The Charter of Carolina (1663)

Charles the Second, by the grace of God, King of England, Scotland, France, and Ireland, Defender of the Faith, &c. To all whom this present shall come: Greeting:

1st. Whereas our right trusty, and right well beloved counsels 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 belovew counsellor, Anthony Lord Ashley, chamberlain of our exchequer, Sir George Carteret, knight and baronet, vice chamberlain of our household, and our right trusty and well beloved John Lord Berkeley, being excited by wise, knight, and passion, zeal for the protection of the Christian faith, and the enlargement of our empire and dominions, have humbly besought us, by our 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 American 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 jurisdiction, such and so goodly a government, as we may think fit and requisite to the compleat establishment of Justice unto courts, sessions, and forms of judicature and manners of proceedings therein; and to transport themselves and families unto the said province, and, in the meantime, to travel in our dominions, in and out of our forces, our right trusty and well beloved William Lord Craven, John 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 situated, lying and being within our dominions of America, extending from the north end of the island called Lucie island, which is in the southern Virginia seas, and within six and thirty degrees of the northern latitude, and to the west as far as the south seas, and so southerly as far as the river St. Matthias, which bordereth upon the coast of Florida, and within one and thirty degrees of northern latitude, and so west in a direct line as far as the south seas aforesaid; together with all and singular ports, harbours, bays, rivers, isles and islets belonging to the country aforesaid; and also all the soil, lands, fields, woods, mountlills, fields, lakes, rivers, bays and islets, situate or being within the bounds or limits aforesaid, with the fishing of all sorts of fish, whales, sturgeon 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 advowson of all the churches and chapells 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, chapellers and priories, in convenient and fit places, with the power and authority of the lord proprietors, and to cause the economy of the churchs, and other churches and chapells to be according to the laws and customs of this our kingdom of England.

4th. To have, use, exercise and enjoy, and in an 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 therein, 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, 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 all the faith, allegiance and sovereign dominion due to us, our heirs and successors, for the good and happy government of the said 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, and their heirs and assigns, to have, hold, possess and enjoy the said country, isles, islets and all and singular other the premises, to the private utility of particular persons, or for the publick state of the said province, or for the good and happy government of the said province, or to the publick state of the said province, or to the compleat establishment of Justice unto courts, sessions, and forms of judicature and manners of proceedings therein, shall be absolute, firm and available in law, and that all the powers, rights, jurisdictions, privileges, preponderance, royalties, liberties, immunities and franchises of what kind soever, within the countries, isles, islets and limits aforesaid.

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 of our further grace, certain knowledge, and more 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, do we, 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, 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 all 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 the private utility of particular persons, or for the publick state of the said province, or for the good and happy government of the said province, or to the compleat establishment of Justice unto courts, sessions, and forms of judicature and manners of proceedings therein, shall be absolute, firm and available in law, and that all the powers, rights, jurisdictions, privileges, preponderance, royalties, liberties, immunities and franchises of what kind soever, within the countries, isles, islets and limits aforesaid.

6th. 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, and their heirs and assigns, shall happen hereafter to be erected, together with license and power to build and found churches, chapellers and priories, in convenient and fit places, with the power and authority of the lord proprietors, and to cause the economy of the churchs, and other churches and chapells to be according to the laws and customs of this our kingdom of England, and for every ship or vessels whatsoever, which shall happen to be found.

7th. And to the end the said province may be more happily increased, by the multitude of people resorting thereto, 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, 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 unto the said province with convenient shipping and fitting
provisions, and to their successors, shall be any ways charged.

10th. And furthermore, we do 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 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, shall seem expedient; the statute made in the parliament of Edward, son of King Henry, heretofore king of England, our father, and also the statute of “quia emptores terrarum alienae” or any other statute, act, ordinance, or other thing to the contrary in any wise notwithstanding.

11th. And because many persons born, or inhabiting in the said province, for their deserts and services, may expect and be capable of honors 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, such and so many seaports, harbors, creeks and other places, for discharge and unlading of goods and merchandises, out of ships, boats and other vessels, 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, privileges and franchises, and rooms, that shall come for merchandise and trade into the said province, or depart out of the same, shall be lade and unlade at such ports only, as shall be erected and established 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, their heirs and assigns, and not elsewhere, any use, custom or any other thing to the contrary, in any wise notwithstanding.

12th. 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 islands aforesaid, the said towns or cities, and all other ports, harbors, 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, privileges and franchises, and rooms, that shall come for merchandise and trade into the said province, or depart out of the same, shall be lade and unlade at such ports only, as shall be erected and established 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, their heirs and assigns, from time to time, hereafter, forever, at his and their will and pleasure, may assign, alien, grant, demesne or enfeof the premises, or any part or parcels thereof, to him or them that shall seem meet 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 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 Lord Craven, John Lord Berkley, Anthony Lord Ashley, Sir George Carteret, Sir William Berkley, and Sir John Colleton, their heirs and assigns, as 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, to the said person or 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 to the said cities, boroughs, towns, villages, or any other place or places, in the said province, to lade, unlade, carry to and from the same, and to the said cities, boroughs, towns, villages, or any other place or places, in the said province, or to any other place, and to sell, alien and bequeath, as like as any liberties, franchises and privileges, requisite and useful, or to or with any corporations,
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15th. And because that in so remote a country, and sovruate 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, or their heirs, to be appointed for that purpose, with all things whatsoever, which to a court leet, or any other manner of courts, or to any of the said lords, or any other person or persons, 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, or their heirs, or by the lords of other manors and fees, for the time being, when the same shall be erected.

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 thence, by him or themselves, or 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, in any other riotous or seditious manner or 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 divided, and that they be directly and immediately to our crown of England, as depending thereof forever and that the inhabitants of the said Province, or any of them, shall at any time hereafter be compelled or compellable, or be in any ways subject or liable to appeal 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, we have hope no breach of the unity and universality 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 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, in any other riotous or seditious manner or form as any captain general of an army by virtue of his office, might or hath accustomed to use the same.

In Witness, &c. Witness the King, at Westminster, the four and twentieth day of March, in the fifteenth year of our reign (1663.)
This map shows the original borders of the province of Carolina as defined by the 1663 Charter of Carolina (dark green) and the subsequent charter of 1665 (light green).

Primary Sources:

Charter of Carolina, courtesy of the State Archives of North Carolina.
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