

LETTERS PATENT TO SIR HUMFREY GYLBERTE^a

JUNE 11, 1578

Elizabeth by the grace of God Queene of England, &c. To all people to whom these presents shall come, greeting.

Know ye that of our especiall grace, certaine science and meere motion, we have given and granted, and by these presents for us, our heires and successours, doe give and graunt to our trustie and wel-beloved servaunt Sir Humphrey Gilbert of Compton, in our castle of Devonshire Knight, and to his heires and assignes for ever, free libertie and licence from time to time, and at all times for ever hereafter, to discover, finde, search out, and view such remote, heathen and barbarous lands, countreys and territories not actually possessed of any Christian prince or people, as to him, his heirs & assignes, and to every or any of them, shall seeme good: and the fame to have, hold, occupie and enjoy to him, his heires and assignes for ever, with all commodities, iurisdictions, and royalties both by sea and land; and the said sir Humfrey and all such as from time to time by licence of us, our heiress and successours, shall goe and travell thither, to inhabite or remaine there, to build and fortifie at the discretion of the sayde Sir Humfrey, and of his heires and assignes, the statutes or actes of Parliament made against Fugitives, or against such as shall depart, remaine or continue out of our Realme of England without licence, or any other acte, statute, lawe or matter whatsoever to the contrary in any wise notwithstanding. And wee doe likewise by these presents, for us, our heires and successours, give full authoritie and power to the saide Sir Humfrey, his heires and assignes, and every of them, that hee and they, and every of any of them, shall and may at all and every time and times hereafter, have, take and lead in the same voyages, to travell thitherward, and to inhabite there with him, and every or any of them, such and so many of our subjects as shall willingly accompany him and them, and every or any of them, with sufficient shipping and furniture for their transportations, so that none of the same persons, nor any of them be such as hereafter shall be specially restrained by us, our heires and successors. And further, that he the said Humfrey, his heires and assignes, and every or any of them shall have, hold, occupy and enjoy to him, his heires and assignes, and every of them for ever, all the soyle of all such lands, countries, & territories so to be discovered or possessed as aforesaid, and of all Cities, Castles, Townes and Villages, and places in the same, with the rites, royalties and

^aText in Sir Humfrey Gylberte and His Enterprise of Colonization in America. By Rev. Carlos Shafter. Publications of the Prince Society. (Boston, 1903.) pp. 95-102.

jurisdictions, as well marine as other, within the sayd lands or countreys of the seas thereunto adjoyning, to be had or used with full power to dispose thereof, & of every part thereof in fee simple or otherwise, according to the order of the laws of England, as near as the same conveniently may be, at his, and their will & pleasure, to any person then being, or that shall remaine within the allegiance of us, our heires and successours, paying unto us for all services, duties and demaunds, the fift part of all the oare of gold and silver, that from time to time, and at all times after such discoverie, subduing and possessing shall be there gotten: all which kands, countreys and territories, shall for ever bee holden by the said Sir Humfrey, his heires and assignes of us, our heires and successors by homage, and by the sayd payment of the sayd fift part before reserved onely for all services.

And moreover, we doe by these presents for us, our heires and successours, give and graunt licence to the sayde Sir Humfray Gilbert, his heires or assignes, and to every of them, that hee and they, and every or any of them shall, and may from time to time, and all times for ever hereafter, for his and their defence, encounter, expulse, repell and resift, as well by Sea as by land, and by all other wayes whatsoever, all and every such person and persons whatsoever, as without the special licence and liking of the sayd Sir Humfrey, and of his heires and assignes, shall attempt to inhabite within the sayd countreys, or any of them, or within the space of two hundred leagues nerre to the place or places within such countreys as aforesayd, if they shall not bee before planted or inhabited within the limites aforesayd, with the subjects of any Christian prince, being amitie with her Majesty, where the said sir Humfrey, his heires or assignes, or any of them, or his, or their or any of their associates or companies, shall within sixe yeeres next ensuing, make their dwellings and abidings, or that shall enterprise or attempt at any time hereafter unlawfully to annoy either by Sea or land, the said sir Humfrey, his heires or assignes, or any of them, or his, or their, or any of their companies: giving and graunting by these presents, further power and authorite to the sayd sir Humfrey, his heires and assignes, and every of them from time to time, and at all times for ever hereafter to take and surprize by all maner of meanes whatsoever, all and every person and persons, with their shippes, vessels, and other goods and furniture, which without the licence of the sayd sir Humfrey, or his heires or assignes as aforesayd, shall bee found traffiquing into any harborough or harboroughs creeke or creekes within the limites aforesayde, the subjects of our Realmes and dominions, and all other persons in amitie with us, being driven by force of tempest or shipwracke onely excepted, and those persons and every of them with their ships, vessels, goods, and furniture, to detaine and possesse, as of good and lawful prize, according to the discretion of him the sayd sir Humfrey, his heires and assignes, and of every or any of them. And for uniting in more perfect league and amitie of such countreys, landes and territories so to bee possessed and inhabited as aforesayde, with our Realmes of England and Ireland, and for the better encouragement of men to this enterprise: wee doe by these presents graunt, and declare, that all such countreys so hereafter to bee possessed and inhabited as aforesayd, from thencefoorth shall bee of the allegiance of us, our heires, and successours. And wee

doe graunt to the sayd sir Humfrey, his heires and assignes, and to all and every of them, and to all and every other person and persons, being of our allegiance, whose names shall be noted or entred in some of our courts of Record, within this our Realme of England, and that with the assent of the said sir Humfrey, his heires or assignes, shall nowe in this journey for discoverie, or in the second journey for conquest hereafter, travel to such lands, countries and territories as aforesaid, and to their and every of their heires: that they and every or any of them being either borne within our sayd Realmes of England or Ireland, or within any other place within our allegiance, and which hereafter shall be inhabiting within any the lands, countreys and territories, with such licence as aforesayd, shall and may have, and enjoy all the priveleges of free denizens and persons native of England, and within our allegiance: any law, custome, or usage to the contrary notwithstanding.

And forasmuch, as upon the finding out, discovering and inhabiting of such remote lands, countreys and territories, as aforesayd, it shall be necessarie for the safetie of all men that shall adventure themselves in those journeys or voiajes, to determine to live together in Christian peace and civil quietnesse each with other, whereby every one may with more pleasure and profit, enjoy that whereunto they shall attaine with great paine and perill: wee for us, our heires and successours are likewise pleased and contented, and by these presents doe give and graunt to the sayd sir Humfrey and his heires and assignes for ever, that he and they, and every or any of them, shall and may, from time to time, for ever hereafter within the sayd mentioned remote lands and countreys, and in the way by the Seas thither, and from thence, have full and meere power and authoritie to correct, punish, pardon, governe and rule by their, and every or any of their good discretions and policies, as well in causes capitall or criminall, as civill, both marine and other, all such our subjects and others, as shall from time to time hereafter adventure themselves in the sayd journeys or voyages habitative or possessive, or that shall at any time hereafter inhabite any such lands, countreys or territories as aforesayd, or that shall abide within two hundred leagues of any sayd place or places, where the sayd sir Humfrey or his heires, or assignes, or any of them, or any of his, or their associats or companies, shall inhabite within sixe yeers next ensuing the date hereof, according to such statutes, lawes and ordinances, as shall be by him the said sir Humfrey, his heires and assignes, or every, or any of them, devised or established for the better government of the said people as aforesayd: so alwayes that the sayd statutes, lawes and ordinances may be as neere as conveniently may, agreeable to the forme of the lawes & pollicy of England: and also, that they be not against the true Christian faith or religion now professed in the Church of England, nor in any wise to withdraw any of the subjects or people of those lands or places from the allegiance of us, our heires or successours, as their immediate Sovereignes under God. And further we do by these presents for us, our heires and successours, give and graunt full power and authority to our trustie and well-beloved counsellor, sir William Cecill Knight, lord Burleigh, our high treasurer of England, and to the lord treasurer of England of us, for the time being, and to the privie counsell of us, our heires and successours, or

any foure of them, for the time being that he, they, or any foure of them, shall, and may from time to time, and at all times hereafter, under his or their handes or seales by vertue of these presents, authorize and licence the sayd sir Humfrey Gilbert, his heires and assignes, and every or any of them by him and themselves, or by their or any of their sufficient attorneys, deputies, officers, ministers, factors and servants, to imbarke and transport out of our Realmes of England and Ireland, all, or any of his or their goods, and all or any of the goods or his or their associates and companies, and every or any of them, with such other necessaries and commodities of any of our Realmes, as to the said lord treasurer or foure of the privie counsell of us, our heires, or successours for the time being, as aforesayd, shall be from time to time by his or their wisdoms or discretions thought meete and convenient for the better reliefe and supportation of him the sayd sir Humfrey, his heires and assignes, and every or any of them, and his and their, and every or any of their said associates and companies, any act, statute, lawe, or other thing to the contrary in any wise notwithstanding.

Provided alwayes, and our will and pleasure is, and wee doe hereby declare to all Christian Kings, princes and states, that if the said sir Humfrey, his heires or assignes, or any of them, or any other by their licence or appointment, shall at any time or times hereafter robbe or spoile by Sea or by land, or doe any act of unjust and unlawfull hostilitie to any of the Subjects of us, our heires, or successours, or any of the Subjects of any King, prince, ruler, governour or state being then in perfect league and amitie with us, our heires or successours: and that upon such injurie, or upon just complaint of any such prince, ruler, governour or state, or their subjects, wee, our heires or successours shall make open proclamation within any of the portes of our Realme of England commodious, that the said Sir Humfrey, his heires or assignes, or any other to whom these our Letters patents may extend, shall within the terme to be limited by such proclamations, make such restitution and satisfaction of all such injurys done, so as both we and the said Princes, or others so complayning, may holde us and themselves fully contented: And if the saide Sir Humfrey, his heires and assignes, shall not make or cause to bee made satisfaction accordingly, within such time so to be limited; that then it shall be lawfull to us, our heires and successours, to put the said Sir Humfrey, his heires and assignes, and adherents, and all the inhabitants of the said places to be discovered as is aforesaide, or any of them out of our allegiance and protection, and that from and after such time of putting out of protection the saide Sir Humfrey, and his heires, assignes, adherents and others so to be put out, and the said places within their habitation, possession and rule, shall be out of our protection and allegiance, and free for all princes and others to pursue with hostilitie as being not our Subjects, nor by us any way to be advowed, maintained or defended, nor to be holden as any of ours, nor to our protection, dominion or allegiance any way belonging, for that expresse mention, &c. In wittesse whereof, &c. Wittesse ourselfe at Westminster the 11, day of June, the twentieth yeere of our raigne. Anno Dom. 1578.

PER IPSAM REGINAM, &c.