

ARTICLES BETWEEN THE LORDS PROPRIETORS.

Articles Indented of scaven parts made and concluded the sixth day of May in the yeare of our Lord one thousand six hundred and seaventy and fourc. And in the six and Twentieth yeare of the raigne of our souveraigne Lord Charles the second by the grace of God of England Scotland France and Ireland King defender of the Faith &c. Between the right hono^{ble} Christopher duke of Albemarle of the first part The right hono^{ble} William Earle of Craven of the second part The right hono^{ble} Anthony Earle of Shaftesbury of the third part The right hono^{ble} Henry Lord Viscount Cornbury of the fowerth part The right hono^{ble} John Lord Barkeley of the fifth part, the right Hono^{ble} Sir George Cartarett of Westminster Knight and Baronett of the sixth part and Sir Peter Colleton of S^t Martins in the feilds in the Countie of Middx Baronett of the scaventh part.

Whereas the before mentioned persons being the Lords and Proprietors of the Province or Plantation comonly called Carolina in America And haveing taken into their consideration how absolutely requisite it is to supply the said place with clothing and other necessarys untill the inhabitants thereof by the product of vendible Comodities shall bee enabled to draw a Trade of Merchants to themselves for their supply therein and being also sensible that if some speedy care be not taken of the said plantation it will be utterly ruined and forsaken and all former charge as well as further exportation be quite lost And whereas the said Proprietors have resolved that supply to the

and five miles beyond Ashley River on the south side and so westward to the South Sea, and to the Council. Granting power to let, set, convey and assure lands with consent of his Council and under conditions set forth in his instructions. To execute all powers and authorities in relation to government with power in case of sickness or absence to appoint a deputy, &c april 25, 1674.

Identical with the Commission ante p. 330 but with this addition: All former commissions granted to Sir John Yeamans to be Governor are hereby revoked and made void. *Signed by Craven, Shaftesbury, Cornbury, Berkeley & G. Carteret (Col. En. B^k, 20, pages 91, 92).* Another copy *with mem:* "The aforesaid is a true copy of the original Commission examined this 29th April 1675 Jos. Dalton Sec^y." *A. & W. L.*, 1265, 1266.

value of seaven hundred pounds at the least shall bee yearely raised expended and disbursed for the benefitt of the said Plantation in manner and forme hereafter mentioned and expressed concerning the same. Now therefore these presents witnesse and the said Christopher duke of Albemarle, William Earle of Craven, Anthony Earle of Shaftesbury, Henry Lord Viscount Cornebury, John Lord Barkeley, S^r George Cartarett and Sir Peter Colleton doe for themselves their Executors and Administrators and not one for another severally covenant and agree to and with each other and they the said Lords Proprietors of the said Plantation within tenn days next after the date hereof shall and will severally and respectively pay or caused to be paid to Peter Jones of S^t Clements Dane in the said countie of Middlesex gent or such other treasurer as the Major part of them, the said Proprietors shall appoint the full sume of one Hundred pounds of lawfull English money and in like manner shall and will from time to time durenceing the space of seaven yeares to be reckoned from the date hereof yearly and every yeare pay or cause to be paid unto their said treasurer for the time being the Annuall sume of one Hundred Pounds of like lawfull money of England on or before the feast day of the Annunciation of the blessed Virgin Mary which shall be in every yeare And that the said sume of seaven hundred pounds to be advanced as aforesaid and the said sume of seaven hundred pounds yearely to be paid as aforesaid together with all returns and effects in which they are or shall be jointly concerned to be received from the said plantacon by the said Proprietors durenceing the said seaven yeares shall be applyed in the first place for the dischargeing the present debts owing by the said Proprietors upon the account of the said Plantacon and from thenceforth to be yearely laid out in fitt and convenient Comodities to be sent unto the said Province for the better carrying on the plantacon there unless they the said Proprietors that have paid their full share of the said money unto that time respectively shall unanimously at any time or times otherwise order and determine concerning the same Provided allwaies That they do not in any one yeare disburse lesse then seaven hundred pounds value for the supply of the said Plantacon Provided alsoe that the said Annuall supply to be transmitted unto the said Plantacon as aforesaid shall be managed by an Agent for that purpose to be chosen by the major part of the

said Proprietors that shall have duely paid their share as aforesaid according to such direcons as he shall on that behalfe receive from them And that neither the Governor nor Council of the said place shall anywaies intermeddle therein And it is further Covenanted and severally agreed by and betweene all the said Proprietors parties to these presents That all such sume and sumes of money that they or any of them shall respectively advance and lay out as aforesaid shall be severally and respectively reimbursed unto them or such of them as shall have paid the same together with interest after the rate of eight pounds in the hundred for a yeare out of the proffitts and proceed of the said plantacon soe soone as the proceed and Improvements thereof will admitt of the same (regard being alwaies had in the first place to the supply of the said plantacon) and that the said interest shall be stated every six Monthes and use upon use reckones for the same at eight pounds p. cent as aforesaid untill the payment thereof or untill by such use they shall have respectively received treble, the principal money which they are or shall be out as aforesaid which shall first happen And that such of the said Proprietors as shall have advanced and paid the said sumes of money shall untill they be reimbursed the same as aforesaid have full power and authority in such way and manner as on that behalfe shall be agreed amongst them to nominate, constitute make and appoint all Langraves and Cassiques and all other officers in the said province and also to receive all debts rents proffitts and emoluments alreddy arisen and growne due or that shall hereafter arise or grow due from the said plantacon and to do all other things in the management and government thereof which by their patent or by the fundamental constitutions or Temporary or Agrarian Laws the Lords Proprietors or any of them or the Palatines Court may or [any of them might]¹ do and in particular to nominate make and appoint a new Proprietor in the room and place of S^r William Barkley² that the person soe to

¹ The words in brackets have a pen stroke thro' them.

² Sir Wm. Berkeley devised his proprietorship to Dame Frances, his wife. In 1681 Jno. Archdale agreed for it (for his son Thomas), and was admitted a proprietor, *Hist. Soc.*, I, page 106, *T. Stat.*, 16. Sir Wm. had not paid his share, and 1683 the Prop'rs treated with Col. Ludwell and his wife, Lady Berkeley, for it, and April 10, 1684, took deed to

be nominated by the major part of such of the said proprietors as at the time of the said nomination shall have contributed their full share toward the said seaven hundred pounds a yeare shall in all regards be reckoned and esteemed a proprietor and shall forthwith by all the parties to these presents as well such as shall not as such as shall then have contributed as aforesaid to the said Annuall Charge be legally constituted and made (as Councill on that behalfe shall advise) a lawfull proprietor of that plantacon in as large and ample manner as the said S^r William Barkley was and might have had and enjoyed the same And it is further covenanted and severally agreed by and betweene all the said parties to these Presents that if any of them the said Proprietors shall at any time hercafter faile to pay in his proporcon of the said money to be advanced or yearely to be paid and expended as aforesaid during the said seaven yeares aforesaid that then and in every such case the said other proprietors parties to these presents shall and will by an equall dividend amongst them from time to time advance and make up the share of him or them so failing as aforesaid And that the person or persons soe making default and faileing as aforesaid from thence forward shall loose and be divested (and from such time do and doth hereby divest him and themselves) of and from all power right and share in the Government or Management and unto the proffitts or emoluments of the said plantacon or any part thereof untill the residue of the said Proprietors who shall then carry on the said plantacon and pay in their money as aforesaid shall be fully reimbursed all such money as from the time of the said default they shall either pay or advance as aforesaid at the rates interest improvement and proporcon as aforesaid And that from thenceforth the said proprietors and undertakers who shall then pay and advance the said money for the said plantacon as aforesaid shall have the only Government of the said place and the only power and authority to nominate, constitute and appoint Landgraves

Thomas Amy, who acted as proprietor till Sep. 29, 1697, when they gave him Southwell's escheated share (Ld. Clarendon's), he to reconvey the other to Wm. Thornburgh, who thereupon also acted as proprietor, *Ib.*, 108-17, and June 29, 1705, the Prop'rs reciting Amy's trust, sold to Jno. Archdale, who, 1708, settled it on his dau. Mary, wife of Jno. Dawson, and on Amy's death the legal estate came to his co-heiresses, Ann Trott and Eliz. Moore. *3 Browne's P. C.*, 449.

Cassiques and officers as aforesaid and to receive the debts rents proffitts and emoluments of the said plantacon as aforesaid and wholly to exclude the said defaulters from the same untill they shall have received and shall be reimbursed such sume and sumes of money as they the said proprietors contributory to the said charge shall paye and advance as aforesaid with the interest and improve thereof as aforesaid & so from time to time successively as often as any default shall be made as aforesaid the remayning proprietors that continue to send the said annuall sume shall be reimbursed as aforesaid and from and after their receiving their said money with the interest and improve thereof as aforesaid the said proprietors that shall have soe made default shall be againe admitted unto their former interest in the said plantacon anything herein conteyned to the contrary notwithstanding In Witness whereof the parties abovesaid to these presents have sett their hands and seales the day and yeare above written.

Signed by the Duke of Albemarle in presence of J. Baynes & Ant: Bowes, Earl of Craven in presence Wm Jones & Ra: Marshall,¹ Earl of Shaftesbury in presence of John Locke & Tho. Stringer, Lord Visct. Cornbury in presence Garrett Cotter & Will. Parham, Ld Berkeley in presence Philip Frowde & James Worrall & Sir Geo. Carteret in presence John Locke & Rich: Davey. Sir Peter Colleton has not signed. Parchment. [S. P., Bdle. 48, No. 93.] A. & W. I., 1270.

THE PROPRIETORS TO THE GOVERNOR AND COUNCIL. AT
ASHLEY RIVER.

Whitehall 18th May, 1674.

Gentlemen:

“Wee have herewith sent a Patent to M^r West to be Landgrave and a Comission to be Governor² who hath all along by his care, fidellity and prudence in the management of our affaires to our generall satisfaction recommended himself to us as the fit-

¹Of Westminster, gent., Com'r of Aids 1677, 1696, and not he of Carolina, page 277. John Locke, the Philosopher; Stringer, Ld. S.'s Secretary, page 210. Froude (Sir Philip's son) was a clerk of Secretary Slingsby.

²Page 431 Act for payment of Ld. Proprs. debts pp. 53, 386.