

# A Declaration and Proposals of the Lords Proprietors of Carolina (1663)

WITH COMMENTARY BY DAVID WALBERT

## As you read...

### PREPARING TO RULE

Within months after receiving title to Carolina, the Lords Proprietors began planning to build and govern the province. Despite all of the feudalistic language of the Charter of Carolina and the Fundamental Constitutions that followed in 1669, this document laid the basic, practical groundwork for Carolina's government as a proprietary colony.

The first settlement was to be on Cape Fear. It would have a governor and a governor's council of six men, who would be selected by the men undertaking to create the settlement and approved by the Lords Proprietors. It would also have a legislative assembly elected by the settlement's landowners.

The Declaration and Proposals also set out the means by which land would be distributed in Carolina. Each settler who paid for his own transportation to the colony, or for anyone else's, would receive a grant of land called a *headright*, and be taxed a *quitrent* each year to pay for the colony's government.

### THE RISE AND FALL OF CLARENDON COUNTY

In 1664, encouraged by the Lords Proprietors, the first settlers arrived from Barbados in the Cape Fear region and established the County of Clarendon (named after Edward Hyde, Earl of Clarendon). They built Charles Town on the bank of the Cape Fear River, and by 1666, according to one source, it grew to about 800 people. But the proprietors did little to support the settlers, who also faced conflicts with the Cape Fear Indians, and Charles Town shrank as quickly as it had grown. By the fall of 1667, the town was abandoned.

The Proprietors' next attempt to establish a town was further south, in 1670. That settlement, also named Charles Town, survived and grew, and became the capital of Carolina — the origin of present-day Charleston, South Carolina.

For more on the short life of Clarendon County, see William S. Powell, *North Carolina through Four Centuries* (Chapel Hill: University of North Carolina Press, 1989), pp. 56–57.

The first paragraph repeats what was granted in the Charter.

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<sup>1</sup>, 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<sup>2</sup> of the first settlement shall reasonable desire.

First settlement in Cape Fear.

1. If the first colony will settle on Charles River<sup>3</sup> 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.

Providing for defense.

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.

Providing for a governor and council for the Cape Fear settlement.

3. That the undertakers of that settlement do, before they or any 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.

Providing for a legislative assembly to be elected by the settlers.	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.
Granting religious freedom.	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.
Exceptions to taxes on imports granted by the king.	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 all 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.
Establishing "headright" grants.	7. We will grant to every present undertaker for his own head, one hundred acres of land, to him and his heires forever <sup>4</sup> , to be held in free and common soccage <sup>5</sup> ; and for every man-servant that he shall bring or sent thither, that is fit to bear arms, armed with a good firelock musket, 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.
More provisions for defense.	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.
Quitrents.	In consideration of the premises, we do expect by way 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 <sup>6</sup> , 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.

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## Notes

1. situated
2. *Undertakers* were those who *undertook* to settle in Carolina — those who arranged for and paid for their own transportation. Transportation across the Atlantic was expensive — as much as six pounds per person, which was more than ordinary laborers could have afforded. (Compare this to the value of various goods in the wills and inventories of the late seventeenth and early eighteenth century.)
3. The Cape Fear River. William Hilton, who explored the Cape Fear area for a group of potential settlers from Massachusetts Bay Colony in 1662, named the river after Charles II.
4. These “headright” grants gave 100 acres of land to every man who paid his own way to Carolina, and additional land for every servant. This system had been used in Virginia since 1618, and was the basis of most of the land ownership there. (The grants were called “headrights” because land was given per head, or per person. Today we use the word “head” in this way only to describe livestock, such as “head of cattle.”)

Headright grants also established the system of indentured servitude. Wealthy men in England paid transportation costs of poorer men and women, who became their servants in America. The servants were bound to work the land for five to seven years, during which time they were not free to leave their master or disobey him. At the end of their servitude, the servant was given clothing and basic equipment and set free. A freed servant was granted a small piece of unoccupied land (ten acres to a man, six to a woman) — not enough for a self-sustaining farm, but a freed servant could borrow money from his master to buy additional land.

The grant of land encouraged wealthy settlers to bring additional men with them who would add to the population, defend the colony, and farm its land. Note that male servants “fit to bear arms” brought their masters more land than female servants. In a new settlement amid potentially hostile Indians, with pirates on the Outer Banks and the Spanish to the south, it was crucial to provide for defense.

5. *Socage* was a kind of land tenure — a legal means of holding land — that required an annual payment instead of work or military service. In theory, socage might require payments of produce, but most often, it required cash payments — a quitrent. In 1660, Parliament had passed the Statute of Tenures, which converted all land tenures to socage.

“Free and common” socage simply means that the recipient of the headright grant is free to do with his land what he pleases.

6. In exchange for the land granted by headrights, landholders were expected to pay a *quitrent* of a half-penny per acre. Legally, a quitrent “quit” the landholder of certain feudal obligations (the “rent”). In effect, it was like a modern real estate tax, and the money taken from quitrents was used to pay the costs of governing the colony.

## About the author

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David holds a Ph.D. in History from the University of North Carolina at Chapel Hill. He is the author of *Garden Spot: Lancaster County, the Old Order Amish, and the Selling of Rural America*, published in 2002 by Oxford University Press. With LEARN NC, he has written numerous articles for K–12 teachers on topics such as historical education, visual literacy, writing instruction, and technology integration.