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Fundamental Constitutions
of Carolina of July 20th,
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#16

Robert Gilmor
1833

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Baltimore 10 November 1833

The Constitutions of Carolina
written by the celebrated Mr. Locke
the original Manuscript

#18

(1)

Our Soveraigne.

Lord the King having out of his Royall grace
and bounty granted unto us the Province of
Carolina with all the Royalties proprities
Jurisdiccons and priviledges of a County palatine
as large and ample as the County palatine of
Durham with other great priviledges for the
better Settlement of the Government of the
said plant 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 unto
the Monarchy under which of which this
province is a part and that we may avoid
erecting a Numerous Democracy. We the
true and absolute proprietors and Lords of
the province aforesaid have agreed to this

following forme of Gouvernment to be perpetually
established amongst us unto which wee doe
Oblige our heires our heirs and Successors
in the most binding wayes that can be devised

Out of the Eight proprietors there
shall be chosen by themselves a ffalcatin who
shall continue during his naturall life but
not be capable of Immediately succeeding him
after his death but the eldest in age of the
other proprietors shall succeed to ffrount the
making that Office in this little Government
hereditary and to avoid the Mischiefs of faction
in Elections /

There shall be Seaven other high Officers
Erected viz. the Chiefe Justice Chancellor Constables
Eight Stewards Treasurer Chamberlaine and
Admirall which places shall be enjoyed by

none

but the Lords proprietors, to be assigned at
first by Lott, and upon the Vacancy of any
other of the Seaven great Offices by death or
otherwise the eldest proprietor to have the choice
of the said place

Each Province shall be divided into
Counties each County shall consist of Eight
Seigniories Eight Barronyes and four Precincts
Each Precinct shall consist of six Collonies

Each Collony Seigniory and Barrony
shall consist of 12000 acres and the Eight
Seigniories being the Share of the Eight
Proprietors & the Eight Barronies of the
Nobility both which Shares being each of
them a fifth part of the whole are to be
perpetually annexed, the one to y^e Proprietors
the other to the hereditary Nobility leaveing

leaveing the Colonies bring 3 fifths among the people, that for in the setting out and planting the Land the ballance of Government may be preserved

Att any time before the yeare 1701 any of these proprietors shall have power to ~ relinquish alienate and dispose to any other person his proprietorship and all the Seignories powers and Interest thereunto belonging wholly and intirely together and not otherwise But after the yeare 1701 those who are then Proprietors shall not have power to alienate or make over their Proprietorship with the Seigniories and priviledges thereunto belonging or any part ~ thereof to any person whatsoever otherwise then in Article 16. but it shall descend unto their heires male, and for want of heires ~ male

male it shall descend on the Landgrave or Cassique of Carolina who is next of the next heire female of his said proprietor and for want of such heires it shall descend on the next heire female and for want of such heires the remaining seaven proprietors shall upon the Vacancy choose a Landgrave to succeed the deceased proprietor who being chosen by the Majority of the seaven Surviveing Proprietors and his heires Successively shall be Proprietors as fully to all intents and purposes as any of the rest

And that the Number of Eight ~ proprietors may be constantly kept up ~ upon the Vacancy of any Proprietorship the Surviveing seaven proprietors shall not choose a Landgrave to be proprietor before the Second

Session of parliament after the Vacancy
then the parliament at the next Session
but one after such Vacancy shall have power
to choose any Landgrave to be proprietor but
whosoever after that year 1700 either by
Inheritance or Choise shall succeed any Proprietor
in his proprietorship and Seignories thereunto
belonging shall be obliged to take the name
and armes of that proprietor whome he
succeeds which from thenceforth shall be
the name and armes of his family and
their posterity

Whatsoever Landgrave shall be
chosen into a proprietorship shall take his
Seignories annexed to the said proprietorship
but shall relinquish all his Barronys belonging
to

to his Landgraviship to be disposed of by
the proprietors as in the following Articles

To every County there shall be three
as the hereditary Nobility of this pallatinate
who shall be called the one a Landgrave and
the other two Cassiques and shall have place
in the parliament Then the Landgrave shall
have foure Barronys and the two Cassiques
each of them two apiece hereditary and
materially annexed to and settled upon the
said Dignity

The first Landgrave and Cassique of
every County shall be nominated not by the
joint Election of the proprietors altogether
but the Eight proprietors shall each of
them Seperately Nominate and Choose one

Landgraue and two Cassiques for the Eight first Comtyes to be planted and when the said Eight Comtyes shall be planted the Proprietors shall in the same manner Nominate and choose Eight more Landgraues and Sixteene Cassiques for the Eight next Comtyes to be planted and soe proceed in the same manner till the whole Province of Carolina be setled and planted according to the proportions in ye fundamentall Constitutions

Any Landgraue or Cassique at any time before the yeare 1701 shall have power to alienate sell or make over to any other person the Dignity with the Barronye thereunto belonging all entirely together but after the yeare 1700 noe Landgraue or Cassique shall have power to alienate

alienate sell or make over or lett ye hereditary Barronye of the Dignity or any part there= of otherwise then as in Article 16 but they shall all intirely with the said Dignity thereunto belonging descend unto the next heire male all entirely and undivided to the next heire male and for want of such heires shall devolue into ye hands of the proprietors

That the due Number of Landgraues or Cassiques may be always kept up if upon ye devolution of any Landgraueship or Cassiqueship the Proprietors shall not settle the devolued dignity with the Barronies thereunto annexed before the second Session of Parliament after such Devolution the

Parliament at the next Session but one after such Devolution shall have power to make any one Landgrave or Cassique in y^e room of him who dying without Heires his Dignity and Barronye devolves /

Noe one person shall have more then one Dignity with the Seigniories or Barronyes thereunto belonging But whensoever it shall happen that any one who is already Proprietor Landgrave or Cassique shall have any of these Dignities descend to him by Inheritance it shall be at his Election to keepe 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 the Heire apparent and next Successor to the present Dignity is next of blood /

Nota

Whosoever by right of Inheritance shall come to Landgrave or Cassique shall take the name and armes of his predecessor in that Dignity to be from thenceforth the name and armes of his family and their posterity

Since the Dignity of Proprietor Landgrave or Cassique cannot be divided and the Seigniories or Barronyes thereunto annexed must for ever all entirely descend with and accompany that Dignity when ever for want of Heires male It shall descend upon the issue female the Eldest daughter and her Heires shall be preferred and in the Inheritance of these Dignities and in the Seigniories or Barronyes annexed there shall be noe Coheiries

After the yeare 1700 whatsoever Landgrave or Cassique shall without leave

from the Palatines Court be out of Carolina during two successive Biennial parliaments shall at the end of the second Biennial Parliament after such his absence be Summoned by Proclamation and if he come not into Carolina before the next Biennial parliament after such Summons then it shall be lawfull for the Grand Councill at a price sett by the said Councill and approved by the parliament to sett the Barronyes with the dignityes thereunto belonging of the said absent Landgrave or Cassique altogether to any one whome the said Councill shall thinke fitt, but the price soe paid for the dignity and Barronye shall be disposed in the Treasurie for the Sole use and behoofe of the former owner or his Assignes

Mannors Seigniory Barrony & Mannor Ecc.

the Landlord shall have power in his owne name to hold Court there for tryeing of all Causes both Ciuill and Criminall but where it shall concerne any other person being noe Inhabitant Vassall or Leetman of the said Barrony or Seigniory Hee upon paying downe of fforty shillings unto the proprietors use shall have an Appeale from thence unto the Countey Court and if the Lord be Cast the said Lord shall pay unto the appealant the said fforty shillings with other Charges

The Lords of Seigniories and Barronyes shall have power only of granting Estates not exceeding three liues or one and thirty yeares in two thirds of the said Seigniories or Barronyes and the remaining third shall be always demeasne

Every Mano^{r} shall consist of not
lesse then 3000 acres and not above 1200 acres
in one entire peice but any 3000 acres or
more in one peice of free possession of one
man shall not be a Mano^{r} unlesse it be
constituted a Mano^{r} by the Grant of the
Lords proprietors /

Every Lord of a Mano^{r} within his
Manor shall have all the power Jurisdiction
and priviledges which a Landgrave or Cassique
hath in his Barronye /

Any Lord of a Mano^{r} may alienate sell
or dispose to any other person and his heires
for ever his Mano^{r} all entirely together
with all his priviledges and Lettimi thereunto
belonging to farr forth as any other Colleony Lands
but

but not grant of any part thereof either
in fee or for any longer time or lesse then
three lives or one and twenty yeares shall
be good against the next heire, Neither shall
the Mano^{r} for want of issue male be
divided amongst Coheires but the Mano^{r}
if there be but one shall all entirely
descend to the eldest daughter and heire, If
there be more Mano^{rs} then one in the
possession of the deceased the eldest sister
shall have her choice the second next and
so on begining again at the eldest till
all the Mano^{rs} be taken up That soe
the priviledges which belong to the Mano^{r}
being indivisable the Lands of the Mano^{r}
to which they are annexed may be kept
entire and the Mano^{r} not loose the so-

priviledges while) upon parteleing out to. seuerall owners must Necessarily ease/

In euery Seigniory Barrony & Mano[r] all the Tennants or Leetmen shall be under the Jurisdicon of the Lord of the said Seigniory Barrony or Mano[r] without appeals from him unlesse as in the Article 24 Nor shall any Leetman or Leetwoman haue Liberty to goe off from the Land of his particular Lord and bide any where else without Lycense obtained from his said Lord vnder hand and Seale

All the Children of Leetmen shall bee Leetmen and bee to all generations

No man shall be capable of hauing a Court Leet or Leetmen but a Proprietor Landgraue or Cassique or Lord of a Manor/ Who-

Whoever is Lord of Leetmen shall upon the Marriage of Leetmen or Leetwomen of his giue them Denn and of Land for their liues they paying to him therefore 1/8 of all the yearly encrease and growth of the said Land

In case the Lord of any Seigniory or Barrony or Manor shall haue made a contract or agreement by consent with his Tennants which agreement by consent is Registred in the next yeremt Registry then in such Case the said Tenant may appeale vnto or bring his Complaint Originally in the County Court for the performance of such Agreements and no otherwise

There shall be Eight Counties or Comitts

for the dispatch of all affairs in the first called the palatine Court Consisting of the palatin and the other seaven proprietors the other seaven Courts of the other seaven great Officers shall consist each of them of a proprietor and six Counsellors added to him under each of those later seaven shall be a Colledge of twelve assistants of the seaven Colledges shall be Chosen two out of the Landgraves by their Landgraves chamber during the Session of parliament two out of the Cassiques by the Cassiques Chamber during the Session of Parliament two out of the Landgraves Cassiques or eldest sons of the proprietors by the palatine Court four more of the twelve shall be Chosen by the Commons Chamber during the

Session of parliament out of such as now be-
long or are Members of parliament Sheriffs
or Justices of the County Court. the other
two shall be Chosen by the Palatine Court
out of the aforesaid Members of parliament
or Sheriffs or Justices of the County Court
or the eldest sons of the Landgraves or Cassiques
or younger sonns of proprietors

Out of these Colledges shall be Chosen
six Counsellors to be joined with each
proprietor in the Court of which six one
shall be of those who were chosen into any
of the Colledges by the palatine Court of the
Landgraves Cassiques or Eldest sons of proprietors
one out of those who were chosen into any of
the Colledges by the Landgraves Chamber or-

One out of those who were Chosen into any of the Colledges by the Cassiques Chamber two out of Eyes who were Chosen into any of the Colledges by the Comons Chamber and one out of Eyes who were Chosen by the Palatins Court into any of Eye Colledges out of the Proprietors Younger Sons or Eldest Sons of the Landgraves or Cassiques or Comons qualified as aforesaid

When it shall happen that any Comsellor dyes and thereby there is a Vacancy in Grand Committee shall have power to remove any Committee that is willing to be removed out of any office of the proprietors Courts to fill up this Vacancy Provided they take a

a man of the same degree & choice this office was whose vacant place is to be filled But if non Committee consent to be removed Or upon any remove the last remaining Vacant place in any of the proprietors Courts shall be filled up by the Choice of the grand Committee who shall have power to remove out of any of the Colledges any assistant who is of the same degree & choice that Committee was into whose Vacant place he is to succeed the Grand Committee also shall have power to remove any assistant that is willing out of one Colledge into another provided he be of the same degree & choice but the last remaining place in any Colledge shall be filled up by the same choice and out of

the same degree of person the assistants was of who is dead or removed No plant shall be vacant in any Proprietory Court about the Monopoly No plant shall be vacant longer then the next Session of Parliament

Noe man being a Member of the Grand Councell or of any of the Seaven Colledges shall be turned out but for Misdemeanor of either the Grand Councell shall be judge and the Vacancy of the person soe put out shall be filled not by the Election of the Grand Councell but by those who first Chose him and out of the same degree he was who is expelled

All Elections of the parliament in the severall Chambers of the Parliament and in

Grand Councell shall be passed by balloting

The Palatine Court shall consist of the Palatin and Seaven Proprietors wherein Nothing shall be acted without the presence and consent of the Palatin or his deputy and three ofthe of the Proprietors or their deputies shall have power to call parliaments to pardon all offences to make election of all offices in the Proprietors dispose and also they shall have power by their Order to the Treasurer to dispose of all publique Treasure excepting money granted by the Parliament and by Com direct to some particular publique use and also they shall have a Negative upon all Acts Orders, Votes, and judgments of the grand Councell and the Parliament and shall

have all the powers granted to the Proprietor by the Patent except in such things limited by the fundamentall constitutions & forms of Government

The Palatine himselfe when he in person shall be within in the Army or in any of the Proprietors Courts shall upon have the power of Viceroy over all or of that Proprietor in whose Court he is present and the Proprietor in whose Court the Palatine within wtin shall during his presence there be but as one of the Counsell /

And it shall not be Lawfull to put the Seale of the Palatinate to any Writeing not Signed by the Palatine or his Deputy and two other Proprietors or their Deputies /

The Counsellors Court consisting of one of the proprietors and the Six Counsellors who shall be called Vizt = Chancellor shall have the Custody of the Seals of the Palatinate - under writing) all Charters of Lands or - otherwise Comissions & grants of the Palatine Court shall passe &c.

And it shall not be lawfull to put the Seale of the Palatinate to any writeing which is not Signed by the Palatine or his Deputy and three other Proprietors or their Deputies

To this Court also belongs all Publick matters dispatches and treatyes with the Neighbour Indians or any other for further as is permitted from our Soveraigne Lord the King by our Charter

To this Court also belongs all Innovasions of the Law of Liberty of Conscience and all disturbances of the publique peace upon pretence of Religion as also the Lycense of Printing

The twelve assistants belonging to this Court shall be called Recorders

The Chancellor or his deputy shall be always Speaker in Parliament President of the Grand Councell and in his and his Deputies absence one of his Vice-Chancellors

The Chiefe Justices Court consisting of one of the proprietors and his Sr Councellors who shall be called Justices of the Bench shall judge all appeales both in Cases Civill and Criminall Except such Cases as shall bee-
under

his jurisdiction and Cognizance of any of the proprietors Courts which shall be tryed in their Courts respectively The Governments and Regulations of the Registryes of Writings and contracts shall belong to the jurisdiction of this Court

The twelve assistants of this Court shall be called Masters

The High Constables Court consisting of one of the proprietors and his Sr Councellors which shall be called Marshalls shall Order and determine all Military affaires by Land and all ~~matters~~ Land forces Armes Ammunition Artillery Garrisons and Fforts &c And whatever belongs unto warr The twelve assistants shall be called Lieutenants Generalls in time of actuall

wrann the High Constable wthin his
his Army shall be Generall of the Army
and the Sir Comrs[illegible] or surv of the
the Palatin Court shall for that time Sorvo
appoint shall be the immediate great officer
under him and the Lieutenant Generall next
to them

The Admiralls Court consisting of one
of the proprietors and five Sir Comrs
Calld Consuls shall have the share and
inspection over all ports Motho & Navigable
Rivers soe farr as the Sidi flowe and
also all the publique Shipping of Carolina
and there thereunto belonging and all
Maritime affairs This Court also shall
have the power of Admiralty and also

to hear and Dept by Law Merchant all Cases
in matters of trade betweene the Merchants
of Carolina amongst themselves arising
without the Limitts of Carolina as also all
Merchandizing that shall happen betweene
Denizons of Carolina and Forraigners /

The Treasurers Court consisting of one
Proprietor and five Sir Comrs called Under=
=Treasurers shall take Care of all matters that
concerns the publique Revenue and Treasury

The further assistants shall be called
Auditors

The High Stewards Court Consisting of a
Proprietor and five Sir Comrs who shall
be called Comptrollers shall have the Care of
all forraigne and Domestick Trade Manufactures

publiqu buildings and Workhouses highways passages by water about the flood of the Tide Drains Sewers and Banks against Inundations Bridges posts Barriers ffairs Markets and all things in Order to Cleanse and Cleare or any thing that may corrupt deprave or infect the Comon Aire or Water and all other things wherein the publique Comfort or Health is concerned and also the setting out and Surveying of Land and also the setting out and appointing places for Downes to be built on in the precincts and the prscribing and determining the figure & bignes of the said Downes according to such Models as the said Court shall Order contrary or differing from which Models it shall not be Lawfull for any one to build in any Towne

(This

This Court also shall have power to make any publique building or any New Light way or inlarge any old light way upon any mans Land whatsoever and also to make Cutts Channells Banckes Locks and Bridges for making Rivers Navigable for drawing of ffleets or any other publique Use the damage the owner of such Land (on or through any such publique thing shall be made shall receive thereby shall be valued by a Jury of twelve men of the Precinct in which any such thing is done and satisfaction shall be made according by by a Surveyor on the Comby Or that particular precinct as the Grand Comtee shall think fit to Order in that particular Case

The twelve assistants belonging to this Court shall be called Surveyors

The Chamberlains Court consisting of a proprietor and his Sir Dominellors called Vice-Chamberlains shall have the power to corborate the Grand Commell shall have y^e^ rare of all Ceremonyes & Pleadings Heraldry incryon of publique Messengers and ydigested the Registryes of all Births Burialls and Marriages Legitimation and all Cases concerning Matrimony or arising from it and shall also have power to regulate all fashions habits badges Games & Sports

The twelve assistants belonging to this Court shall be called provosts

All

All Causes belonging to or under the Jurisdiction of any of the Proprietors Courts shall in them respectively be tryed & ultimately determined without any further appeale

The Proprietors Courts shall have ~~ov~~ power to Mitigate all fines and Suspend all Executions given before or after Sentence in any of the other respective Inferiour Courts

In all debates hearings or Tryalls in any of the proprietors Courts the twelve Assistants belonging to the said Courts respectively shall have Liberty to be present but shall not not interpose unless their opinions be required — Nor have any Vote at all but their Business shall be by direction of the respective Courts

to prpare such Businesse as shall be comitted
to them and also to doare such offices and
dispatch such affaires within whose Court
is kept or elsewhere as the Court shall thinke
fitt

In all the proprietors Courts any three
shall make a Quorum

The Grand Councell shall consist
of the Palatin and seaven Proprietors and
the 42 Councellors of the severall Proprietors
Courts who shall have power to determine
any Controversies that may arise betweene
any of the Proprietors Courts about their
respective Jurisdictions or betweene any Members
of one and the same Court about their manner

by

and Method of proceedings to make prpare
and warr Leagues treatyes be twixt any
of the Neighbour Indians to issue out their
generall Orders to the Constables & Justices
Courts for the raiseing and disposing or
disbanding the forces by Land or by Sea to
prpare all matters to be proposed in parliament
Nor shall any Law or other matter
whatsoever be proposed debated or voted in
Parliament but what shall first past the
Grand Councell and in forme of a Bill to be
past as by them prsented to the Parliament
Nor shall any Bill soe prsented and prpared
by the Grand Councell to this parliament
to be enacted notwithstanding it be an antiquated
Law

The Grand Councill by their Warrants to the Exchequer Court shall dispose of all the Monopo given by the parliam and by them directed to any particular publique Use

The Quorum of the Grand Councill shall be thirteen whereof a proprietor or his deputy shall be always one

The Palatin or any of the Proprietors shall have power under hand and Seale to Register and in the Grand Councill to make a Deputy who shall have the same power to all intents and purposes as the himselfe that deputed him Except in confirming Acts of Parliament as in Article &c.

Law or otherwise be voted or passed into an Act of parliament or be at all Obligatory Unles it be three severall dayes read openly in the parliament and then afterwards by the Majority of Voices Enacted during the same Session wherein it was thrice read & also confirmed by the Palatin and three of the proprietors as in aforesaid

The Grand Councill shall always be Judges of all Causes & appeales that concerne the palatin or any of the Proprietors or any Councillor of any Proprietors Court in any Case which otherwise should have been tryed in that Court in which the said Councill is Judge himselfe

such Deputations shall cease & determine of themselves at the end of 4 years and at any time shall be revokable at the pleasure of the Deputation /

No Deputy of any Proprietor ~~shall~~ shall have power without the Deputation in any part of Carolina except the Proprietor whose Deputy he is be a Minor /

During the Minority of any Proprietor his Guardian shall have power to constitute and appoint his Deputy

The Eldest of the Proprietors who shall be personally in Carolina shall of Course be the Palatine Deputy and if no Proprietor

be in Carolina he shall choose his Deputy out of the Sons apparent of any of the Proprietors if any such be there and if there be not Sons apparent of any of the Proprietors above 21 years old in Carolina then he shall choose for Deputy any one of the Landgraves of the Grand Council and his Deputation shall stand and shall chosen any one of the Sons aforesaid Sons apparent or Landgraves to be his Deputy the Eldest man of the Landgraves and for want of Landgraves the Eldest man of the Caziques who shall be personally in Carolina shall of Course be his Deputy

The Proprietors shall be always one of their Six Committees respectively

In every County there shall be a Court consisting of Sheriffe and foure Justices of the County being Inhabitants & having Each of them at least five hundred Acres of ffreehold within the said County to be chosen and Comissionated from time to time by the Palatine Court who shall hye and judge all appeales from any of the Precinct Courts

For any personall Cause exceeding the value of 200^{li} or in title of Land or in any Criminall cause within yᵉ same upon paying 20^{li} to the Proprietors Use shall have Liberty of appeale from this County Court unto this or yᵉ Palatine Proprietors Court,

In

In every Precinct there shall be a judge Court consisting of a Steward and foure Justices of the precinct being Inhabitants and having 300 acres of freehold within the said precinct who shall judge all Criminall Causes Except for Treason Murther and any other offences punishable with death and all civill Causes whatsoever and in all personall actions not exceeding 50 pounds without Appeale But where the Cause shall exceed that value or concerne a title of Land and in all Criminall Causes there either party upon paying of fforty pounds to the Proprietor Use shall have Liberty to appeale unto the County Court

No Cause shall be twice tryed in any Court upon any reason or pretence whatsoever

That Treason Murther and all other offences punishable with death shall be a Comission twice a year at least granted unto one or more Members of the Councell of Colledges who shall come as Itinerant Judges to the Several Counties and with the Sheriffs & foure Justices shall hold assizes to judge all such causes but upon paying of 50$ to the Proprietors use there shall be Liberty of Appeals to the respective Proprietors Courts

That Grand Juryes at the Several

Assizes shall upon their Oathes and Evidence their Hands and Seales deliver in to the Itinerant Judges a presentment of such grievances Misdemeanors Neglects or defects which they shall thinke necessary for the publique good of the Country which presentment shall by the Itinerant Judges at the end of their Circuit be delivered into the Grand Councell at their next sitting and whatsoever thereon concerns the Execution of Lawes already made the Several Proprietors Courts in the matters belonging to each of them respectively shall take cognizance of it as shall be effectuall for the due

Execution of the Lawes But whatever the makeing of any New Lawes shall be referred to the Severall respective Courts to which that matter belongs and by them prepared and brought to the Grand Courtes

For Courts there shall be yearly such a certaine Number of dayes not exceeding 21 at any one time as the Severall respective Courts shall appoint and time for the begining of the Terme in the Prince Court shall be the first monday in January Aprill July and October and in the County Court the first monday in February May August and November and in the Proprietors Courts

the first Monday of March June September and December

For Juries in the ye Prince Courts No man shall be a Jury man under fifty acres of freehold in the County Court or at the Assizes No man shall be a Jury man under 200 Acres and of freehold No man shall be a Grand Jury man under 300 Acres of freehold and in the proprietors Court No man shall be Jury man under five hundred Acres of freehold

Every Jury shall consist of twelve men and it shall not be necessary they shall agree but the Verdict shall be according to the consent of the Majority

It shall be a base and vile thing to plead for money or reward Nor shall any one speak

Except he be a noore Kinsman Not farther
off then Cosin German to the party concerned
be admitted to plead another mans Cause
nor before the Judge in open Court his oath
taken an Oath that he doth not Plead for
money or reward Nor hath nor will receive
Nor directly nor indirectly bargain with
the party whose Cause he is going to Plead
for any money or other reward for pleading
his Cause

There shall be a parliament consisting
of the proprietors or their Deputies the Landgrave
Cassiques 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 Roome and have every Member
one Vote

No man shall be chosen a Member of
parliament that hath lesse then fifty
acres of Freehold within the precinct for which
he is chosen Nor shall any have a Vote in
Choosing the said Member that hath lesse
then fifty acres of Freehold within the said
precinct

A New parliament shall be assembled
the first Monday of the Month of November
every second year and shall meete and sitt
in the Downe they last sate in without any
Summons Writts by the palatin or his Deputy
Together with any three of the Proprietors or
their deputies they be Summoned to meete at any
other place and if there shall be any occasion
of a parliam^t in the Intervale it shall be
in the power of the palatin with any three of

the proprietors to assemble them in Forty days notice at such time and place as they shall think fit, and the Palatin and his Deputy with the advice and consent of any three of the proprietors or their Deputies shall have power to dissolve the said parliament when they shall think fit

At the Opening of every parliament the first thing that shall be done shall be reading of these fundamentall Constitutions onely the Palatin 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 fundamentall Constitutions in a book kept for the purpose by the Clerk of the Parliament

And in order to the due Election of Members for the Biennall parliament It shall be Lawfull for the freeholders of the respective Precincts to meete the first Tuesday in September every two years in the same Towne or place that they last met in to chuse parliament men and there chuse those three men that are to sitt the next November following Unless the Steward of the precinct shall by sufficient notice thirty dayes before appoint some other place for their meeting in order to the Election

No Act or Order of parliament shall be of any force unles it be ratified in Open Parliament during the same Session by the Palatin or his Deputy and three more of the proprietors or their Deputies and then not to continue longer in force but until

the end of the next Biennial parliamt unles
in the meanc time it be ratified under hand and
Seale of the palatin himselfe and three more
of the proprietors themselves and by their Order
published at the next Biennial parliamt

Any Proprietor or his Deputy may on the like
protestaron against any Act of the parliamt
before the palatin or his Deputys Consent be
given as aforesaid If he shall conceive the said
Act to be contrary to this Establishment
or any of those fundamentall Constitutions
of this Government and in such Case after
a full and free debate this Soverall Estate
shall retire into four Sondall Chambers the
Palatin and proprietors into one the Landgraves
into another and the Casiques into another and
those Chosen by the people into the fourth

and if the Major part of any of those four
Estates shall Vote that the Law is not
agreeable to this Establishmt & fundamentall
Constitutions of this Government then it shall
pass not further but be as if it had never
been proposed

The Quorum of the parliamt 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 parliamt shall be one
half of the Members of that Chamber

To avoid Multiplicity of Laws be it by
these always Enacted that the right fundamentall
of this Originall Govrnmt All Acts of
parliament whatsoever in what forme soever
passed or enacted shall at the end of Sixty

yeares after their Enacting respectively, readers and determine of themselves and without any repeal beeing Null & void as if noe such Acts or Lawes had ever been made

Since Multiplicity of Comicts as well as of Lawes have great Inconveniencys and serve only to obscure and perplex all manner of Comicts and Oppressions on any part of this fundamentall Constitutions or on any part of the Comon or Statute Law of Carolina are absolutely prohibited

There shall be a Registry in every Pgnict wherein shall be inrolled all deeds Leases Judgments or other Conveyances which may convey any of the Land within the said Pgnict, and all such Conveyances not soe entred or Registred shall not be of force

against any person not privy to the said Contract or Conveyance

No man shall be Registr of any Pgnict who hath not at least 300 Acres of freehold within the said pgnict

The freeholders of every pgnict shall Nominate three men out of which three the Chiefe Justice Court shall choose & Comission one to be Registr of the said pgnict whilst he shall well behave himselfe

There shall be a Registry in every Colony wherein shall be Recorded all the births Marriages and deaths that shall happen within the said Colony

No man shall be Registrer of a Colleony that hath not above fifty acres of freehold within the said Colleony

The time of every ones age shall be Recorded from the day that his birth is entred in the Registry and not before

No Marriage shall be Lawfull which over Contract or Ceremony they have used till both the parties mutually own it before the Colleony Registrer and he enter it with the names of the father and mother of each party

No man shall administer to the goods or have right to them or enter upon the Estate of any person deceased till the death be Registred in ye Colleony Registry

Every that doth not enter in the Colleony Registry the death or birth of any person that dyes or is borne in his house or ground shall pay to the said Registrer one Shilling per month for each such neglect Reckoning from the time of each death or birth respectively to the time of Registring it

In Like manner the birth Marriage and death of the Lords Proprietors Landgrave and Cassiques shall be Registred in ye Plantation Court

There shall be in every Colleony one Constable to be Chosen Annually by ye freeholders of the Colleony that Estate to above an 100 acres of freehold within the said Colleony and such Subordinate Officers appointed for

as the ppsent Court shall finde requisite and shall be established by the ppsent Court the Election of the Inferior Officers shall be in the ffreeholders of ye Colony

All Towne Incorporate shall be governed by the Major twelve Aldermen and twenty fower Comon Councell the said Comon Councell to be chosen by the ffreeholders of the said Towne and the Aldermen to be chosen out of the comon Councell and the Major out of ye Aldermen by the palatin and the proprietors

No man shall be permitted to be a ffreeman of Carolina or to have any Estate or habitacon within it that doth not acknowledge a god and that god is publiquely and solemnly to be worshipped

But since the Natives in that place who will be conterned in our plantacon are vtterly Strangers to Christianity Soe as Idolatry Ignorance or mistake gives no right to expell or ost them all 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, it will not be reasonable for us on that account to expell them out that civill peace may be maintained amidst the diversity of opinions and our agreements and Compacts with all men may be duely and faithfully observed the violation whereof upon what pretence Soever cannot be without great

offensive to Almighty god and great Scandall
to this true Religion that was profess'd And
also the heathenish and other disturbers from
the purity of Christianity and Religion may
not be Starved and kept at a distance from
it but by having an Opportunity of a
argumenting themselves with the truth and
reasonableness of its Doctrine by y^e plainness
and inoffensiveness of its Worship may by
good Usage and persuasion and all those
convincing methods of gentleness & meekness
suitable to the Rules and dictates of the
Gospell be won over to embrace & imbrace
cordially the truth Therefore any Seaven 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

The Names of admittance and of
Communion with any Church or profession
shall be written in a book and shall
be Subscribed by all the Members of the
said Church or profession

The time of every Ones Subscription
and admittance shall be dated in their
said books of Record

In the like manner of Communion of
every Church or profession these following
shall be three without which no Agreement
or assembly of men upon pretence of Religion
shall be counted a Church or profession
within these Rules

1

That there is a God

That God is publiquely to be worshipped

That it is Lawfull and the duty of every man being thereunto duely called by those that Governe to bear witness to the truth and that every Church or profession shall in their formes of Communion set downe the Ordinance way whereby they witness a truth as in the presence of God whether it be by laying hands on and kissing the Gospell as in the protestant and papist Churches or by holding up the hand or any other lawfull way

No person above 14 years of age shall have any benefit or protection of the Law or be capable of any place of profit or honour

Who is not a Member of some Church or profession having his name Recorded in some one and but one Religion Recordat one

That Religion Record of every Church or profession shall be kept by the publique Register of the precinct where they reside

No man of any other Church or profession shall disturbe or molest any Religious assembly

No person whatsoever shall speake any thing in their Religious assembly publiquely or tendinously of the Government or Governours or States matters

Any person subscribing the Articles of Communion of any Church or profession in

the Record of the said Church before the
ppsent Registr and any one Member of
the Church or profession shall be thereby
made a Member of the said Church or
profession

ANY person striking out his owne
name out of any Record or his name being
strooke out by any Officer thereunto authorized
by any Church or profession shall cease to
be of that Church or Profession

No person shall use any reproachfull
Reviling or abusive Language against the
Religion of any Church or profession that
being the certaine way of disturbing the
publique peace and of hindering & converting
of any to the Church by engaging them

in Quarrells and Animosities to the hatreds
of the professors and that profession which
otherwise they might be brought to assent
to

Since Charity obliges us to wish
well to the Soules of all men & Religion
ought to alter nothing in any mans Civill
Estate or right It shall be Lawfull for
Slaves and all others to enter themselves -
and be of what Church any of them shall
think fitt and best and likewise be as fully
Members as any freeman but yet now
Slave shall hereby be exempted from that
civill dominion his Master has over him
but be in all other things in the same
State & condicon he was in before

Assemblys upon what pretence soever of Religion not Observing and performing the aboversaid Rules shall not be esteemed as Churches but Unlawfull meetings and be punished as other Riots

No person whatsoever shall disturbe molest or persecute another for his speculative opinion in Religion or his way of worship

Every freeman of Carolina shall have absolute power and authority of over his Negro Slaves of what opinion or Religion soever

No person whatsoever shall hold or Claime any Land in Carolina by purchase or

or gift or otherwise from the Natives or any other person whatsoever but meerly from and under the Proprietors upon paine of forfeiture of all his Estate (moveable and immoveable) and perpetuall banishm.t

Whoever shall plante any Vine in Carolina upon what title or grant soever shall at the furthest from and after the yeare 1689 pay yearly unto the proprietors for every Acre of Land English Measure as much fine Silver as is the present one English penny or the value thereof to be as a chiefe rent & acknowledgm.t to the proprietors their heires and Successors for ever and it shall be lawfull for the Proprietors by their Officers at any time to take a

a. New Survey of any mans Lands not to Oust him of any part of his possion but that by such a Survey his just number of acres his possession may be known and the rent thereupon due may be paid by him

All Rocks Mines Mineralls Quarrys of gemms and precious Stones wch shall be fishing pearle fishing and one halfe of all Ambar Greece by whomesoever found shall wholly belong to the proprietors

All Revenues and profits arising out of any thing but these distinct particular Lands and possessions shall be devided into ten parts Whereof the Palatin shall have three and each proprietor one Part if the

Palatin shall governe by a Deputy his Dignity shall have one of those 3/10 and the Palatin the other 2/10 all Inhabitants and ffreemen of Carolina above 17 yeares of age comitt Sixty shall be bound to bear armes and serve as Souldiers when ever the Grand Councill shall find it Necessary

A true Copie of these fundamentall Constitutions shall be kept in a great booke by the Register of every precinct to be Subscribed before the Register, Nor shall any person of what Degree or Condition soever above 17 yeares Old have any Estate or possession in Carolina or protection or benefit of the Law here who hath not Subscribed these fundamentall Constitutions in this forme

I. A. B doe promise to beare faith & true allegiance to our Soveraigne Lord King Charles the Second and will be true & faithfull to the Palatin and the Lords proprietors of Carolina and will my utmost power will defend them and maintaine ye Government according to this Establishment in these fundamentall Constitutions

And whatsoever Alien shall in this forme before any Publick Register Subscribe these fundamentall constitutions shall be thereby Naturallized

In the same manner shall every Son at his admittance into any Office Subscribe these fundamentall Constitutions

These Fundamentall Constitutions and every part thereof shall be and remaine as the Sacred unalterable forme and Rule of Government for ever Witnes our Hands and Seales this One and Twentieth day of July in the yeare of our Lord 1669

Finis

fac simile of Mr Locke's signature

John Locke

ACCO