroke, Henry, Earl of Lincoln, Earl of Dorset, Thomas, Earl of Exeter, Philip, Earl of Montgomery, Robert, Lord Viscount Lisle, Theophilus, Lord Howard of Walden, James Montague, Lord Bishop of Bath and Wells, Edward, Lord Zouche, Thomas, Lord Lawarr, William, Lord Mounteagle, Ralph, Lord Ewre, Edmond, Lord Sheffield, Grey, Lord Chandois, Lord Compton, John, Lord Petre, John, Lord Stanhope, George, Lord Carew, Sir Humphry Weld, Lord Mayor of London, George Piercy, Esq. Sir Edward Cecil, Knt. Sir George Wharton, Knt. Francis West, Esq. Sir William Wade, Knt. Sir Henry Nevil, Knt. Sir Thomas Smith, Knt. Sir Oliver Cromwell, Knt. Sir Peter Manwood, Knt. Sir Drue Drury, Knt. Sir Peter Scott, Knt. Sir Thomas Challoner, Knt. Sir Robert Drury, Knt. Sir Anthony Cope, Knt. Sir Horatio Vere, Knt. Sir Edward Conway, Knt. Sir William Brown, Knt. Sir Maurice Berkeley, Knt. Sir Robert Maunsel, Knt. Sir Amias Preston, Knt. Sir Thomas Gates, Knt. Sir Anthony Ashley, Knt. Sir Michael Sandys, Knt. Sir Henry Carey, Knt. Sir Stephen Soame, Knt. Sir Callisthenes Brooke, Knt. Sir Edward Michelborn, Knt. Sir John Ratcliffe, Knt. Sir Wilmot, Knt. Sir George Moore, Knt. Sir Hugh Wiral, Knt. Sir Thomas Dennis, Knt. Sir John Holles, Knt. Sir William Godolphin, Knt. Sir Thomas Monson, Knt. Sir Thomas Ridgwine, Knt. Sir John Brooke, Knt. Sir Robert Killigrew, Knt. Sir Henry Peyton, Knt. Sir Richard Williamson, Knt. Sir Ferdinando Weyoman, Knt. Sir William St. John, Knt. Sir Thomas Holcroft, Knt. Sir John Mallory, Knt. Sir Roger Ashton, Knt. Sir Walter Cope' Knt. Sir Richard Wigmore, Knt. Sir William Cocke, Knt. Sir Herbert Crofte, Knt. Sir Henry Fanshaw, Knt. Sir John Smith, Knt. Sir Francis Wolley, Knt. Sir Edward Waterhouse, Knt. Sir Henry Seckford Knt. Sir Edwin Sandys, Knt. Sir Thomas Waynam, Knt. Sir John Trevor, Knt. Sir Warwick Heele, Knt. Sir Robert Worth, Knt. Sir John Townshend, Knt. Sir Christopher Perkins, Knt. Sir Daniel Dun, Knt. Sir Henry Hobert, Knt. Sir Francis Bacon, Knt. Sir Henry Montague, Knt. Sir George Coppin, Knt. Sir Samuel Sandys, Knt. Sir Thomas Roe, Knt. Sir George Somers, Knt. Sir Thomas Freake, Knt. Sir Thomas Harwell, Knt. Sir Charles Kelke, Knt. Sir Baptist Hicks, Knt. Sir John Watts, Knt. Sir Robert Carey, Knt. Sir William Romney, Knt. Sir Thomas Middleton, Knt. Sir Hatton Cheeke, Knt. Sir John Ogle, Knt. Sir Cavellero Meycot Knt. Sir Stephen Riddleson, Knt. Sir Thomas Bludder, Knt. Sir Anthony'Aucher, Knt. 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George Robins, vintner, Tobias Hinson, grocer, Vrian Spencer, Clement Chickley, John Scarpe, gentleman, James Campbell ironmonger, Christian Clitheroe, ironmonger, Philip Jacobson, Peter Jacobson, of Antwerp, William Berkeley, Miles Banks, cutler, Peter Higgons, grocer, Henry John, gentleman, John Stokley, merchant taylor, the Company of Mercers, the Company of Grocers, the Company of Drapers, the Company of Fishmongers, the Company of Goldsmiths, the Company of Skinners, the Company of MerchantTaylors, the Company of Haberdashers, the Company of Salters, the Company of Ironmongers, the Company of Vintners, the Company of Clothworkers, the Company of Dyers, the Company of Brewers, the Company of Leathersellers, the Company of Pewierers, the Company of Gutlers, the Company of Whitebakers, the Company of Wax-Chandlers, the Company of Tallow-Chandlers, the Company of Armourers, the Company of Girdlers, the Company of Butchers, the Company of Sadlers, the Company of Carpenters, the Company 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Matthew Cooper, George Buttlr, gentleman, Thomas Lawson, gentleman, Edward Smith, haberdasher, Stephen Sparrow, John Jones, merchant, Reynolds, Brewer, Thomas Plummer, merchant, Jame Duppa, brewer, Rowland Coitmore, William Southerne, George Whitmore, haberdasher, Anthony Gosnold, the younger, John Allen, fishmonger, Simon Yeomans, fishmonger, Lancelot Davis, gentleman, John Hopkins, alderman of Bristol, John Kettleby, gentleman, Richard Clene, goldsmith, George Hooker, gentleman, Robert Chening, yeoman, and to such and so many as they do, or shall hereafter admit to be joined with them, in the form hereafter in these presents expressed, whether they go in their Persons to be Planters there in the said Plantation, or whether they do not, but adventure their monies, goods, or Chattles, that they shalTbb one Body or Commonalty perpetual, and shall have perpetual Succession and one common Seal to serve for the said Body or Commonalty, and that they and their Successors shall be known, called, and incorporated by the Name of The Treasurer and Company of Adventurers and Planters of the City of London, for the first Colony in Virginia.

And that they and their Successors shall be from henceforth forever enabled to take, acquire, and purchase by the Name aforesaid (Licence for the same from Us, our Heirs, and Successors, first had and obtained) any Manner of Lands, Tenements, and Hereditaments, Goods and Chattles, within our Realm of England, and Dominion of Wales.

And that they, and their Successors, shall likewise be enabled by the Name aforesaid, to plead and be impleaded, before any of our Judges or Justices in any of our Courts, and in any Actions or Suits whatsoever.

And we do also of our special Grace, certain Knowledge, and mere Motion, give, grant and confirm, unto the said Treasurer and Company, and their Successors, under the Reservations, Limitations, and. Declarations hereafter expressed, all those Lands, Countries, and Territories, situate, lying, and being in that Part of America, called Virginia, from the Point of Land, called Cape or Point Comfort, all along the Sea Coast to the Northward, two hundred miles, and from the said Point of Cape Comfort, all along the Sea Coast to the Southward, two hundred Miles, and all that Space and Circuit of Land, lying from the Sea Coast of the Precinct aforesaid, up into the Land throughout from Sea to Sea, West and Northwest; And also all the Islands lying within one hundred Miles along the Coast of both Seas of the Precinct aforesaid; Together with all the Soils, Grounds, Havens, and Ports, Mines, as well Royal Mines of Gold and Silver, as other Minerals, Pearls, and precious Stones, Quarries, Woods, Rivers, Waters, Fishings, Commodities, Jurisdictions, Royalties, Privileges, Franchises, and Preheminences within the said Territories, and the Precincts thereof, whatsoever, and thereto, and thereabouts both by Sea and Land, being, or in any sort belonging or appertaining, and which We, by our Letters Patents, may or can grant, in as ample Manner and Sort, as We, or any our noble Progenitors, have heretofore 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 into any Foreign Parts whatsoever, and in as large and ample Manner, as if the same were herein particularly mentioned and expressed; To HAVE AND TO HOLD, possess and enjoy, all and singular the said Lands, Countries and Territories, with all and singular other the Premises heretofore by these Presents granted, or mentioned to be granted to them, the said Treasurer and Company, their Successors and Assigns forever To the sole and proper Use of them, the said Treasurer and Company, their Successors and Assigns forever; To BE HOLDEN of Us, our Heirs and Successors, as of our Manor of East-Greenwich, in free and common Soccage, and not in Capite; YIELDING and PAYING therefore, to Us, our Heirs and Successors, the fifth Part only of all Ore of Gold and Silver, that from Time to Time, and at all Times hereafter, shall be there gotten, had, or obtained, for all Manner of Services.

AND nevertheless, our Will and Pleasure is, and we do by these Presents, charge and command, warrant and authorize, that the said Treasurer, and Company, or their Successors, or the major Part of them which shall be present and assembled for that Purpose, shall from Time to Time, under their common Seal, DISTRIBUTE, convey, assign, and set over such particular Portions of Lands, Tenements, and Hereditaments, by these Presents formerly granted unto such our loving Subjects, naturally born, or Denizens, or others, as well Adventurers as Planters, as by the said Company (upon a Commission of Survey and Distribution, executed and returned for that Purpose) shall be nominated, appointed, and allowed; Wherein our Will and Pleasure is, that Respect be had as well of the Proportion of the Adventurer, as to the special Service, Hazard, Exploit, or Merit of any Person so to be recompensed, advanced, or rewarded.

AND forasmuch as the good and prosperous Success of the said Plantation, 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, by a careful and understanding Council, and that it is not convenient, that all the Adventurers shall be so often drawn to meet and assemble, as shall foe requisite for them to have Meetings and Conference about the Affairs thereof; Therefore we Do ORDAIN,

establish and confirm, that there shall be perpetually one COUNCIL here resident, according to the Tenour of our former Letters-Patents; Which Council shall have a Seal for the better Government and Administration of the said Plantation, besides the legal Seal of the Company or Corporation, as in our former Letters-Patents is also expressed.

AND further, We ESTABLISH and ORDAIN, That Henry Earl of Southampton, William Earl of Pembroke, Henry Earl of Lincoln, Thomas, Earl of Exeter, Robert, Lord Viscount Lisle, Lord Theophilus Howard, James, Lord Bishop of Bath and Wells, Lord Edward Zouche, Thomas Lord Lawarr, William, Lord Mounteagle, Edmund, Lord Sheffield, Gray, Lord Chandois, John, Lord Stanhope, George, Lord Carew, Sir Humfrey Weld, Lord Mayor of London, Sir Edward Cecil, Sir William Wade, Sir Henry Nevil, Sir Thomas Smith, Sir Oliver Cromwell, Sir Peter Manwood, Sir Thomas Challoner, Sir Henry Hobert, Sir Francis Bacon, Sir George Coppin, Sir John Scot, Sir Henry Carey, Sir Robert Drury, Sir Horatio Vere, Sir Edward Conway, Sir Maurice Berkeley, Sir Thomas Gates, Sir Michael Sandys, Sir Robert Mansell, Sir John Trevor, Sir Amias Preston, Sir William Godolphin, Sir Walter Cope, Sir Robert Killigrew, Sir Henry Fanshaw, Sir Edwin Sandys, Sir John Watts, Sir Henry Montague, Sir William Homney, Sir Thomas Roe, Sir Baptist Hicks, Sir Richard Williamson, Sir Stephen Poole, Sir Dudley Digges, Christopher Brooke, Esq. John Eldred, and Joim Wolstenholme shall be our Council for the said Company of Adventurers and Planters, in Virginia.

AND the said Thomas Smith, We Do ORDAIN to be Treasurer of the said Company; which Treasurer shall have Authority to give Order for the Warning of the Council, and summoning the Company to their Courts and Meetings

AND the said Council and Treasurer, or any of them shall be from henceforth nominated, chosen, continued, displaced, changed, altered and supplied, as Death, or other several Occasions shall require, out of the Company of the said Adventurers, by the Voice of the greater part of the said Company and Adventurers, in their Assembly for that Purpose: PROVIDED always, That every Counsellor so newly elected, shall be presented to the Lord Chancellor of England, or to the Lord High Treasurer of England, or to the Lord Chamberlain of the Household of Us, our Heirs and Successors for the Time being, to take his Oath of a Counsellor to Us, our Heirs and Successors, for the said Company of Adventurers and Colony in Virginia. AND we do by these Presents, of our special Grace, certain Knowledge, and mere Motion, for Us, our Heirs and Successors, GRANT unto the said Treasurer and Company, and their Successors, that if it happen at any Time or Times, the Treasurer for the Time being to be sick, or to have any such Cause of Absence from the City of London, as shall be allowed by the said Council, or the greater part of them assembled, so as he cannot attend the affairs of that Company, in every such Case, it shall and may be lawful for such Treasurer for the Time being, to assign, constitute, and appoint one of the Council, or Company, to be likewise allowed by the Council, or the greater Part of them assembled, to be the Deputy Treasurer of the said Company; Which Deputy shall have Power to do and execute all Things which belong to the said Treasurer, during such Time as such Treasurer shall be either sick, or otherwise absent, upon Cause allowed of by the said Council, or the major Part of them, as aforesaid, so fully and wholly, and in as large and ample Manner and Form, to all Intents: and Purposes, as the said Treasurer if he were present himself, might or could do and execute the same.

AND further, of our special Grace, certain Knowledge, and mere Motion, for Us, our Heirs and Successors, we do, by these Presents, GIVE and GRANT full Power and Authority to our said Council here resident, as well at this present time, as hereafter from time to time, to nominate, make, constitute, ordain and confirm, by such Name or Names, Stile or Stiles, as to them shall seem good, And likewise to revoke, discharge, change, and alter, as well all and singular Governors, Officers, and Ministers, which already have been made, as also which hereafter shall be by them thought fit and needful to be made or used for the Government of the said Colony and Plantation:

AND also to make, ordain, and establish all Manner of Orders, Laws, Directions, Instructions, Forms and Ceremonies of Government and Magistracy, fit and necessary for and concerning the Government of the said Colony and Plantation; And the same, at all Times hereafter, to abrogate, revoke, or change, not only within the Precincts of the said Colony, but also upon the Seas, in going and coming to and from the said Colony, as they in their good Discretion, shall think to be fittest for the Good of the Adventurers and inhabitants there.

AND we do also declare, that for divers Reasons and Considerations, Us thereunto especially moving, our Will and Pleasure is, and We do hereby ordain, that immediately from and after such Time as any such Governor or principal Officer, so to be nominated and appointed by our said Council, for the Government of the said Colony as aforesaid, shall arrive in . Virginia, and give Notice unto the Colony there resident, of our pleasure in this Behalf, the Government Power and Authority of the President and Council heretofore by our former Letters-patents there established, and all Laws and Constitutions by them formerly made shall utterly cease and be determined; And all Officers, Governors, and Ministers formerly constituted and appointed, shall be discharged, anything in our former Letters-patents concerning the said Plantation contained in any wise to the contrary notwithstanding; Straightly charging and commanding the President and Council now resident in the said Colony upon their Allegiance, after Knowledge given unto them of our Will and Pleasure by these presents signified and declared that they forthwith be obedient to such Governor or Governors as by our said Council here resident shall be named and appointed as aforesaid, and to all Directions, Orders and Commandments which they shall receive from them, as well in the present resigning and giving up of their Authority, Offices, Charge and Places, as in all other Attendance as shall be by them from time to time required.

AND we do further by these presents ORDAIN and establish, that the said Treasurer and Council here resident, and their successors or any four of them being assembled (the Treasurer being one) shall from time to time have full Power and Authority to admit and receive any other Person into their Company, Corporation, and Freedom; And further in a General Assembly of Adventurers, with the consent of the greater part upon good Cause, to disfranchise and put out any Person or Persons out of the said Freedom or Company.

AND we do also GRANT and confirm for Us, our Heirs and Successors, that it shall be lawful for the said Treasurer and Company and their Successors by direction of the Governors there, to dig and to search for all manner of Mines of Gold, silver, Copper, Iron, Lead, Tin, and all sorts of Minerals, as well within the precinct aforesaid, as within and part of the main land not formerly granted to any other; And TO HAVE and ENJOY the Gold, Silver, Copper, Iron, Lead, and Tin, and all other Minerals to be gotten thereby, to the use and behoef of the said company of Planters and Adventurers; YIELDING thereof, and paying Yearly unto Us, our Heirs and Successors as aforesaid.

AND we do further of our special Grace, certain Knowledge, and mere Motion for Us, our Heires, and Successors, GRANT by these presents, to and with the said Treasurer and Company, and their Successors, that it shall be lawful and free for them . and their Assigns, at all and every time and times hereafter, out of our Realm of England, and out of all other our Dominions, to take and lead into the said Voyages, and for and towards the said Plantation, and to travel thitherwards and to abide and inhabit there in the said Colony and Plantation, all such and so many of our loving Subjects, or any other Strangers, that will become our loving Subjects, and live under our Obedience, as shall willingly accompany them in the said Voyage and Plantation; With sufficient Shipping, Armour, Weapons, Ordinance, Munition, Powder, Shot, Victuals, and such Merchandises or Wares as are esteemed by the wild People in those Parts, Cloathing, Implements, Furniture, Cattle, Horses, and Mares, and all other things necessary for the said Plantation, and for their Use, and Defence, and Trade with the People there; and passing and returning to and fro; Without yielding or paying Subsidy, Custom, Imposition, or any other Tax or Duty, to Us, our Heirs, or Successors, for the space of seven Years from the Date of these Presents: PROVIDED that none of the said Persons be such as shall be hereafter by special name restrained by Us, our Heirs, and Successors.

AND for their further Encouragement, of our special Grace and Favour, we do by these Presents, for Us, our Heires, and Successors, YEILD and GRANT to and with the said Treasurer and Company, and their Successors, and every of them, their Factors and Assigns, that they and every of them shall be free of all Subsidies and Customs in Virginia, for the space of one and twenty Years, and from all Taxes and Impositions for ever upon any Goods or Merchandizes at any Time or Times hereafter, either upon Importation thither, or Exportation from thence into our Realm of England, or into any other of our Realms or Dominions, by the said Treasurer and Company, and their Successors, and their Deputies, Factors, or Assigns, or any of them: EXCEPT only the five Pounds per Cent. due for Custom upon all such Goods and Merchandizes as shall be brought or Imported into our Realm of England, or any other of these our Dominions according to the antient Trade of Merchants; WHICH FIVE POUNDS per Cent only being paid, it shall be thenceforth lawful and free for the said Adventurers, the same Goods and Merchandizes to export and carry out of our said Dominions into foreign Parts without any Custom, Tax, or other Duty to be paid to Us, our Heires, or Successors, or to any other our Officers or Deputies: PROVIDED, that the said Goods and Merchandizes be shipped out, within thirteen Months after their first landing within any Part of those Dominions.

AND we do also GRANT and confirm to the said Treasurer and Company, and their Successors, as also to all and every such Governor, or other Officers, and Ministers, as by our said Council shall be appointed to have Power and Authority of Government and Command in and over the said Colony and Plantation; That they, and every of them, shall and lawfully may from Time to Time and at all Times for ever hereafter, for their several Defence and Safety, encounter, expulse, repel, and resist by Force and Arms, as well by Sea as by Land, and all Ways and Means whatsoever, all and every such Person and Persons whatsoever as (without the special

Licence of the said Treasurer and Company and their Successors) shall attempt to inhabit within the said several Precincts and Limits of the said Colony and Plantation; And also all and every such Person and Persons whatsoever, as shall enterprise or attempt at any Time hereafter, Destruction, Invasion, Hurt, Detriment, or Annoyance, to the said Colony and Plantation, as is likewise specified in the said former Grant:

AND that it shall be lawful for the said Treasurer and Company and their Successors, and every of them from Time to Time, and at all Times for ever hereafter, and they shall have full Power and Authority to take and surprise by all Ways and Means whatsoever, all and every Person and Persons whatsoever, with their Ships, Goods, and other Furniture, trafficking in any Harbour, Creek, or Place, within the Limits or Precincts of the said Colony and Plantation not being allowed by the said Company to be Adventurers or Planters of the said Colony until such Time as they being of any Realms and Dominions under our Obedience, shall pay, or agree to pay, to the Hands of the Treasurer, or of some other Officer deputed by the said Governor of Virginia (over and above such Subsidy or Custom as the said Company is or hereafter shall be to pay) five Pounds per Cent. upon all Goods and Merchandises so brought in thither, and also five per Cent. upon all Goods by them shipped out from thence; And being Strangers and not under our Obedience until they have paid (over and above such Subsidy and Custom, as the said Treasurer and Company, or their Successors, is, or hereafter shall be to pay) ten Pounds per Cent. upon all such Goods likewise carried in and out, any Thing in the said former Letters-patents to the contrary notwithstanding;. And the same SUMS of MONEY and Benefit, aforesaid, for and during the space of one and twenty Years, shall be wholly employed to the Benefit, Use, and Behoof of the said Colony and Plantation; And after the said one and twenty Years ended, the same shall be taken to the use of Us, our Heirs and Successors, by such Officers and Ministers, as by Us, our Heirs or Successors shall be "hereunto assigned and appointed, as is specified in the said former Letters-patents.

Also we do for Us, our Heirs and Successors, DECLARE by these Presents, that all and every the Persons being our Subjects, which shall go and inhabit within the said Colony and Plantation, and every their Children and Posterity, which shall happen to be born within any of the Limits thereof, shall HAVE and ENJOY all Liberties, Franchizes, and Immunities of Free Denizens and natural Subjects within any of our other Dominions to all Intents and Purposes, as if they had been abiding and born within this our Realm of England, or in any other of our Dominions.

AND forasmuch as it shall be necessary for all such our loving Subject as shall inhabit within the said Precincts of Virginia aforesaid, to determine to live together in the Fear and true Worship of Almighty God, Christian Peace and Civil Quietness each with other, whereby every one may with more Safety, Pleasure and Profit enjoy that whereunto they shall attain with great Pain and Peril; WE for Us, our Heirs, and Successors are likewise pleased and contented, and by these Presents do GIVE and GRANT unto the said Treasurer and Company, and their Successors, and to such Governors, Officers, and Ministers, as shall be by our said Council constituted and appointed according to the Natures and Limits of their Offices and Places respectively, that they shall and may from Time to Time, for ever hereafter, within the said Precincts of Virginia, or in the way by Seas thither and from thence, have full and absolute Power and Authority to correct, punish, pardon, govern, and rule all such the Subjects of Us, our Heires, and Successors as shall from Time to Time adventure themselves in any Voyage thither, or that shall at any Time hereafter, inhabit in the Precincts and Territories of the said Colony as aforesaid, according to such Orders, Ordinances, Constitutions, Directions, and Instructions, as by our said Council as aforesaid, shall be established; And in Defect thereof in case of Necessity, according to the good Discretions of the said Governor and Officers respectively, as well in Cases capital and criminal, as civil, both Marine and other; So always as the said Statutes, Ordinances and Proceedings as near as conveniently may be, be agreeable to the Laws, Statutes, Government, and Policy of this our Realm of England.

AND we do further of our special Grace, certain Knowledge, and mere Motion, GRANT, DECLARE, and ORDAIN, that such principal Governor, as from Time to Time shall duly and lawfully be authorized and appointed in Manner and Form in these Presents heretofore expressed, shall have full Power and Authority, to use and exercise Martial Law in Cases of Rebellion or Mutiny, in as large and ample Manner as our Lieutenants in our Counties within this our Realm of England have or ought to have, by Force of their Commissions of Lieutenancy.

AND furthermore, if any Person or Persons, Adventurers or Planters of the said Colony, or any other at any Time or Times hereafter, shall transport any Monies, Goods, or Merchandises, out of any of our Kingdoms with a Pretence or Purpose to land, sell, or otherwise dispose of the same within the Limits or Bounds of the Said Colony, and yet nevertheless being at Sea, or after he hath landed: within any part of the said Colony, shall carry the same into any other foreign Country with a Purpose there to sell and dispose thereof; That then all the Goods and Chattels of the said Person or Persons so offending, and transported, together with the Ship or Vessel wherein such Transportation was made, shall be forfeited to Us, our Heirs, and Successors.

AND further, our Will and Pleasure is, that in all Questions and Doubts that shall arise upon any difficulty of Construction or Interpretation of any Thing contained either in this, or in our said former Letters-patents, the same shall be taken and interpreted in most ample and beneficial Manner for the said Treasurer and Company, and their Successors, and every Member thereof.

AND further, we do. by these Presents RATIFY and CONFIRM unto the said Treasurer and Company, and their Successors, all the Privileges, Franchises, Liberties, and Immunities granted in our said former Letters-patents, and not in these our Letters-patents, revoked, altered, changed, or abridged.

AND finally our Will and Pleasure is, and we do further hereby for Us, our Heirs, and Successors, GRANT and AGREE, to and with the said Treasurer and Company, and their Successors, that all and singular Person and Persons, which shall at any Time or Times hereafter adventure any Sum or Sums of Money, in and towards the said Plantation of the said Colony in Virginia, and shall be admitted by the said Council and Company, as Adventurers of the said Colony in Form aforesaid, and shall be enrolled in the Book or Records of the Adventurers of the said Company, shall and may be accounted, accepted, taken, held, and reputed Adventurers of the said Colony, and shall, and may enjoy all and singular Grants, Privileges, Liberties, Benefits, Profits, Commodities and Immunities, Advantages and Emoluments whatsoever, as fully, largely, amply, and absolutely, as if they and every of them, had been precisely, plainly, singularly, and distinctly named and inserted in these our Letters-patents.

AND lastly, because the principal Effect which eve can desire or expect of this Action, is the Conversion and Reduction of the People in those Parts unto the true Worship of God and Christian Religion, in which Respect we should be loath that any Person should be permitted to pass that we suspected to affect the Superstitions of the Church of Rome, we do hereby DECLARE, that it is our Will and Pleasure that none be permitted to pass in any Voyage from Time to Time to be made into the said Country, but such as first shall have taken the Oath of Supremacy; For which Purpose, we do by these Presents give full Power and Authority to the Treasurer for the Time being, and any three of the Council, to tender and exhibit the said Oath, to all such Persons as shall at any Time be sent and employed n the said Voyage.

Although express Mention of true yearly Value or Certainty of the Premises, or any of then), or of any other Gifts or Grants by Us, or any of our Progenitors or Predecessors to the aforesaid Treasurer and Company heretofore made in these Presents, is not made; Or any Act, Statute, Ordinance, Provision, Proclamation, or Restraint' to the contrary hereof had, made, ordained, or provided, or any other Thing, Cause, or Matter whatsoever in any wise notwithstanding. IN WITNESS whereof, We have caused these our Letters to be made Patent. Witness ourself at Westminster, the 23d Day of May, in the seventh Year of our Reign of England, France, and Ireland, and of Scotland the * * *

PER IPSUM REGEM.

LUKIN.

(1) Hening's Statutes of Virginia, I. 80-98. [Back](#)

Source:

The Federal and State Constitutions Colonial Charters, and Other Organic Laws of the States, Territories, and Colonies Now or Heretofore Forming the United States of America
Compiled and Edited Under the Act of Congress of June 30, 1906 by Francis Newton Thorpe
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The Third Charter of Virginia; March 12, 1611 (1)

JAMES, by the Grace of God, King of England;, Scotland, France, and Ireland;, Defender of the Faith; To all to whom these Presents shall come, Greeting. WHEREAS at the humble Suit of divers and sundry our loving Subjects, as well Adventurers as Planters of the first Colony in Virginia, and for the Propagation of Christian Religion, and Reclaiming of People barbarous, to Civility and Humanity, We have, by our Letters-Patents, bearing Date at Westminster, the three-and-twentieth Day of May, in the seventh Year of our Reign of England, France, and Ireland, and the two-and-fortieth of Scotland, GIVEN and GRANTED unto them that they and all such and so many of our loving Subjects as should from time to time, for ever after, be joined with them as Planters or Adventurers in the said Plantation, and their Successors, for ever, should be one Body politick, incorporated by the Name of The Treasurer and Company of Adventurers and; Planters of the city of London for the first Colony in Virginia;

And whereas also for the greater Good and Benefit of the said Company, and for the better Furtherance, Strengthening, and Establishing of the said Plantation, we did further GIVE, GRANT and CONFIRM, by our Letters-Patents unto the said Company and their Successors, for ever, all those Lands, Countries or Territories, situate, lying and being in that Part of America called Virginia, from the Point of Land called Gape or Point Comfort all along the Sea Coasts to the Northward two hundred Miles; and from the said Point of Cape Comfort all along the Sea Coast to the Southward two hundred Miles; and all that Space and Circuit of Land lying from the Sea Coast of the Precinct aforesaid, up into the Land throughout from Sea to Sea West and North-west; and also all the Islands lying within one hundred Miles along the Coast of both the Seas of the Precinct aforesaid; with divers other Grants, Liberties, Franchises and Preheminences, Privileges, Profits, Benefits, and Commodities granted in and by our said Letters-patents to the said Treasurer and Company and their Successors for ever.

Now forasmuch as we are given to understand, that in those Seas adjoining to the said Coasts of Virginia, and without the Compass of those two hundred Miles by Us so granted unto the said Treasurer and Company as aforesaid, and yet not far distant from the said Colony in Virginia, there are or may be divers Islands lying desolate and uninhabited, some of which are already made known and discovered by the Industry, Travel, and Expences of the said Company, and others also are supposed to be and remain as yet unknown and undiscovered, all and every of which it may import the said Colony both in Safety and Policy of Trade to populate and plant; in Regard whereof, as well for the preventing of Peril, as for the better Commodity of the said Colony, they have been humble suitors unto Us, that We would be pleased to grant unto them an Enlargement of our said former Letters-patents, as well for a more ample Extent of their Limits and Territories into the Seas adjoining to and upon the Coast of Virginia, as also for some other Matters and Articles concerning the better government of the said Company and Colony, in which Point our said former Letters-Patents do not extend so far as Time and Experience hath found to be needful and convenient:

We therefore tendering the good and happy Success of the said Plantation, both in Regard of the General Weal of human Society, as in Respect of the Good of our own Estate and Kingdoms, and being willing to give Furtherance unto all good Means that may advance the Benefit of the said Company, and which may secure the Safety of our loving Subjects planted in our said Colony, under the Favour and Protection of God Almighty, and of our Royal Power and Authority, have therefore of our especial Grace, certain Knowledge, and mere Motion, given, granted, and confirmed, and for Us, our Heirs and Successors, we do by these Presents give, grant, and confirm to the said Treasurer and Company of Adventurers and Planters of the city of London for the first Colony in Virginia, and to their Heirs and Successors for ever, all and singular those Islands whatsoever situate and being in any Part of the Ocean Seas bordering upon the Coast of our said first Colony in Virginia, and being within three Hundred Leagues of any of the Parts heretofore granted to the said Treasurer and Company in our said former Letters-Patents as aforesaid, and being within or between the one-and-fortieth and thirtieth Degrees of Northerly Latitude; together with all and singular Soils, Lands, Grounds, Havens, Ports, Rivers, Waters, Fishings, Mines and Minerals, as well Royal Mines of Gold and Silver, as other Mines and Minerals, Pearls, precious Stones, Quarries, and all and singular other Commodities, Jurisdictions, Royalties, Privileges, Franchises, and Preheminences, both within the said Tract of Land upon the Main, and also within the said Islands and Seas adjoining whatsoever and thereunto or thereabouts, both by Sea and Land being or situate; And which, by our Letters-Patents we may or can grant, and in as ample Manner as We or any our noble Progenitors have heretofore granted to any Person or Persons, or to any Company, Body Politick or corporate, or to any Adventurer or Adventurers, Undertaker or Undertakers of any Discoveries, Plantations, or Traffick, of, in, or into any foreign Parts whatsoever, and in as large and ample Manner as if the same were herein particularly named, mentioned, and expressed. Provided always, that the said Islands or any Premises herein mentioned, or by these Presents intended or meant to be granted, be not actually possessed or inhabited by any other Christian Prince or Estate, nor be within the Bounds, Limits, or Territories of the Northern Colony heretofore by Us granted to be planted by divers of our loving Subjects in the North Parts of Virginia. To HAVE AND TO HOLD, possess and enjoy, all and singular the said Islands in the said Ocean Seas so lying and bordering upon the Coast and Coasts of the Territories of the said first Colony in Virginia, as aforesaid. With all and singular the said Soils, Lands, Grounds, and all and singular other the Premises heretofore by these Presents granted or mentioned to be granted to them, the said Treasurer and Company of Adventurers and Planters of the City of London for the first Colony in Virginia, and to their Heirs; Successors, and Assigns, for ever, to the sole and proper Use and Behoof of them the said Treasurer and Company, and their Heirs and Successors and Assigns, for ever; TO BE HOLDEN OF US, our Heirs and Successors, as of our Manor of East-Greenwich, in Free and common Soccage, and not in Capite; YIELDING AND PAYING therefore to Us, our Heirs and Successors, the fifth Part of the Ore of all Gold and Silver which shall be there gotten, had, or obtained for all Manner of Services whatsoever.

And further, Our Will and Pleasure is, and We do by these Presents, GRANT AND CONFIRM, for the Good and Welfare of the said Plantation, and that Posterity may hereafter know who have adventured and not been sparing of their Purses in such a noble and generous Action for the general Good of their Country, and at the Request and with the Consent of the Company aforesaid, that Our trusty and wellbeloved Subjects George Lord Archbishop of Canterbury, latency, Earl of Huntington, Edward Earl of Bedford, Richard Earl of Clanrichard, &c. who since Our said last Letters-Patents are become Adventurers, and have joined themselves with the former Adventurers and Planters of the said Company and Society, shall from henceforth be reputed, deemed, and taken to be, and shall be Brethren and free Members of the Company; and shall and may respectively, and according to the Proportion and Value of their several Adventures, HAVE, HOLD, and ENJOY, all such Interest, Right, Title, Privileges, Preheminences, Liberties, Franchises, Immunities, Profits, and Commodities, whatsoever, in as large and ample and beneficial Manner, to all Intents, Constructions, and Purposes, as any other Adventures nominated and expressed in any our former Letters-Patents, or any of them have or may have by Force and Virtue of these Presents, or any our former Letters-Patents whatsoever.

And We are further pleased, and We do by these Presents GRANT and CONFIRM, that Philip Earl of Montgomery, William Lord Paget, sir John Starrington, Knt. &c. whom the said Treasurer and Company have since the said last Letters-Patents nominated and set down as worthy and discreet Persons fit to serve Us as Counsellors, to be of our Council for the said Plantation, shall be reputed deemed, and taken as Persons of our said Council for the said first colony, in such Manner and Sort, to all Intents and Purposes, as those who have been formerly elected and nominated as our Counsellors for that Colony, and whose Names have been, or are inserted and expressed in our said former Letters-Patents.

And we do hereby ordain and grant by these Presents, that the said Treasurer and Company of Adventurers and Planters aforesaid, shall and may, once every week, or oftener, at their Pleasure, hold, and keep a Court and Assembly for the better Order and Government of the said Plantation, and such Things as shall concern the same; And that any five Persons of our Council for the said first Colony in Virginia, for the Time being, of which Company the Treasure, or his Deputy, to be always one, and the Number of fifteen others, at the least, of the Generality of the said Company, assembled together in such Manner, as is and hath been heretofore used and accustomed, shalt be said, taken, held, and reputed to be, and shall be a sufficient Court of the said Company, for the handling and ordering, and dispatching of all such casual and particular Occurrences, and accidental Matters, of less Consequence and Weight, as shall from Time to Time happen, touching and concerning the said

Plantation.

And that nevertheless, for the handling, ordering, and disposing of Matters and Affairs of greater Weight and Importance, and such as shall or may, in any Sort, concern the Weal Publick and general Good of the said Company and Plantation, as namely, the Manner of Government from Time to Time to be used, the ordering and Disposing of the Lands and Possessions, and the settling and establishing of a Trade there, or such like, there shall be held and kept every Year, upon the last Wednesday, save one, of Hillary Term, Easter, Trinity, and Michaelmas Terms, for ever, one great, general, and solemn Assembly, which four Assemblies shall be stiled and called, The four Great and General Courts of the Council and Company of Adventurers for Virginia; In all and every of which said Great and General Courts, so assembled, our Will and Pleasure is, and we do, for Us, our Heirs and Successors, for ever, Give and Grant to the said Treasurer and Company, and their Successors for ever, by these Presents, that they, the said Treasurer and Company, or the greater Number of them, so assembled, shall and may have full Power and Authority, from Time to Time, and at all Times hereafter, to elect and chuse discreet Persons, to be of our said Council for the said first Colony in Virginia, and to nominate and appoint such Officers as they shall think fit and requisite, for the Government, managing, ordering, and dispatching of the Affairs of the said Company; And shall likewise have full Power and Authority, to ordain and make such Laws and Ordinances, for the Good and Welfare of the said Plantation, as to them from Time to Time, shall be thought requisite and meet: So always, as the same be not contrary to the Laws and Statutes of this our Realm of England; And shall, in like Manner, have Power and Authority, to expulse, disfranchise, and put out of and from their said Company and Society for ever, all and every such Person and Persons, as having either promised or subscribed their Names to become Adventurers to the said Plantation, of the said first Colony in Virginia, or having been nominated for Adventurers in these or any other our Letters-Patents, or having been otherwise admitted and nominated to be of the said Company, have nevertheless either not put in any adventure at all for and towards the said Plantation, or else have refused or neglected, or shall refuse and neglect to bring in his or their Adventure, by Word or Writing, promised within six Months after the same shall be so payable and due. And whereas, the Failing and not Payment of such Monies as have been promised in Adventure, for the Advancement of the said Plantation, hath been often by Experience found to be dangerous and prejudicial to the same, and much to have hindered the Progress and Proceeding of the said Plantation, and for that it seemeth unto Us a Thing reasonable, that such Persons, as by their Hand Writing have engaged themselves for the Payment of their Adventures and afterwards neglecting their Faith and Promise, should be compelled to make good and keep the same: Therefore, Our Will and Pleasure is, that in any Suit or Suits commenced, or to be commenced in any of our Courts at Westminster, or elsewhere, by the said Treasurer and Company, or otherwise against any such persons, that our Judges for the Time being, both in our Court of Chancery, and at the Common Pleas do favour and further the said Suits so far forth as Law and Equity will in any wise further and permit. And We do, for Us, our Heirs and Successors, further give and grant to the said Treasurer and Company, or their Successors forever, that the said Treasurer and Company, or the greater Part of them for the Time being, so in a full and general Court assembled as aforesaid, shall and may from Time to Time, and at all times forever hereafter, elect choose and admit into their Company, and Society, any Person or Persons, as well Strangers and Aliens born in any Part beyond the Seas wheresoever, being in Amity with us, as our natural Liege Subjects born in any our Realms and Dominions: And that all such Persons so elected, chosen, and admitted to be of the said Company as aforesaid, shall thereupon be taken, reputed, and held, and shall be free Members of the said Company, and shall have, hold, and enjoy all and singular Freedoms, Liberties, Franchises, Privileges, Immunities, Benefits, Profits, and Commodities whatsoever, to the said Company in any Sort belonging or appertaining, as fully, freely and amply as any other Adventurers now being, or which hereafter at any Time shall be of the said Company, hash, have, shall, may, might, or ought to have and enjoy the same to all Intents and Purposes whatsoever. And We do further of our especial Grace, certain Knowledge, and mere Motion, for Us, our Heirs and Successors, give and grant unto the said Treasurer and Company, and their Successors for ever, by these Presents, that it shall be lawful and free for them and their Assigns, at all and every Time and Times hereafter, out of any our Realms and Dominions whatsoever, to take, lead, carry, and transport in and into the said Voyage, and for and towards the said Plantation of our said first Colony in Virginia, all such and so many of our loving Subjects, or any other Strangers that will become our loving Subjects, and live under our Allegiance, as shall willingly accompany them in the said Voyages and Plantation, with Shipping, Armour, Weapons, Ordnance, Munition, Powder, Shot, Victuals, and all Manner of Merchandises and Wares, and all Manner of Clothing, Implements, Furniture, Beasts, Cattle, Horses, Mares, and all other Things necessary for the said Plantation, and for their Use and Defence, and for Trade with the People there, and in passing and returning to and from, without paying or yielding any Subsidy, Custom, or Imposition, either inward or outward, or any other Duty to Us, our Heirs and Successors, for the same, for the Space of Seven Years from the Date of these Presents.

And We do further, for Us, our Heirs and Successors, give and grant to the said Treasurer and Company, and their Successors forever, by these Presents, that the said Treasurer of that Company, or his Deputy for the Time being, or any two other of the said Council, for the said first Colony in Virginia, for the Time being, or any two other at all Times hereafter, and from Time to Time, have full Power and authority to minister and give the Oath and Oaths of Supremacy and Allegiance, or either of them, to all and every Person and Persons, which shall at any Time or Times hereafter, go or pass to the said Colony in Virginia:

And further, that it shall be lawful likewise for the said Treasurer, or his Deputy for the Time being, or any two or others of our said Council, for the said first Colony in Virginia, for the Time being, from Time to Time, and at all Times hereafter to minister such a formal Oath, as by their discretion shall be reasonably devised, as well unto any Person or Persons employed in, for, or touching the said Plantation, for their honest, faithful and just Discharge of their Service in all such Matters as shall be committed unto them, for the Good and Benefit of the said Company, Colony and Plantation; As also unto such other Person or Persons as the said Treasurer, or his Deputy, with two others of the said Council shall think meet, for the Examination or clearing of the Truth, in any Cause whatsoever, concerning the said Plantation, or any Business from thence proceeding, or thereunto belonging.

And furthermore, whereas We have been certified, That divers lewd and ill disposed Persons, both Sailors, Soldiers, Artificers, Husbandmen, Labourers and others, having received Wages, Apparel and other Entertainment, from the said Company, or having contracted and agreed with the said Company to go, or to serve, or to be employed in the said Plantation of the said first Colony in Virginia, have afterwards either withdrawn, hid, or concealed themselves, or have refused to go thither, after they have been so entertained and agreed withal: And that divers and sundry Persons also, which have been sent and employed in the said Plantation of the said first Colony in Virginia, at and upon the Charge of the said Company, and having there misbehaved themselves by Mutinies, Sedition, or other notorious Misdemeanors, or having been employed or sent abroad by the Governor of Virginia, or his Deputy, with some Ship or Pinnace, for our Provision of the said Colony, or for some Discovery, or other Business and All airs concerning the same, have from thence most treacherously either come back again, and returned into our Realm of England, by Stealth, or without Licence of our Governor of our said Colony in Virginia, for the Time being, or have been sent thither as Misdoers and Offenders: And that many also of those Persons after their Return from thence, having been questioned by our Council here, for such their Misbehaviors and Offences, by their Insolent and Contemptuous Carriage in the Presence of our said Council, have showed little Respect and Reverence either to the Place or Authority in which we have placed and appointed them; And others for the colouring of their Lewdness and Misdemeanors committed in Virginia, have endeavoured by most vile and slanderous Reports made and divulged, as well of the Country of Virginia, as also of the Government and Estate of the said Plantation and Colony, as much as in them lay, to bring the said Voyage and Plantation into Disgrace and Contempt: By Means whereof, not only the Adventurers and Planters already engaged in the said Plantation, have been exceedingly abused and hindered, and a great Number of other, our loving and well-disposed Subjects, otherwise well affected and inclined to join and adventure in so noble, Christian, and worthy an Action, have been discouraged from the same; but also the utter overthrow and Ruin of the said Enterprise hath been greatly endangered, which cannot miscarry without some Dishonour to Us, and our Kingdom.

Now, forasmuch as it appeareth unto us, that these Insolences, Misdemeanors, and Abuses, not to be tolerated in any civil Government. have, for the most part, grown and proceeded, in regard our said Council have not any direct Power and Authority, by any express Words in our former Letters-patents, to correct and chastise such Offenders: We therefore, for more speedy Reformation of so great and enormous Abuses and Misdemeanors heretofore practiced and committed, and for the preventing of the like hereafter, do by these Presents for Us, our Heirs, and Successors, GIVE and GRANT, to the said Treasurer and Company, and their Successors for ever, that it shall, and may be lawful for our said Council for the first Colony in Virginia, or any two of them (whereof the said Treasurer or his Deputy for the Time being, to be always one) by Warrant under their Hands, to send for, or cause to be apprehended, all, and every such Person or Persons, who shall be noted, or accused, or found at any Time or Times hereafter, to offend or misbehave themselves, in any the Offences before mentioned and expressed, and upon the Examination of any such Offender or Offenders, and just Proof made by Oath, taken before the said Council, of any such notorious Misdemeanors by them committed as aforesaid; And also upon any insolent and contemptuous, or indecent Carriage and Misbehaviour, to, or against, any our said Council, showed or used by any such Person or Persons so called, converted, and appearing before them as aforesaid; That in all such cases, they our said Council, or any two of them for the time being, shall, and may have full Power and Authority, either here to bind them over with good Sureties for their good Behaviour, and further therein, to proceed to all Intents and Purposes as it is used in other like Cases, within our Realm of England; Or else, at their Discretions, to remand and send back the said Offenders, or any of them, unto the said Colony in Virginia, there to be proceeded against and punished, as the Governor, Deputy or Council there, for the Time being, shall think meet; Or otherwise, according to such Laws and Ordinances, as are and shall be in Use there, for the well-ordering and good Government of the said Colony.

And for the more effectual Advancing of the said Plantation. We do further, for Us, our Heirs, and Successors, of our especial Grace and Favour, by Virtue of our Prerogative Royal, and by the Assent and Consent of the Lords and others of our Privy Council, GIVE and GRANT, unto the said Treasurer and Company, full Power

and Authority, free Leave, Liberty, and Licence, to set forth, erect, and publish, one or more Lottery or Lotteries, to have Continuance, and to endure and be held, for the Space of one whole Year, next after the opening of the same; And after the End and Expiration of the said Term, the said Lottery or Lotteries to continue and be further kept, during our Will and Pleasure only, and not otherwise. And yet nevertheless, we are contented and pleased, for the Good and Welfare of the said Plantation, that the said Treasurer and Company shall, for the Dispatch and Finishing of the said Lottery or Lotteries, have six Months Warning after the said Year ended, before our Will and Pleasure shall, for and on that Behalf, be construed, deemed, and adjudged, to be in any wise altered and determined.

And our further Will and Pleasure is, that the said Lottery and Lotteries shall and may be opened and held, within our City of London, or in any other City or Town, or elsewhere, within this our Realm of England, with such Prizes, Articles, Conditions, and Limitations, as to them, the said Treasurer and Company, in their Discretions, shall seem convenient:

And it shall and may be lawful, to and for the said Treasurer and Company, to elect and choose Receivers, Surveyors, Auditors, Commissioners, or any other Officers whatsoever, at their Will and Pleasure, for the better marshalling, disposing, guiding, and governing of the said Lottery and Lotteries; And that it shall likewise be lawful, to and for the said Treasurer and any two of the said Council, to minister to all and every such Person, so elected and chosen for Offices, as aforesaid, one or more Oaths, for their good Behaviour, just and true Dealing, in and about the said Lottery or Lotteries, to the Intent and Purpose, that none of our loving Subjects, putting in their Names, or otherwise adventuring in the said general Lottery or Lotteries, may be, in any wise, defrauded and deceived of their said Monies, or evil and indirectly dealt withal in their said Adventures.

And we further GRANT, in Manner and Form aforesaid, that it shall and may be lawful, to and for the said Treasurer and Company, under the Seal of our said Council for the Plantation, to publish; or to cause and procure to be published by Proclamation, or otherwise (the said Proclamation to be made in their Name, by Virtue of these Presents) the said Lottery or Lotteries, in all Cities, Towns _____ Burroughs, and other Places, within our said Realm of England; And we Will and Command all Mayors, Justices of the Peace, Sheriffs, Bailiffs, Constables, and other Officers and loving Subjects, whatsoever, that in no wise, they hinder or delay the Progress and Proceedings of the said Lottery or Lotteries, but be therein, touching the Premises, aiding and assisting, by all honest, good, and lawful Means and Endeavours.

And further, our Will and Pleasure is, that in all Questions and Doubts, that shall arise, upon any Difficulty of Construction or Interpretation of any Thing, contained in these, or any other our former Letters-patent, the same shall be taken and interpreted, in most ample and beneficial Manner for the said Treasurer and Company, and their Successors, and every Member thereof.

And lastly, we do, by these Presents, RATIFY AND CONFIRM unto the said Treasurer and Company, and their Successors, for ever, all and all Manner of Privileges, Franchises, Liberties, Immunities, Preheminences, Profits, and Commodities, whatsoever, granted unto them in any our former Letters-patent, and not in these Presents revoked altered, changed, or abridged. Although express Mention of the true Yearly Value or Certainty of the Premises, or any of them, or of any other Gift or Grant, by Us or any our Progenitors or Predecessors, to the aforesaid Treasurer and Company heretofore made in these Presents is not made; Or any Statute, Act, Ordinance, Provision, Proclamation, or Restraint, to the contrary thereof heretofore made, ordered, or provided, or any other Matter, Cause, or Thing, whatsoever, to the contrary, in any wise, notwithstanding.

IN WITNESS whereof we have caused these our Letters to be made Patents. Witness Ourselves, at Westminster, the twelfth Day of March, in the ninth Year of our Reign of England, France, and Ireland, and of Scotland the five and fortieth.

(1) Hening's Statutes of Virginia, I. 98-110. [Back](#)

Source:

The Federal and State Constitutions Colonial Charters, and Other Organic Laws of the States, Territories, and Colonies Now or Heretofore Forming the United States of America
Compiled and Edited Under the Act of Congress of June 30, 1906 by Francis Newton Thorpe
Washington, DC : Government Printing Office, 1909.

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Ordinances for Virginia; July 24-August 3, 1621 [\(1\)](#)

An Ordinance and Constitution of the Treasurer, Council, and Company in England, for a Council of State and General Assembly.
Dated July 24, 1621

TO all People, to whom these Presents shall come, be seen, or heard, The Treasurer, Council, and Company of Adventurers and Planters for the City of London for the first Colony of Virginia, send Greeting. KNOW YE, that we, the said Treasurer, Council, and Company, taking into our careful Consideration the present State of the said Colony of Virginia., and intending, by the Divine Assistance, to settle such a Form of Government there, as may be to the greatest Benefit and Comfort of the People, and whereby all Injustice, Grievances, and Oppression may be prevented and kept of as much as possible from the said Colony, have thought fit to make our Entrance, by ordering and establishing such Supreme Councils, as may not only be assisting to the Governor for the time being, in the Administration of Justice, and the executing of other Duties to this office belonging, but also, by their vigilant care and Prudence, may provide, as well for a Remedy of all Inconveniences, growing from time to time, as also for advancing of Increase, Strength, Stability, and Prosperity of the said Colony:

II. WE therefore, the said Treasurer, Council, and Company, by Authority directed to us from his Majesty under the Great Seal, upon mature Deliberation, do hereby order and declare, that, from hence forward, there shall be TWO SUPREME COUNCILS in Virginia, for the better Government of the said Colony aforesaid.

III. THE one of which Councils, to be called THE COUNCIL OF STATE (and whose Office shall chiefly be assisting, with their Care, Advise, and Circumspection, to the said Governor) shall be chosen, nominated, placed and displaced, from time to time, by Us, the said Treasurer, Council, and Company, and our Successors: Which Council of State shall consist, for the present, only of these Persons, as are here inserted, viz. Sir Francis Wyat, Governor of Virginia, Captain Francis West, Sir George Yeardley, Knight, Sir William Neuce, Knight Marshal of Virginia, Mr. George Sandys, Treasurer, Mr. George Thorpe, Deputy of the College, Captain Thomas Nence, Deputy for the Company, Mr. Pawlet, Mr. leech, Captain Nathaniel Powel, Mr. Christopher Davison, Secretary, Doctor Pots, Physician to the Company, Mr. Roger Smith, Mr. John Berkeley, Mr. John Rolfe, Mr. Ralph Harrier, Mr. John Potuntis, Mr. Michael lapworth, Mr. Harwood, Mr. Sarrvuel Macock. Which said Counsellors and Council we earnestly pray and desire, and in his Majesty's Name strictly charge and command, that (all Factions, Partialities, and sinister Respect laid aside) they bend their Care and Endeavours to assist the said Governor; first and principally, in the Advancement of the Honour and Service of God, and the Enlargement of his Kingdom amongst the Heathen People; and next, in erecting of the said Colony in due obedience to his Majesty, and all lawful Authority from his Majesty's Directions; and lastly, in maintaining the said People in Justice and Christian Conversation amongst themselves, and in Strength and Ability to withstand their Enemies. And this Council, to be always, or for the most Part, residing about or near the Governor

IV. The other Council, more generally to be called by the Governor, once yearly, and no oftener, but for very extraordinary and important occasions, shall consist, for the present, of the said Council of State, and of two Burgesses out of every Town, Hundred, or other particular Plantation, to be respectively chosen by the Inhabitants: Which Council shall be called THE GENERAL ASSEMBLY, wherein (as also in the said Council of State) all Matters shall be decided, determined, and ordered, by the greater Part of the Voices then present; reserving to the Governor always a Negative Voice. And this General Assembly shall have free Power to treat, consult, and conclude, as well of all emergent Occasions concerning the Publick Weal of the said Colony and every Part thereof, as also to make, ordain, and enact such general Laws and Orders, for the Behoof of the said Colony, and the good Government thereof, as shall, from time to time, appear necessary or requisite;

V. WHEREAS in all other Things, ire require the said General Assembly, as also the said Council of State, to imitate and follow the Policy of the Form of Government, Laws, Customs, and Manner of Trial, and other Administration of Justice, used in the Realm of England, as near as may be, even as ourselves, by his Majesty's Letters Patent, are required.

VI. PROVIDED, that no Law or Ordinance, made in the said General Assembly, shall be or continue in Force or Validity, unless the same shall be solemnly ratified and confirmed, in a General Quarter Court of the said Company here in England and so ratified, be returned to them under our Seal; It being our Intent to afford the like Measure also unto the said Colony, that after the Government of the said Colony shall once have been well framed, and settled accordingly, which is to be done by Us, as by Authority derived from his Majesty, and the same shall have been so by us declared, no Orders of Court afterwards shall bind the said Colony, unless they be ratified in like Manner in the General Assemblies. IN WITNESS whereof we have hereunto set our Common Seal, the 24th of July 1621, and in the Year of the Reign of our Sovereign Lord, JAMES; King of England, &c., the * * * and of Scotland the * * *

(1) The text is from the History of the First Discovery and settlement of Virginia, by William Stithe (Sabin's edition, New York, 1865), Appendix IV. The Commission to Sir Francis Wyatt, Governor of Virginia, in regard to the ordinance is printed in Hening's Statutes at Large (Richmond, 1809), I. 113-114. The first Assembly of Virginia was convened July 3-Aug. 9, 1619, at Jamestown by Governor Yeardley under the authority of the Virginia Company, executed in November, 1618. This document, either a commission or instructions to Yeardley, has not been found, but probably was similar to the later ordinance of 1621. For report of the proceedings of the first assembly see Colonial Records of Virgina, Senate document, Extra, (Richmond, 1874.). [Back](#)

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Film Archive awarded Film Foundation grant to restore Kathleen Collins masterwork

March 18, 2022

The Yale Film Archive has received a grant to preserve *Losing Ground*, the 1982 masterwork of the late Kathleen Collins, a pioneering Black writer and filmmaker whose work was largely unseen for decades after her death in 1988 at the age of 46.

New gallery and exhibition spotlight library treasures—and the discoveries they spark

March 11, 2022

“Points of Contact, Points of View: Asking Questions in Yale Library Special Collections” features more than 60 rare, fragile, and unique objects from library collections. Register for an online Curator Conversation March 21.

Beinecke Library welcomes public visitors to the exhibition hall on weekends

March 17, 2022

COVID-19 Library Update: Beginning March 19, the Beinecke Rare Book and Manuscript Library is pleased to welcome public visitors back to the exhibition hall on Saturdays and Sundays, noon - 4 pm. In addition to permanent exhibitions, a special exhibition, *Brava! Women Make American Theater*, is now on view.

In Memoriam: Anthony Riccio

February 23, 2022

Anthony Riccio, who retired in 2020 after 23 years at collections maintenance supervisor in Sterling Memorial Library, passed away on Jan. 16. He was a photographer, historian, and generous mentor to staff and students alike.

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Library Hours

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Mar
28

Artist Studio Archives:
Intro to Managing Your
Archive

Mar
28

Mondays at Beinecke:
New Faculty, New
Research in African
American Literary
Studies (Part 1)

Mar
30

Artist Studio Archives:
Managing Your Digital
Files

Mar
31

Fernando Pessoa
Unmasked? Biographer
Richard Zenith in
Conversation with Inês
Forjaz de Lacerda

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there are the ones who do see me:
Celebrating Yale Women Artists

Brava! Women Make American Theater

Innovation & Evolution in Hip
Replacement Surgery:
Highlights from the Keggi–
Rubin Hip Implant Collection at
Yale University

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Robert C. Post

Class of 1977, Sterling Professor of Law and Former Dean

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