

AFRICAN COMPANY<sup>1</sup>

(Patent Rolls, 16 Jac I. pt. vi.)

JAMES by the Grace of God &c., To all to whom these presents shall come, Greeting :

Whereas divers of our loving subjects have by their long travel and industry and at their great charges and expenses discovered and found out<sup>2</sup> a trade into certain places in Africa hereafter mentioned where there are divers commodities and merchandises necessary for the subjects of our Kingdom and Dominions,

And Whereas We are credibly informed that the setting on foot and prosecuting of voyages thereof and the due establishing of an orderly traffic and trade of merchandise unto that continent will not only be beneficial to our said Realms and Dominions but also profitable to Us in advancement of our customs,

And Whereas our trusty and wellbeloved Sir Robert Rich Knt, Lord Rich, Sir Robert Mansell Knt, our Vice-Admiral of England, Sir Ferdinando Gorges Knt, Sir Warwick Heale Knt, Sir Allen Appesley Knt, Sir Richard Hawkins Knt, Sir Henry Nevill Knt, Sir William St. John Knt, Sir Thomas Tracy Knt, Sir Richard Bingley Knt, Sir Giles Momesson Knt, Sir Thomas Dutton Knt, Sir Francis Blundell Knt, Sir Arnold Herbert Knt, Sir John Bingley Knt, Sir Henry Williams Knt, and our wellbeloved subjects Abraham Williams, Anthony Bugges, Oliver St. John, Oliver Nicholas, William Herbert,<sup>3</sup> Thomas Emerson, Edmund Sadler, Thomas Morgan, Meredith Morgan, Lewis Pouell, George Dunscombe, Thomas Love, Phillip Jones, Samuell Crooke, William Dackombe, Esquires, John Davies, John Watkins, Michall Best, Richard Salford, and William Audely, merchants, have joined together and resolved to run one uniform course in the setting up and prosecuting a trade of merchandise into those parts, and have humbly made petition unto Us that We would be graciously pleased to make them and their

<sup>1</sup> See Introduction, *ante*, pp. xlii–xlviii, and cf. subsequent charters printed *post* at pp. 172–7, 177–81, 180–92.

<sup>2</sup> Complaint was made (see *S. P. Dom.* Jac. I. clxv) in 1624 that the 'Ginny and Binny patent' was 'granted upon untrue suggestion that some of the patentees had been the first discoverers of that trade, whereas it is apparent that those parts have been traded to about fifty years since by Sir John Hawkins deceased and since by divers other merchants, tending also to

the great wrong and impoverishing of your subjects by depriving them of their lawful trade and raising the price of those merchandises to a most extreme rate being of necessary use for dyers and clothiers.' The answer is :—' It is delivered into the hands of the Clerk of the Parliaments, and it is left to the law, And it shall not be exercised in the meantime.' See *ante*, p. xliv, and cf. *post*, p. 136 (1).

<sup>3</sup> Elsewhere in this grant spelt Harbert.

partners a body corporate and give them power and privilege to trade into the parts of Africa hereafter named as in case of other trades and discoveries hath been accustomed, whereby they may be encouraged not only to proceed in a present trade but to adventure their money and labour for a further discovery than hath ever yet been attempted by any in those parts, which they presume by God's assistance will turn to the great benefit of Us and our Realms,

*Know ye that We having had consideration of the premises are very willing to incline to their petition and the rather in regard it is an enterprise tending to so worthy an end as the increase of the trade traffic and merchandise used by the subjects of this our Kingdom being famous through all nations,*

*And therefore to the encouragement as well of the said undertakers hereunto as of all others to the like laudable enterprises and for other good causes and considerations Us hereunto moving, of our especial grace certain knowledge and mere motion We have willed ordained constituted and appointed given and granted, And by these presents for Us our heirs and successors we will ordain [&c.] unto the said [persons aforesigned] and all such others of our subjects as they shall think convenient to receive into their Company and Society to be traders and adventurers with them to the said countries shall be one body corporate and politic of themselves in deed and in name by the name of Governor and Company of Adventurers<sup>1</sup> of London trading into the parts of Africa:*

*And them by that name one body corporate and politic in deed and in name We do for Us our heirs and successors make create ordain constitute appoint and confirm by these presents :*

*And that by the same name they shall have perpetual succession :*

*And that they and their successors by the name [aforesaid] be and at all times hereafter shall be persons able and capable in law to have take purchase receive possess and enjoy manors messuages lands tenements rents liberties privileges and hereditaments of whatsoever kind nature or quality to them and their successors and to alien and dispose thereof as they shall think fit and convenient :*

*And that they and their successors by the names<sup>2</sup> [aforesaid] shall and may be persons able and capable in law to plead and be impleaded [etc.] in whatsoever Courts [etc.] as any other our liege people [&c.] by any lawful ways or means whatsoever :*

*And that it shall and may be lawful for the said Governor and*

<sup>1</sup> The Patent Roll here, and occasionally elsewhere in this grant, reads 'Adventures.'

<sup>2</sup> Cf. *per nomine, ante, p. cxxix.*

Company and their successors to use and have a common seal for all the causes and businesses of them and their successors, which seal our will and pleasure is shall be engraven and set forth in manner and form following, that is to say, On the one side the coasts and rivers of the said parts of Africa with a ship at anchor with many little shallopes with oars issuing out and going up the rivers upon discovery rounded with the title of the said Company, and on the other side with the image of the Royal Person of Us our heirs and successors, without any further warrant to be had or obtained from Us our heirs and successors in that behalf :

And for the better ordering and government of the said Company [there shall be one Governor and one Deputy to act in his absence, and twelve of the Company] who shall be and shall be called Committees or Directors<sup>1</sup> of the said Company, who shall be aiding and assisting [the Governor and Deputy upon the Company's affairs] and together with the Governor of the said Company or his Deputy for the time being shall have the direction of the voyages and of the provision of shipping and merchandise and of all other things thereunto belonging, and also of the sale of all goods and merchandises which shall be returned in any of their said voyages and the managing of the trade and ordering of all their businesses and affairs belonging to the Company for so much as they shall trade in joint stock :

And likewise We do hereby for Us our heirs and successors will ordain and appoint that the said Governor and Company [aforesaid] shall from henceforth for ever be ruled ordered and governed by and be obedient unto such ordinances constitutions and provisions as are hereafter in these presents expressed or shall by virtue or force of and according to the true meaning of these presents be made constituted and set down and no otherwise :

And for the better execution of our will and pleasure herein We have [nominated *Sir William St John* to be first Governor, until November 2nd, 1619] if he so long live, and from thence until another Governor shall be chosen and sworn in manner hereafter expressed, which *Sir William St John* [We will shall before executing his office] take his corporal oath upon the Holy Evangelist for the true and faithful execution thereof before our trusty and wellbeloved *Sir Thomas Coventrie Knt*, our Solicitor General, unto whom We do hereby give

<sup>1</sup> The title 'Assistants,' found in Henry VII.'s charter to the Merchant Adventurers (cf. *ante*, p. 2), is a link with the 'help-men' of the guilds, cf. Toulmin Smith, *Gilds*, pp. 156, 160, and *ante*, pp. xxx (3), 94(1). The East India Company had com-

mittees' (*ante*, p. xlix), though the first entry in its minutes (Sept. 1589) mentions 'committees or directors.' The African 'Directors' seem to be the first company officials to be so styled.

full power and authority to administer an oath [to the said Governor without further warrant] :

And because We our self cannot for the present discern, by reason of the smallness of the Company being but now begun and not settled, what persons are fit to be Committees and Directors and other officers who may be resident here about our City of London to be assistant to the Governor in the doing and effecting of the affairs and businesses of the said Company, some of them being employed by Us and others about their own necessary affairs in the country, We do hereby grant unto the said Governor and Company that it shall and may be lawful to and for the said *Sir William St John* the present Governor of this Company to nominate and appoint as well the first and modern Deputy Governor and Committees Directors of the said Company as a Treasurer and other officers in any sort to be employed for the better government direction and assistance of or to the said Company,<sup>1</sup> to continue in their several places until new be elected and chosen according to the true meaning of these presents, Which said Deputy Governor and Committees and other officers our pleasure is shall take their several corporal oaths for the true and faithful execution of their several places [before admission thereto, before *St John*; authority to him to administer oath] :

[Power to the Company on November 2nd, 1619, and yearly then or within thirty days after, to meet in London or elsewhere in England and choose a Governor for the following year, who shall take oath &c.] before the old Governor his predecessor and six or more of the Committees and Directors of the said Company for the time being; [power to administer oath; power to elect a Deputy and twelve Committees &c., a Treasurer and other officers for the coming year; provision for their oath before the Governor;] And if it shall happen the Governor of the said Company for the time being to die or otherwise in respect of his misbehaviour or ill government to be duly removed out of his place or office, which Governor our will and pleasure is shall be removable at the pleasure and discretion of the Committees or Directors and generality of the said Company being assembled together or the greater part of them or so many of them as upon such occasion will meet together, That then and so often it shall and may be lawful to and for the said Committees and Company or the greater part of them so assembled to make a new election [of a Governor for the remainder of the year, who shall be sworn before six or more Committees &c.; similar power to replace other officers]:

[Power to assemble and hold Courts and make and execute laws &c.,

<sup>1</sup> Cf. the power in Cunningham's Scottish East India Co. grant *vate*, p. 1 (9), and that of Marford and Hamworth, *post*, p. 151.

impose fines &c.; such laws We will to be observed if] reasonable and not repugnant to the laws of our Realm :

*And further of our especial grace certain knowledge and mere motion*  
We do hereby for Us our heirs and successors grant unto the said Governor and Company and their successors that it shall and may be lawful to and for the said Governor and Company their successors and assigns and to and for all and every such person and persons as are or shall be free of the said Company and none other, from time to time to set to sea such and so many ships pinnaces and barks as shall be thought fitting by the Governor and Committees of the said Company for the time being or the more part of them assembled, prepared and furnished with ordnance artillery and munition or any other habiliments in warlike manner fit and necessary for their defence, and shall for ever hereafter have use and enjoy the whole entire and only trade liberty use and privilege of trade and traffic with and from the parts of Africa hereafter mentioned, that is to say, into and from all and singular regions countries dominions territories continents coasts and places now or at any time heretofore called or known by the name or names of Gynney and Bynney<sup>1</sup> or by either of them, or which are or have been reputed esteemed or taken to be part parcel or member of any region country dominion territory or continent called Gynney or Bynney, and into and from all and singular ports havens rivers creeks islands and places in the parts of Africa to them or any of them belonging, or being under the obedience of any King State or Potentate of any region dominion or country in Gynney or Bynney aforesaid, for buying and selling bartering and exchanging of for and with any goods wares or merchandises whatsoever to be vented or found at or within any of the cities towns or places and rivers situate and being in the countries places parts and coasts before mentioned, Any law statute grant matter custom or privilege to the contrary in any wise notwithstanding :

And likewise that it shall and may be lawful for the said Governor and Company and their successors and assigns and for all and every person and persons being or which shall be free of the said Company from henceforth at any time or times and from time to time after the dates of these our Letters Patents, to use prepare and set to sea such and so many ships barks and pinnaces and such number of men to sail therein for the further discovery of the said rivers and places before mentioned and all lands dominions and territories within the compass of the same as they shall think fit and necessary :

<sup>1</sup> Hakluyt prints accounts of several voyages to Guinea and Benin made by Hawkins and various adventurers (see volumes vi. and x.). See above, p. 99. footnote (2).

Paying unto Us our heirs and successors such customs subsidies imposts and other duties as shall be due and payable for and in respect of any goods wares or merchandises by them or any of them to be exported or imported by virtue of these presents :

And of our further royal favour We have granted and for Us our heirs and successors We do grant unto the said Governor and Company and their successors, that the said rivers places and passages in the tract aforesaid or any of them or the lands seignories or dominions thereto adjoining shall not be visited frequented or traded unto by any other of our subjects or the subjects of Us our heirs or successors either from any the ports or havens belonging or appertaining or which shall belong or appertain unto Us our heirs or successors or unto any foreign Prince State or Potentate whatsoever :<sup>1</sup>

And therefore We do hereby for Us our heirs and successors charge command prohibit and forbid all the subjects of Us our heirs and successors of what degree or quality soever they be, that none of them directly or indirectly presume to visit frequent trade or adventure to traffic into or from the said rivers lands dominions and places aforesaid or any of them other than the said Governor and Company their successors factors deputies and assigns, unless it be with the licence and consent of the said Governor and Company first had and obtained in writing under their common seal, upon pain of our indignation and imprisonment of their bodies during the pleasure of Us our heirs and successors and the forfeiture and loss both of their ships and goods whensoever they shall be found either within any of our Kingdoms or Dominions or any other place or places out of our Dominions :

And for the better effecting of our said pleasure herein We do hereby for Us our heirs and successors give and grant full power and authority unto the said Governor and Company [&c.] that they by themselves their factors deputies or assigns shall and may from time to time and at all times hereafter attach arrest take and seize all and all manner of ship and ships goods wares and merchandises whatsoever which shall be brought from or carried to the places before mentioned or any of them contrary to our will and pleasure before in these presents expressed. The moiety or one half of all which forfeitures We do hereby for Us our heirs and successors give and grant unto the said Governor and Company and their successors to their own proper use without account, and the other moiety or half part thereof We will shall be and remain to the use of Us our heirs and successors :

And We have likewise condescended and granted [etc. that We will

<sup>1</sup> This paragraph and the three following it appear in the New England patent of 1629, *ante*, p. ivxxv., & in the Levant grant, *ante*, p. 38.

not licence<sup>1]</sup> any person or persons whatsoever to sail trade or traffic unto the foresaid parts of Africa without the good will and liking of the said Governor and Company or the greater part of them for the time being at any of their Courts to be assembled :

And our further will and pleasure is, and We do hereby for Us our heirs and successors grant unto the said Governor and Company and their successors that it shall and may be lawful to and for the said Governor and Company for the time being or the greater part of them to be assembled together from time to time to admit and take into their Company such person or persons as they or the most part of them so assembled shall think convenient, and them or any of them to amove displace and put out of the said Company upon good occasion according to the ordinances by virtue of these presents to be made for the government of the said Company, The said persons and every of them so to be admitted first paying and allowing for their and every of their admission unto the said Governor and Company and their successors for and in the name of a fine such reasonable sum of money as the Governor and Committees of the said Company for the time being or the more part of them shall assess :

And our will and pleasure is that all and every the sons of any of the present Governor and Company or other persons hereafter to be admitted into the said Company shall and may be admitted and incorporated into the said Company at such time and times as they shall accomplish their several ages of one and twenty years, Paying for their admission or admissions only twenty shillings apiece and no more, And that all such servants and apprentices as now are or shall be at any time hereafter bound as an apprentice unto the said Governor and Company or their successors or other persons to be admitted into the said Company or any of them shall and may likewise be admitted into the said Company at the end and expiration of their and every of their apprenticeships, Paying and allowing [as above] the like several sums of twenty shillings and no more nor otherwise :

All which several fines and sums of money so to be received and taken for the several admissions as aforesaid shall be and remain for ever to the use of the said Governor and Company in general and their successors :

And further We do hereby for Us our heirs and successors charge and command all and singular Admirals Vice-Admirals Generals Commanders Captains Justices of the Peace Mayors Sheriffs Bailiffs Constables Customers Comptrollers Collectors Waiters<sup>2</sup> Searchers and all other the officers and ministers of Us our heirs and successors

<sup>1</sup> As in Levant charter, *ante*, p. 41.

<sup>2</sup> See footnote, *ante*, p. 92.

whatsoever, to be from time to time in all things aiding helping and assisting unto the said Governor and Company and their successors or any of them upon request made, as they tender our pleasure and will avoid the contrary at their perils :

And lastly our will and pleasure is, and by these presents for Us our heirs and successors We do grant unto the said Governor and Company [aforesaid] that these our Letters Patents and all and singular grants clauses and things therein contained under the conditions and limitations therein mentioned and expressed shall be and continue firm strong sufficient and effectual in the law and shall be construed reputed and taken as well in the meaning and intent as to the words of the same most graciously and favourably and to the benefit of the said Company and their successors, Any omission or defect in these presents or any other cause or matter to the contrary notwithstanding :

Although express mention &c. :

In witness &c. witness our self at Westminster the sixteenth day of November,

*per breue de priuato sigillo.*

### NEW RIVER COMPANY<sup>1</sup>

(**Patent Rolls, 17 Jac. I. pt. xvi**)

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 several Acts of Parliament were made [(brief recital of the statutes 3 Jac. I. c. 18 and 4 Jac. I. c. 12)<sup>2</sup>] by virtue and authority of which Act and Acts the Mayor Commonalty and Citizens of our City of London and their successors have liberty given them and are thereby enabled to bring a fresh stream of running water to the north parts of our said City of London from the springs of Chadwell and Amwell and other springs in the County of Hertford not far distant from the said springs, either in an open cut or in close trunk vault of brick or stone,<sup>3</sup> which work upon view was found very feasible and was like to be profitable to many, As by the said Acts more at large appeareth,

Nevertheless the said Mayor [etc.], weighing the great charge and

<sup>1</sup> See Introduction, pp. cxxiii-cxxv.

<sup>2</sup> See *ante*, p. cxxiii (7).

<sup>3</sup> The statute 4 Jac. I. c. 12 provided for enclosing the water in a vault.

[Justices of the Peace, Mayors, Sheriffs &c. to be aiding &c. upon request, upon pain of our displeasure and legal punishment &c.]:

Although express mention &c.

In witness whereof &c. witness our self at Westminster the xith day of March.

*per ipsum Regem.*

### AFRICAN COMPANY.<sup>1</sup>

(**Patent Rolls, 12 Car. II., pt. xxi.**)

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 all and singular the regions countries dominions territories continents coasts and places now or at any time heretofore called or known by the name or names of Guinney and Binney or by either of them or which are or have been reputed esteemed or taken to be parcel or member of any region country dominion territory or continent called Guinney or Binney, and all and singular ports havens rivers creeks islands and places in the parts of Africa to them or any of them belonging, and the sole trade and traffic thereof, are the undoubted right of Us our heirs and successors and are and have been enjoyed by Us and our predecessors for many years past as in right of this our Crown of England.

And whereas for the due establishing of an orderly traffic and trade of merchandise into those parts several Letters Patents have been heretofore granted as well in the time of our late dear Father of blessed memory as of our late Royal Grandfather King JAMES,<sup>2</sup> with several powers privileges and authorities therein mentioned tending to the advance and increase of the said trade, which however the same hath of late been interrupted may by God's blessing upon a diligent and effectual prosecution be brought to a greater perfection than heretofore it hath been.

And whereas our said late dear Father did by his Letters Patents under the Great Seal of England bearing date at Westminster the five and twentieth day of June in the seventh year of his reign<sup>3</sup> for the considerations therein mentioned grant and demise all the said territories continents coasts and premises according to the extents and limits of the

<sup>1</sup> See Introduction, ante, pp. xlvi. alviii.      <sup>2</sup> Printed, ante, p. 99.  
A previous charter is printed above, p. 99;      <sup>3</sup> Patent Rolls, 7 Car. I. l. pt. xxi. to  
subsequent charters follow at pp. 177, 186.      thirty-one years lease, see ante, p. xlvi.

places therein specified and the sole trade and traffic thither from thence and in those parts unto *Sir Richard Young Knt and Baronet, Sir Kenelm Digby Knt, George Kirke Esquire, Humfrey Slaney, Nicholas Crispe and William Cloberry*, their executors administrators and assigns, from the date of the said Letters Patents for and during the term of one and thirty years from thence next ensuing and fully to be complete and ended upon such conditions clauses and reservations as in the said Letters Patents are contained, whereunto relation being had it doth and may more fully and at large appear,

We, taking into our royal and princely consideration how much the re-settlement of the trade and traffic into the parts aforesaid may and will redound to the good of our service and the honour and enriching of this our Kingdom of England by employing of good store of mariners and shipping and venting of divers of our home manufactures, have for the encouragement of the persons hereafter named, who have undertaken so hopeful an enterprise and must be at great costs and charges likewise to go through with the same, *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 our right dear and entirely beloved Brother *James Duke of York and Albany*, our High Admiral of England, and to our most dear and entirely beloved Sisters the most illustrious *Princess Royal, Maria Princess of Aurange*, and most illustrious *Princess Henrietta*, to our right dear and entirely beloved Cousin the most illustrious *Prince Rupert*, Count Palatine of the Rhine, Duke of Cumberland, our right trusty and right wellbeloved Cousins and Counsellors *George Duke of Buckingham, George Duke of Albemarle, James Marquess of Ormond*, Steward of our Household, to our right trusty and right wellbeloved Cousins *Phillipp Earl of Pembroke and Mountgomery, Henry Earl of St. Albans*, to our right trusty and right wellbeloved Cousins and Counsellors *Edward Earl of Sandwich*, and *John Earl of Bath*, to our right trusty and right wellbeloved Cousin *Thomas Earl of Ossery*, to our right trusty and wellbeloved *George Lord Berkley, William Lord Craven, John Lord Berkeley, and Charles Lord Brandon*, to our right trusty and wellbeloved Counsellors *Sir George Carterett*, Vice-Chamberlain of our Household, to our right trusty and wellbeloved Counsellor *Collonell Charles Howard* and to our trusty and wellbeloved *William Coventry Esquire, Sir Charles Sidley Baronet, Sir John Warner Bart., Sir Charles Berkeley Knt, Henry Jermyn Esquire, William Legg Esq.*, one of the Grooms of our Bedchamber, *John Denham Esq.*, Surveyor-General of our Works, *Sir Anthony de Martes, Sir Ellis Leighton, Sir Edward Turner, Knts, Edward Gregory, Richard Nicholls and Cornelius Vermuyden*, Esquires, their executors administrators

and assigns, All and singular the regions countries dominions territories continents coasts and places lying and being within the limits and bounds hereafter mentioned, that is to say, beginning at Cape Blance lying in twenty degrees of northerly latitude and extending from thence to Cape de Bona Speranza lying in thirty four and a half southerly latitude or thereabouts with all the islands near adjoining to those coasts and comprehended within the regions aforesaid.<sup>1</sup> Which regions [&c.] heretofore called or known by the name of Guinny Bynny and Angola or by some or any other name or names [or reputed part thereof as above] and all and singular ports [&c. as above]. To have and to hold all the said regions [etc.] aforesaid and all other the premises in Guinny Bynny and Angola aforesaid and within the degrees aforesaid to our said [Brother Duke of York and other persons above-named] their executors administrators and assigns from the making of these our Letters Patents if the said recited grant and demise to the said Sir Richard Young [and others aforesaid] be void and determined :

And if otherwise the said grant and demise to them made as aforesaid be not void and determined, then to have and to hold all and singular the said regions [&c.] from the expiration forfeiture surrender or other determination of the said recited grant or demise to the said Sir Richard Young [and others] for and during the term and unto the full end and term of one thousand years, Yielding and rendering therefore unto Us our heirs and successors two elephants whensoever We our heirs or successors or any of them shall arrive land or come into the dominions regions [&c.] before mentioned or any of them:<sup>2</sup>

Nevertheless our will and pleasure is, and We do hereby declare the true intent and meaning of these presents to be that this our present grant and demise of the regions [&c.] aforesaid and all the benefit commodity profit and advantage made and to be made and gotten out of the same or by reason of the term aforesaid shall be and shall be interpreted to be in trust and for the sole use benefit and behoof of the Company of Royal Adventurers into Africa hereafter mentioned and after in and by these presents incorporated or mentioned to be incorporated :

And therefore for the setting forward and furthering of the trade intended in the parts aforesaid and the encouragement of the undertakers in discovering the golden mines and settling of plantations there, being an enterprise so laudable and conduced to so worthy an end as the increase of traffic and merchandise wherein this nation hath been

<sup>1</sup> These limits, corresponding to those in the grant of Charles I., were afterwards extended; see post, p. 179. <sup>2</sup> *C. ante*, p. xxvii. (2).

famous, of our further and more ample grace and favour certain knowledge and mere motion do will ordain constitute appoint give and grant to our said dearest Brother *James Duke of York* [and other persons above-named], that they and all such other as they shall think fit and convenient to receive into their Company and Society to be traders and adventurers with them to the said countries shall be one body politic and corporate of themselves in deed and in name by the name of **The Company of the Royal Adventurers into Africa:**<sup>1</sup>

And them by that name [We incorporate, with perpetual succession, and power to take, purchase &c., plead and be impleaded &c. and have a common seal\*], which seal our will and pleasure is shall be engraven and set forth in manner and form following, that is to say, On the one side an elephant supported by two blackmoors, and on the other side the image of our Royal Person, without any further warrant [&c.] :\*

And for the [better government of the Company &c.] six Agents [to be appointed, to have direction of voyages &c. sale of merchandise &c. and management of trade ; provision for rules, ordinances &c.] :

[*Philip Earl of Pembroke and Montgomery, William Lord Craven, Sir George Carterett, William Coventry, Sir Ellis Leighton, and Cornelius Vermuyden* to be the six Agents till they die or be removed ; provision for oaths ; power to remove the Agents and fill their places] :

[Power] for the said Company or the major part of them publicly assembled, whereof three or more of the Agents to be of the number, [to appoint factors under-officers servants &c. ; provision for oaths, and for replacing officers in case of death or misbehaviour] :

[Power to assemble, make and execute laws, impose punishments, fines to be levied to use of Company] :

And We do moreover for Us our heirs and successors give and grant unto the said Company and their successors, That it shall and may be lawful to and for any person or persons of the said Company or their successors and every of their executors administrators and assigns and every of them to grant and assign over to any other person or persons whatsoever their or any of their estate or estates interest or interests or any share or shares part or parts of their or any of their estates or interests by these presents granted or mentioned to be granted or any part thereof together with all or any advantage benefits and profits thereof in any wise :

<sup>1</sup> The company being entrusted to six agents without a governor (see *ante*, p. xlvi., and the later re-arrangement for supplying the necessary means of government, *post*, pp. 178–80), the corporate name is neuter

singular instead of the more usual masculine plural (cf. Introduction, *ante*, pp. cxxxiii.–cxxxv., and examples, *post*, pp. 179, 189, 198, 250, 257.

\* As in previous grant, *ante*, pp. 100–1.

And that all and every such assignee and assignees shall and may from and after the making of any such assignment or assignments have full power liberty and authority according to their several and respective interests to trade merchandise and traffic into and from the said rivers lands dominions and places aforesaid in as large full and ample manner and form to all intents and purposes aforesaid as the person or persons who made such assignment or assignments or any of them may might should or ought to have done by virtue of these our Letters Patents and otherwise howsoever :

[Power to the Company to set to sea so many ships &c., with ordnance &c., and to enjoy the whole sole trade to and from the said regions : \* to set to sea ships &c. for further discovery, paying customs &c.; the rivers &c., not to be visited by any others of our subjects ; \* and therefore We prohibit our subjects &c. to trade thither] or adventure to traffic into or from the said rivers [&c.] or any of them or to import any redwood elephants' teeth hides wax gums grains or any other of the commodities of that country from any part or places whatsoever into any of our Kingdoms or Dominions other than the said Company [&c. unless with written licence under seal of the Company, under penalties ; \* power to arrest offenders, ships, goods &c.; We will not license any person to trade thither without the Company's liking ; Power to the Company to admit members &c., sons and apprentices at twenty shillings \*] :

*Nevertheless it is our will and pleasure and We do hereby for Us our heirs and successors declare our intent and meaning to be that whosoever We our heirs or successors shall think fit at any time or times to come in as sharer in this adventure and to join a stock with the said Company in the trade aforesaid. That then We our heirs or successors shall be accordingly admitted partner and sharer in the said trade according to such a proportion of money as We our heirs or successors shall put into the stock,<sup>1</sup> Provided always the said share do not exceed a sixteenth part of the whole, and that We our heirs and successors do consent and submit to pay and bear a full sixteenth part of all charges incident to the same :*

And We do therefore *of our more especial grace certain knowledge and mere motion* for Us our heirs and successors grant unto the said Company and their successors that they the said Company and their successors shall and may have the ordering rule and government of

\* As in the previous grant, see *ante* pp. 103-5.

<sup>1</sup> See the misgivings of the East India merchants in a similar case, *ante*, p. li.

The State Papers show that in June 1661 the King put in £90 'an additional adventure' and £250. See *post*, p. 181-2.

all such Plantations as shall be by them at any time hereafter settled within the parts of Africa aforementioned, And do by these presents for Us our heirs and successors grant unto them full power licence and authority to name and appoint Governors from time to time in the said Plantations, which said Governors shall and by these presents We do for Us our heirs and successors give to them full power and authority to raise arm train and muster such military forces as to them shall seem requisite and necessary and to execute and use within the said Plantations the law called the martial law for the defence of the said Plantations against any foreign invasions or domestic insurrections or rebellions, The sovereign right power and dominion over all the said Plantations to be at any time settled in the parts aforesaid to Us our heirs and successors always reserved :<sup>1</sup>

And further We will and it is the true intent and meaning of these presents that We our heirs and successors shall have take and receive two third parts of all the gold mines which shall be seized possessed and wrought in the parts and places aforesaid, We our heirs and successors paying and bearing two third parts of all the charges incident to the working and transporting of the said gold, And that the said Company and their successors shall and may have take and enjoy the other third part of all the said gold mines, they [bearing a third of the expense as aforesaid] :

[Our Admirals, Vice-Admirals &c., to be aiding &c.] :

[This grant to be firm, valid, and favourably construed], Any omission uncertainty or defect in these presents or any other cause matter or thing to the contrary in any wise notwithstanding :

Although express mention &c. :

In witness &c. witness our self at Westminster the eighteenth day of December

*per ipsum Regem.*

## AFRICAN COMPANY.<sup>2</sup>

(Patent Rolls, 14 Car. II., pt. xxvii.)

CHARLES THE SECOND, &c., To all to whom these presents shall come, Greeting ;

Whereas all and singular the regions [&c.† known] as Guynny Bynny and South Barbary [or reputed to be part thereof, and all African ports

<sup>1</sup> This clause (cf. the first Carolina charter, 1662-3, *ante*, p. lxxxviii.) is followed in the East India charter of 1683 (*ante*, p. lii.). Previous charters are printed, *ante*, pp. 99, 172; a subsequent charter follows at p. 186.

† As in previous charter, *ante*, p. 172.

<sup>2</sup> See Introduction, *ante*, pp. xliv.-xlviii.

&c. thereto belonging and the sole trade thereof are the undoubted right of Us &c.], †

*And whereas* We have by our Letters Patents under our Great Seal of England bearing date the eighteenth day of December in the twelfth year of our reign<sup>1</sup> incorporated the trade and given and granted [the regions therein set out, to have and to hold &c., with the privileges therein mentioned],

*And whereas* all former Patents granted by our Royal Predecessors to any of our loving subjects whatsoever of in or to any of the places aforesaid or the trade thereof are now determined and expired,<sup>2</sup>

And considering how necessary it is to the honour and profit of this our Realm of England that the said trade and also such others as are thereby intended to be granted should be vigorously prosecuted and all the forts buildings and factories formerly directed and settled by this nation within the limits aforesaid maintained and enlarged,

*And whereas* since the granting of our said Letters Patents several other persons have come in and subscribed several great sums of money to be employed in the said trade and Company, and by the general consent and advice as well of the first Patentees as also of those others who have since joined with them it is conceived that there are not such necessary rules authorities powers and jurisdictions for the governing and managing of the said trade and Company in our said recited Letters Patents as are needful for the effectual execution of our royal intentions to make the said trade of the best and most improved benefit to our said subjects and Kingdoms;<sup>3</sup> And therefore by like unanimous consent have surrendered into our hands our said former Letters Patents, which said surrender We have accepted and by these presents do accept,

*Now know ye that We*, in consideration of the said surrender and graciously tendering the encouragement and advancement of the said Royal Company, and to the end they may be the better enabled to maintain and enlarge the trade and traffic into the parts and places in the said recited Letters Patents or hereafter in these presents expressed, have *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 our Royal Consort *Queen Katherine, Mary the Queen our Mother*, our dearest Brother *James Duke of York*, our dearest Sister *Henrietta Maria Duchess of Orleans, Prince Rupert, George Duke of Buckingham, Mary Duchess of Richmond, Edward Earl of Manchester, Phillip Earl of Pembroke, Henry Earl of St. Albans, John Earl of Bath, Edward Earl of Sandwich, Charles Earl of Carlisle, — Earl of Lauderdale*,

† As in previous charter, *ante*, p. 172.

<sup>1</sup> Printed above, pp. 172-7.

<sup>2</sup> See *ante*, pp. xliv.-xlii., 172-3, 174.

<sup>3</sup> See *ante*, p. 175 (1).

*George Lord Berkeley, William Lord Craven, —— Lord Lucas, Charles Lord Gerrard, William Lord Crofts, John Lord Berkley, Thomas Grey Esquire, Sir George Carterett Knt, Sir Charles Sidly Knt, Sir Ellis Leighton Knt, Edward Gregory gentl., Sir Edward Turnor Knt, Sir Anthony de Merces, William Legge Esq., Richard Nicholls Esq., Sir William Davison Knt, William Culler, Sir James Modiford Knt, Thomas Cullen gentl., George Cock gentl., Charles Porter gentl., Sir John Colliton Knt, John Buckworth gentl., Sir John Robinson Knt, Sir Nicholas Crisp Knt, Sir Richard Ford Knt, Sir William Rider Knt, John Bence, Sir George Smith Knt, Sir John Shaw Knt, Sir Martin Noell Knt, Abraham Bigges gentl., Thomas Povey Esq., Edward Backwell Esq., Matthew Wren gentl., Tobias Rustat gentl., Martin Noell Junior gentl., Henry Johnson gentl., James Congett gentl., John Ashburnham gentl., Edward Noell Esq., James Noell gentl., Francis Meynell gentl., John Cooper gentl., Sir Andrew Rickard, William Harbert Esq., Sir John Jacob, Sir John Harrison, Sir John Wolstenholme, Sir William Wake, Sylas Titus and Peter Proby,* their executors and assigns, the regions [&c. within the] bounds hereafter mentioned, that is to say, beginning at the Port of Sally in South Barbary inclusive and extending from thence to Cape de bona Esperanza with all the islands near adjoining to those coasts and comprehended within the limits aforesaid :

Which regions [&c. and ports, to have and to hold, to our said Royal Consort and others abovenamed, their executors and assigns, for a thousand years, yielding two elephants ; to be held nevertheless in trust for the Company] :†

*And therefore for the setting forward [&c. of the trade], of our further and more ample grace [&c., We incorporate the abovenamed]† by the name of The Company of Royal Adventurers of England trading into Africa :*

And for the better ordering and governing of the said Company We have given and granted and by these presents for Us our heirs and successors do give and grant unto the said Royal Company that the said Company for the time being shall and may upon summons thereunto by our dearest Brother *James Duke of York* or any three of the other grantees nominated in these our Letters Patents assemble and meet together on or before the five and twentieth day of March next ensuing in such place as to our said Brother or any three of the said grantees shall seem meet, And the said Company or the major part of them so assembled shall and may then and there make choice of a Governor,

† As in previous charter, *ante*, pp. 174—5.

Sub-Governor and Deputy-Governor and twenty-four or thirty-six Assistants as the Company shall think fit : [such officers and Assistants] or any seven when twenty-four or thirteen when thirty-six or the major part of them, of which the Governor Sub-Governor or Deputy Governor to be one, [to be empowered to manage the Company's affairs, and to hold office for one year : power to fill places of those who die or are removed] :

[Provision for a General Court for annual election of officers : provision for taking of oaths], unless it shall happen such Governor shall be of the Royal Blood and Family and in such case it is hereby declared such Governor shall be exempted from taking the oath aforesaid : :

[Power to assemble, administer oath to inferior officers make rules, inflict punishments &c.] :

[Power to members or their representatives †] to grant and assign over to any person or persons whatsoever any of their stock or stocks and the proceed and profit thereof, *Provided always* and for the preventing of all mistakes the said assignment be made in open Court before the Governor Sub-Governor or Deputy Governor and Assistants and there registered and not otherwise; and so as the said party making such assignment be not indebted to the said Company or being indebted to the said Company do give them satisfaction for the same before such assignment be allowed, and that all and every such assignee and assignees shall and may from and after the making of any such assignment or assignments have and enjoy the same rights and benefits as the assignor or assignors had or might have enjoyed :

[Power that the Company may set to sea ships &c. with ~~ordnance~~ &c.] and shall for ever hereafter have use and enjoy all mines of gold and silver which are or shall be found in all or any the places above mentioned,<sup>2</sup> and the whole entire and only trade [to those parts] for the buying and selling bartering and exchanging of for or with any negroes & slaves goods wares and merchandises whatsoever to be vented or found at or within any of the Cities [&c. there, any statute &c., notwithstanding] :

<sup>1</sup> Cf. the Royal Fishing Co. charter, *post*, p. 183.

<sup>†</sup> As in previous charter, *ante*, p. 175.

<sup>2</sup> The Court Books (preserved in the Record Office) show entries of subscription and transfer. Thus on May 10th, 1664, the Governor writes 'James, two thousand pounds,' and in September, 'I will add to my stok £2000, James' (*Treasury, African Companies*, 75); as to transfers, see *ante*, p. xlvi (1).

<sup>3</sup> In 1663 the Mint was directed to coin for the company, 'with a little elephant,

which we intend as a mark of distinction from the rest of our gold and silver monies, and an encouragement unto the said Company' to import. The gold value of the 20s. pieces, thus known as 'guineas,' was fixed in the warrant (*S.P. Dom.*, Cat. II. lxxvii. 50).

'Negroes, first named here in the charters, were at this date offered in the West Indies at £17 per head, sound, in lots as customary,' by the company (*S.P. Dom.*, Cat. II. ccxxviii. 194).

[Power to set to sea ships for further discovery, paying always such customs &c.† ; such rivers places &c. not to be visited by any other our subjects ; And therefore We do prohibit our subjects to visit there] or to import any red wood elephants' teeth negro slaves hides wax gums grains [&c. from those parts, without licence &c., under penalties &c.] :

And our further will and pleasure is and We do also hereby further charge prohibit and forbid all and every the factors and masters of ships mariners and members of the said Company and their successors that they or any of them do not directly or indirectly presume to trade adventure or traffic for themselves or any of them in or from the said rivers lands dominions and places aforesaid or any of them :

[Power to the Company to arrest and seize all] ships negro slaves goods wares [&c. brought contrary to this grant : one half forfeit to Us,<sup>1</sup> one half to the Company] :

[If We &c. wish to come in as partner, We shall be admitted †] according to such a proportion of money as We our heirs or successors shall put into the said stock, the said stock being valued as it should be then really worth <sup>2</sup> :

[Power to govern the Plantations, appoint Governors &c., raise military forces, execute martial law &c. ; provision for sharing profits of gold mines] :†

And further We do for Us our heirs and successors give and grant unto the said Company that they shall enjoy to all intents and purposes all privileges in the City of London as fully as any Company of Merchants established by the King's Majesty's Letters or from any of his predecessors at present do or may enjoy :

[Admirals, Vice-Admirals &c. to be aiding &c.] :

[Grant to be valid and favourably construed, any omission notwithstanding] :

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 any of our Progenitors or Predecessors heretofore made to the said *Company of Royal Adventurers into Africa* 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 clause or thing whatsoever to the contrary thereof in any wise notwithstanding :

In witness &c., witness our self at Westminster the tenth day of January *per ipsum Regem.*

† As in previous charter, *ante*. p. 176-7.

<sup>1</sup> See Commission in respect of the royal moiety, April 1664 (*S.P. Dom.*, Car. II. xcvi. 57).

<sup>2</sup> Charles put in £180 and £60 in March, 1662, and in June 1663 £5200 to

complete his venture of £6000, also £400

for the Queen (*S.P. Dom.*, Car. II. lxxv. 138). Later the company requested him to pay £7600, due from him as a member (*ibid.*, cxlii. 1).

*Provided also, and We do hereby declare, that if at any time within seven years now next coming the said Governor and Company shall be desirous to surrender this Charter and privilege thereof granted, We will accept of such surrender, And that from thenceforth the said Charter and privilege shall cease and have no longer being, Anything in these presents contained to the contrary in any wise notwithstanding :*

*In witness &c., witness &c. at Westminster the xiv day of March,  
per breue de priuato sigillo.*

### AFRICAN COMPANY.<sup>1</sup>

**(Patent Rolls, 24 Car. II., pt. iii.)**

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 all and singular the regions [of Guinea &c. belong to the Crown<sup>2</sup>],*

*And whereas the trade of the said regions countries and places is of great advantage to our subjects of this Kingdom, and for the improvement thereof divers attempts have been made and several charters granted by our Royal Progenitors to several persons with such powers and authorities as were then conceived proper for the carrying on of the said trade, but all the said endeavours proved ineffectual till We by Letters Patents under our Great Seal of England bearing date the tenth day of January in the fourteenth year of our reign<sup>3</sup> did give and grant unto our Royal Consort Queen Katherine, Mary the Queen our Mother (since deceased), our dearest Brother James Duke of York and others therein named the propriety and government of all the said regions [&c. in trust for the Company and incorporated them &c. as therein appears,] whereby the said trade is very much advanced and improved,*

*Nevertheless by accidents in the late wars<sup>4</sup> and other casualties the said Company have sustained great losses by means whereof their stock hath been so impaired that, besides the great debts they were liable*

<sup>1</sup> See Introduction, *ante*, pp. xliv.-xlviii.  
Previous charters are printed above, pp. 99-106, 172-7, 177-181.

<sup>2</sup> As above, p. 172.

<sup>3</sup> See grant printed above, pp. 177-81.  
<sup>4</sup> An earlier petition by the Company (*S.P. Dom.*, Car. II. cx. 10) speaks of losses caused by De Ruyter.

to, there remained not sufficient to manage the said trade, whereupon all persons refused to advance any more money upon that account lest it should be subject to the payment of those debts and not be employed in the said trade,

And it being found also by experience that the powers and privileges in our said Letters Patents granted were not sufficient for those purposes for which they were designed,

Thereupon the said Company, to enable them to pay and satisfy their just debts so far as the value of what remained unto them will extend unto, have treated with the persons hereafter named who upon that occasion have made subscriptions towards a new stock, and have for valuable consideration undertaken to assure unto them all the said regions [&c.] by Us granted as aforesaid, and all their rights and privileges in the trade thereof, And for that end to become humble suitors to Us that We would be graciously pleased to accept a surrender of all their rights and interests either in law or equity in the said regions [&c.] and of all their whole rights and privileges of trade unto those parts, And that We would be pleased to make the said persons hereafter named a new Society or Corporation to whom the said regions [&c.] and the sole trade thereof may be granted with such powers and privileges as shall be most convenient for the advancement and carrying on the said trade,

And the said Company have accordingly besought Us on that behalf and have under their Common Seal surrendered the said property and sole privilege unto Us for the purposes aforesaid,

*Now know ye that We graciously tendering the encouragement and advancement of the said trade and to the end the new Company or Corporation hereafter erected and constituted may be the better enabled to maintain and enlarge the said trade and traffic with and from the parts and places in the said Letters Patents and hereafter in these presents expressed, and at the humble petition of the said Company of Royal Adventurers of England trading into Africa and also of the persons hereafter named, We have accepted of the said surrender and of our more especial grace certain knowledge and mere motion We have given and granted, and for Us our heirs and successors do hereby give and grant, unto our dearest Brother James Duke of York, Anthony Earl of Shaftesbury, Mr John Buckworth, Sir John Banks, John Bence Esquire, William Earl of Craven, Mr Jarvis Cartwright, Mr Samuel Dashwood, Sir Richard Ford, Mr Thomas Farrington, Captain Ferdinando Gorges, Mr Edward Hoopergood, Mr John Jefferies,<sup>1</sup> Sir Andrew King, Charles Modyford Esquire, Mr Samuell Moyer, Mr Peter Proby, Mr*

<sup>1</sup> Elsewhere spelt Geffreys.

*Gabriel Roberts, Sir John Shaw, Mr Benjamin Skutt, Sir Robert Vyner, Mr Thomas Vernon, Mr Nicholas Warren and Mr Richard Young, their executors and assigns, all and singular the regions [within the bounds described,<sup>1</sup> to the said James Duke of York and persons above-named, their executors and assigns, from this date for 1000 years, yielding two elephants &c., in trust nevertheless for the Company hereafter mentioned]:<sup>2</sup>*

*And therefore, [for the setting forward &c. of the trade, We incorporate the above-named persons, with] His Highness Prince Rupert, Henry Earl of Arlington, Colonel William Ashburnham, Alderman Robert Ask, Mr John Ashby, Mr John Ayres, Mr Thomas Aldworth, Mr Russell Alsop, Mr Richard Alic, Mr Thomas Andrewes, His Grace the Duke of Buckingham, John Earl of Bath, George Lord Berkely of Berkley, Sir Thomas Blodsworth, John Ball Esq., Mr Richard Booth, Mr James Burkin, Mr John Smith, Mrs Dorcas Birkhead, Mr Edmond Bostock, Mr Richard Beckford, Mr Anthony Barnardiston, Mr Joas Bateman, Mr Edward Bouvery, Mr Man Browne, Mr John Beare, Mr Richard Boys, Mr John Bowerman, Mr William Bowman, Mr John Bowles, Thomas Lord Clifford, Sir George Carterett, Sir William Coventry, Sir Anthony Craven, Sir Robert Cotton, Sir Peter Colleton, Sir Nicholas Crispe, Sir Francis Chaplin, Sir Robert Clayton, Mrs Dorothy Colvill, Captain George Cook, Mr Benjamin Coles, John Crispe Esq., Mr Thomas Crispe, Mr Nicholas Cook, Mr John Culling, Mr Josia Childe, Mr Thomas Childe, Mr Nicholas Carter, Mr Benjamin Cole, Mr John Cooke, Sir Jonathan Dawes, George Dashwood Esq., Alderman Francis Dashwood, Mr William Dashwood, Mr George Day, Mr Thomas Duck, Mr Humfry Edwin, Mr Samuell Everard, Sir Phillip Frowd, Alderman Samuell Forth, Mr John Fenn, Mr George Frohock, Mr John Fitch, Mr Moses Goodyer, Mr Henry Griffith, Mr William Goulston, Mr John Gardner, Mr Phillip Grave, Mr William Galway, Mr Robert Jeffreys, Mr. John Gourney, Francis Lord Hawley, James Hoare Senior Esq., Mr William Hodges, Mr John Hill, Mr John Harbin, Mr Ralph Hodgkins, Mr Thomas Heatly, Mr Richard Holder, Mr Richard Hawkins, Mr George Hadley, Mr Rowland Hill, Mr James Hoare Junior, Mr Henry Johnson, Mr John Jurin, Mr Peter Joy, Mr Thomas Johnson, Mr Marke Jervis, Mr George Keate, Mr Henry Kempe, Sir Charles Littleton, Sir John Lowther, Christopher Lowther and Thomas Lewes Esquires, Mr John Lindsey, Mr Simon Lewis, Mr John Letten, Mr Jacob Lucy, Mr William Lovell, Mr Ralph Lee, Mr Henry Lascoe, Mr John Lock, Mr Richard Middleton, Mr Marke Mortimer, Mr John Middleton, Mr Robert Morris, Mr Daniel Mercer, Mr Humfry Morrice, Mr John Morice,*

<sup>1</sup> As above, p. 179.

<sup>2</sup> As above, p. 174.

*Mr Thomas Murthwaite, Mr Ralph Marshall, Mr John Meade, Mr John Markland, Mr John Morgan, Mr Robert Monteth, Mr William Metcalfe, Thomas Neales Esquire, Mr Benjamin Newland, Mr Thomas Nicholls, Mr Richard Nicol, Mrs Delicia Nelson, Lord Powis, Sir Thomas Player, Lawrence du Puy Esquire, Charles Porter Esq., Thomas Povey Esq., Mr John Portman, Mr Daniell Penington, Mr Peter Paravacini, Sir John Robinson, Dame Priscilla Ryder, Tobias Rustat Esq., William Rosse of Rosse Island, Esq., Thomas Rider Esq., Mr William Rider, Mr William Roberts, Mr Robert Ryves, Mr Henry Richards, Mr Edward Rudge, Mr Godfrey Richards, Mr Charles Ryves, Colonel John Searle, Sir John Smith, Mr Joseph Skutt, William Salmon Esq., Mr Samuell Sambrooke, Mr Peter Short, Mr Robert Stevenson, Mr William Stevens, Mr John Short, Mr Thomas Short, Mr John Sweeting, Mr Simon Smith, Mr John Skepper, Mr Thomas Stevens, Mr Nathaniell Symonds, Mr Edmond Sherman, Mr — Skermer, Sir John Talbott, Mr Henry Tulce, Mr George Toriano, Mr Samuell Terrell, Mr Paul Tatnell, Mr William Vannam, Sir George Waterman, Sir Thomas Wolstenholme, Brome Whorwood Esq., Sir Joseph Williamson, Mr Thomas Winter, Mr Edward Willoughby, Mr William Walker, Mr William Warren, Mr Arnold White, Mr John Winder, Mr Nicholas Wilde, Mr Thomas Westerne and Mr John Young, that they and [other persons admitted \* shall be one body politic &c.] by the name of The Royal African Company of England:*

[Further words of incorporation ; perpetual succession ; power in law to take &c. manors &c., plead and be impleaded, and have a common seal \*], which seal our will and pleasure is shall be engraven and set forth in manner and in form following, that is to say, On the one side the image of our Royal Person in our Parliament or royal robes, and on the other side an elephant bearing a castle supported by two negroes or blackmores :

[Constitution :—a Governor, Sub-Governor, Deputy Governor and twenty-four Assistants : the Governor Sub-Governor or Deputy Governor with any seven Assistants to form a Court of Assistants authorised according to rules given them by the General Court of the Company, to manage voyages sales choice of officers &c., and act generally : *James Duke of York, Anthony Earl of Shaftesbury, and Mr John Buckworth* nominated first Governor, Sub-Governor and Deputy Governor respectively ; other persons named above as trustees] together with three or such other persons as shall be chosen at the next General Court of the said Company or any other General Court by the major part of the persons there assembled before the first day of

\* As in previous charter, *ante*, p. 175.

January next ensuing to be Assistants [till January 20th next, unless they die or are removed ; power to replace them, and make annual election ; provision for oaths to all members now or hereafter admitted], which oath We will and appoint shall be in these words following, *You do swear to be good and true to our Sovereign Lord the King's Majesty and to his heirs and successors and that you will be faithful to the Royal African Company of England trading into Africa<sup>1</sup> in the management of their said trade ; the secrets of the said Company which shall be given you in charge to conceal by the said Governor Sub-Governor or Deputy Governor you will not disclose<sup>2</sup>, and during the present joint stock of this Company you will not trade to any of the limits of this Company's Charter without leave of the General Court or Court of Assistants<sup>3</sup>, So help you God :*

[Power to Court of Assistants to administer an oath of fidelity to servants &c.] so that nothing be contained in the said oath that is or shall be repugnant to the laws of this Kingdom :

[Provision for oath to officers annually elected ; power to assemble, hold Courts, make laws &c., and impose punishments ;] if the Governor Sub-Governor Deputy Governor or any of the Assistants for the time being shall at any time hereafter be convicted for any misdemeanour and declared to be removed by the judgment of the generality of the said Company or the major part of them or so many of them as shall be then duly assembled upon summons issued for calling of a General Court by the Governor Sub-Governor Deputy Governor or any three of the Assistants, which summons the said [officers aforesaid] are hereby required to issue forth when and as often as they shall be thereunto required by any twelve of the generality of the Company, [he shall] be *ipso facto* removed and deprived of his said office ; [provision for new election] :

[Provision for assignment of stock]:\*

[Provision as to setting to sea ships &c., as to gold and silver mines, and as to trade in gold and silver, negroes<sup>4</sup>, &c. ; provision for sailing for further discovery ; the regions not to be visited by others ; prohibition thereof ; power to enter ships and arrest seize &c. ships negroes goods &c., with forfeiture thereof] :\*

And for the better preventing of secret and clandestine trading

<sup>1</sup> This recalls the older style of the company (see p. 179, above).

<sup>2</sup> Such phrases are links with the gild-member's oath not to bewray the affairs of the gild, or discover the counsel of the brethrenhood (see examples, Toulmin Smith, *Gilds*, pp. 267, 317).

<sup>3</sup> Cf. the Muscovy Company's oath,

printed by Hakluyt, ii. p. 290.

<sup>4</sup> Negroes ordered in advance (males or females twelve to forty years) were advertised at this date by the African Co. for delivery at Barbados at £15, at Nevis £16, at Jamaica £17, and at Virginia £18 a head (*S.P. Dom.*, Car. II. cccxviii. 194).

\* As in previous charter, *ante*, pp. 180-1.

contrary to our intentions hereinbefore expressed, our further will and pleasure is, and We do for Us our heirs and successors grant unto the said Royal African Company of England and their successors, that no Commissioners or other officers whatsoever that are or shall be appointed to manage the affairs of the Customs payable to Us our heirs or successors shall permit any entries to be made of any goods or merchandise to be exported from any of our ports in our Kingdom of England for or to any of the parts aforesaid or of any goods or merchandise of the growth production or manufacture of the parts or places aforesaid of Guinny Binny Angola or South Barbary above limited or appropriated to the said [Company] to be imported other than such as from time to time shall be allowed of by the said Court of Assistants of the said Company or their successors under their common seal or the hands of the officer to be by them appointed to sit in the Custom House for that purpose :

And We do of our more especial grace and favour certain knowledge and mere motion for Us our heirs and successors give and grant unto the said [Company] that the Governor Sub-Governor Deputy Governor and Assistants of the said Company for the time being or any seven of them duly appointed in manner aforesaid shall and may have the ordering rule and government of all such forts factories and plantations as now are or shall be at any time hereafter settled by or under the said Company within the parts of Africa aforementioned, and also full power to make and declare peace and war with any of the heathen nations that are or shall be natives of any countries within the said territories in the said parts of Africa as there shall be occasion<sup>1</sup>, [and also to appoint governors there with powers of raising troops and executing martial law ; provision as to profits of gold mines ]:<sup>2</sup>

And for the more effectual encouragement of merchants that shall trade to those parts We have thought fit to erect and establish, and We do by these presents erect constitute and establish, a Court of Judicature to be held at such place or places fort or forts plantations or factories upon the said coasts as the said Company shall from time to time direct and appoint, which Court shall consist of one person learned in the Civil Laws and two merchants, Which said persons and such officers of the said Court as shall be thought necessary shall be nominated and appointed from time to time by the Court of Assistants or the major part of them, And which said person learned in the Civil Laws and two merchants or the major part of them, whereof the said person

<sup>1</sup> This provision and those following it  
(except the clause as to gold mines) re-  
appear in the same order in the East India charter of 1683 (*ante*, p. lii.).

<sup>2</sup> As above, p. 177.

learned in the Civil Laws to be one, shall have cognizance and power to hear and determine all cases of forfeiture and seizures of any ship or ships goods and merchandises trading and coming upon any the said coasts or limits contrary to the true intent of these presents, and also all causes of mercantile or maritime bargains buying selling and bartering of wares whatsoever and all policies or acts of assurance all bills bonds or promises for payment of money on mercantile or trading contracts all charter parties or contracts for affreighting of vessels and wages of mariners and all other mercantile and maritime cases whatsoever concerning any person or persons residing coming or being in the places aforesaid, and all cases of trespasses injuries and wrongs done or committed upon the high sea or in any of the regions territories countries or places aforesaid concerning any person or persons residing coming or being in the places aforesaid :

All which cases shall be adjudged and determined by the said Court upon due examination and proof according to the rules of equity and good conscience and according to the laws and customs of merchants by such methods and rules of proceedings as We shall from time to time direct and appoint either under our Great Seal or Privy Seal, and, for want of such direction and until such direction shall be made, by such ways and means as the Judges of the said Courts shall in their best judgment and direction think meet and just whether it be a summary way or otherwise according to the exigency of the several cases that shall be brought to judgment before them, And all judgments determinations or decrees made in the said Courts are to be put in writing and signed by the persons that were present at the making of the same, and shall contain a short state of the matter of fact as it appeared to them and their sentence and adjudication thereupon:

[The Company to enjoy privileges in City of London as fully as other Companies]:

[Admirals Vice-Admirals &c. to be aiding &c.]:

[Grant to be valid and favourably construed, any omission notwithstanding]:

[Although express mention &c.]:

In witness &c., witness the King at Westminster the seven and twentieth day of September

*by the King.*